

TOWARD A REGIONAL APPROACH  
TO HUMAN SECURITY IN  
SOUTHERN AFRICA



TOWARD A REGIONAL APPROACH  
TO HUMAN SECURITY IN  
SOUTHERN AFRICA

Alhaji M.S. Bah

Centre for International Relations, Queen's University  
Kingston, Ontario, Canada  
2004

**National Library of Canada Cataloguing in Publication**

Bah, Alhaji M. S., 1970-

Toward a regional approach to human security in Southern Africa / Alhaji M.S. Bah.

(Martello papers, ISSN 1183-3661 ; 26)

ISBN 0-88911-896-5

1. National security—Africa, Southern. 2. Africa, Southern—Defenses.  
I. Queen's University (Kingston, Ont.). Centre for International Relations.  
II. Title. III. Series.

DT1182.B33 2004 355'.03306 C2004-902458-2

## *The Martello Papers*

---

The Queen's University Centre for International Relations (QCIR) is pleased to present the latest in its series of security studies, the *Martello Papers*. Taking their name from the distinctive towers built during the nineteenth century to defend Kingston, Ontario, these papers cover a wide range of topics and issues relevant to contemporary international strategic relations.

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 transformed the security landscape of Southern Africa.

In this, the twenty-sixth *Martello Paper*, Alhaji Bah — a specialist on regional security in Africa — assesses the efforts of the members of the Southern African Development Community (SADC) to create a security architecture for the sub-region, which includes fourteen states reaching from the Cape to the northern borders of Tanzania and the Democratic Republic of Congo (DRC).

Devastated and impoverished by decades of conflict — colonial, racial, civil, and transnational — this part of Africa long seemed the most in need of regional co-operation for development and security and the least likely to experience it. Alhaji Bah traces the development of SADC's institutions and instruments of security co-operation through the 1990s, drawing a contrast between two parallel strategies. The first, a low-level transnational campaign to control and reverse the proliferation of small arms and light weapons throughout the sub-region, exemplifies a "human security" approach and has seen some success, he argues. The second, a project to create an Organ on Politics, Defence and Security to undertake collective diplomatic and military action in response to breaches of the peace, has had a more troubled start, with divisive and controversial actions in Lesotho and the DRC. Nevertheless, while the legacy of conflict and the shadow of South African dominance remain, sub-regional security co-operation has made remarkable progress in little more than a decade.

Because this story is not well known beyond Southern Africa, we thought it useful to include as appendices several of the agreements marking important stages

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.

We are, as always, grateful to the Security and Defence Forum of the Department of National Defence, whose ongoing support enables the Centre to conduct and disseminate research on issues of importance to national and international security. As is the case with all *Martello Papers*, the views expressed here are those of the author and do not necessarily reflect the position of the QCIR or any of its supporting agencies.

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

# *Contents*

---

1. Introduction	1
2. Background to Security Cooperation	5
3. Rethinking Human Security in Southern Africa	7
4. Controlling Small Arms	11
5. The Organ on Politics, Defence and Security	23
6. Conclusion	29
7. Recommendations	31
Notes	33
References	39
APPENDICES	
A. Consolidated Text of the Treaty of the Southern African Development Community, as Amended	45
B. Communiqué	67
C. Protocol on Politics, Defence and Security Co-operation	72
D. Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region	82
E. SADC Mutual Defence Pact	92





## *1. Introduction*

---

The promotion of human security in the Southern African sub-region presents unique opportunities and challenges. The fall of apartheid and the end of the Cold War have made conceivable an unprecedented level of co-operation on a wide range of issues, including security. However, these opportunities are challenged by the history of suspicion and distrust that characterized inter-state relations in the sub-region during the struggle for liberation and majority rule. The end of the Cold War, coupled with major political developments in the sub-region starting with Namibia's independence in 1990 and the peaceful transition to majority rule in South Africa, marked the dawn of a new era in what used to be the most hotly contested area of sub-Saharan Africa. The sub-region had been the centre of international attention as liberation wars were waged against the white-minority governments in Zimbabwe, South Africa, Namibia and the two Portuguese colonies of Mozambique and Angola. It had also become the theatre of political and ideological battle between the Soviet Union and the United States, with each superpower propping up different factions during the sub-region's three decades of conflicts. The active involvement of the superpowers not only helped prolong the conflicts but further complicated the political dynamics in countries such as Angola, where the bitter legacy of this rivalry is still felt.

At the same time, the presence of white-minority regimes in the region served as a coalescing agent for the various states and liberation movements. These movements culminated in the establishment of the Front Line States (FLS) by Tanzania, Mozambique and Zambia in 1974, with liberation movements such as the African National Congress (ANC) and the South West Africa Peoples Organization (SWAPO) being granted seats at FLS meetings. The FLS originated in the Pan African Freedom Movement for East, Central and Southern Africa. It became both the symbol and the mechanism through which the struggle to liberate the people of the region was co-ordinated. On the economic front, the independent states of the sub-region established the Southern African Development Coordination Conference (SADCC)<sup>1</sup> in 1980, with the aim of reducing their economic

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*.<sup>2</sup> 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 opened a window of opportunity for a sub-regional approach to human security. Southern African society is characterized by numerous threats to human security, including uneven socio-economic development, large-scale unemployment, rising violent crime, HIV-AIDS, water scarcity, and the proliferation of small arms. While most of these problems are now internal, they all have transnational consequences; hence the need for concerted efforts at both the national and sub-regional levels.

The central thesis of this paper is that Southern African human security can be more effectively enhanced if addressed at the regional level, replicating the efforts used to liberate the sub-region. The paper further argues that prospects for co-operation regarding "low politics" (e.g., small arms or functional co-operation) are better than those in the realm of "high politics" (e.g., military intervention and sovereignty). Co-operation on issues of low politics is more promising because such issues are by definition less politically sensitive than issues of high politics. The latter are often politically charged, controversial, and threatening to the status quo.

To demonstrate this argument, the paper will investigate SADC attempts to promote human security through regional co-operation. I will address critical questions, such as the extent to which SADC can adapt the collaborative strategy used to liberate the peoples of the sub-region from minority rule to enhance their security. To put it another way, how can the freedom of the people of Southern Africa be transformed into human security? I will focus on two main issues: small arms and light weapons (low politics) and the SADC Organ on Politics, Defence

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 sub-regional issues of security architecture. In each case, the paper will explore the interplay of forces at the national, sub-regional, continental and international levels and their impact on attempts to promote a regional human security agenda in Southern Africa.

First, however, it is necessary to chart the evolution of security arrangements in Southern Africa. This story is not well known outside the sub-region, and it should help to give a clearer picture both of the background and of the SADC's future prospects in promoting human security.



## 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).<sup>3</sup>

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).<sup>4</sup>

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-sustaining development through collective self-reliance and the interdependence of member states.<sup>5</sup>

One of SADC's bolder initiatives has been its attempt to formulate a regional policy on peace and security by broadening the notion of security to include non-military matters such as water, food and the environment. From 1992 to 1994, the SADC Secretariat was involved in coordinating efforts in formulating policies on peace and security. These efforts culminated in the adoption of SADC's 1993 *Framework and Strategy* document, which called for building common political values based on democratic norms, creating a "non-militaristic security order," and addressing non-military sources of conflict and threats to human security, such as poverty and domestic political repression. The SADC *Framework and Strategy* document proposed the following lines of action to promote regional security: adopting a "new approach to security" which emphasized the security of people; creating a forum for mediation and arbitration; reducing force levels and military expenditures; introducing confidence- and security-building measures and non-offensive defence doctrines; and ratifying key principles of international law governing inter-state relations.<sup>6</sup>

In July 1994, with SADC's new vision of a widened approach to security, the Secretariat convened a Ministerial Workshop on Democracy, Peace and Security in Windhoek, Namibia. The meeting ended with recommendations to the Council of Ministers to create a Protocol on Peace, Security and Political Co-operation consisting of the following structures: an independent human rights commission; a SADC committee of foreign ministers charged with "peace promotion"; a SADC committee of defence and security ministers; and a SADC Sector on Conflict Resolution and Political Co-operation. A SADC Summit in August 1994 approved the creation of a Sector on Politics, Diplomacy, International Relations, Defence and Security.<sup>7</sup>

In June 1996, a SADC Summit meeting in Gaborone, Botswana, accepted the recommendations of the SADC Ministers of Foreign Affairs, Defence and Security for the creation of a SADC Organ on Politics, Defence and Security (OPDS); and on 28 June 1996, the Organ officially came into effect.<sup>8</sup> The Summit appointed President Robert Mugabe of Zimbabwe as the first Chair of the Organ. Despite the political controversy and acrimony that followed the establishment of the Organ, most observers saw it as a step in the right direction. SADC's widening of its approach to security issues coincided with a similar shift of perspective in the international community triggered by the 1994 UNDP *Human Development Report*, which set the basis for the current debate on human security.

### 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 agenda that recognizes security's dependence on factors such as political democracy, human rights, social and economic development, and environmental sustainability, as much as on military stability. Expanding the concept vertically means recognizing that people should be the primary referent for security. As a result, the new definition make it possible to identify threats to human security emerging at the sub-national, national and transnational levels.<sup>9</sup>

For most people in Southern Africa, calls for widening the security discourse could not have come at a better time. The 1994 UNDP *Human Development Report*<sup>10</sup> captured the mood of the changing political landscape in Southern Africa. The report defined human security as "...a child that did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode in violence, a dissident who was not silenced. Human security is not a concern with weapons — it is a concern with human life and dignity..."<sup>11</sup> In other words, human security was simply described as freedom from fear and want. By defining security in these terms, the report highlighted the need to focus on people-centred security — a radical departure from the traditional state/regime security. However, the report pointed out that human security should not be equated with human development. Human development is a much broader concept whose aim is the widening of people's choices; human security, on the other hand, is about the free

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..."<sup>12</sup> 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."<sup>13</sup>

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.<sup>14</sup>

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?<sup>15</sup> These questions can only be answered by critically investigating the emerging



structures and processes for dealing with security in post-apartheid Southern Africa. Booth and Vale contend that “a broader security agenda is particularly pertinent in Southern Africa. The states of the region do not constitute the textbook entities much loved by political science; they are for the most part juridical rather than social entities.”<sup>16</sup> Post-apartheid Southern Africa has accepted the need to explore issues of security and emancipation with a fresh vision through the development of broader and critical perspectives.

