

## **Chapter 4**

# **The Southern African Development Community**

### **1 Introduction**

The Southern African Development Community (SADC) is an inter-governmental organisation and one of eight Regional Economic Communities (RECs) premised on regional economic and political integration. On 1 April 1980, nine Southern African states formed the Southern African Development Coordination Conference (SADCC) with the adoption of the Lusaka Declaration (Southern Africa: Toward Economic Liberation). SADCC was in all aspects the predecessor to SADC, aimed predominantly at economic and political independence of the signatory states. In particular, SADCC aimed to decrease economic dependence on Apartheid South Africa, advance regional integration, and broaden political independence among states. In 1989, the Summit of Heads of State or Government of SADCC decided it should be formalised so to be given legal status under a charter or treaty.

On 17 August 1992, the Summit of Heads of State or Government of SADCC meeting in Windhoek, Namibia, signed the Declaration and Treaty of SADC (the Treaty), formally transforming SADCC into SADC. The organisation was established under Article 2 of the SADC Treaty and is headquartered in Gaborone, Botswana. Article 9 of the Treaty established six principal institutions: the Summit of Heads of State and Government, the Council of Ministers, Commissions, the Standing Committee of Officials, the Secretariat and the Tribunal (suspended in August 2012 by the Summit of the SADC Heads of State and Government). In 2001 the Treaty was amended to create several additional institutions which included the Organ on Politics, Defence and Security, the Integrated Committee of Ministers (replacing Commissions), SADC National Committees and The Troika. The Treaty has since been amended six times, with the most recent amendment having taken place in 2015.

## Member States



### SADC Military Interventions

#### Intervention in the Democratic Republic of the Congo (Operation Sovereign Legitimacy) (1998-1999)

In 1998 under the SADC Allied Forces, three SADC states – Angola, Namibia and Zimbabwe, launched a military intervention into the Democratic Republic of the Congo (DRC). The intervention was aimed at protecting the DRC against rebel forces from Rwanda and Uganda which all but edged on a full-scale invasion of the country. The SADC intervention was initiated at the request of then President Laurent Kabila and was authorised by the SADC Organ on Politics, Defence and Security Cooperation. The intervention was codenamed *Operation Sovereign Legitimacy* and ended in 1999 following the signing of the Lusaka Agreement. Three SADC member states – Malawi, South Africa and Tanzania were also later part of the United Nations Force Intervention Brigade (FIB), a military contingent under the United Nations Stabilisation Mission in the DRC (MONUSCO). MONUSCO was first authorised under United Nations Security Council Resolution 2098 (2013) and was the first instance in which the United Nations had authorised targeted offensive operations by a peacekeeping mission – in this case, against the M23 armed movement.

**Intervention in Lesotho (Operation Boleas) (1999)**

In 1999, a second SADC military intervention occurred, this time in Lesotho. Codenamed *Operation Boleas*, the SADC intervention was lead by South Africa with support from Botswana. The intervention was launched in response to a coup against the ruling Lesotho Congress of Democrats. Some 600 members of the South African National Defence Force were deployed on 22 September 1998, alongside an additional 200 troops from Botswana. The intervention was aimed at stabilising the security situation in Lesotho and resulted in the creation of the Independent Political Authority.

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**2 Treaties**

**Treaty of the Southern African Development Community  
(SADC) (1992/1993)**

Full title: Treaty of the Southern African Development Community (SADC) (Consolidated text)

Date/place of adoption/conclusion: 17 August 1992, Windhoek, Namibia

Entered into force (EIF): September 1993

EIF provision: Article 42

Authentic texts: English, Portuguese

Available online at: <https://bit.ly/2Za3fuG>

\* The Treaty of the Southern African Development Community (1992) as amended by: The Agreement Amending the Treaty (2001), The Agreement Amending Article 22 of the Treaty (2007), The Agreement Amending the Treaty (2008), The Agreement Amending Article 10A of the Treaty (2009), The Agreement Amending Articles 10 and 14 of the Treaty (2009).

*Excerpts*

**Preamble**

We, the Heads of State or Government of:

...

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;

...

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 2: 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.

...

## **Chapter 3: 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:
  - ...
  - (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;
  - ...
  - (i) combat HIV/AIDS or other deadly and communicable diseases;
  - ...

## Chapter 5: 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;
- ...

### *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.

...

### *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 coordination 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 14: The Secretariat*

1. The Secretariat shall be the principal executive institution of SADC, and shall be responsible for:
  - ...
  - (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 Cooperation, Council, Troika of the Council, Integrated Committee of Ministers and Troika of the Integrated Committee of Ministers;

...

