

TOWARD A REGIONAL APPROACH
TO HUMAN SECURITY IN
SOUTHERN AFRICA

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Over the last fifteen years, the combined effects of the end of the Cold War and the peaceful transition of South Africa to black majority rule have radically trans-

in the evolution of the Southern African security system. The most recent of these is the SADC Mutual Defence Pact signed at Dar es Salaam in August 2003.

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Charles C. Pentland
Director
Queen's Centre for International Relations
March 2004

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1. Introduction

The promotion of human security in the Southern African sub-region presents

dependence on South Africa. In 1992, after Namibia's independence and the increased prospect for majority rule in South Africa, SADCC was transformed into the Southern African Development Community (SADC), with South Africa joining the Community in 1994.

In contrast to most other sub-regions in Africa, the SADC countries had a common sense of purpose, which arose out of the shared desire to liberate the people of Southern Africa. This created the supporting conditions for the establishment of a collective security regime and the promotion of human security. A major challenge, however, lay in a legacy of antagonistic inter-state relations, born out of apartheid South Africa's policy of destabilizing its neighbours. This policy created an atmosphere of suspicion and mistrust in the sub-region. This combination of opportunities and challenges produced what can best be described as a bifurcated politico-economic and security dynamic in Southern Africa. The dramatic political developments in the sub-region coincided with calls for broadening the concept of security from its narrow state-centric view to a people-centered security, or *human security*.² To adapt to the new security landscape, the sub-region initiated measures to deal with the wider economic, social, and political and security challenges. During this period of transition, the need for collective human security emerged as one of the greatest concerns.

The fall of apartheid and the end of superpower rivalry in Southern Africa

and Security (high politics). The first is an example of a narrow set of co-operative arrangements dealing with a specific security threat. The second concerns broader

2. *Background to Security Cooperation*

In Southern Africa, regional measures to address issues of politics, economics and security date back to the early twentieth century to the Southern African Customs Union (SACU) formed in 1910 between South Africa and what are now Botswana, Lesotho, and Swaziland, and the Rand Monetary Area (RMA), which included South Africa, Lesotho and Swaziland. In the mid-1970s, the Front Line States (FLS) co-ordinated their activities. Out of their efforts emerged the Southern African Development Coordination Conference (SADCC) in 1980, which was transformed in 1992 into the Southern African Development Community (SADC).³

During the struggle against white-minority rule, security co-operation in the sub-region centred on the FLS and its security arm, the Inter-State Defence and Security Committee (ISDSC). With the fall of apartheid and the return of majority rule to all states in Southern Africa, the FLS was disbanded; but ISDSC survived and has now been incorporated into SADC's Organ on Politics, Defence and Security (OPDS). In effect, then, the dismantling of the FLS enlarged the ISDSC to include all SADC member states. The ISDSC is charged with coordinating its members' policies on all matters related to security and defence through the establishment of appropriate mechanisms. The ISDSC will likely continue to focus on "multilateral military co-operation" (including military and peacekeeping training and capacity-building), public security (exchange of information on issues such as the cross-border movement of illegal goods and people, firearms and drug-smuggling), and state security (examining threats to regime stability).⁴

In 1992, at a meeting of Heads of State in Windhoek, Namibia, *The Treaty and Declaration* establishing the Southern African Development Community (SADC) was signed. The following objectives were set out in the treaty: to achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration; to develop common political values, systems and

institutions; to promote and defend peace and security; and to promote self-

3. Rethinking Human Security in Southern Africa

Enter Human Security

Traditionally, the concept of security has concerned the causes of war and the conditions of peace. However, the end of the Cold War was followed by a new wave of crises and conflicts that led to calls for the redefinition of security. Both policy-makers and academics have advocated extending the concept both horizontally and vertically. Expanding the concept horizontally means creating an

and safe exercise of these choices with minimal fear that today's opportunities will be lost tomorrow.

Despite the criticism of the 1994 report, it has generated a consensus on at least one issue — that of personal security. The report asserted that personal security from physical violence is perhaps the most vital aspect of human security: "In poor nations and rich, human life is increasingly threatened by sudden, unpredictable violence. The threats take several forms: threats from the state, threats from other states, threats from other groups of people, threats from individuals or gangs, threats directed against women, threats directed at children based on their vulnerability and dependence..."¹² Moreover, it is pertinent to note that "human security does not replace national security. A human security perspective asserts that the security of the state is not an end itself. Rather, it is a means of ensuring security for its people...from a human security perspective, concern for the safety of people extends beyond borders. Although broadening the focus of security policy beyond citizens may at first appear to be radical shift, it is a logical extension of current approaches to international peace and security."¹³

Although the definition of human security encompasses a variety of threats, I will focus on the issue of "freedom from fear," principally because threats posed by violent conflicts are clearly one of the most dangerous and urgent concerns facing the people of Southern African states. A comprehensive approach aimed at addressing violent conflicts and the means used in these conflicts should be central in promoting human security in SADC.

New Security Paradigm in SADC

In the 1990s, Southern Africa adopted the new security paradigm, which equated security with development. With increasing threats to security, most of which were defined as internal, political, social, economic and environmental, rather than as military, both policy-makers and scholars have had to make delicate judgments concerning the appropriate balance between focusing on military and non-military threats and responses. They have also begun to address regional common security arrangements, preventive measures, peacekeeping, peace building and larger developmental issues.¹⁴

In their contribution to the emerging security discourse in Southern Africa, Booth and Vale raised the following questions: Can a sense of regional community — the only guarantee of long-term security — grow in a region in which there has been so much enmity and violence? Can a regional community emerge from the wars of destabilization in Southern Africa? What do we mean when we talk about security in Southern Africa? What are the possibilities for developing a shared view of the "real world" among the key actors in the region? And can outsiders help to develop a sense of regional community in Southern Africa?¹⁵ These questions can only be answered by critically investigating the emerging

both the bilateral and multilateral levels that have yielded positive results. The joint South African/Mozambican operation, code-named Operations Rachel, is perhaps one of the most significant of these bilateral initiatives since the establishment of SARPCCO (as discussed in Chapter 4).

4. Controlling Small Arms

Small Arms, Big Problem

In Southern Africa, as in most conflict-prone regions of the world, small arms proliferation is not a new problem. Due to the prolonged armed struggle, the sub-region is littered with small arms, making the resolution of some of these conflicts extremely difficult and further endangering the safety of individuals in post-conflict societies. Most of the small arms entered the market between the late 1960s

Four years later, Virginia Gamba, a leading voice in the small arms debate in Southern Africa, wrote that "...the issues that are central to human and state security *in Southern Africa* [my emphasis] and of concern at the threshold of the twenty-first century, are not the hard and cold concepts that prevailed

Angolan government imported an estimated US\$4.6 billion worth of arms, 90 per cent from its ally, the Soviet Union.²³

Overall, the strategy on both sides in the Cold War seemed to have been to arm as many people as possible through the massive supply of small arms and light weapons to their respective clients. The long shelf life of these tools of war, coupled with an increasing demand for them by warlords and criminal organizations, ensured their continued use even when the original political objectives for which they were imported had been met. In the case of Southern Africa, this has meant the recycling of weapons from one conflict zone to another, fuelling both political violence and criminal activity. Arms transfers took both covert and overt forms, making it difficult to monitor the exact number of weapons that entered the sub-region during this period; but estimates of the volume of arms are in the millions. For instance it is estimated that in Mozambique alone weapons imported during the civil war numbered up to six million arms and ammunition, with only about 190,000 of these weapons collected during the UN peacekeeping operation (ONUMOZ). Most of the weapons collected during this period were not destroyed and soon found their way into the illegal arms market in Mozambique and other neighbouring states.²⁴

Moreover, the uncontrolled proliferation of weapons in the sub-region and the dire economic circumstances of former combatants have combined to reduce drastically the market value of these weapons — making them one of the cheapest commodities available. For instance, the most popular weapon in the region, the AK-47, can be bought in Mozambique for a chicken or a small bag of maize, in Namibia for about R25 and in South Africa for about R50. In Angola, it can be swapped for a pair of shoes.²⁵

In addition, a good number of the weapons in the market have been stolen from state security forces. An estimated 12,000 weapons were reported stolen from Mozambican security forces in 1994 alone.²⁶ Weapons are also smuggled in and out of these countries by air, road, and rail and on foot. Some of the illegal im-

in the production of small arms and lights weapons, has aggravated the problem. The main manufacturers of arms in the sub-region are South Africa and Zimba-

for 50 percent of weapons used in murder, and they are the single greatest cause of non-natural death (44 percent) in South Africa.³⁰ Some estimates of the surplus weapons in circulation in South Africa put the number at between 400,000 and 8,000,000.³¹

In Angola, after more than two decades of war, it is impossible to estimate the number of weapons in circulation. For example, with the breakdown of peace talks in 1992 and the ensuing outbreak of war, the Angolan government distributed 700,000 weapons to civilians. Of these, only 34,000 were recovered during the United Nations demobilization component of UNAVEM III.³² Despite the lack of clear figures on the number of surplus weapons in Southern Africa, the role of these weapons in increasing political and criminal violence and general instability is not in question. Increased awareness by government and non-governmental actors of the threat posed to human security by the presence of these “tools of violence” has led to sub-national, national and regional initiatives in arms control. At the regional level, SADC, in collaboration with SARPCCO and

military arms, removing confiscated and unlicensed weapons from circulation, introducing voluntary weapon collection and exchange programs, and reversing cultures of violence;

- Enhancing public transparency, information exchange and consultation on arms.³⁴

The Regional Action Programme was subsequently endorsed by both SADC and EU government ministers at a meeting in Vienna in November 1998 and served as reference material in all subsequent engagements on the small arms issue. This high-level co-operation between SADC and the EU is considered important, because in addition to providing much-needed financial and technical resources, it serves as a model for future collaboration between Northern and Southern partners on issues of common concern. The Regional Action Programme, formulated through a process of inter-agency and inter-regional consultations, testifies to SADC's recognition of the need to adopt a multi-pronged approach to the proliferation of small arms in the sub-region. A combination of actions is required to control the legal trade in arms, remove surplus weapons from communities, improve the operational capacity of enforcement agencies and, perhaps most importantly, tackle the conditions of poverty believed ultimately to account for the high incidence of gun-related crimes.