Thus SADC’s adoption of a new security paradigm encompassing both military and non-military issues marks a radical departure from the state-centric approach that characterized previous regional security arrangements. The new SADC framework emphasizes the security of people and broader developmental concerns such as alleviation of poverty, eradication of killer diseases such as HIV-AIDS and tuberculosis, violent crime, promotion of democratic values and principles, small arms and the protection of human rights. The new approach was clearly spelt out in Article (2) of the *SADC Protocol on Politics, Defence and Security Co-operation*, which outlines the Organ’s objectives as follows: “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 aggression; promote the development of democratic institutions and practices within the territories of State Parties...”<sup>17</sup>

Moreover, the premise of SADC’s broadened approach to security is that security is a holistic phenomenon incorporating political, social, economic and environmental issues. One of the consequences of widening the security discourse is a vertical shift in the referent object, from an almost exclusive focus on the state to a concern with people. The objectives of security policy as espoused by the SADC framework document go beyond achieving an absence of war to encompassing the pursuit of democracy, sustainable development, social justice and the protection of the environment. The framework also recognizes that states can mitigate the security dilemma and promote regional stability by adopting a defensive rather than an offensive military doctrine and posture. It further emphasizes that “...domestic security policy should pay greater attention to social sources of instability such as the problem of violence against women and children.”<sup>18</sup>

SADC has taken further practical measures to enhance the promotion of human security by creating the SADC Organ on Politics, Defence and Security Co-operation, the Regional Peacekeeping Training Centre, the Inter-State Defence and Security Committee, and the Southern African Police Chiefs’ Co-operation Organization (SARPPCO). Despite diverging opinions over the functions and control of some of these institutions, most observers of political developments in Southern Africa see their creation as a step forward. For instance, the Regional Peacekeeping Training Centre has trained over 200 students from SADC member states and is currently developing a standardized peacekeeping training program to ensure the interoperability of the armed forces in the region.<sup>19</sup> In addition, SARPPCO has also undertaken several joint policing operations at

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 and the early 1990s, when there was a high demand from all players in Southern Africa's violent conflicts. The end of the Cold War superpower rivalry, coupled with the liberation of the remaining minority-ruled states of Namibia and South Africa and the ensuing disarmament and demobilization of thousands of fighters, marked a new phase in Southern Africa's attempt to deal with the problem of small arms proliferation. Small arms remained the weapons of choice for the various armed groups and states in the sub-region. The removal of the superpower umbrella gave a free hand to unscrupulous states and arms dealers to meet the high demand for these "tools of war," stimulated by the multiple internal conflicts that erupted at the end of the Cold War.

During the Cold War, UN disarmament programs focussed on bigger and more sophisticated weapons. Little attention was paid to light weapons, making a lot of conventions on arms control and disarmament irrelevant to the African situation. In Southern Africa, both during and after the Cold War, the major challenge was not the threat of nuclear weapons (despite apartheid South Africa's nascent nuclear program), but rather the destruction and suffering caused by light weapons. It is perhaps in recognition of this deficiency that Boutros Boutros-Ghali, then Secretary General of the United Nations, highlighted the small arms challenge in a supplement to his *Agenda for Peace* in 1995. Boutros-Ghali introduced the term "micro-disarmament" and called for "practical disarmament in the context of the conflicts the UN is actually dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands."<sup>20</sup>

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 during the Cold War era..." but rather "...the micro-tragedy of human conflict and violence."<sup>21</sup> The limited attention given to small arms by disarmament programs in the last century is probably explained by the preponderance of state and especially great-power interests in these negotiations. State security is concerned with inter-state conflicts as opposed to human security's focus on domestic and transnational issues — often revolving around criminality and internal armed conflict.<sup>22</sup>

To promote freedom from fear, one has to get at the combinations of factors — of which small arms are but one — that give rise to individual and collective anxieties. In Southern Africa, several initiatives have addressed the small arms challenge both at the bilateral and multilateral levels through SADC and SARPCCO. Before exploring some of these, it would be useful to take a brief look at the sources of small arms, in particular how some of these weapons became transformed from licit to illicit arms.

## **Sources of Small Arms in Southern Africa**

Most of the weapons currently circulating in Southern Africa entered the sub-region during the Cold War when both superpowers and their allies supplied weapons to their respective clients. During that time, weapons supplies to the white-minority regimes came principally from western countries and arms manufacturers such as the United Kingdom, United States, West Germany, France, Italy and Israel. However, with the imposition of United Nations arms embargoes on Rhodesia and South Africa, private western arms manufacturers (often with the knowledge of their home governments) started supplying these regimes with weapons in flagrant defiance of the sanctions.

At the same time, Eastern Bloc countries, including the Soviet Union, Cuba and China, supplied weapons to the liberation movements. Arms were sent to organizations including the MK in South Africa, the MPLA in Angola, FRELIMO in Mozambique, ZANLA and ZIPRA in Zimbabwe, and SWAPO in Namibia. The weapons supplied to Mozambique by the Warsaw Pact countries included MIG fighter aircraft, combat helicopters, battle tanks, missile launchers and thousands of AK-47 sub machine guns — all sent as military aid in the 1980s. Also during this period, some Western countries, in collusion with apartheid South Africa, armed what they called "anti-communist insurgents," such as UNITA in Angola, RENAMO in Mozambique, and the IFP in South Africa. In addition, after attaining independence, most of the new governments continued to import arms from their wartime suppliers. For example, between 1987 and 1991, the

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

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.<sup>24</sup>

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.<sup>25</sup>

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.<sup>26</sup> Weapons are also smuggled in and out of these countries by air, road, and rail and on foot. Some of the illegal imports of arms to the sub-region come from Europe and the United States. Jacklin Cock, quoting the Africa Fund, observed that “hundreds of semi-automatic pistols, revolvers, rifles, magazines and hundreds of thousands of rounds of ammunition, worth millions of dollars left the USA but never arrived at their stated destination in Harare, Zimbabwe.”<sup>27</sup> Through the illegal arms market, weapons are smuggled across the porous borders of Southern African countries by smugglers familiar with covert arms supply routes established by both sides during the region’s wars. It is also believed that the illegal market receives some of its supplies from corrupt and poorly paid security officials who are alleged to exchange their weapons for cash and other valuables. A direct link has been established between corrupt practices and the frequent arms leaks from government arms depots.

But external supply is not the whole story. The establishment of local arms manufacturing industries in some Southern African countries, specializing mostly

in the production of small arms and light weapons, has aggravated the problem. The main manufacturers of arms in the sub-region are South Africa and Zimbabwe. There is also a sizable capacity in Namibia, producing for the country's basic defence needs. It is estimated that the Namibian factory has the potential to produce 30,000 rounds of ammunition per day. This company is believed to have supplied the Namibian Defence Forces (NDF) in their engagement, along with Angola and Zimbabwe, in the Democratic Republic of Congo.

Of the two main arms producers in the region, South Africa has the largest capacity: in 1985, it was ranked as the tenth largest arms producer in the world. During the apartheid years, the state production and procurement organization ARMSCOR developed into the largest industrial organization in South Africa. By 1990, arms became the country's principal manufactured export, and the third largest export after gold and coal. In 1992, the company was commercialized and reorganized into two parts, DENEL, dealing with production, and ARMSCOR, which became the state procuring agent.<sup>28</sup> Arms produced in South Africa were used in sub-regional conflicts: the Pretoria regime supported RENAMO in Mozambique and UNITA in Angola as part of its policy of destabilization. South Africa's arms production program continued after the fall of apartheid, serving as a major but often controversial source of much-needed government revenue. For instance, in 2001 the country's arms exports (including to neighbouring countries) totaled R1,737 million, an increase from its 2000 export totals of R1,385 million.<sup>29</sup>

Zimbabwe Defence Industries (ZDI), the second largest arms producer in the sub-region, was established in 1984 by the Ministry of Defence and was later registered as a private commercial company. ZDI produces items such as small arms ammunition, explosives, rifles, mortars and rocket launchers, camouflaged combat clothing and webbing, modifications of military vehicles and repackaged military food rations. ZDI sells some of its products to both regional and international buyers, thus adding to the small arms challenge facing SADC.

Meanwhile, the end of the Cold War also marked an increase in the illegal flow of small arms to the sub-region, mostly from unregulated East European markets in countries such as Ukraine and Bulgaria. The massive demobilization in Eastern Europe and the standardization of weapons by the new members of NATO left huge quantities of surplus arms that were often traded to feuding parties and criminal organizations. A good number of these arms found their way into Southern Africa to meet the demand from various warring parties and criminal networks in the sub-region. Thus by the end of the twentieth century, Southern Africa was saturated with millions of weapons whose presence posed a serious challenge to regional human security. In South Africa alone, there are about 3.76 million licensed firearms for private use and approximately 500,000 illegal guns in circulation. Every day, 82 privately owned guns are lost or stolen. There is continuous leakage from licensed, privately owned and state-owned pools of firearms into illegal circulation. Firearms account

for 50 percent of weapons used in murder, and they are the single greatest cause of non-natural death (44 percent) in South Africa.<sup>30</sup> Some estimates of the surplus weapons in circulation in South Africa put the number at between 400,000 and 8,000,000.<sup>31</sup>

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.<sup>32</sup> 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 other non-governmental organizations, has prioritized the fight against the proliferation of small arms.

## **SADC/SARPCCO Small Arms Initiatives**

The magnitude of small arms proliferation in Southern Africa calls for a multifaceted and holistic approach. To SADC, the small arms question is not exclusively one of security, but rather a socio-economic challenge with wider developmental concerns. SADC has committed itself to preventing, combating and controlling the proliferation of and illicit trafficking in small arms and light weapons,<sup>33</sup> as well as removing land-mines, managing disasters and resolving conflicts that fall under the portfolio of the SADC Secretariat’s Special Programmes.

In May 1998, at a meeting convened by the Institute for Security Studies and Saferworld, SADC and the EU agreed to a draft document titled *Southern African Regional Action Programme on Light Arms and Illicit Trafficking* (Regional Action Programme). This document outlined four areas of possible co-operation between SADC and the EU:

- Combating illicit trafficking by strengthening laws and regulations... operational capacity... and improving systems to trace illicit arms flow and improving information exchange;
- Strengthening legal controls on the accumulation and transfer of arms and on civilian possession of firearms; enhancing restraints and controls over accumulation and transfer of light arms and associated military equipment; and improving the capacity to monitor and trace light arms possession and transfer;
- Promoting the removal of arms from society and the destruction of surplus arms by collecting, removing from circulation, and destroying “surplus”

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.<sup>34</sup>

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.<sup>35</sup>

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.<sup>36</sup> It marks a giant step forward in the working relationship between SARPCCO and SADC. The Protocol was signed by all SARPCCO member states except Angola, which favoured it in principle but cited technical difficulties. This Protocol is the first legally binding document on firearms in sub-Saharan Africa. Its Preamble succinctly captures the small arms challenge:



[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.<sup>37</sup>

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.<sup>38</sup>

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.”<sup>39</sup> 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.”<sup>40</sup>

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.<sup>41</sup> 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 Botswana Cabinet recommended that parliament revise the existing Arms and Ammunition Act to incorporate the provisions of the SADC *Protocol on Small Arms*. Botswana is credited with being one of the first SADC member states to ratify the SADC Protocol. It has also established national focal points for arms reduction, consisting of the Botswana Police Force, the Botswana Defence Force, and the Ministries of Foreign Affairs, Justice, Customs, and Immigration. It is in the process of identifying non-governmental organization partners.<sup>42</sup>

As a further consequence of the SADC *Protocol*, South Africa created new gun control policies. On 12 October 2000, after lengthy consultations and lobbying by non-governmental organizations such as Gun Free South Africa (GFSA), the South African Parliament approved the Firearms Control Bill, which was approved by the National Council of Provinces (the second chamber) on 10 November 2000, thereby becoming the Firearms Control Act. Its approval had been preceded by a series of submissions by civil society organizations to members of the Portfolio Committee on Safety and Security in the South African Parliament. Moreover, as part of its policy to control the flow of illegal weapons, the South African National Conventional Arms Control Committee recommended to Cabinet the destruction of all state-held redundant, obsolete, unserviceable and confiscated semi-automatic and automatic weapons and purpose-built sniper rifles of a caliber smaller than 12.7mm. Cabinet approved the recommendation, and in 1998, the Department of Defence destroyed all such arms in its possession, a total of 271,867 small caliber weapons.<sup>43</sup> Meanwhile, the South African Police Service is also carrying out a firearms standardization plan that will co-ordinate the phasing out and destruction of all firearms that do not conform to police requirements. On 9 July 2002 (United Nations International Small Arms Destruction Day), the South African Police Service destroyed 22,787 firearms in Johannesburg.<sup>44</sup>

In the broader regional context, the South African government has also entered into bilateral agreements with neighbouring countries such as Mozambique in perhaps one of the most successful initiatives undertaken in the sub-region — Operations Rachel. In 1995, the South African and Mozambican governments signed this crime-combating agreement, which allowed the police forces of the two countries to conduct joint operations in their common fight against cross-border activities negatively affecting the safety and security of their citizens. This initiative grew out of the recognition that arms cached in Mozambique were being smuggled into the South African market. A major feature of Operations Rachel is that it is intelligence-driven. The agreement mandates police forces in both countries to gather intelligence on arms cache locations. A team of police officers from both countries then destroys weapons discovered. South Africa pays the bulk of the operational costs and also provides technical assistance to Mozambique for weapons disposal and destruction.

The success of Operations Rachel has been partly attributed to its unorthodox policing approach. Individuals with information about the location of arms caches

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."<sup>45</sup> 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>	1995	1996	1997	1998	1999	2000	2001	2002 (to May)
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 Council of Ministers agreed to create a new SADC Small Arms Committee, with a mandate to look into all issues related to small arms and light weapons. The new committee was to have representation from all member states and be chaired by the country holding the presidency of SADC. The creation of this committee is considered a significant step forward because it would serve as an important focal point for arms control in Southern Africa. At the same time, the EU-SADC Co-operation Executive Committee, meeting in Cape Town, recommended the creation of an EU-SADC technical group on issues related to small arms.

Also in 1999, SARPPCO received formal recognition from SADC and was immediately delegated to sit on a working group mandated to draft a SADC policy on small arms. The SARPPCO Legal Committee, whose mandate covers all legal issues concerning effective policing, including the harmonization of laws, was subsequently invited to formulate a SADC protocol on small arms.

## **Background on SARPPCO**

At its inception in 1995, SARPPCO was given a broad mandate to “promote, strengthen and perpetuate co-operation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications.”<sup>46</sup> The Permanent Coordinating Committee of the heads of the Criminal Investigation Services (PCC), whose mandate covers strategic and operational planning, helps to plan all SARPPCO operations. These include joint operations targeting priority crimes in the region, including motor vehicle theft, arms trafficking, stock theft and illegal immigration.<sup>47</sup> The gravity of arms trafficking in the sub-region is succinctly captured in the Preamble to the SARPPCO Declaration:

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials... Among those issues which will be considered are prohibitions on civilian possession of automatic and military weapons; co-ordination of procedures for import, export and transit of small arms shipments, ensuring the registration of all small arms in a country, and, where appropriate, ensuring that proper controls be exercised over the manufacture of small arms to prevent their entrance into the illicit market; to promote the destruction of surplus arms. Through such actions, and the initiation of discussions on drafting a regional instrument on small arms, SARPPCO can contribute to preventing the further proliferation of small arms in the Southern African region.<sup>48</sup>

To date, SARPPCO has satisfactorily discharged this mandate and now acts as the implementing agency of SADC programs and policies on small arms in the sub-region. In 1997, SARPPCO conducted three joint operations and recovered 624 stolen vehicles, 85 firearms and 129,000 rounds of ammunition, making 838 arrests in the process. The final communiqué of SARPPCO’s July 1998 meeting

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.”<sup>49</sup> 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.<sup>50</sup> 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 and state security services of the region, with a view to addressing cross-border crime, as well as promoting a community-based approach” to matters of domestic security.<sup>51</sup> The communiqué also stated that the Organ would function at the Summit level, operating independently of other SADC structures, as well as at the ministerial and technical levels. Its chair would rotate annually among a Troika of leaders: the current chair would work closely with the outgoing and incoming chairs.

But the euphoria surrounding the establishment of the Organ did not last long, because it was immediately dogged by controversy and political squabbling, best described as a tug-of-war between the two regional giants, South Africa and Zimbabwe. The relative autonomy of the Organ became the most contentious issue, virtually rendering it inoperable from the outset. South Africa maintained that the Organ should be a SADC sub-structure and should report directly to the SADC Summit. But Zimbabwe asserted that it should function under a separate chair, essentially a parallel structure to SADC. The South African position was based on Article 10 of the SADC Treaty, which stated that the SADC Summit is the “supreme policy-making Institution of SADC” and is “responsible for the overall policy direction and control of the functions of SADC.”<sup>52</sup> Although South Africa did not dispute the fact that it was the Organ’s responsibility to address intra- and

inter-state conflict, it strongly contended that addressing conflict in the region remained a core function of SADC; hence the need for the Organ to be integrated into the regional body.

Zimbabwe, however, maintained that the Summit had planned the newly established body to operate separately, based on the principles of the Front Line States (FLS). In projecting its argument, Zimbabwe invoked the Gaborone communiqué, which provided that the “SADC Organ on Politics, Defence and Security shall operate at the Summit level, and shall function independently of other SADC structures.”<sup>53</sup> In the early 1990s, Zimbabwe had proposed that the SADC focus exclusively on economic issues and had advocated a new version of the FLS, one responsible for politics, defence and security. Zimbabwe based its claim for this strict division of power on three grounds: first, it felt that confidentiality would be compromised if security issues were entrusted to the SADC Secretariat, whose operations were heavily reliant on foreign donors; secondly, Botswana controlled SADC and received disproportionate benefit from donors’ resources by virtue of the SADC Secretariat being based in Gaborone; and finally — perhaps most importantly — high-intensity conflict had to be dealt with through the informal and flexible political arrangements of the FLS. According to Nathan, “one of the underlying concerns was that formal rules and procedures would compromise sovereignty on matters of ‘high politics’ and constrain national and multilateral freedom of action in crisis situations.”<sup>54</sup>

The suspicion and mistrust that characterized inter-state relations in the sub-region, coupled with what often tended to be a personality clash between Presidents Robert Mugabe and Nelson Mandela, further complicated efforts at establishing a collective security mechanism in Southern Africa. Whilst Mandela favored a more structured, rule-based and centralized approach to security issues, Mugabe favored the loose and flexible style that characterized the operations of the FLS. The South African policy was viewed in some quarters as an attempt to destroy the rich legacy of the FLS, and even the Organ itself, and start anew on a clean slate. According to Lt. Col. W. Tafumaneyi, a leading voice on Southern African security issues, this “has led many to suspect the influence of a ‘hidden hand’. Fingers have been pointed at some Western Powers and at the machinations of the still inordinately white South African civil service.”<sup>55</sup>

Thus between 1996 and 1999, the Organ was effectively inoperational due to political differences between the militarists (Angola, Zimbabwe, Namibia) and the pacifists (South Africa, Botswana, Mozambique, Tanzania). This polarization has rendered SADC incapable of intervening in a timely and cohesive manner. The controversial sub-regional responses to the crises in Lesotho and the Democratic Republic of Congo are clear manifestations of the rift that emerged over the control of the Organ.