In September 1999, EU and SADC officials met to discuss plans for the implementation of the Regional Action Programme. The focus of this meeting was to find ways in which to address key problems: the illicit trafficking in small arms in the sub-region; the absence of legal controls and regulations over licensed firearms; and the culture of violence produced by availability of firearms. At the end of its meeting, the seminar set the following goals:

- To support weapons collection and destruction programs in Southern Africa, similar to those undertaken by Operations Rachel (between Mozambique and South Africa);
- To support governments that decide to destroy rather than sell their surplus stock of firearms;
- To produce integrated action plans between the police and other agencies at the regional level.³⁵

One of the most significant breakthroughs was the adoption of the SADC *Protocol on The Control of Firearms, Ammunition and Other Related Materials*. This Protocol was developed by the SARPCCO legal subcommittee, consisting of legal officers from the national police services of SARPCCO member states.³⁶ It marks a giant step forward in the working relationship between SARPCCO and

[We are] conscious that illegal firearms, most commonly used in the perpetration of crime, contribute to the high levels of instability, extended conflict, violence and social dislocation evident in Southern Africa and the African continent as a whole; [we are] aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials... reaffirming that priority should be given to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition.³⁷

The objectives of the Protocol are outlined as follows:

- To prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials;
- To promote and facilitate cooperation and exchange of information and experience in the region;
- To cooperate closely at the regional level as well as at international fora to effectively prevent, combat, and eradicate the illicit manufacturing of excessive and destabilizing use and accumulation of, trafficking in, possession and use of, firearms, ammunition and other related materials in collaboration with international partners.³⁸

Article 5 of the Protocol stipulates that “State Parties shall enact the necessary legislation and take other measures to establish as criminal offences under their national law to prevent, combat and eradicate, the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilizing accumulation, trafficking, possession and use.”³⁹ It also states that “State Parties shall enact the necessary legislation and take other measures to sanction criminally, civilly or administratively under national law the violation of arms embargoes mandated by the Security Council of the United Nations.”⁴⁰

This latter clause has precipitated a wave of actions and programs by SADC member states, including reviews of domestic arms legislation in Tanzania, Botswana, and South Africa. The Tanzanian government has launched *The Tanzanian National Action Plan for Arms Management and Disarmament*, the first of its kind anywhere in the world. The central elements of the Tanzanian Plan target establishing and sensitizing existing national bodies and agencies; reviewing national legislation, administrative procedures and regulation followed by implementation of the new provisions; building training capacity; developing international and regional co-operation and information exchange; cooperating and interacting with civil society in order to build support for the plan and secure civil society involvement in its implementation; and identifying and acting on critical areas of control such as cross-border entry points.⁴¹ In addition, this plan developed through a comprehensive process of planning and research, active engagement with regional and international arms control initiatives, and close consultation and collaboration with civil society. The initiative is unique because of its collaborative and inclusive approach, which recognizes the vital role that civil society can and must play in programs for sustainable peace, security and development.

Botswana has also taken steps in small arms control. On 27 July 2002, the

are involved in the operations, and they are often remunerated for divulging information leading to the discovery of weapons. The operations have attracted a lot of support from private companies who give incentives to informers (mostly women and children) if they lead them to arms caches. The strategy is based on the rationale that most of the cache caretakers know about other caches as well. "If you prosecute at the outset, you lose the person's co-operation to disclose other caches."⁴⁵ Arms discovery and destruction by Operations Rachel has increased steadily through the four phases from 1995 to 2002 (See Fig. 1 and 2).

Fig. 1: Weapons Destroyed in Operations Rachel

<i>Weapons Destroyed</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002 (to May)</i>
Small arms and light weapons	1,127	488	5,683	4,388	2,314	1,532	1,380	2,246
Antipersonnel land mines	95	577	362	410	28	51	46	4
Ammunition	23,531	136,639	3,000,000	155,314	108,937	85,112	177,000	1,200,000

Source: *Focus* No.2, June 2002.

Fig 2: Breakdown of Types of Weapons Destroyed in the First Four Phases of Operations Rachel

<i>Category</i>	<i>Rachel I</i>	<i>Rachel II</i>	<i>Rachel III</i>	<i>Rachel IV</i>	<i>Total</i>
Firearms	1,120	475	5,584	4,712	11,891
Pistols	8	13	78	7	106
Antipersonnel mines	96	577	518	5,160	6,351
Landmines	3	4	4	77	88
Hand grenades	407	66	336	451	1,260
Hand grenade detonators		54	153	217	424
Detonators		230	602	58	890
Mortars		292	3,726	2,997	7,015
Launchers	43	59	79	82	263
Projectiles	202	51	2,340	5,545	8,138
Boosters	219	17	83	923	1,242
Cannon	6	5	13	9	33
Rounds of ammunition	23,182	136,631	3,000,000	155,494	3,315,307
Magazines	344	577	3,674	1,317	5,912
Other accessories	1,008	694	301	876	2,879

Source: Mlambo (1999).

In 1999, at the annual SADC Summit in Maputo, South Africa, the SADC

in Gaborone stated: “The success of the three operations during the year under review was an indication of what can be achieved when police agencies act together with a common purpose in the fight against crime.”⁴⁹ From its inception until the end of 1997, SARPCCO conducted a total nine operations targeting fire-arms trafficking, motor vehicle and other organized crime syndicates in the sub-region. Similar operations followed: Operation Stone in April 1998, covering Angola, Botswana and Namibia; Operation Midas in June 1998, covering Lesotho, South Africa and Mauritius; Operation Sesani in April 1999, covering Botswana, Tanzania, Malawi, South Africa and Zimbabwe; and Operation Makhulu, in July and August 2000, covering Botswana, Lesotho, Mozambique Namibia, South Africa, Swaziland and Zimbabwe.⁵⁰ Between May 2000 and April 2001, SARPCCO undertook a total of six intelligence operations during which it recovered 320 stolen vehicles, 79 firearms and 20,071 rounds of ammunition. These operations are all credited with the recovery of large quantities of illicit and stolen firearms and led to the break-up of some regional crime networks.

5. The Organ on Politics, Defence and Security

On 28 June 1996, the SADC Organ on Politics, Defence and Security was established. At its inception, the Summit Communiqué defined the major objectives of the Organ as the promotion of peace and security in the region. The Organ was intended to “protect the people and safeguard the development of the region, against instability arising from the breakdown of law and order, intra-state conflict, inter-state conflict and external aggression,” to promote regional co-ordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end, and to “develop close co-operation between the police

superiors, threatening to plunge the country into full-scale violence. The Prime Minister requested military action to stabilize the political situation in his coun-

The three intervening states signed a defence pact with the DRC agreeing that external aggression against any of the four signatories would be considered aggression against all of them. The signing of the defence pact left no doubt in the minds of observers that the four governments preferred a military approach to the DRC crisis. It was a clear demonstration of their belief that a political settlement could be achieved only through the pursuit of a military option. Since this ran counter to South Africa's diplomatic approach, it effectively divided SADC in two. Observers of political developments in SADC have described the military approach adopted by the Zimbabwe-led group as both economic and strategic. According to Rocky Williams, "all four countries stood to benefit strategically from a well-disposed president in the DRC who was under an obligation towards them. Militarily two of the 'defence treaty' countries — Angola and the DRC — required a DRC that was purged of the complex web of adversarial military groupings such as UNITA and the UNITA/Eastern DRC rebel groupings/Rwanda force alliance. Politically all four countries stood to benefit from a more closely knit relationship capable of countering the diverse political threats to their national interests and of facilitating the economic growth of their respective countries."⁵⁸

surprising about-face by announcing that the SADC unanimously supported its three members' military intervention in the DRC. However, Mandela's acquies-

the ISDSC, the RPKC has played a crucial role in providing initial training, planning and execution of major regional peacekeeping exercises, such as those code-named Blue Hungwe (April 1997), Blue Crane (November 1998), Tulipe (May 1999) and Tanzite (2000). These exercises brought together the member-states' armed forces for joint training with the goal of removing fears and mistrust and making the various forces interoperable. For example, Blue Hungwe, the first regional peace support exercise, hosted by Zimbabwe, brought together a total of eleven SADC member states: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Z6-h93 Tw [7(,)8-9.1ng.aTer sto

6. Conclusion

Attempts to promote human security by creating new institutions such as the Organ on Politics, Defence and Security, have themselves brought to the fore tensions among the Southern African governments. Nevertheless, the continuing eruptions of violent domestic conflict and the often contradictory and inconsistent responses to them by leaders in the region point to the compelling need for a sub-regional security architecture to promote more co-ordinated collective action in the future. SADC's bold attempt at addressing wider regional security issues highlights five recent and significant issues in Southern African security policy.

First, there is now a general understanding and acceptance of the need to promote human security in the sub-region. As a clear demonstration of consensus on this subject within the SADC, the 1993 *Framework and Strategy* document called for the creation of a non-militaristic security order and pointed to the need to address non-military sources of conflict and threats to human security. That said, the SADC failure to respond cohesively and effectively to the crises in Lesotho and the DRC shows that there is no clear agreement on the ways and means of collectively enhancing regional human security. There is a lingering suspicion and distrust of South Africa's policy in the region especially in the area of security — a mindset that dates back to the days of apartheid and minority rule.

Secondly, there is greater political receptivity within SADC for co-operation on issues of low politics than there is on matters of high politics. For example, the relative success of SARPCCO's operations is largely attributed to the fact that it avoids getting trapped by the crippling issues of sub-regional strategy and diplomacy. The ease with which the SADC Protocol on the Control of Firearms was approved compared to the political impasse over the SADC Organ on Politics, Defence and Security is a clear illustration of this difference. The successful launching of joint peace support exercises under the auspices of SADC, coupled with joint police operations, demonstrates that more opportunities exist for security co-operation at the functional than at the political level. Sovereignty and intervention still remain sensitive political matters, making states less amenable to

binding themselves to a set of sub-regional norms and values in the area of high politics.

Thirdly, the response to the DRC conflict has helped expose a deep rift in the SADC, reflecting, for the most part, different approaches to security co-operation in the sub-region. While some SADC member states favour non-military means of resolving conflicts, others are more inclined to a military approach. For instance, while the Zimbabwe-led group favoured a mutual defence pact to deal with the DRC question, the South African-led group promoted the idea of mediation via the SADC security regime. Perhaps the difference in approach can be explained by the differing degrees of adherence to democratic norms and values in the two leading states. However, such generalizations must be made with caution, as exceptions exist within each camp. For instance Swaziland, which is not democratic, has favoured a peacefully negotiated solution, while Namibia, which is democratic, opted for military intervention.

Fourthly, the end of apartheid has left states in the sub-region with no identified common enemy, dampening the collective resolve to tackle common regional issues, including those of security. The existence of different political systems among the member states, which range from established democracies to pseudo-democracies to authoritarian regimes, makes the pursuit of democracy a highly charged political issue. This is manifested in SADC's ambivalent response to the current political impasse in Zimbabwe.