The Lesotho crisis occurred in September 1998. At the centre of the crisis in the mountain kingdom were the disputed results of a national election. The crisis escalated when a group of junior military officers mutinied and imprisoned their



superiors, threatening to plunge the country into full-scale violence. The Prime Minister requested military action to stabilize the political situation in his country, inviting troops from neighbouring countries. In consultation with Mozambique and Zimbabwe, South Africa and Botswana sent troops to Lesotho in what was code-named Operation Boleas. The joint operation met stiff resistance from the Lesotho Defence Forces, plunging Maseru into chaos and anarchy as angry residents targeted South African businesses in the capital. In the course of the fighting, an estimated 58 Basotho soldiers and eight South African soldiers were killed.

Notwithstanding a 1994 agreement under which SADC mandated Botswana, South Africa and Zimbabwe to be the guarantors of stability in Lesotho, the intervention drew serious criticism on several grounds. First, since the intervening countries did not get the approval of all SADC members, the operation could not be considered a SADC operation. Secondly, the crisis in Lesotho was internal and did not threaten regional stability; hence the intervention constituted a violation of Lesotho's sovereignty. And thirdly, the operation was inconsistent with the United Nations Charter.<sup>56</sup> Regardless of which side one takes in the debate, Operation Boleas highlighted the legal, military and political complexities surrounding actions by states in the name of collective security when the rules and procedures are not clearly defined and agreed upon. This debate over an *ad hoc* intervention is similar to the controversy that erupted in West Africa following ECOWAS's intervention in Liberia and Sierra Leone in the 1990s.

But the SADC response in the Democratic Republic of Congo (DRC) is the intervention that has perhaps most polarized SADC member states since the establishment of the Organ. In August 1998, the government of President Laurent Kabila of the DRC was faced with a rebellion in the northeastern part of the country. According to the Kabila government, the new rebel group, known as the *Rassemblement congolais pour la démocratie* (RCD), was supported by Rwanda and Uganda — both of which had previously supported Kabila in his successful war to overthrow Mobutu Sese Seko. Feeling increasing pressure from the RCD and its Rwandan and Ugandan allies, Kabila pleaded to SADC for help fighting off what his government referred to as a foreign invasion. In response to Kabila's plea, President Mugabe of Zimbabwe convened an emergency summit of regional leaders at Victoria Falls, Zimbabwe, to seek a solution to the crisis in the DRC. The meeting was attended by leaders from Angola, the DRC, Rwanda, Tanzania, Uganda and Zambia. At the meeting, a four-nation committee of representatives from Namibia, Tanzania, Zambia and Zimbabwe was created to help secure a ceasefire. Upon receiving the recommendations of this four-nation committee, President Mugabe forwarded the proposals to an ISDSC meeting in Harare and later declared that SADC had unanimously agreed to Kabila's request for military assistance. The following day, the defence ministers of Angola, Namibia and Zimbabwe declared that their three countries would send troops to assist a fellow SADC member state that was suffering from external aggression.<sup>57</sup>

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."<sup>58</sup>

It should be remembered that at the start of the rebellion against the Mobutu regime in the mid-1990s, South Africa under President Mandela had tried to negotiate what some observers saw as a "soft landing"<sup>59</sup> for the advancing Kabila forces and a safe exit for Mobutu. While these negotiations had been taking place aboard a South African ship, Kabila had marched on the DRC capital, Kinshasa. This had annoyed Mandela, who had felt betrayed. Mistrust subsequently characterized relations between the two countries under the two leaders. In the DRC crisis, South Africa felt sidelined by Zimbabwe's political manoeuvres and, as the SADC Chair, convened an extraordinary summit in Pretoria to which the presidents of Kenya, Rwanda and Uganda as well as the Secretary-General of the Organization of African Unity (OAU) were invited. The South African government challenged President Mugabe's authority to send troops on behalf of SADC, strongly arguing that a diplomatic solution was the only viable route towards resolving the crisis. Neither the Angolan nor the Zimbabwean president attended the summit meeting.

The failure to reach a common policy on the crisis in the Congo and the ensuing tensions between South Africa and Zimbabwe greatly diminished SADC's potential role as an honest broker. Both Presidents Mandela and Mugabe engaged in what could best be described as verbal warfare. For example, in direct reference to the South African president, Mugabe bluntly stated, "No SADC country is compelled to help a brother country. But those who don't want to help should keep quiet about those who want to do so."<sup>60</sup> In a clear acknowledgement of the divisions within SADC, President Mugabe said, "We must now enlist the OAU which has an organ for conflict resolution. It is not possible for us to resolve it as SADC because we are divided."<sup>61</sup> At a SADC meeting held during the Non-Aligned Movement Summit in Durban on 2-3 September 1998, President Mandela made a

surprising about-face by announcing that the SADC unanimously supported its three members' military intervention in the DRC. However, Mandela's acquiescence did not signify his approval of a military approach but rather a lack of interest in engaging in verbal warfare with President Mugabe. In spite of Mandela's sudden about-face, the South African government (even under President Mbeki) has continued to champion a negotiated settlement in the DRC. According to Horst Brammer, the Deputy Director of SADC Political Affairs in the South African Department of Foreign Affairs, "Mandela's announcement was purely an attempt to reflect some form of unity in SADC. South Africa did not diverge from its position that a standstill, ceasefire, and elections were necessary for a true resolution to the conflict."<sup>62</sup>

The tension over control of the Organ has been reduced significantly since President Thabo Mbeki's accession to power in South Africa. In addition to South African-led continental initiatives such as the New Partnership for Africa's Development (NEPAD) and the newly established African Union (AU), Pretoria has adopted a more conciliatory foreign policy of engaging both its neighbours in SADC and the AU at large to discuss issues of common concern. This truce, along with the active involvement of other neighbouring states such as Mozambique and Swaziland as Chairs of the Organ, contributed to a resolution of the differences over the control of the Organ. The thorny issue of the Organ's relative independence has been resolved, as is clearly articulated by Article 3.1 of the revised SADC Protocol on Politics, Defence and Security Co-operation signed in Blantyre, Malawi, on 14 August, 2001, which states: "The Organ shall be an institution of SADC and shall report to the Summit." The revised protocol also sets out the following structures for the Organ: the Chairperson of the Organ; the Troika; a Ministerial Committee consisting of ministers responsible for foreign affairs, defence, public security and state security from each state; an Inter-State Politics and Diplomacy Committee comprising ministers responsible for foreign affairs from each of the State Parties; an Inter-State Defence and Security Committee (ISDSC) comprising ministers responsible for defence, public security and state security from each of the State Parties; and such other sub-structures as may be established by an of the ministerial committees.<sup>63</sup> With the July 2002 signing of a ceasefire agreement between the presidents of the DRC and Rwanda in Pretoria, South Africa, South African-led peace efforts in the DRC started to bear fruit. The agreement called for the withdrawal of all foreign troops present in the DRC within 90 days of the signing of the agreement. By the first week of October 2002, most countries with troops in the DRC had honoured the agreement and withdrawn their forces.<sup>64</sup>

In spite of the controversy that has dogged the Organ since its inception, the sub-region has undertaken significant steps in other areas of regional security co-operation. For instance, the establishment of the Regional Peacekeeping Training Centre (RPKC) at the Zimbabwe Staff College is an important step in SADC's attempt to improve its peacekeeping capacity. Working in close collaboration with

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, Zambia and Zimbabwe. The stated objective of this operation was to bring together both military contingents and civilian police from member states in order to develop a collective capacity for peace support.<sup>65</sup>

In 1999, in addition to organizing and planning peacekeeping training exercises with the RPKC, the ISDSC established and installed a satellite communication system linking the various SADC governments. Each member state was given two terminals for this "high-level hotline," to place as it saw fit, with one likely dedicated to the office of each nation's defence minister. These terminals were intended to be under 24-hour supervision. At the same time, under the ISDSC's supervision, the SADC has committed itself to creating a standby brigade. Each country will earmark formed units as well as headquarters staff for this brigade. This agreement has experienced delays because of the impasse over the Organ.<sup>66</sup> However, in spite of political and diplomatic controversy, the sub-region has continued to pursue efforts at improving security co-operation and enhancing human security.

## 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* basis. The Nigerian-led ECOWAS interventions in Liberia and Sierra Leone suffered from similar complications largely due to their improvised nature. The intervening countries were accused, amongst other things, of violating not only the ECOWAS Treaty but also the OAU and UN Charters, which clearly state that collective security enforcement must only be undertaken with the authorization of the UN Security Council.

## 7. *Recommendations*

---

- SADC should give priority to functional cooperation (less politically sensitive issues such as combating the proliferation of small arms) while it embarks on confidence-building measures to create the right atmosphere for wider and deeper political and security cooperation. Thus SADC, like ECOWAS and the Inter-Governmental Authority on Development (IGAD), should avoid taking a “big bang” approach to co-operation in the sphere of high politics.
- SADC should conduct more exercises in joint peace-support operations and make a point of involving civilian organizations. Not only will the exercises make the militaries of the SADC member states more interoperable, but also the presence of civil society will assist in building a strong culture of civil-military relations. Improving civil-military relations would invariably bolster wider peace-building efforts in the sub-region.
- Efforts should be made to link the SADC Protocol on Firearms with other African sub-regional initiatives, such as the Bamako Declaration, the ECOWAS Moratorium, and the Nairobi Declaration; with wider continental programs such as NEPAD and the African Union; and with international efforts such as the UN Program of Action on Small Arms. This can be achieved through information-sharing and research, or what could best be described as a reciprocal learning process.
- SADC should make efforts to link SARPPCO with other sub-regional policing organizations and with other sub-regional agencies responsible for implementing small-arms initiatives. There is a compelling need to widen and deepen police co-operation in sub-Saharan Africa because some challenges to human security, such as small-arms proliferation and drug trafficking, are both cross-border and cross-regional in nature. Thus, the SARPPCO legal sub-committee must enhance harmonization of policy on issues of common concern.
- The OPDS should be strengthened with clear binding legal agreements on the rules and procedures for collective security action in the sub-region. The

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.

- SADC should establish an effective early warning and conflict resolution mechanism. The creation of such a structure will allow for the monitoring of potentially violent conflict zones and the promotion of peaceful resolutions before conflicts erupt. This would create an alternative to the “fire brigade” approach to conflicts within SADC in particular and sub-Saharan Africa in general.
- Concerted efforts need to be undertaken to address the HIV-AIDS pandemic, as this is perhaps the single largest threat to human security in the sub-region at the moment. More research needs to be undertaken to understand the regional dynamics of the pandemic and the ways and means of combating it.
- A regional peer-review mechanism needs to be established to ensure the development of a strong culture of political tolerance and protection of human rights in the region. The SADC Human Rights Commission and the SADC Parliamentary Forum need to be strengthened so that they act as guardians of the rule of law and advocates of democratic values in the sub-region.
- Finally, SADC should undertake a study on how to generate financial support in the sub-region for its operations. It should ensure that at least 65 to 70 per cent of its budget revenues are internally generated. Huge reliance on donor funding could lead to suspicion and political acrimony, often centred on accusations of a “hidden hand” at play, especially in the area of security. Too much reliance on external funding could have dire consequences when such funds dry up or are withdrawn, as is now the case with the Regional Peacekeeping Training Centre in Harare, Zimbabwe.



## 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. See also Horst Brammer, "In Search of an Effective Regional Security Mechanism for Southern Africa," *Global Dialogue* 4:2, August 1999.
53. SADC *Communique* (1996), 2.
54. See Nathan (1992).
55. For details, see, Lt. Col. Walter Tapfumaneyi, "The SADC Organ on Politics, Defence and Security: Interpreting the Decision of the Maputo 1997 SADC Summit," *ACCORD Occasional Paper* No.9/1999.
56. Article 11.1a of the SADC *Protocol on Politics, Defence and Security Co-operation* states, "In accordance with the Charter of the United Nations, State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack."
57. For details, see Eric G. Berman and Katie E. Sams, *Peacekeeping in Africa: Capabilities and Culpabilities* (Geneva: ISS and UNIDIR, 2000).
58. Rocky Williams, "From Collective Security to Peacebuilding? The Challenge of Managing Regional Security in Southern Africa," in Christopher Clapham et al (eds), *Regional Integration in Southern Africa: Comparative International Perspectives* (Johannesburg, South African Institute of International Affairs, 2001), 105-113.
59. Interview with officials at the Zimbabwe Ministry of Defence, Harare, 25 July 2002. During the interview the officials mentioned that the conflict in the DRC was centred on a perceived shift in the control of that country's strategic minerals. By joining SADC, the DRC was seen as moving out of the sphere of influence of the big Western powers that have deep interests in exploiting and controlling these minerals. The US in particular has had an interest in directing political developments in that country even if it meant supporting dictatorial regimes such as that of Mobutu. Thus Ugandan and Rwandan forces in the DRC are perceived in some quarters as fighting a proxy war for their Western backers and mentors.
60. See Iden Wetherell, "Africa's Napoleon Facing his Waterloo," *Mail and Guardian*, 28 August 1998.
61. See Iden Wetherell, "Mugabe says Hypocrites Feed Congo Conflict," *Reuters*, 29 August 1998.
62. Berman and Sams, 178.
63. For details on the functions of the respective sub-structures of the Organ, see the SADC *Protocol on Politics, Defence and Security Co-operation* (Blantyre, Malawi, 14 August 2001 in Appendix C). Note that thirteen out of the fourteen SADC member states signed the Protocol. Angola, preoccupied with its internal security situation, did not.
64. By the time of writing, Rwanda had withdrawn its last contingent of 1000 troops from the eastern part of the DRC. This is significant because Rwanda had the largest number of troops in the DRC and in the past had refused to withdraw its forces, citing fears of Hutu (the 1994 genocidists) cross-border raids into Rwanda. Zimbabwe has also withdrawn the first set of 2000 troops from the DRC. The death of

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.



## References

---

- Advancing Action to Tackle the Proliferation of Small Arms in Southern Africa*. Brussels: Institute for Security Studies and Saferworld, 24 -25 April 2001.
- Berman, E.G. and K. Sams. *Peacekeeping in Africa: Capabilities and Culpabilities*. Geneva: UNIDIR and ISS, 2000.
- Booth, Ken and Peter Vale. "A Security Regime in Southern Africa: After Apartheid and Beyond Realism." *International Affairs* 71:2, 1995.
- Boutros-Ghali, Boutros. *Position Paper by the Secretary-General on the Occasion of the 50<sup>th</sup> Anniversary of the United Nation*. GA A/50/60, 1995.
- Brammer, Horst. "In Search of an Effective Regional Security Mechanism for Southern Africa." *Global Dialogue* 4:2, August 1999.
- Buzan, Barry. *People, States and Fear: An Agenda for International Security in the Post-Cold War Era*. Boulder: Lynne Rienner, 1991.
- Buzan, Barry, Ole Weaver and Jaap de Wilde. *Security: A New Framework for Analysis*. Boulder: Lynne Rienner, 1998.
- Cheru, Fantu. "The Not-So-Brave World: Problems and Prospects of Regional Integration in Post-Apartheid Southern Africa." *The Bradlow Series* 6, Johannesburg, 1996.
- Cilliers, Jakkie and Hussein Solomon. *People, Poverty and Peace: Human Security in Southern Africa*. Monograph No. 4. Pretoria: Institute for Security Studies, 1996.
- Clapham, Christopher et al (eds). *Regional Integration in Southern Africa: Comparative International Perspectives*. Johannesburg: South African Institute of International Affairs, 2001.
- Cock, Jacklin. "The Link between Security and Development: The Problem of Light Weapons Proliferation in Southern Africa." *African Security Review* 5:5, 1996.
- Dzimba, John. "A Common Sub-regional Agenda for Peace, Human Security and Conflict Prevention: A View from SADC." In Moufida Goucha and Jakkie Cillers (eds), *Peace, Human Security and Conflict Prevention in Africa*, Proceedings of the UNESCO-ISS Expert Meeting. Pretoria, South Africa, 23-24 July 2002.
- Exercise Blue Hungwe Report*. Book One. Harare, Zimbabwe: Ministry of Defence, Harare, Zimbabwe, 1997.

- Final Report of 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.
- Gamba, Virginia. "African Conference On the Implementation of the United Nations' Programme of Action on Small Arms: Needs and Partnerships." Pretoria: 18-21 March 2002.
- Gamba, Virginia. *Small Arms in Southern Africa: Reflections on the Extent of the Problem and its Management Potential.* Monograph No. 42. Pretoria: Institute for Security Studies, November 1999.
- Heinbecker, Paul. "Human Security." *Behind the Headlines* 56:2, Winter 1999.
- Jackson, R.H. and C.G. Rosberg. "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood." *World Politics*, 35:1, 1982.
- Lamb, Guy. "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.
- Lodgaard, Sverre. "Human Security: Concept and Operationalization." Expert Seminar on Human Rights and Peace. Geneva: Palais Wilson, 8-9 December 2000.
- Malan, Mark. *SADC and Sub-regional Security: Unde Venis et Quo Vadis?* Monograph No.19, Pretoria: Institute for Security Studies, February 1998.
- Mandaza, Ibbo (ed.). *Peace and Security in Southern Africa.* Harare: SAPES Books, 1996.
- Mathoma, P, et al. (eds). *Putting People First – African Priorities for the UN Millennium Assembly.* Johannesburg: SAIIA, 2000.
- McLean, A, and E. Clegg (eds). *Towards Implementation of the Southern African Regional Action Programme on Light Arms and Illicit Trafficking.* Pretoria: ISS, 1999.
- Ministry of Defence, *Defence in a Democracy: White Paper on National Defence for the Republic of South Africa.* Pretoria, South Africa: May 1996.
- Mlambo, Norman. "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.
- Msutu, Frank. "Responses to Organized Crime in SADC: Interpol and SARPCCO." In Charles Goredema (ed). *Organized Crime in Southern Africa.* Monograph No. 56. Pretoria: Institute for Security Studies, June 2001.
- Nathan, Laurie and Joao Honwana. *After the Storm: Common Security and Conflict Resolution in Southern Africa.* Capetown: Centre for Conflict Resolution, University of Cape Town, January 1995.
- Nathan, Laurie. "Beyond Arms and Armed Forces: A New Approach to Security." *South African Defence Review* No. 4, 1992.
- O'Brien, Kevin. "Transforming Security Structures in Southern Africa: The Impact of National and Regional Security." In Black, David and Larry Swatuk (eds). *Southern Africa and Africa After Apartheid: Security Issues.* Halifax, Nova Scotia: Centre for Foreign Policy Studies, Dalhousie University, 1996.
- SADC *Communiqué.* Johannesburg, South Africa: South African Development Community, 25 August 1995.