Finally, it should be realized that an effective regional security mechanism can only be built if there is a clear consensus on the rules, norms and directions of that structure. In a region where there is widespread aversion to having a regional hegemon, the guiding principles of any such project should be consultation, dialogue and consensus. The controversies triggered by the South African-led intervention in Lesotho and by the Zimbabwe-led three-state intervention in the DRC highlight the political, military and legal complications that arise when collective enforcement action is taken on an *ad hoc*

7. *Recommendations*

Organ should work closely with the Peace and Security Council of the newly established African Union and, where necessary, create links to other sub-regional security structures in ECOWAS and IGAD.

Notes

1. The founding members of SADCC were Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe, with Namibia joining the group upon attaining independence in 1990.
2. The first United Nations Development Program, *Human Development Report* (New York: Oxford University Press, 1994,) was the seminal work in this direction. It defined human security as “freedom from fear and want.” Since the publication of the *Report*, the notion of human security has entered academic and policy debates and has been frequently mentioned even in controversial circumstances, such the American-led NATO war against Serbia in 1999.
3. For details about these regional organizations, see Agostinho Zacarias, “SADC: From a System to Community of Security?” *African Security Review* 7:6, 1998: 45-48.
4. For details, see Anthoni Van Nieuwkerk, “Regionalism Into Globalism? War Into Peace? SADC and ECOWAS Compared,” *African Security Review* 10:2, 2001.
5. For more information, see *Consolidated Text of The Treaty of the Southern African Development Community* (Windhoek, Namibia, 1992) in Appendix A.
6. For more information about the evolution of SADC’s new approach to security, see Laurie Nathan and Joao Honwana, *After the Storm: Common Security and Conflict Resolution in Southern Africa* (Centre For Conflict Resolution, University of Cape Town, January 1995), 10.
7. Ministerial Workshop on Democracy, Peace and Security, *Communique*, (Windhoek, Namibia, 1994).
8. See SADC Summit *Communique* on the establishment of the Organ on Politics, Defence and Security, (Gaborone: June 1996) in Appendix B.
9. Ken Booth and Peter Vale, “A Security Regime in Southern Africa: After Apartheid and Beyond Realism,” *International Affairs* 71:2, 1995, 3. Human security in Southern Africa has also been explored in Laurie Nathan, “Beyond Arms and Armed Forces: A New Approach to Security,” *South Africa Defence Review* 4, 1992; and in Maxi Van Ardt, “In Search of a More Adequate Concept of Security for Southern Africa,” *South African Journal of International Affairs* 1:1, 1993.

10. For details, see the 1994 *Human Development Report*, Chapter 2. The report identified seven dimensions of human security: economic, food, health, environment, personal, community and political. It is important to note that the report has been criticized for the difficulty in applying its broad approach to policy-making.
11. *Ibid.*, 22.
12. *Ibid.*, 300.
13. Paul Heinbecker, "Human Security," *Behind the Headlines* 56:2, Winter 1999, 4.
14. The changing security landscape in Southern Africa in the post-Cold War era is analyzed in detail by Kevin O'Brien, "Transforming Security Structures in Southern Africa: The Impact on National and Regional Security" in David R. Black and Larry Swatuk (eds), *Southern Africa and Africa After Apartheid: Security Issues* (Centre for Foreign Policy Studies, Dalhousie University, 1996); and in Guy Lamb, "Demilitarization and Peace-building in Southern Africa: A Survey of the Literature" (Unpublished staff paper, Centre for Conflict Resolution, University of Cape Town, September 1997).
15. See Booth and Vale, 285-304.
16. *Ibid.*, 293. On this point, see also R.H. Jackson and C.G. Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics* 35:1, 1982, 1-24.
17. See SADC *Protocol on Politics, Defence and Security Co-operation* (Blantyre, Malawi, 14 August 2001) in Appendix C.
18. See John Dzimba, "A Common Sub-regional Agenda for Peace, Human Security and Conflict Prevention: A View from SADC" in Moufida Goucha and Jakkie Cilliers (eds), *Peace, Human Security and Conflict Prevention in Africa: Proceedings of the UNESCO-ISS Expert Meeting* (Pretoria, South Africa: 23-24 July 2002), 29.
19. Interview with Col. K. Tazira, Director, SADC Peacekeeping Training Centre (Harare, Zimbabwe, 24 July, 2002).
20. See Boutros Boutros-Ghali, *Position Paper by the Secretary-General on the Occasion of the 50th Anniversary of the United Nations*, GA A/50/60, 1995.
21. Virginia Gamba, *Small Arms in Southern Africa: Reflections on the Extent of the Problem and its Management Potential*, Monograph No. 42 (Pretoria: ISS, November 1999), 9.
22. Sverre Lodgaard, "Human Security: Concept and Operationalization," Expert Seminar on Human Rights and Peace, Palais Wilson, Geneva, 8-9 December 2000, 17.
23. See Norman Mlambo, "Procurement, Production and Proliferation of Small Arms in Southern Africa and their Effect on Regional Security and Economic Development," Institute for Policy Studies, Annual Colloquium, Harare, Zimbabwe, 26-30 September 1999.
24. For details on these estimates, see Gamba (1999).
25. *Ibid.*, 8
26. *Ibid.*, 7.
27. See Jacklin Cock, "The Link Between Security and Development: The Problem of Light Weapons Proliferation in Southern Africa," *African Security Review* 5:5, 1996.
28. Mlambo, 11.

29. For a breakdown of the types of weapons and the recipient countries, see *South African Export Statistics for Conventional Arms 2000-2001* (Pretoria: 2001).
30. Sarah Meek, *Briefing to the Safety and Security Portfolio Committee, South African National Parliament* (Cape Town: Institute for Security Studies Arms Management Programme, 14 August 2002).
31. Mlambo, 14.
32. Interview with personnel of the SADC Small Arms Committee, Gaborone, Botswana, 2 August 2002.
33. This commitment is clearly spelt out in the Preamble to the *SADC Protocol on The Control of Firearms, Ammunition and other Related Materials* (Blantyre, Malawi, 14 August, 2001) in Appendix D.
34. See A. McLean and E. Clegg (eds), *Towards Implementation of the Southern Africa Regional Action Programme on Light arms and Illicit Trafficking* (Pretoria: ISS, 1999), 89-92.
35. Gamba (1999), 66.
36. Currently twelve SADC member states belong to SARPPCO: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Out of the fourteen SADC member states, only the Democratic Republic of Congo (DRC) and Seychelles are not members of SARPPCO.
37. *SADC Protocol on the Control of Firearms*, 1.
38. *Ibid*, 7.
39. *Ibid*.
40. *Ibid*.
41. For details on the Tanzanian Action Plan, see *Final Report*, The National NGO Conference on the Tanzanian National Action Plan to Combat and Eradicate the Proliferation of Small Arms and Light Weapons (Dar es Salaam: 30-31 May, 2002).
42. Interview with Edwin Bathsu, Deputy Commissioner Botswana Police Force, Gaborone, 5 August, 2002.
43. For a complete breakdown of weapons destroyed by the South African National Defence Force (SANDF), see N. Sendall and M.P. Zondag, "Destruction of Surplus Stocks: South Africa's Progress," *Focus on Small Arms in Africa* 2, June 2002.
44. For details, see the *Cape Argus*, 7 July 2002.
45. Gamba (1999), 69.
46. SARPPCO Constitution, Article 3(a)
47. See Edwin Batshu, "Advancing Action to Tackle the Proliferation of Small Arms in Southern Africa," *Update on Developments Within SARPPCO* (Brussels, 24-25 April 2001).
48. SARPPCO, *Declaration on Small Arms*, General Conference (Swaziland, July 1999).
49. See SARPPCO, *Final Communiqué of the Annual Meeting of Regional Police Chiefs* (Gaborone: 27-30 July 1998).
50. Frank Msutu, "Responses to Organised Crime in SADC: INTERPOL and SARPPCO" in Charles Goredema (ed), *Organized Crime in Southern Africa*, Monograph No.56 (Pretoria: ISS, June 2001). Frank Msutu is the Head of the Interpol Sub-regional Bureau and SARPPCO Secretariat.

51. See SADC Summit *Communique* (1996) in Appendix B for a full list of the Organ's objectives.
52. Articles 10.1 and 10.2, *Treaty of Southern African Development Community*, 1992.

Jonas Savimbi and the consequent reduction of UNITA's military threat have dampened the Angolan government's strategic interest in the DRC conflict. These are important developments that suggest a restoration of peace to SADC's largest and perhaps most complex member state.

65. For details on Exercise Blue Hungwe, see *Blue Hungwe Report Book One* (Nyanga, Zimbabwe: Ministry of Defence, 1997).
66. Berman and Sams, 166-170.

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SADC Mutual Defence Pact

Appendices

Appendix A

CONSOLIDATED TEXT OF THE TREATY OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY, AS AMENDED

PREAMBLE

WE, the Heads of State or Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

HAVING REGARD to the objectives set forth in “Southern Africa: Toward Economic Liberation – A Declaration by the Governments of Independent States of Southern Africa, made at Lusaka, on the 1st April, 1980”;

IN PURSUANCE of the principles of “Towards a Southern African Development Community – A Declaration made by the Heads of State or Government of Southern Africa at Windhoek, in August, 1992,” which affirms our commitment to establish a Development Community in the Region;

DETERMINED to ensure, through common action, the progress and well-being of the people of Southern Africa;

CONSCIOUS of our duty to promote the interdependence and integration of our national economies for the harmonious, balanced and equitable development of the Region;

CONVINCED of the need to mobilise our own and international resources to promote the implementation of national, interstate and regional policies, programmes and projects within the framework for economic integration;

DEDICATED to secure, by concerted action, international understanding, support and co-operation;

MINDFUL of the need to involve the people of the Region centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights and the rule of law;

RECOGNISING that, in an increasingly interdependent world, mutual understanding, good neighbourliness, and meaningful co-operation among the countries of the Region are indispensable to the realisation of these ideals;

DETERMINED to alleviate poverty, with the ultimate objective of its eradication, through deeper regional integration and sustainable economic growth and development;

FURTHER DETERMINED to meet the challenges of globalization;

TAKING INTO ACCOUNT the Lagos Plan of Action and the Final Act of Lagos of April 1980, the Treaty establishing the African Economic Community and the Constitutive Act of the African Union;

BEARING IN MIND the principles of international law governing relations between States;

Have decided to establish an international organisation to be known as the Southern African Development Community (SADC), and hereby agree as follows:

CHAPTER ONE

ARTICLE 1 DEFINITIONS

In this Treaty, unless the context otherwise requires:

“Community” means the organisation for economic integration established by Article 2 of this Treaty;

“Council” means the Council of Ministers of SADC established by Article 9 of this Treaty;

“Executive Secretary” means the Chief Executive Officer of SADC appointed under Article 10 (7) of this Treaty;

“Funds” means resources available at any given time for application to programmes, projects and activities of SADC as provided by Article 26 of this Treaty;

“High Contracting Parties” means States, herein represented by Heads of State or Government or their duly authorised representatives for purposes of the establishment of the Community;

“Integrated Committee of Ministers” means the Integrated Committee of Ministers established by Article 9 A of this Treaty;

“Member State” means a member of SADC;

“Organ” means the Organ on Politics, Defence and Security Co-operation established by Article 9 of this Treaty;

“Protocol” means an instrument of implementation of this Treaty and includes any amendment thereto;

“Region” means the geographical area of the Member States of SADC;

“Regional Development Fund” means the Regional Development Fund established by Article 26A of this Treaty;

“Regional Indicative Strategic Development Plan” means a plan, based on the strategic priorities and SADC Common Agenda, designed to provide strategic direction with respect to SADC projects and activities;

“SADC” means the Southern African Development Community;

“SADC Common Agenda” means the set of fundamental principles and values, referred to in Article 5A of this Treaty, that will guide the integration agenda of SADC;

“SADC National Committee” means a SADC National Committee established by Article 9 of this Treaty;

“Secretariat” means the Secretariat of SADC established by Article 9 of this Treaty;

“Sectoral Committee” means a committee referred to in Article 38 of this Treaty;

“Sector Coordinating Unit” means a unit referred to in Article 38 of this Treaty;

“Standing Committee” means a Standing Committee of Officials established by Article 9 of this Treaty;

“Summit” means the Summit of the Heads of State or Government of SADC established by Article 9 of this Treaty;

“Treaty” means this Treaty establishing SADC and includes any amendment hereto;

“Tribunal” means the Tribunal of the Community established by Article 9 of this Treaty;

“Troika” means the system referred to in Article 9A of this Treaty.