- SADC *Mutual Defence Pact*. Dar es Salaam, Tanzania: South African Development Community, August 2003
- SADC *Protocol on Politics, Defence and Security Co-operation*. Blantyre, Malawi: South African Development Community, 2001
- SADC *Protocol on The Control of Firearms, Ammunition and other Related Materials*. Blantyre, Malawi: South African Development Community, August 2001.
- SADC Summit *Communiqué* on the establishment of the Organ on Politics, Defence and Security. Gaborone, Botswana: South African Development Community, June 1996.
- SADC *Treaty and Declaration*. Windhoek, Namibia: South African Development Community, 1992.
- Sendall, Nick and Maj.-Gen. M.P. Zondag. "Destruction of Surplus Stocks: South Africa's Progress." *Focus on Small Arms in Africa*, No. 2, June 2002.
- Shaw, Tim. "Human (In)Security in Africa: Prospects for Good Governance in the Twenty-First Century." Unpublished paper presented at Stellenbosch University, South Africa, 30 May 1999.
- Swatuk, Larry and Peter Vale. "Why Democracy is Not Enough: Southern Africa and Human Security in the Twenty-First Century." *Alternatives* 24, 1999.
- Tapfumaneyi, Walter. "The SADC Organ on Politics, Defence and Security: Interpreting the Decision of the Maputo 1997 SADC Summit." *ACCORD Occasional Paper* 9, 1999.
- Tokyo Follow-up Meeting of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. *Assessing the Outcome and Looking Ahead to Implement the Programme of Action*. Tokyo, Japan: 23-25 January 2002.
- United Nations Development Program. *Human Development Report*. New York: Oxford University Press, 1994.
- Van der Ardt, Maxi. "In Search of a More Adequate Concept of Security for Southern Africa." *South African Journal of International Affairs* 1:1, 1993.
- Van Nieuwkerk, Anthoni. "Regionalism into Globalism? War into Peace? SADC and ECOWAS Compared." *African Security Review* 10:2, 2001.
- Williams, Rocky. "From Collective Security to Peace-building? The Challenge of Managing Regional Security in Southern Africa." In C. Clapham et al. (eds.), *Regional Integration in Southern Africa: Comparative International Perspectives*. Johannesburg: SAIIA, 2001.
- Zacarias, Agostinho. "SADC: From a System to a Community of Security?" *African Security Review* 7:6, 1998.



# 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, preferably a Minister responsible for Foreign or External Affairs.
2. It shall be the responsibility of the Council to:
  - a. oversee the functioning and development of SADC;
  - b. oversee the implementation of the policies of SADC and the proper execution of its programmes;
  - c. advise the Summit on matters of overall policy and efficient and harmonious functioning and development of SADC;
  - d. approve policies, strategies and work programmes of SADC;
  - e. direct, co-ordinate and supervise the operations of the institutions of SADC subordinate to it;
  - f. recommend, for approval to the Summit, the establishment of directorates, committees, other institutions and organs;
  - g. create its own committees as necessary;
  - h. recommend to the Summit persons for appointment to the posts of Executive Secretary and Deputy Executive Secretary;
  - i. determine the Terms and Conditions of Service of the staff of the institutions of SADC;
  - j. develop and implement the SADC Common Agenda and strategic priorities;
  - k. convene conferences and other meetings as appropriate, for purposes of promoting the objectives and programmes of SADC; and
  - l. perform such other duties as may be assigned to it by the Summit or this Treaty.
3. The Chairperson and Deputy Chairperson of the Council shall be appointed by the Member States holding the Chairpersonship and Deputy Chairpersonship of SADC respectively.
4. The Council shall meet at least four times a year.
5. The Council shall report and be responsible to the Summit.
6. Decisions of the Council shall be taken by consensus.
7. The Council shall consider and recommend to the Summit any application for membership to SADC.

## ARTICLE 12

### INTEGRATED COMMITTEE OF MINISTERS

1. The Integrated Committee of Ministers shall consist of at least two ministers from each Member State.
2. It shall be the responsibility of the Integrated Committee of Ministers to:
  - a. oversee the activities of the core areas of integration which include:
    - i. trade, industry, finance and investment;
    - ii. infrastructure and services;
    - iii. food, agriculture and natural resources; and
    - iv. social and human development and special programmes;
  - b. monitor and control the implementation of the Regional Indicative Strategic Development Plan in its area of competence;
  - c. provide policy guidance to the Secretariat;
  - d. make decisions on matters pertaining to the directorates;
  - e. monitor and evaluate the work of the directorates; and
  - f. create such permanent or ad hoc subcommittees as may be necessary to cater for cross-cutting sectors.
3. The Integrated Committee of Ministers shall, with respect to its responsibilities under paragraph 2 of this Article, have decision making powers to ensure rapid implementation of programmes that would otherwise wait for a formal meeting of the Council.
4. The Chairperson and Deputy Chairperson of the Integrated Committee of Ministers shall be appointed from the Member States holding the Chairpersonship and Deputy Chairpersonship, respectively, of the Council.
5. The Integrated Committee of Ministers shall meet at least once a year.
6. The Integrated Committee of Ministers shall report and be responsible to the Council.
7. Decisions of the Integrated Committee of Ministers shall be taken by consensus.

## ARTICLE 13

### THE STANDING COMMITTEE OF OFFICIALS

1. The Standing Committee shall consist of one permanent secretary or an official of equivalent rank from each Member State, from the Ministry that is the SADC National Contact Point
2. The Standing Committee shall be a technical advisory committee to the Council.
3. The Standing Committee shall process documentation from the Integrated Committee of Ministers to the Council.
4. The Standing Committee shall report and be responsible to the Council.
5. The Chairperson and Deputy Chairperson of the Standing Committee shall be appointed from the Member States holding the Chairpersonship and the Deputy Chairpersonship, respectively, of the Council.

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;
  - g. administration and finances of the Secretariat;
  - h. preparation of Annual Reports on the activities of SADC and its institutions;
  - i. preparation of the Budget and Audited Accounts of SADC for submission to the Council;
  - j. diplomatic and other representations of SADC;
  - k. public relations and promotion of SADC; and
  - l. such other functions as may, from time to time, be determined by the Summit and Council.
2. The Executive Secretary shall liaise closely with other institutions, guide, support and monitor the performance of SADC in the various sectors to ensure conformity and harmony with agreed policies, strategies, programmes and projects.
3. The Executive Secretary and the Deputy Executive Secretary shall be appointed for four years, and be eligible for appointment for another period not exceeding four years.

## ARTICLE 16

### THE TRIBUNAL

1. The Tribunal shall be constituted to ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it.
2. The composition, powers, functions, procedures and other related matters governing the Tribunal shall be prescribed in a Protocol, which shall, notwithstanding the provisions of Article 22 of this Treaty, form an integral part of this Treaty, adopted by the Summit.
3. Members of the Tribunal shall be appointed for a specified period.



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.
7. A national steering committee shall be responsible for ensuring rapid implementation of programmes that would otherwise wait for a formal meeting of the SADC National Committee.
8. Sub-committees and technical committees shall endeavour to involve key stakeholders in their operations.
9. Each Member State shall create a national secretariat to facilitate the operation of the SADC National Committee.
10. Each national secretariat of a SADC National Committee shall produce and submit reports to the Secretariat at specified intervals.
11. Each Member State shall provide funds for the operation of its national secretariat which shall be structured according to the core areas of integration referred to in paragraph 2 of Article 12 of this Treaty.
12. Each SADC National Committee shall meet at least four times a year.
13. For purposes of this Article, key stakeholders include:
  - a. government;
  - b. private sector;
  - c. civil society;
  - d. non-governmental organizations; and
  - e. workers and employers organizations.

ARTICLE 17

SPECIFIC UNDERTAKINGS

1. Member States shall respect the international character and responsibilities of SADC, the Executive Secretary and other staff of SADC, and shall not seek to influence them in the discharge of their functions.
2. In the performance of their duties, the members of the Tribunal, the Executive Secretary and the other staff of SADC shall be committed to the international character of SADC, and shall not seek or receive instructions from any Member States, or from any authority external to SADC. They shall refrain from any action incompatible with their positions as international staff responsible only to SADC.

MEETINGS

ARTICLE 18

QUORUM

The quorum for all meetings of the institutions of SADC shall be two-thirds of its Members.

ARTICLE 19

DECISIONS

Except as otherwise provided in this Treaty, decisions of the institutions of SADC shall be taken by consensus.

ARTICLE 20

PROCEDURE

Except as otherwise provided in this Treaty, the institutions of SADC shall determine their own rules of procedure.

**CHAPTER SEVEN**

**CO-OPERATION**

ARTICLE 21

AREAS OF CO-OPERATION

1. Member States shall co-operate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit.
2. Member States shall, through appropriate institutions of SADC, co-ordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects in the areas of co-operation.
3. In accordance with the provisions of this Treaty, Member States agree to co-operate in the areas of:
  - a. food security, land and agriculture;

- 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.
4. Each Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the Member States.
5. Once a Protocol has entered into force, a Member State may only become a party thereto by accession.
6. Each Protocol shall remain open for accession by any State subject to Article 8 of this Treaty.
7. The original texts of each Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary who shall transmit certified copies thereof to all Member States.
8. The Executive Secretary shall register each Protocol with the Secretariat of the United Nations Organization and the Commission of the African Union.
9. Each Protocol shall be binding only on the Member States that are party to the Protocol in question.
10. Decisions concerning any Protocol that has entered into force shall be taken by the parties to the protocol in question.
11. No reservation shall be made to any Protocol.