CHAPTER TWO ESTABLISHMENT AND LEGAL STATUS

ARTICLE 2 ESTABLISHMENT

1. By this Treaty, the High Contracting Parties establish the Southern African Development Community (hereinafter referred to as SADC).
2. The Headquarters of SADC shall be at Gaborone, Republic of Botswana.

ARTICLE 3 LEGAL STATUS

1. SADC shall be an international organisation, and shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued.
2. In the territory of each Member State, SADC shall, pursuant to paragraph 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.

CHAPTER THREE PRINCIPLES, OBJECTIVES, SADC COMMON AGENDA AND GENERAL UNDERTAKINGS

ARTICLE 4 PRINCIPLES

SADC and its Member States shall act in accordance with the following principles:

- a. sovereign equality of all Member States;
- b. solidarity, peace and security;
- c. human rights, democracy and the rule of law;
- d. equity, balance and mutual benefit; and
- e. peaceful settlement of disputes.

ARTICLE 5 OBJECTIVES

1. The objectives of SADC shall be to:
 - a. promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective

- of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;
- b. promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective;
 - c. consolidate, defend and maintain democracy, peace, security and stability;
 - d. promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States;
 - e. achieve complementarity between national and regional strategies and programmes;
 - f. promote and maximise productive employment and utilisation of resources of the Region;
 - g. achieve sustainable utilisation of natural resources and effective protection of the environment;
 - h. strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the Region;
 - i. combat HIV/AIDS or other deadly and communicable diseases;
 - j. ensure that poverty eradication is addressed in all SADC activities and programmes; and
 - k. mainstream gender in the process of community building.
2. In order to achieve the objectives set out in paragraph 1 of this Article, SADC shall:
- a. harmonise political and socio-economic policies and plans of Member States;
 - b. encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the Region, and to participate fully in the implementation of the programmes and projects of SADC;
 - c. create appropriate institutions and mechanisms for the mobilisation of requisite resources for the implementation of programmes and operations of SADC and its institutions;
 - d. develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the Region generally, among Member States;
 - e. promote the development of human resources;
 - f. promote the development, transfer and mastery of technology;
 - g. improve economic management and performance through regional co-operation;
 - h. promote the co-ordination and harmonisation of the international relations of Member States;
 - i. secure international understanding, co-operation and support, and mobilise the inflow of public and private resources into the Region; and
 - j. develop such other activities as Member States may decide in furtherance of the objectives of this Treaty.

ARTICLE 5A

SADC COMMON AGENDA

1. The SADC Common Agenda shall be as reflected in Article 5 of this Treaty.
2. Without prejudice to paragraph 1 of this Article, the Council shall develop and implement the SADC Common Agenda.

ARTICLE 6

GENERAL UNDERTAKINGS

1. Member States undertake to adopt adequate measures to promote the achievement of the objectives of SADC, and shall refrain from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.
2. SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture, ill health, disability, or such other ground as may be determined by the Summit.
3. SADC shall not discriminate against any Member State.
4. Member States shall take all steps necessary to ensure the uniform application of this Treaty.
5. Member States shall take all necessary steps to accord this Treaty the force of national law.
6. Member States shall co-operate with and assist institutions of SADC in the performance of their duties.

**CHAPTER FOUR
MEMBERSHIP**

ARTICLE 7

MEMBERSHIP

States listed in the Preamble hereto shall, upon signature and ratification of this Treaty, be members of SADC.

ARTICLE 8

ADMISSION OF NEW MEMBERS

1. Any State not listed in the Preamble to this Treaty may become a member of SADC upon being admitted by the existing members and acceding to this Treaty.
2. The Summit shall determine the procedures for the admission of new members and for accession to this Treaty by such members.
3. The Council shall consider and recommend to the Summit any application for membership of SADC.
4. The admission of any State to membership of SADC shall be effected by a unanimous decision of the Summit.
5. Membership of SADC shall not be subject to any reservations.

CHAPTER FIVE INSTITUTIONS

ARTICLE 9

ESTABLISHMENT OF INSTITUTIONS

1. The following institutions are hereby established:
 - a. the Summit of Heads of State or Government;
 - b. the Organ on Politics, Defence and Security Co-operation;
 - c. the Council of Ministers;
 - d. the Integrated Committee of Ministers;
 - e. the Standing Committee of Officials;
 - f. the Secretariat;
 - g. the Tribunal; and
 - h. SADC National Committees.
2. Other institutions may be established as necessary.

ARTICLE 9A

TROIKA

1. The Troika shall apply with respect to the following institutions:
 - a. the Summit;
 - b. the Organ;
 - c. the Council;
 - d. the Integrated Committee of Ministers; and
 - e. the Standing Committee of Officials.
2. The Troika of the Summit shall consist of:
 - a. the Chairperson of SADC;
 - b. the Incoming Chairperson of SADC who shall be the Deputy Chairperson of SADC; and
 - c. the Outgoing Chairperson of SADC.
3. The respective offices of the Troika of the Summit shall be held for a period of one year.
4. The membership and term of office of the Troika of the Council, the Integrated Committee of Ministers and the Standing Committee of Officials shall correspond to the membership and term of office of the Troika of the Summit.
5. The Troika of the Organ shall consist of:
 - a. the Chairperson of the Organ;
 - b. the Incoming Chairperson of the Organ who shall be the Deputy Chairperson of the Organ; and
 - c. the Outgoing Chairperson of the Organ.
6. The Troika of each institution shall function as a steering committee of the institution and shall, in between the meetings of the institution, be responsible for:
 - a. decision-making;
 - b. facilitating the implementation of decisions; and
 - c. providing policy directions.

7. The Troika of each institution shall have power to create committees on an ad hoc basis.
8. The Troika of each institution shall determine its own rules of procedure.
9. The Troika of each institution may co-opt other members as and when required.

ARTICLE 10
THE SUMMIT

1. The Summit shall consist of the Heads of State or Government of all Member States, and shall be the supreme policy-making Institution of SADC.
2. The Summit shall be responsible for the overall policy direction and control of the functions of SADC.
3. Subject to Article 22 of this Treaty, the Summit shall adopt legal instruments for the implementation of the provisions of this Treaty; provided that the Summit may delegate this authority to the Council or any other institution of SADC as the Summit may deem appropriate.
4. The Summit shall elect a Chairperson and a Deputy Chairperson of SADC from among its members for one year on the basis of rotation.
5. The Summit shall meet at least twice a year.
6. The Summit may create committees, other institutions and organs as it may consider necessary.
7. The Summit shall appoint the Executive Secretary and the Deputy Executive Secretary, on the recommendation of the Council.
8. Subject to Article 8 of this Treaty, the Summit shall decide on the admission of new members to SADC.
9. Unless otherwise provided in this Treaty, the decisions of the Summit shall be taken by consensus and shall be binding.

ARTICLE 10A
ORGAN ON POLITICS, DEFENCE AND SECURITY CO-OPERATION

1. The Summit shall select a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that the Chairperson of the Summit shall not simultaneously be the chairperson of the Organ.
2. The term of office of the Chairperson, Incoming Chairperson and the Outgoing Chairperson of the Organ shall be one year respectively.
3. The Chairperson of the Organ shall consult with the Troika of the Summit and report to the Summit.
4. There shall be a Ministerial Committee of the Organ, consisting of the Ministers responsible for:
 - a. foreign affairs;
 - b. defence;

- c. public security; or
 - d. state security,
- from each of the Member States, which shall be responsible for the co-ordination of the work of the Organ and its structures.
- 5. The structure, functions, powers and procedures of the Organ and other related matters shall be prescribed in a Protocol.
 - 6. The Secretariat shall provide Secretariat services to the Organ.
 - 7. Decisions of the Organ shall be taken by consensus.

ARTICLE 11

THE COUNCIL

- 1. The Council shall consist of one Minister from each Member State, prefer-

6. The Standing Committee shall meet at least four times a year.
7. Decisions of the Standing Committee shall be taken by consensus.

ARTICLE 14

THE SECRETARIAT

1. The Secretariat shall be the principal executive institution of SADC, and shall be responsible for:
 - a. strategic planning and management of the programmes of SADC;
 - b. implementation of decisions of the Summit, Troika of the Summit, Organ on Politics, Defence and Security Co-operation, Troika of the Organ on Politics, Defence and Security Co-operation, Council, Troika of the Council, Integrated Committee of Ministers and Troika of the Integrated Committee of Ministers;
 - c. organisation and management of SADC meetings;
 - d. financial and general administration;
 - e. representation and promotion of SADC;
 - f. co-ordination and harmonisation of the policies and strategies of Member States;
 - g. gender mainstreaming in all SADC programmes and activities;
 - h. submission of harmonized policies and programmes to the Council for consideration and approval;
 - i. monitoring and evaluating the implementation of regional policies and programmes;
 - j. collation and dissemination of information on the Community and maintenance of a reliable database;
 - k. development of capacity, infrastructure and maintenance of intra-regional information communication technology;
 - l. mobilization of resources, co-ordination and harmonization of programmes and projects with co-operating partners;
 - m. devising appropriate strategies for self financing and income generating activities and investment;
 - n. management of special programmes and projects;
 - o. undertaking research on Community building and the integration process; and
 - p. preparation and submission to the Council, for approval, administrative regulations, standing orders and rules for management of the affairs of SADC.
2. The Secretariat shall be headed by the Executive Secretary.
3. The Deputy Executive Secretary shall have delegated powers and assist the Executive Secretary in the execution of his or her functions.
4. The Secretariat shall have such other staff as may be determined by the Council from time to time.
5. Except as otherwise provided in this Treaty, the structures of the Secretariat and specifications, descriptions and grading of jobs of the staff of the Secretariat shall be as determined from time to time by the Council.