## ARTICLE 23

### STAKEHOLDERS

1. In pursuance of the objectives of this Treaty, SADC shall seek to involve fully, the people of the Region and key stakeholders in the process of regional integration.
2. SADC shall co-operate with, and support the initiatives of the peoples of the Region and key stakeholders, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among the communities, associations and people of the Region.

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 of accounts for the Secretariat and submit them to the Council for approval.

ARTICLE 30

FINANCIAL REGULATIONS

The Executive Secretary shall prepare and submit to the Council for approval financial regulations, standing orders and rules for the management of the affairs of SADC.

**CHAPTER ELEVEN**

**IMMUNITIES AND PRIVILEGES**

ARTICLE 31

1. SADC, its institutions and staff shall, in the territory of each Member State, have such immunities and privileges as are necessary for the proper performance of their functions under this Treaty, and which shall be similar to those accorded to comparable international organisations.
2. The immunities and privileges conferred by this Article shall be prescribed in a Protocol.

**CHAPTER TWELVE**

**SETTLEMENT OF DISPUTES**

ARTICLE 32

Any dispute arising from the interpretation or application of this Treaty, the interpretation, application or validity of Protocols or other subsidiary instruments made under this Treaty, which cannot be settled amicably, shall be referred to the Tribunal.

**CHAPTER THIRTEEN**

**SANCTIONS, WITHDRAWAL AND DISSOLUTION**

ARTICLE 33

SANCTIONS

1. Sanctions may be imposed against any Member State that:
  - a. persistently fails, without good reason, to fulfill obligations assumed under this Treaty;

- b. implements policies which undermine the principles and objectives of SADC; or
  - c. is in arrears in the payment of contributions to SADC, for reasons other than those caused by natural calamity or exceptional circumstances that gravely affect its economy, and has not secured the dispensation of the Summit.
2. The Summit shall determine on a case-by-case basis sanctions to be imposed under subparagraphs a) and b) of paragraph 1 of this Article.
  3. Subject to subparagraph c) of paragraph 1 of this Article, sanctions against a Member State which is in arrears shall be imposed as follow:
    - a. when in arrears for one year, suspension of the Member State's right to speak and receive documentation at meetings of SADC;
    - b. when in arrears for two years, suspension:
      - i. of the Member State's right to speak and receive documentation at meetings of SADC; and
      - ii. by SADC of recruitment, and renewal of contracts of employment, of personnel from the Member State;
    - c. when in arrears for three years, suspension:
      - i. of the Member State's right to speak and receive documentation at meetings of SADC;
      - ii. by SADC of recruitment, and renewal of contracts of employment, of personnel from the Member State; and
      - iii. of provision by SADC of funds for new projects in the Member State; and
    - d. when in arrears for four or more years, suspension:
      - i. of the Member State's right to speak and receive documentation at meetings of SADC;
      - ii. by SADC of recruitment, and renewal of contracts of employment, of personnel from the Member State; and
      - iii. of provision by SADC of funds for new projects in the Member State; and
      - iv. of co-operation, between SADC and the Member State, in the areas of co-operation spelt out in Article 21 of this Treaty."
  4. The sanctions referred to in paragraph 3 of this Article shall be applied by the Secretariat without reference to the Summit or Council except that the application of the sanctions shall be subject to the Secretariat notifying –
    - a. prior to any meeting of SADC, Member States in default; and
    - b. Member States at the beginning of any meeting of SADC."

#### ARTICLE 34

#### WITHDRAWAL

1. A Member State wishing to withdraw from SADC shall serve notice of its intention in writing, a year in advance, to the Chairperson of SADC, who shall inform other Member States accordingly.

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 over the internationalisation of what is considered a domestic matter. The Government assured the Summit that the security situation was under control and that the government will do everything possible to ensure that the general elections in October 1996 are held in a free and fair environment.

The Summit noted with appreciation the brief on the political situation in Zambia. The Summit was satisfied that the Government of Zambia would do everything to ensure peace and stability in the country, and that the Government undertook to keep the region informed of any developments that may warrant Summit attention.

*Lesotho*

The Summit was briefed by the Government of Lesotho on the political situation and the measures the government had taken to consolidate peace and stability in that country.

The Summit noted with appreciation that there had been significant and commendable development towards peace and stability in Lesotho.

*Tanzania*

The Summit was briefed by the government of Tanzania on the East Africa Regional Summit which was held in Arusha on June 25 1996 to consider the deteriorating political and security situation in Burundi and the efforts being expanded to promote a political settlement to the conflict in that country.

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 Conflict Prevention, Management and Resolution;

CONVINCED that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

CONVINCED FURTHER that the Organ constitutes an appropriate institutional framework by which Member States could co-ordinate policies and activities in the area of politics, defence and security;

DETERMINED to achieve solidarity, peace and security in the Region through close co-operation on matters of politics, defence and security;

DESIROUS TO ENSURE that close co-operation on matters of politics, defence and security shall at all times promote the peaceful settlement of disputes by negotiation, conciliation, mediation or arbitration;

ACTING in pursuance of Article 10A of the Treaty;

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 requires:
  - “Chairperson” means the Chairperson of the Organ;
  - “ISDSC” means the Inter-State Defence and Security Committee;
  - “ISPDC” means the Inter-State Politics and Diplomacy Committee.
  - “Signatory” means a Member State which signs this Protocol;
  - “State Party” means a Member State that has ratified or acceded to this Protocol.

#### ARTICLE 2 OBJECTIVES

1. The general objective of the Organ shall be to promote peace and security in the Region.
2. The specific objectives of the Organ shall be to:
  - a. 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 aggression;
  - b. promote political co-operation among State Parties and the evolution of common political values and institutions;
  - c. develop common foreign policy approaches on issues of mutual concern and advance such policy collectively in international fora;
  - d. promote regional co-ordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end;

- 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
  - c. impede a State Party from fulfilling its obligations under the Treaty and this Protocol.
2. Any agreement between the Organ and a non-State Party, or between the Organ and an international organisation, shall be subject to approval by the Summit.

## ARTICLE 11

## CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

1. Obligation of the Organ under International Law
  - a. In accordance with the Charter of the United Nations, State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack.
  - b. State Parties shall manage and seek to resolve any dispute between two or more of them by peaceful means.
  - c. The Organ shall seek to manage and resolve inter- and intra-state conflict by peaceful means.
  - d. The Organ shall seek to ensure that the State Parties adhere to and enforce all sanctions and arms embargoes imposed on any party by the United Nations Security Council.
2. Jurisdiction of the Organ
  - a. The Organ may seek to resolve any significant inter-state conflict between State Parties or between a State Party and non-State Party and a ‘significant inter-state conflict’ shall include:
    - i. a conflict over territorial boundaries or natural resources;
    - ii. a conflict in which an act of aggression or other form of military force has occurred or been threatened; and
    - iii. a conflict which threatens peace and security in the Region or in the territory of a State Party which is not a party to the conflict.

- 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  
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

# **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, unfired primer, propellant, bullets and projectiles that are used in a firearm, provided those components are themselves subject to authorisation in the respective State Parties;
  - “brokering means:
    - a. acting for a commission, advantage or cause, whether pecuniary or otherwise; or
    - b. facilitating the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearms, ammunition or other related materials; and thereby acting as intermediary between any manufacturer or supplier of, or dealer in, firearms, ammunition and other related materials and buyer or recipient thereof;
  - “firearm” means:
    - a. any portable lethal weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas that are not subject to authorisation in the respective State Parties;

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, excessive and destabilising use and accumulation of, trafficking in, possession and use of, firearms, ammunition and other related materials in collaboration with international partners

#### ARTICLE 4

##### INTERNATIONAL INITIATIVES

State Parties undertake to consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, possession and use of firearms, ammunition and other related materials and to implement such instruments within their jurisdictions.

#### ARTICLE 5

##### LEGISLATIVE MEASURES

1. 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 destabilising accumulation, trafficking, possession and use.
2. State Parties shall enact the necessary legislation and take other measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations;
3. State Parties further undertake to incorporate the following elements in their national laws as a matter of priority:
  - a. the prohibition of unrestricted possession of small arms by civilians;
  - b. the total prohibition of the possession and use of light weapons by civilians;
  - c. the co-ordination of procedures for the import, export and transit of firearm shipments;
  - d. the regulation and centralised registration of all civilian-owned firearm in their territories;
  - e. measures ensuring that proper controls are exercised over the manufacturing of, possession and use of firearms, ammunition and other related materials;
  - f. provisions promoting legal uniformity and minimum standards in respect of the manufacture, control, possession, import, export and transfer of firearms, ammunition and other related materials;
  - g. provisions ensuring the standardised marking and identification of firearms at the time of manufacture, import or export;
  - h. provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all firearms, ammunition and other related materials

- 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

maintaining national electronic databases of licensed firearms, firearm owners, and commercial firearms traders within their territories.

#### ARTICLE 8 STATE-OWNED FIREARMS

State Parties undertake to:

- a. establish and maintain complete national inventories of firearms, ammunition and other related materials held by security forces and other state bodies;
- b. enhance their capacity to manage and maintain secure storage of state-owned firearms;
- c. harmonise relevant import, export and transfer documents and end-user control certificates regarding firearms, ammunition and related material; and
- d. establish systems to verify the validity and authenticity of documents issued by licensing authorities in the Region.

#### ARTICLE 9 MARKING OF FIREARMS AND RECORD-KEEPING

1. State Parties undertake to establish agreed systems to ensure that all firearms are marked with a unique number, at the time of manufacture or import, on the barrel, frame and, where applicable, the slide and undertake to keep proper records of the markings.
2. The marking referred to in paragraph 1 of this Article shall identify the country of manufacture, the serial number, and the manufacturer of the firearm.