ARTICLE 15

THE EXECUTIVE SECRETARY

1. The Executive Secretary shall be responsible to the Council for the following:
 - a. consultation and co-ordination with the Governments and other institutions of Member States;
 - b. pursuant to the direction of Council, Summit or on his or her own initiative, undertaking measures aimed at promoting the objectives of SADC and enhancing its performance;
 - c. promotion of co-operation with other organisations for the furtherance of the objectives of SADC;
 - d. organising and servicing meetings of the Summit, the Council, the Standing Committee and any other meetings convened on the direction of the Summit or the Council;
 - e. custodianship of the property of SADC;
 - f. appointment of the staff of the Secretariat, in accordance with procedures, and under Terms and Conditions of Service determined by the Council;

4. The Tribunal shall give advisory opinions on such matters as the Summit or the Council may refer to it.
5. The decisions of the Tribunal shall be final and binding.

ARTICLE 16A

SADC NATIONAL COMMITTEES

1. Each Member State shall create a SADC National Committee.
2. Each SADC National Committee shall consist of key stakeholders.
3. Each SADC National Committee shall, in its composition, reflect the core areas of integration and co-ordination referred to in paragraph 2 of Article 12 of this Treaty.
4. It shall be the responsibility of each SADC National Committee to:
 - a. provide input at the national level in the formulation of SADC policies, strategies and programmes of action;
 - b. co-ordinate and oversee, at the national level, implementation of SADC programmes of action;
 - c. initiate projects and issue papers as an input to the preparation of the Regional Indicative Strategic Development Plan, in accordance with the priority areas set out in the SADC Common Agenda; and
 - d. create a national steering committee, sub-committees and technical committees.
5. Each national steering committee shall consist of the chairperson of the SADC National Committee and the chairpersons of sub-committees.
6. Sub-committees and technical committees of the SADC National Committee shall operate at ministerial and officials levels.

ARTICLE 17
SPECIFIC UNDERTAKINGS

- b. infrastructure and services;
 - c. trade, industry, finance, investment and mining;
 - d. social and human development and special programmes;
 - e. science and technology.
 - f. natural resources and environment;
 - g. social welfare, information and culture; and
 - h. politics, diplomacy, international relations, peace and security.
4. Additional areas of co-operation may be decided upon by the Council.

ARTICLE 22

PROTOCOLS

1. Member States shall conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for, co-operation and integration.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council.
3. Each Protocol shall be open to signature and ratification.

3. For the purposes of this article, key stakeholders include:
 - a. private sector;
 - b. civil society
 - c. non-governmental organisations; and
 - d. workers and employers organisations.

CHAPTER EIGHT RELATIONS WITH OTHER STATES, REGIONAL AND INTERNATIONAL ORGANISATIONS

ARTICLE 24

1. Subject to the provisions of Article 6(1), Member States and SADC shall maintain good working relations and other forms of co-operation, and may enter into agreements with other states, regional and international organisations, whose objectives are compatible with the objectives of SADC and the provisions of this Treaty.
2. Conferences and other meetings may be held between Member States and other Governments and organisations associated with the development efforts of SADC to review policies and strategies, and evaluate the performance of SADC in the implementation of its programmes and projects, identify and agree on future plans of co-operation.

CHAPTER NINE RESOURCES, FUNDS AND ASSETS

ARTICLE 25 RESOURCES

1. SADC shall be responsible for the mobilisation of its own and other resources required for the implementation of its programmes and projects.
2. SADC shall create such institutions as may be necessary for the effective mobilisation and efficient application of resources for regional development.
3. Resources acquired by SADC by way of contributions, loans, grants or gifts, shall be the property of SADC.
4. The resources of SADC may be made available to Member States in pursuance of the objectives of this Treaty, on terms and conditions mutually agreed between SADC and the Member States involved.
5. Resources of SADC shall be utilised in the most efficient and equitable manner.

ARTICLE 26 FUNDS

The funds of SADC shall consist of contributions of Member States, income from SADC enterprises and receipts from regional and non-regional sources.

ARTICLE 26A
REGIONAL DEVELOPMENT FUND

1. There is hereby established a special fund of SADC to be known as the Regional Development Fund in which shall be accounted receipts and expenditure of SADC relating to the development of SADC.
2. The Regional Development Fund shall, subject to this Treaty, consist of contributions of Member States and receipts from regional and non-regional sources, including the private sector, civil society, non-governmental organisations and workers and employers organisations.
3. The Council shall determine the modalities for the institutionalization, operation and management of the Regional Development Fund.
4. The Regional Development Fund shall be governed in terms of financial regulations made in accordance with Article 30 of this Treaty.

ARTICLE 27
ASSETS

1. Property, both movable and immovable, acquired by or on behalf of SADC shall constitute the assets of SADC, irrespective of their location.
2. Property acquired by Member States, under the auspices of SADC, shall belong to the Member States concerned, subject to provisions of paragraph 3 of this Article, and Articles 25 and 34 of this Treaty.
3. Assets acquired by Member States under the auspices of SADC shall be accessible to all Member States on an equitable basis.

CHAPTER TEN
FINANCIAL PROVISIONS

ARTICLE 28
THE BUDGET

1. The budget of SADC shall be funded by financial contributions made by Member States, and such other sources as may be determined by the Council.
2. Member States shall contribute to the budget of SADC based upon a formula agreed upon by the Summit.
3. The Executive Secretary shall cause to be prepared, estimates of revenue and expenditure for the Secretariat, and submit them to the Council, not less than three months before the beginning of the financial year.
4. The Council shall approve the estimates of revenue and expenditure before the beginning of the financial year.
5. The financial year of SADC shall be determined by the Council.

ARTICLE 29

EXTERNAL AUDIT

1. The Council shall appoint external auditors and shall fix their fees and remuneration at the beginning of each financial year.
2. The Executive Secretary shall cause to be prepared and audited annual statements

b. implements policies which undermine the principles and objectives of

2. At the expiration of the period of notice, the Member State shall, unless the notice is withdrawn, cease to be a member of SADC.
3. During the one year period of notice referred to in paragraph 1 of this Article, the Member State wishing to withdraw from SADC shall comply with the provisions of this Treaty, and shall continue to be bound by its obligations under this Treaty up to the date of its withdrawal.
4. A Member State which has withdrawn shall not be entitled to claim any property or rights until the dissolution of SADC.
5. Assets of SADC situated in the territory of a Member State which has withdrawn, shall continue to be the property of SADC and be available for its use.

ARTICLE 35
DISSOLUTION

1. The Summit may decide by a resolution supported by three-quarters of all members to dissolve SADC or any of its institutions, and determine the terms and conditions of dealing with its liabilities and disposal of its assets.
2. A proposal for the dissolution of SADC may be made to the Council by any Member State, for preliminary consideration, provided, however, that such a proposal shall not be submitted for the decision of the Summit until all Member States have been duly notified of it and a period of twelve months has elapsed after the submission to the Council.

CHAPTER FOURTEEN
AMENDMENT OF THE TREATY

ARTICLE 36

1. An amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit.
2. A proposal for the amendment of this Treaty may be made to the Executive Secretary by any Member State for preliminary consideration by the Council, provided, however, that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

CHAPTER FIFTEEN
LANGUAGE

ARTICLE 37

The working languages of SADC shall be English, French and Portuguese and such other languages as the Council may determine.

CHAPTER SIXTEEN SAVING PROVISIONS AND TRANSITIONAL PROVISIONS

ARTICLE 38 SAVING PROVISIONS

A Sectoral Committee, Sector Co-ordinating Unit or any other institution, obligation or arrangement of the Southern African Development Co-ordination Conference which exists immediately before the coming into force of this Treaty, shall to the extent that it is not inconsistent with the provisions of this Treaty, continue to subsist, operate or bind Member States or SADC as if it were established or undertaken under this Treaty, until the Council or Summit determines otherwise.

ARTICLE 39 TRANSITIONAL PROVISIONS

1. The Sectoral Committees, Sector Co-ordinating Units and Commissions shall be phased out within a period of two (2) years from 9th March 2001 according to the programme adopted by the Summit at its Extraordinary Summit meeting held at Windhoek, Namibia on 9th March 2001.
2. The directorates shall be phased in at the Secretariat within a period of two (2) years from 9th March, 2001.

CHAPTER SEVENTEEN SIGNATURE, RATIFICATION, ENTRY INTO FORCE, ACCESSION AND DEPOSITARY

ARTICLE 40 SIGNATURE

This Treaty shall be signed by the High Contracting Parties.

ARTICLE 41 RATIFICATION

This Treaty shall be ratified by the Signatory States in accordance with their constitutional procedures.

ARTICLE 42 ENTRY INTO FORCE

This Treaty shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the States listed in the Preamble.

ARTICLE 43
ACCESSION

This Treaty shall remain open for accession by any State subject to Article 8 of this Treaty.

ARTICLE 44
DEPOSITARY

1. The original texts of this Treaty and all instruments of ratification and accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Treaty with the Secretariat of the United Nations Organisation and the Commission of the African Union.

CHAPTER EIGHTEEN
TERMINATION OF THE MEMORANDUM OF UNDERSTANDING

ARTICLE 45

This Treaty replaces the Memorandum of Understanding on the Institutions of the Southern African Development Co-ordination Conference dated 20th July, 1981.

IN WITNESS WHEREOF, WE, the Heads of State or Government have signed this Treaty.

DONE AT Windhoek, on the 17th day of August, 1992 in two (2) original texts in the English, French and Portuguese languages, both texts being equally authentic [as amended at Blantyre, on _____ day of August, 2001 in three (3) original texts in English, French and Portuguese languages, all texts being equally authentic].

REPUBLIC OF ANGOLA
REPUBLIC OF BOTSWANA
DEMOCRATIC REPUBLIC OF CONGO
KINGDOM OF LESOTHO
REPUBLIC OF MALAWI
REPUBLIC OF MAURITIUS
REPUBLIC OF MOZAMBIQU
EREPUBLIC OF NAMIBIA
REPUBLIC OF SEYCHELLES
REPUBLIC OF SOUTH AFRICA
KINGDOM OF SWAZILAND
UNITED REPUBLIC OF TANZANIA
REPUBLIC OF ZAMBIA
REPUBLIC OF ZIMBABWE

Appendix B

COMMUNIQUÉ

BOTSWANA – GABORONE: 28TH JUNE, 1996

The Summit of Heads of State or Government of the Southern African Development Community (SADC) met in Gaborone, the Republic of Botswana, on 28th June 1996, under the Chairmanship of his Excellency, Sir Katumile Masire, President of the Republic of Botswana, to launch the SADC Organ on Politics, Defence, and Security.

Delegations of member States were led by the following:

H.E. President Ketumile Masire – Botswana
H.E. President Bakili Muluzi – Malawi
H.E. President Joaquim Chissano – Mozambique
H.E. President Sam Nujoma – Namibia
H.E. President Nelson Mandela – South Africa
H.E. President Robert Mugabe – Zimbabwe
Hon. Deputy Prime Minister P. Mosisili – Lesotho
Hon. Paul Berenger, Deputy Prime Minister, Minister of Foreign Affairs,
International and Regional Co-operation – Mauritius
Hon. Hon. Lt. General C.S. Tembo, Minister of Foreign Affairs – Zambia
Hon. A.V. Khoza, Minister of Foreign Affairs – Swaziland

The Summit recalled that the Heads of State or Government had in May 1996 endorsed the recommendations of SADC Ministers responsible for Foreign Affairs, Defence and Security, proposing the establishment of the SADC Organ on Politics, Defence and Security.

The Summit reaffirmed that the SADC organ constituted an appropriate institutional framework by which SADC countries would co-ordinate their policies and activities in the areas of politics, defence and security. The Summit, therefore, agreed as follows:

PRINCIPLES

As, inter alia, set out in Article 4 of the SADC Treaty, the following shall be in guiding principles for the SADC Organ on Politics, Defence and Security:

- sovereign equality of all member States;
- respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;
- achievement of solidarity, peace and security in the region;

- observance of human rights, democracy and the rule of law;
- promotion of economic development in the SADC region in order to achieve for all member States, equity, balance and mutual benefit;
- peaceful settlement of disputes by negotiation, mediation and arbitration;
- military intervention of whatever nature shall be decided upon only after all possible political remedies have been exhausted in accordance with the Charter of the OAU and the United Nations.

THE OBJECTIVES OF THE ORGAN

The SADC Organ on Politics, Defence and Security shall work to the following objectives; namely to:

- protect the people and safeguard the development of the region, against instability arising from the breakdown of law and order, inter-state conflict and external aggression;
- promote political co-operation among States and the evolution of common political value systems and institutions;
- develop a common foreign policy in areas of mutual concern and interest, and to lobby as a region, on issues of common interest at international fora;
- co-operate fully in regional security and defence through conflict prevention management and resolution;
- mediate in inter-state disputes and conflicts;
- use preventive diplomacy to pre-empt conflict in the region, both within and between states, through an early warning system;
- where conflict does occur, to seek to end this quickly as possible through diplomatic means. Only where such means fail would the Organ recommend that the Summit should consider punitive measures. These responses would be agreed in a Protocol on Peace, Security and Conflict Resolution;
- promote and enhance the development of democratic institutions and practices within member states, and to encourage the observance of universal human rights as provided for in the Charters and Conventions of the OAU and the United Nations;
- promote peacekeeping in order to achieve sustainable peace and security;
- give political support to the organs and institutions of SADC;
- promote the political, economic social, and environmental dimensions of security;
- develop a collective security capacity and conclude a Mutual Defence Pact for responding to external threats, and a regional peacekeeping within national armies that could be called upon in the region, or elsewhere on the continent;
- develop close co-operation between the police and security services of the region, with a view to addressing cross-border crime, as well as promoting a community-based approach on matters of unity;

- encourage and monitor the ratification of United Nations, Organisation of African Unity, and international conventions and treaties on arms control and disarmament, human rights and peaceful relations between states;
- co-ordinate the participation of member States in international and regional peacekeeping operations, and
- address extra-regional conflicts which impact on peace and security in Southern Africa.

INSTITUTIONAL FRAMEWORK

The SADC Organ on Politics, Defence and Security shall operate at the Summit level, and shall function independently of other SADC structures. The Organ shall also operate at Ministerial and technical levels. The Chairmanship of the Organ shall rotate on annual and on a Troika basis.

The Summit elected His Excellency, President Mugabe as the Chairman of the Organ. The Chairman of the Organ on Politics, Defence and Security thanked the Summit for having elected Zimbabwe to chair the Organ. He assured the Summit that he will work closely with all member States and consult on all issues pertaining to the work of the organ.

The Summit also agreed that the Inter-State Defence and Security Committees shall be one of the institutions of the Organ. The Organ may establish other structures as the need arises.

Furthermore, the Summit reviewed the political and security situation in the region and noted efforts by Governments to consolidate democracy, peace and stability within their countries. In that regard the Summit was briefed on current developments in the following member States:

South Africa

The South Africa Government briefed the Summit on the local government elections in the Kwazulu/Natal Province. The Government indicated that, the local government elections could not take place on the 1st of November 1995 in the province as was the case in the rest of the country because of the history of political violence in the province. The elections were also postponed from May 1996 to June 1996 for the same reasons. However, the elections were generally free and fair, although there were few incidences of violence that resulted in the loss of lives.

Due to irregularities, the elections were declared null and void in five constituencies. New elections will be held in these areas as soon as possible. While it was anticipated that the Inkhatha Freedom Party would have the overall majority in the province, the ANC was expected to do very well in the major urban areas of the province.

The Summit commended the Government and people of the Republic of South Africa for working hard to ensure that the local elections in Kwazulu/Natal were held in a climate of peace.

Swaziland

The Summit was briefed by the Government of Swaziland on the process of constitutional reform and on-going labour unrest in that country. The Government assured the Summit that everything was being done to reach an agreement with trade unions and other labour associations.

The Summit expressed satisfaction that the process of constitutional reform and measures to address labour unrest in the kingdom of Swaziland was well underway and was being driven by the people of Swaziland themselves.

Zambia

The Government of Zambia briefed the Summit on recent constitutional changes in that country. The Government assured the Summit that the process of constitutional change followed all laid down procedures including the mobilisation of the views of the people of Zambia. The Government of Zambia expressed concern

The Summit commended the efforts of the region and those being expanded within the framework of the initiative being undertaken by Mwalimu Julius K. Nyerere to bring about a negotiated solution and urged the countries of the region to persist in the search for a lasting solution to the crisis in Burundi.

The Summit retired its support to these efforts and pledged its readiness to help in the implementation of the decisions reached by that Arusha regional Summit.

REPORT ON THE COMMONWEALTH

The Summit was briefed by the Foreign Minister of Zimbabwe, Chairman of the Commonwealth Ministerial Action Group (CMAG) on the outcome of the recent meeting held in London, from 24-25 June, 1996, between CMAG and a high level Nigerian Government delegation.

The Minister told the meeting that the CMAG raised issues of human rights and rule of law in Nigeria in the context of the principles enshrined in the Commonwealth Declaration. It referred to the detention of the people without trial and other violations of human rights in Nigeria.

On its part, the Nigerian delegation questioned, on procedural grounds, the suspension of Nigeria from the Commonwealth, and called for the reversal of the suspension as well as the removal of sanctions against Nigeria.

The two sides agreed to continue the dialogue by holding another meeting after consultations. CMAG decided to keep on reserve the measures it had decided upon in April 1996 pending its next meeting in September 1996 when these measures will be reviewed in the light of progress made in respecting human rights and the democratisation process in Nigeria.

The Summit expressed satisfaction with the work of the CMAG, and urged it to continue consultations with the Government of Nigeria and to keep Summit informed of any developments on this issue as appropriate.

The Summit thanked His Excellency, President Masire, the Government and people of the Republic of Botswana for the cordial and brotherly welcomed and hospitality accorded to Heads of State or Government and their delegations.

The Summit Chairman, His Excellency President Masire delivered a Closing Statement outlining the background and mandate of the SADC Organ on Politics, Defence and Security. The Chairman of the Organ, His Excellency President Mugabe, made a response statement.

Appendix C

PROTOCOL ON POLITICS, DEFENCE AND SECURITY CO-OPERATION

PREAMBLE

We, the Heads of State or Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

TAKING COGNISANCE of the decision of SADC to create the ORGAN on Politics, Defence and Security Co-operation which appears in the Gaborone Communiqué of 28th June 1996;

NOTING Article 9 of the Treaty which establishes the Organ;

BEARING IN MIND that Chapter VIII of the UN Charter recognizes the role of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;

RECOGNISING AND RE-AFFIRMING the principles of strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good neighbourliness, interdependence, non-aggression and non-interference in internal affairs of other States;

RECALLING the 1964 resolution of the Assembly of Heads of State and Government of the Organisation of African Unity, declaring that all Member States pledge to respect the borders existing on their achievement of national independence;

FURTHER REAFFIRMING the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the

role of the Central Organ of the Organisation of African Unity Mechanism for

- e. prevent, contain and resolve inter-and intra-state conflict by peaceful means;
- f. consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;
- g. promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charters and Conventions of the Organisation of African Unity and United Nations respectively;
- h. consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats;
- i. develop close co-operation between the police and state security services of State Parties in order to address :
 - i. cross border crime; and
 - ii. promote a community based approach to domestic security;
- j. observe, and encourage State Parties to implement, United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between states;
- k. develop peacekeeping capacity of national defence forces and co-ordinate the participation of State Parties in international and regional peacekeeping operations; and
- l. enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance.

ARTICLE 3 STRUCTURES

1. The Organ shall be an institution of SADC and shall report to the Summit.
2. The Organ shall have the following structures:
 - a. the Chairperson of the Organ;
 - b. the Troika;
 - c. a Ministerial Committee;
 - d. an Inter-State Politics and Diplomacy Committee (ISPDC);
 - e. an Inter-State Defence and Security Committee (ISDSC); and
 - f. such other sub-structures as may be established by any of the ministerial committees.
3. The Troika shall consist of;
 - a. the Chairperson of the Organ;
 - b. the Incoming Chairperson who shall be the Deputy Chairperson of the Organ; and
 - c. the Outgoing Chairperson.

ARTICLE 4 CHAIRPERSON OF THE ORGAN

1. The Summit shall elect a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that

the Chairperson and the Deputy Chairperson of the Summit shall not simultaneously be the Chairperson of the Organ.

2. The term of office of the Chairperson and Deputy Chairperson of the Organ shall be one year respectively.
3. The Chairperson of the Organ shall consult with the Troika of SADC and report to the Summit.
4. The Chairperson, in consultation with the Troika of SADC, shall be responsible for the overall policy direction and the achievement of the objectives of the Organ.
5. The Chairperson may request reports from any ministerial committee of the Organ on any matter which is within the competence of the committee.
6. The Chairperson may request any ministerial committee of the Organ to consider any matter, which is within the competence of the committee.
7. The Chairperson may request the Chairperson of SADC to table for discussion any matter that requires consideration by the Summit.