#### ARTICLE 10 DISPOSAL OF STATE-OWNED FIREARMS

1. State Parties undertake to identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of firearms rendered surplus, redundant or obsolete through, inter alia,:
  - a. peace agreements;
  - b. demobilisation or reintegration of ex-combatants; and
  - c. re-equipment, or restructuring of armed forces or other armed state bodies.
2. State Parties shall pursuant to paragraph 1 of this Article consider:
  - a. encouraging full preparation for, and implementation of the collection, safe-storage, destruction or responsible disposal of firearms as part of the implementation of peace agreements;
  - b. establishing and implementing guidelines and procedures for ensuring that firearms, ammunition and other related materials rendered surplus, redundant or obsolete through the re-equipment or re-organisation of armed forces or other state bodies are securely stored, destroyed or disposed off in a way that prevents them from entering the illicit firearm market or flowing into

- regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint; and
- c. destroying surplus, redundant or obsolete state-owned firearms, ammunition or other related materials.

#### ARTICLE 11

##### DISPOSAL OF CONFISCATED OR UNLICENSED FIREARMS

1. State Parties undertake to adopt co-ordinated national policies for the disposal of confiscated or unlicensed firearms that come into the possession of state authorities.
2. State Parties undertake to develop joint and combined operations across the borders of State Parties to locate, seize and destroy caches of firearms, ammunition and other related materials left over after conflict and civil wars.

#### ARTICLE 12

##### VOLUNTARY SURRENDER OF FIREARMS

State Parties shall introduce programmes to encourage:

- a. lawful firearm holders to voluntarily surrender their firearms for destruction by the State, and in such cases, the State may consider paying compensation in cash or in kind; and
- b. illegal firearm holders to surrender their firearms for destruction, and, in such cases, the State may consider granting immunity from prosecution.

#### ARTICLE 13

##### PUBLIC EDUCATION AND AWARENESS PROGRAMMES

State Parties undertake to develop national and regional public education and awareness programmes to enhance public involvement and support for efforts to tackle firearms proliferation and illicit trafficking and to encourage responsible ownership and management of firearms, ammunition and other related materials.

#### ARTICLE 14

##### MUTUAL LEGAL ASSISTANCE

1. State Parties shall co-operate with each other to provide mutual legal assistance in a concerted effort 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.
2. Mutual legal assistance shall, inter alia, include the following:
  - a. communication of information and transfer of exhibits;
  - b. investigation and detection of offences;
  - c. obtaining evidence or statements;
  - d. execution of searches and seizures;
  - e. inspection of sites or examination of objects or documents;
  - f. request for judicial documents;
  - g. service of judicial documents;



- 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 flow of information among the law enforcement agencies in the Region;
- b. establishment of an infrastructure to enhance effective law enforcement, including suitable search and inspection facilities at all designated ports of exit and entry;
- c. establishment of multi-disciplinary law enforcement units for preventing, combating and eradicating the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use;
- d. promotion of co-operation with international organisations such as the International Criminal Police Organisation and World Customs Organisation and to utilise existing data bases such as the Interpol Weapons and Explosives Tracing System;
- e. establishment of national focal contact points within the respective law enforcement agencies for the rapid information exchange to combat cross-border firearm trafficking; and
- f. introduction of effective extradition arrangements.

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.

ARTICLE 23  
ACCESSION

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

ARTICLE 24  
WITHDRAWAL

1. Any State Party may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving to the Executive Secretary a written notice to that effect.
2. Any State Party that has withdrawn pursuant to paragraph 1 of this Protocol shall continue to enjoy all rights and benefits under this Protocol and shall remain bound by the obligations herein until the expiration of the period of twelve (12) months from the date of giving notice of intention to withdraw.

ARTICLE 25  
DEPOSITARY

1. The original text of this Protocol and all instruments of ratification and accession 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 Secretariats of the United Nations Organisation and the Organization of African Unity.

IN WITNESSES WHEREOF, WE, the Heads of State or Government or our duly authorised representatives, have signed this Protocol.

Done at ..... this ..... day of .....  
in three (3) 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

# **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;

DETERMINED to defend and safeguard the freedom of our peoples and their civilisation, as well as their individual liberties and the rule of law;

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 CONFLICT RESOLUTION

1. State Parties shall, in accordance with the principles of the Charter of the United Nations, settle any international dispute in which they may be involved, by peaceful means, in such a manner that regional and international peace, security and justice are enhanced.
2. State Parties shall refrain, in their international relations, from the threat of or use of force in any manner inconsistent with the principles mentioned in paragraph 1.

ARTICLE  
MILITARY PREPAREDNESS

In order to effectively achieve the objectives of this Pact, State Parties shall individually and collectively, by means of continuous co-operation and assistance, maintain and develop their individual and collective self-defence capacity to maintain peace, stability and security.

ARTICLE 5  
CONSULTATION

1. Any State Party that considers its territorial integrity, political independence and security to be under threat from another State Party, shall consult with such other State Party first and then with the Organ.
2. Where such consultation does not yield satisfactory results the Chairperson of the Organ may constitute a joint verification mission to investigate the reported threat or alleged threat by a State Party.

ARTICLE  
COLLECTIVE SELF-DEFENCE AND COLLECTIVE ACTION

1. An armed attack against a State Party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action.
2. Collective action shall be mandated by Summit on the recommendation of the Organ.
3. *Each State Party shall participate in such collective action in any manner it deems appropriate.*
4. Any such armed attack, and measures taken in response thereto, shall immediately be reported to the Peace and Security Council of the African Union and the Security Council of the United Nations.

ARTICLE 7  
NON-INTERFERENCE

1. Without prejudice to the provisions of Article 11 (2) of the Protocol on Politics, Defence and Security Co-operation, State Parties undertake to respect one another's territorial integrity and sovereignty and, in particular, observe the principle of non-interference in the internal affairs of one another.
2. No action shall be taken to assist any State Party in terms of this Pact, save at the State Party's own request or with its consent, except where the Summit decides that action needs to be taken in accordance with the Protocol.

## 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 another's territory;
- b. exchange military intelligence and information in all relevant matters subject to any restrictions or otherwise of national security; and
- c. joint research, development and production under license or otherwise of military equipment, including weapons and munitions, and to facilitate the supply of, or the procurement of defence equipment and services among defence-related industries, defence research establishments and their respective armed forces.

## ARTICLE 10 SUPPLEMENTARY AGREEMENTS

State Parties may, in respect of any particular issue covered by the provisions of this Pact, make such subsequent agreements, of a specific or general nature, as would, in their opinion, enhance the effective implementation of this Pact.

## ARTICLE 11 IMPLEMENTATION

1. State Parties shall receive delegations of Member States for the purpose of consultation regarding implementation of any aspect of this Pact.
2. The Secretariat of the SADC Organ shall co-ordinate the implementation of this Pact.

## ARTICLE 12 CONFIDENTIALITY

1. State Parties undertake not to disclose any classified information obtained in the implementation of this Pact, or any other related agreements, other than to their own staff, to whom such disclosure is essential for purposes of giving effect to this Pact or such further agreements pursuant to this Pact.

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.
3. Visiting personnel shall, in the implementation of this Pact, comply with the security regulations of the host State Party and any information disclosed or made available to such visiting personnel shall be treated in accordance with this Article.

ARTICLE 13  
SETTLEMENT OF DISPUTES

Any dispute among the State Parties arising from the interpretation or application of this Pact shall be settled amicably and where there is no resolution, the matter shall be referred to the Tribunal.

ARTICLE 14  
WITHDRAWAL

Any State Party may withdraw from this Pact upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ and shall cease to enjoy all rights and benefits under this Pact, and shall indefinitely remain bound by the provisions of Article 12.

ARTICLE 15  
SAVING PROVISIONS

1. The State Parties shall:
  - a. declare that none of the international engagements between them and with any Third Party is in conflict with the spirit and provisions of this Pact;
  - b. recognise existing defence agreements, provided such agreements are not in conflict with the spirit and provisions of this Pact.
2. Where an existing agreement is inconsistent with this Pact, the State Parties concerned shall take steps to amend the agreement accordingly.
3. This Pact shall not derogate from the State Parties' rights and obligations under the Charter of the United Nations and the Constitutive Act of the African Union and relevant treaties and conventions concerning human rights and international humanitarian law.
4. This Pact shall not derogate from the responsibility of the United Nations Security Council for the maintenance of international peace and security.

ARTICLE 16  
SIGNATURE

This Pact shall be signed by duly authorised representatives of State Parties to the Protocol on Politics, Defence and Security Co-operation.



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

1. Any State Party may propose an amendment to this Pact.
2. Such proposals are to be made to the Chairperson of the Organ who shall duly notify all State Parties of the proposed amendments, at least thirty (30) days in advance, for consideration by those members of the Ministerial Committee who are State Parties to this Pact.
3. An amendment to this Pact shall be adopted by decision of three quarters of all the State Parties.

ARTICLE 20  
ENTRY INTO FORCE

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

ARTICLE 21  
DEPOSITARY

1. The original texts of this Pact, and all instruments of ratification and accession, shall be deposited with the Executive Secretary, who shall transmit certified copies to all Member States in English, French and Portuguese.
2. The Executive Secretary of SADC shall register this Pact with the Secretariat of the United Nations and the Commission of the African Union (AU).

ARTICLE 22  
BREACH OF THE PACT

Any State Party may report an alleged breach of this Pact to the Chairperson of the Organ, who shall institute an investigation, compile a report and make recommendations to the Summit.

IN WITNESS WHEREOF, We, the Heads of State or Government or our duly authorised representatives have signed this Pact.

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.