ARTICLE 5

MINISTERIAL COMMITTEE

1. The Ministerial Committee shall comprise the ministers responsible for foreign affairs, defence, public security and state security from each of the State Parties.
2. The Committee shall be responsible for the co-ordination of the work of the Organ and its structures.
3. The Committee shall report to the Chairperson.
4. The Committee shall be chaired by a Minister from the same country as the Chairperson for a period of one year on a rotation basis.
5. The Chairperson of the Committee shall convene at least one meeting on an annual basis.
6. The Chairperson of the Committee may when necessary convene other meetings of the Ministerial Committee at a request of either ISPDC or ISDSC.
7. The Committee may refer any relevant matter to, and may request reports from, ISPDC and ISDSC.

ARTICLE 6

INTER-STATE POLITICS AND DIPLOMACY COMMITTEE

1. ISPDC shall comprise the ministers responsible for foreign affairs from each of the State Parties.
2. ISPDC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to politics and diplomacy.
3. ISPDC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.
4. ISPDC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotation basis.

5. The Chairperson of ISPDC shall convene at least one meeting on an annual basis.
6. The Chairperson of ISPDC may convene such other meetings as he or she deems necessary or as requested by another Minister serving on ISPDC.
7. ISPDC may establish such sub-structures as it deems necessary to perform its functions.

ARTICLE 7

INTER-STATE DEFENCE AND SECURITY COMMITTEE

1. ISDSC shall comprise the ministers responsible for defence, ministers responsible for public security and ministers responsible for state security from each of the State Parties.
2. ISDSC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to defence and security, and shall assume the objectives and functions of the existing Inter-State Defence and Security Committee.
3. ISDSC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.
4. ISDSC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotating basis.
5. The Chairperson of ISDSC shall convene at least one meeting on an annual basis.
6. The Chairperson of ISDSC may convene such other meetings as he or she deems necessary or as requested by another minister serving on ISDSC.
7. ISDSC shall retain the Defence, State Security and Public Security Sub-Committees and other subordinate structures of the existing Inter-State Defence and Security Committee.
8. ISDSC may establish such other structures as it deems necessary to perform its functions.

ARTICLE 8

COMMITTEE PROCEDURES

The following provisions shall apply to the ministerial committees of the Organ:

- a. the quorum for all meetings shall be two-thirds of the State Parties;
- b. the ministerial committees shall determine their own rules of procedure;
and
- c. decisions shall be taken by consensus.

ARTICLE 9

SECRETARIAT

The SADC Secretariat shall provide secretariat services to the Organ.

ARTICLE 10

CO-OPERATION WITH NON – STATE PARTIES AND
INTERNATIONAL ORGANISATIONS

1. In recognition of the fact that political, defence and security matters transcend national and regional boundaries, co-operation agreement on these matters between State Parties and non-State Parties, and between State Parties and organisations, other than SADC, shall be accepted provided that such agreements shall not:
 - a. be inconsistent with the objectives and other provisions of the Treaty and this Protocol;
 - b. impose obligations upon a State Party that is not a party to such co-operation agreement, and

- b. The Organ may seek to resolve any significant intra-state conflict within the territory of a State Party and a 'significant intra-state conflict' shall include:
 - i. large-scale violence between sections of the population or between the state and sections of the population, including genocide, ethnic cleansing and gross violation of human rights;
 - ii. a military coup or other threat to the legitimate authority of a State;
 - iii. a condition of civil war or insurgency; and
 - iv. a conflict which threatens peace and security in the Region or in the territory of another State Party.
 - c. In consultation with the United Nations Security Council and the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution, the Organ may offer to mediate in a significant inter-or intra-state conflict that occurs outside the Region.
3. Methods
- a. The methods employed by the Organ to prevent, manage and resolve conflict by peaceful means shall include preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal.
 - b. The Organ shall establish an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict.
 - c. Where peaceful means of resolving a conflict are unsuccessful, the Chairperson acting on the advice of the Ministerial Committee may recommend to the Summit that enforcement action be taken against one or more of the disputant parties.
 - d. The Summit shall resort to enforcement action only as a matter of last resort and, in accordance with Article 53 of the United Nations Charter, only with the authorization of the United Nations Security Council.
 - e. External military threats to the Region shall be addressed through collective security arrangements to be agreed upon in a Mutual Defence Pact among the State Parties.
4. Procedures
- a. In respect of both inter- and intra-state conflict, the Organ shall seek to obtain the consent of the disputant parties to its peacemaking efforts.
 - b. The Chairperson, in consultation with the other members of the Troika, may table any significant conflict for discussion in the Organ.
 - c. Any State Party may request the Chairperson to table any significant conflict for discussion in the Organ and in consultation with the other members of the Troika of the Organ, the Chairperson shall meet such request expeditiously.
 - d. The Organ shall respond to a request by a State Party to mediate in a conflict within the territory of that State and the Organ shall endeavour by diplomatic means to obtain such request where it is not forthcoming.

- e. The exercise of the right of individual or collective self-defence shall be immediately reported to the United Nations Security Council and to the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution.

ARTICLE 12

CONFIDENTIALITY OF INFORMATION

1. The State Parties undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Organ, other than to members of their own staff to whom such disclosure is essential for purposes of giving effect to this Protocol or any decision taken by the Organ.
2. State Parties shall ensure that the staff referred to in paragraph 1 of this Article shall at all times maintain strict secrecy.
3. State Parties further undertake not to use any classified information obtained during any multilateral co-operation between them to the detriment of any Member State.
4. A State Party shall remain bound by the requirement of confidentiality under this Article even after it withdraws from the Organ.

ARTICLE 13

SETTLEMENT OF DISPUTES

Any dispute arising between two or more State Parties from the interpretation or application of this Protocol which cannot be settled amicably shall be referred to the Tribunal.

ARTICLE 14

WITHDRAWAL

A signatory may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ. Such Signatory shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective.

ARTICLE 15

RELATIONSHIP WITH OTHER INTERNATIONAL AGREEMENTS

1. This Protocol in no way detracts from the rights and obligations of State Parties under the Charters of the United Nations and the Organisation of African Unity.
2. This Protocol in no way detracts from the responsibility of the United Nations Security Council to maintain international peace and security.
3. This Protocol shall not derogate from existing agreements between a State Party and another State Party or a non-State Party and an international

organisation, other than SADC, provided that such agreements are consistent with the principles and objectives of this Protocol.

4. Where an existing agreement is inconsistent with the principles and objectives of this Protocol, the Member State shall take steps to amend the agreement accordingly.

ARTICLE 16 SIGNATURE

This Protocol shall be signed by duly authorized representatives of the Member States.

ARTICLE 17 RATIFICATION

This Protocol shall be subject to ratification by the Signatories in accordance with their respective constitutional procedures.

ARTICLE 18 ACCESSION

This Protocol shall remain open for accession by any Member State.

ARTICLE 19 AMENDMENTS

1. Any State Party may propose an amendment to this Protocol.
2. Proposals for amendments to this Protocol shall be made to the Chairperson who shall duly notify all State Parties of the proposed amendments at least three (3) months in advance of the amendments being considered by the Ministerial Committee and the Chairperson shall advise the Chairperson of Summit of the recommendation of the Committee.
3. An amendment to this Protocol shall be adopted by a decision of three-quarters of the State Parties.

ARTICLE 20 ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the State Parties.

ARTICLE 21 DEPOSITARY

1. The original texts of this Protocol shall be deposited with the Executive Secretary who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Protocol with the Secretariat of the United Nations and the Organisation of African Unity.

IN WITNESS WHEREOF, WE, the Heads of State or Government, or duly authorised representatives, of SADC Member States, have signed this Protocol.

Done at Blantyre, on the 14th day of August 2001 in three (3) languages English, French and Portuguese, all texts being equally authentic.

REPUBLIC OF ANGOLA
REPUBLIC OF BOTSWANA
DEMOCRATIC REPUBLIC OF CONGO

Appendix D

PROTOCOL ON THE CONTROL OF FIREARMS, AMMUNITION AND OTHER RELATED MATERIALS IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) REGION

PREAMBLE

We, the Heads of State or Government of the:

Republic of Angola
Republic of Botswana
Democratic Republic of Congo
Kingdom of Lesotho
Republic of Malawi
Republic of Mauritius
Republic of Mozambique
Republic of Namibia
Republic of Seychelles
Republic of South Africa
Kingdom of Swaziland
United Republic of Tanzania
Republic of Zambia
Republic of Zimbabwe

CONSIDERING Article 21 of the Treaty which provides for areas of co-operation, Article 22 of the Treaty which provides for the conclusion of Protocols which may be necessary in agreed areas of co-operation and Article 5 of the Treaty which provides for promotion and defence of peace and security as one of the objectives of SADC;

CONSCIOUS that illegal firearms, most commonly used in the perpetration of crime, contribute to the high levels of instability, extended conflict, violence and social dislocation evident in Southern Africa and the African continent as a whole;

AWARE of the urgent need to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use, and owing to the harmful effects of those activities on the security of each State and the Region and the danger they pose to the well-being of people in the Region, their social and economic development and their rights to live in peace;

REAFFIRMING that priority should be given to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use of firearms, because of their links with, inter alia, drug trafficking, terrorism, transnational organised crime, mercenary and other violent criminal activities;

CONVINCED that the prevention, combating and eradication of the illicit manufacturing of firearms, ammunition and the other related materials and their excessive and stabilising accumulation, trafficking, possession and use requires international co-operation, the exchange of information, and other appropriate measures at the national, regional and global levels;

STRESSING the need, especially during peace processes and post-conflict situations, to maintain effective control over firearms, ammunition and other related materials;

RECOGNISING the importance of regional and international co-operation and regional and international initiatives undertaken to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, possession and use of firearms and related materials;

HEREBY AGREE as follows:

ARTICLE 1 DEFINITIONS

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise indicates:
“ammunition” means the complete cartridge including the cartridge case,

b. any device which may be readily converted into a weapon referred to in paragraph a);

c. any small arm as defined in this Article; or

d. any light weapon as defined in this Article;

“illicit manufacturing” means the manufacturing or assembly of firearms, ammunition and other related materials, without a licence or permit from a competent authority of the State Party where the manufacture or assembly takes place;

“illicit trafficking” means the import, export, acquisition, sale, delivery, movement or transfer of firearms, ammunition and other related materials from, to, or across the territory of a State Party without the authority of State Parties concerned;

“light weapons” include the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder fired rockets, anti-aircraft weapons and launchers and air defence weapons.

“other related materials” means any components, parts or replacement parts of a firearm that are essential to the operation of the firearm;

“small arms” include light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles and semi-automatic rifles;

“State Party” means a member of SADC that is party to this Protocol.

ARTICLE 2 SOVEREIGNTY

State Parties shall fulfil their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of State Parties.

ARTICLE 3 OBJECTIVES

The objectives of this Protocol are to:

- a. prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use in the Region;
- b. promote and facilitate co-operation and exchange of information and experience in the Region to prevent, combat, and eradicate the illicit manufacturing of, excessive and destabilising use and accumulation of, trafficking in, possession and use of, firearms, ammunition and other related materials; and

- c. co-operate closely at the regional level as well as at international fora to effectively prevent, combat, and eradicate the illicit manufacturing of, ex-

- manufactured or conveyed in transit without or in contravention of licences, permits, or written authority;
- i. provisions that ensure the effective control of firearms including the storage and usage thereof, competency testing of prospective firearm owners and restriction on owner's rights to relinquish control, use, and possession of firearms, ammunition and other related materials;
 - j. the monitoring and auditing of licences held in a person's possession, and the restriction on the number of firearms that may be owned by any person;
 - k. provisions that prohibit the pawning and pledging of firearms, ammunition and other related materials;
 - l. provisions that prohibit the misrepresentation or withholding of any information given with a view to obtain any licence or permit;
 - m. provisions that regulate firearm brokering in the territories of State Parties; and
 - n. provisions that promote legal uniformity in the sphere of sentencing.

ARTICLE 6 OPERATIONAL CAPACITY

State Parties undertake to improve the capacity of police, customs, border guards, the military, the judiciary and other relevant agencies to fulfil their roles in the implementation of this Protocol and to:

- a. co-ordinate national training programmes for police, customs and border guards, the judiciary and other agencies involved in preventing, combating and eradicating the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use;
- b. establish and improve national data-bases, communication systems and acquire equipment for monitoring and controlling the movement of firearms across borders;
- c. establish inter-agency working groups, involving police, military, customs, home affairs, foreign affairs and other relevant agencies, to improve policy co-ordination, information sharing and analysis at national level regarding firearms, ammunition and other related material; and
- d. undertake joint training exercises for officials, from countries within the Region drawn from the police, customs and other relevant agencies, including the military where it is involved with border control, and explore the possibility for exchange programmes for such officials within the Region, and with their counterparts in other regions.

ARTICLE 7 CONTROL OVER CIVILIAN POSSESSION OF FIREARMS

State Parties undertake to consider a co-ordinated review of national procedures and criteria for issuing and withdrawing of firearm licences and establishing and

- h. communication of relevant documents and records;
 - i. identification or tracing of suspects or proceeds of crime; and
 - j. application of special investigative techniques, such as forensics and ballistic and fingerprinting.
3. State Parties may further agree upon any other form of mutual legal assistance consistent with their national laws.
4. State Parties shall designate a competent authority, the name of which shall be communicated to the Executive Secretary, which shall have the responsibility and power to execute and monitor requests for mutual legal assistance.
5. Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain details of the following:
 - a. the identity of the authority making the request;
 - b. the subject matter and nature of the investigation or prosecution to which the request relates;
 - c. the description of the assistance sought;
 - d. the purpose for which the evidence, information or action is sought; and
 - e. all relevant information available to the requesting State Party and which may be of use to the requested State Party.
6. A State Party may seek any such additional information which it considers necessary for the execution of the request in accordance with its national laws.

ARTICLE 15

LAW ENFORCEMENT

State Parties shall establish appropriate mechanisms for co-operation among law enforcement agencies of the State Parties to promote effective implementation of this Protocol including the:

- a. establishment of direct communication systems to facilitate a free and fast

ARTICLE 16
TRANSPARENCY AND INFORMATION EXCHANGE

State Parties undertake to:

- a. develop and improve transparency in firearms accumulation, flow and policies relating to civilian owned firearms; and
- b. establish national firearms databases to facilitate the exchange of information on firearms imports, exports and transfers.

ARTICLE 17
INSTITUTIONAL ARRANGEMENT

State Parties shall establish a Committee to oversee the implementation of this Protocol.

ARTICLE 18
SETTLEMENT OF DISPUTES

Disputes arising from the interpretation or application of this Protocol, which cannot be settled amicably, shall be referred to the Tribunal.

ARTICLE 19
AMENDMENTS

1. An amendment to this Protocol shall be adopted by a decision of three quarters of the State Parties.
2. Subject to sub-article (3) of this Article, a proposal for the amendment of this Protocol shall be submitted to the Executive Secretary by any State Party for preliminary consideration by the Council.
3. The Executive Secretary shall submit a proposal for amendment to the Council under paragraph 2 of this Article after:
 - a. all Member States have been duly notified of the proposal; and
 - b. three months have elapsed since the notification.

ARTICLE 20
SIGNATURE

This Protocol shall be signed by duly authorised representatives of Member States.

ARTICLE 21
RATIFICATION

This Protocol shall be ratified by the Signatory States in accordance with their constitutional procedures.

ARTICLE 22
ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the Member States.

Appendix E

SADC MUTUAL DEFENCE PACT

PREAMBLE

We, the Heads of State and Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

PURSUANT to the decision of the Summit, held in Gaborone, Botswana on 28 June 1996 and directives issued subsequent thereto:

IN COMPLIANCE with the provisions of Article 2 (2)(h) of the Protocol on Politics, Defence and Security Co-operation (hereinafter referred to as “the Protocol”);

REAFFIRMING our commitment to the principles of the Charter of the United Nations, the Constitutive Act of the African Union, the Protocol Establishing the Peace and Security Council of the African Union and the SADC Treaty;

DESIROUS to live at peace with all peoples and Governments;

ACKNOWLEDGING our commitment to the SADC Treaty and Protocol on Politics, Defence and Security Co-operation;

RECOGNISING the sovereign equality of all States and their intention to strengthen the bonds that exist amongst them on the basis of respect for their independence and non-interference in their internal affairs;

SEEKING to promote peace, security, stability and well being among our peoples;

CONVINCED that close co-operation in matters of defence and security will be to the mutual benefit of our peoples;

HAVING RESOLVED to unite our efforts towards collective self-defence and the preservation of peace and stability.

HEREBY AGREE to conclude this Mutual Defence Pact (hereinafter referred to as “the Pact”).

ARTICLE 1 DEFINITIONS

1. In this Pact, terms and expressions defined in Article 1 of the Treaty and of the Protocol on Politics, Defence and Security Co-operation shall bear the same meaning unless the context otherwise requires.
2. In this Pact, unless the context otherwise requires:
 - “armed attack” means the use of military force in violation of the sovereignty, territorial integrity and independence of a State Party;
 - “collective self-defence” means the measures undertaken collectively by the State Parties to ensure peace, stability and security in the Region;
 - “destabilise” means to instigate, plan, execute or assist in any of the following:
 - a. an armed attack against a State Party;
 - b. sabotage aimed at the people of a State Party or an asset of a State Party, whether inside or outside the territory of the State Party; or
 - c. any act or activity aimed at changing the constitutional order of a State Party through unconstitutional means;
 - “state party” means a Member State that has ratified or acceded to this Pact;
 - “signatory state” means a Member State which has signed this Pact;
 - “third party” means a State or entity which is not a party to this Pact.

ARTICLE 2 OBJECTIVE

The objective of this Pact is to operationalise the mechanisms of the Organ for mutual co-operation in defence and security matters.

ARTICLE 3

ARTICLE 8
DESTABILISING FACTORS

State Parties undertake not to nurture, harbour or support any person, group of persons or institutions whose aim is to destabilise the political, military, territorial and economic or social security of a State Party.

ARTICLE 9
DEFENCE CO-OPERATION

In order to realise the objective of this Pact, State Parties shall co-operate in defence matters and facilitate interaction among their armed forces and defence-related industries in the following and any other areas of mutual interest:

- a. the training of military personnel in any field of military endeavour and, to that end, they may from time to time hold joint military exercises in one

2. State Parties further undertake not to use any classified information obtained during any multilateral co-operation among them to the detriment of or against the interests of any State Party.

ARTICLE 17
RATIFICATION

This Pact shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures.

ARTICLE 18
ACCESSION

This Pact shall remain open for accession by any State Party to the Protocol on Politics, Defence and Security Co-operation.

ARTICLE 19
AMENDMENTS

Done at Dar es Salaam, United Republic of Tanzania on this day of August, 2003, in three original texts, in the English, French and Portuguese languages, all texts being equally authentic.

REPUBLIC OF ANGOLA
REPUBLIC OF BOTSWANA
DEMOCRATIC REPUBLIC OF CONGO
KINGDOM OF LESOTHO
REPUBLIC OF MALAWI
REPUBLIC OF MAURITIUS
REPUBLIC OF MOZAMBIQUE
REPUBLIC OF NAMIBIA
REPUBLIC OF SEYCHELLES
REPUBLIC OF SOUTH AFRICA
KINGDOM OF SWAZILAND
UNITED REPUBLIC OF TANZANIA
REPUBLIC OF ZAMBIA
REPUBLIC OF ZIMBABWE

Alhaji M.S. Bah

Alhaji M.S. Bah is a Sierra Leonean national currently working on his doctoral dissertation at Queen's University, Kingston, Ontario, Canada. Before coming to Canada, he worked as a teacher and journalist in Botswana. He has conducted extensive research on the nexus between security and development in sub-Saharan Africa. He specializes in regional security arrangements in West and Southern Africa. His PhD dissertation is titled: "ECOWAS and the dynamics of Constructing a Security Regime in West Africa." He worked as a research intern at the Pearson Peacekeeping Centre (PPC) in Cornwallis, Nova Scotia, Canada and at the International Development Research Centre (IDRC) in Ottawa.

Alhaji Bah's publications include: "Diamonds and Mercenaries – Exploring the Dynamics of the Sierra Leone Conflict," *Peacekeeping & International Relations*. Nova Scotia: Canadian Peacekeeping Press, Volume 29, No. 1, January–April 2000; "ECOWAS and Regional Peacekeeping: Unraveling the Political Cleavages," *International Insights*, Vol. 15, Number 3, Fall 2000; "The Sierra Leone Imbroglia: Peacekeeping at a Crossroads," *The Canadian Institute of Strategic Studies (CISS) Bulletin*, Vol. 13, No. 2. Toronto, Ontario: Summer 2000; "Implementing the ECOWAS Small Arms Moratorium in Post-War Sierra Leone," a paper prepared for the *Peace-building and Human Security: Development of Policy Capacity of the Voluntary Sector Project* of the Canadian Peace-building Coordinating Committee (forthcoming). He will be taking up an appointment as a Senior Researcher with the Institute for Security Studies (ISS) in Pretoria, South Africa in May 2004.