## **Chapter 7: Co-operation**

### ***Article 21: Areas of Co-operation***

1. Member States shall cooperate 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, coordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects in the areas of cooperation.
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;
  - ...
  - (f) natural resources and environment;
  - ...
  - (h) politics, diplomacy, international relations, peace and security.
4. Additional areas of co-operation may be decided upon by the Council.

## **Chapter 13: 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.

...

### **Protocol on Combatting Illicit Drug Trafficking (1996/1999)**

Full title: Protocol on Combatting Illicit Drug Trafficking in the Southern African Development Community (SADC) Region

Date/place of adoption/conclusion: 24 August 1996, Maseru, Lesotho

Entered into force (EIF): 20 March 1999

EIF provision: Article 14

Authentic texts: English, Portuguese

Available online at: <https://bit.ly/2W0Nnss>

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### **Protocol on Politics, Defence and Security Co-operation (2001/2004)**

Full title: Protocol on Politics, Defence and Security Co-operation

Date/place of adoption/conclusion: 14 August 2001, Blantyre, Malawi

Entered into force (EIF): 2 March 2004

EIF provision: Article 20

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/3iMPudd>

#### ***Excerpts***

...

**Taking cognisance** of the decision of SADC to create the ORGAN on Politics, Defence and Security which decision 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 cooperation on matters of politics, defence and security;

**Desirous to ensure** that close cooperation 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 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 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.

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

- (c) cooperation 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.

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### **Protocol on Mutual Legal Assistance in Criminal Matters (2002/2007)**

Full title: Protocol on Mutual Assistance in Criminal Matters

Date/place of adoption/conclusion: 3 October 2002, Luanda, Angola

Entered into force (EIF): 1 March 2007

EIF provision: Article 29

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/3fiuvvg4>

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### **Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC) Region (2001/2004)**

Full title: Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region

Date/place of adoption/conclusion: 14 August 2001, Blantyre, Malawi

Entered into force (EIF): 8 November 2004

EIF provision: Article 22

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/3iNW4jp>

#### *Excerpts*

#### **Preamble**

...

**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 cooperation, 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) to facilitate 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-machines 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 cooperation 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,

- (c) ammunition and other related materials; and 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.

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**Mutual Defence Pact (2003/2008)**

Full title: SADC Mutual Defence Pact

Date/place of adoption/conclusion: 27 August 2003, Dar es Salam, Tanzania

Entered into force (EIF): 17 August 2008

EIF provision: Article 20

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2ZbbAOv>

**Preamble**

We, the Heads of State and Government of:

**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 cooperation 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 cooperation 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 4: 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 6: 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 Cooperation, 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 Cooperation***

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 cooperation 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 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.

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### 3 Declarations, frameworks and policies

#### SADC Declaration: Towards a Southern Africa Free of Anti-Personnel Landmines (1997)

Full title: Towards a Southern Africa Free of Anti-Personnel Landmines: A Declaration by the Heads of State or Government of the Southern African Development Community (SADC)

Date/place of adoption/conclusion: 8 September 1997, Blantyre, Malawi

Authentic texts: English, Portuguese

Available online at: <https://bit.ly/3iK7tRg>

#### *Excerpts*

We, the Heads of State or Government of the Southern African Development Community:

Recall that tens of thousands of freedom fighters were killed or maimed by landmines, during the struggle for independence, justice, peace and security in some of the Southern African countries;

**Recognise** that tens of thousands of innocent men, women and children are killed or maimed by landmines every year;

**Commend** the courage and commitment of the humanitarian deminers, who daily risk their lives to remove these deadly weapons from the soils of affected countries;

**Take note** of the urgent need for a comprehensive global ban of anti-personnel landmines and greatly expanded programmes for mine clearing and victim assistance;

**Recognise** that a comprehensive ban rests on the international Treaty banning the production and use of landmines and call for humanitarian clearing of landmines and assisting landmine victims;

**Recognise** the particular importance of this year as the international community moves towards the signing of a Treaty concerning the total ban of the use of anti-personnel mines in Ottawa, Canada, in December 1997;

**Welcome** the various initiatives taken by SADC Governments to convene meetings to discuss a complete ban on anti-personnel landmines;

...

**Appreciate** the generous assistance being rendered to SADC by the European Union on the landmine clearing project, as well as other assistance rendered by the International Community to SADC countries on the same matter, on a bilateral basis;

**Note** the launch of new landmines campaigns in the SADC region, especially in Angola, Zambia, Zimbabwe and other countries in Africa, and worldwide;

**Welcome** the announcements by the Governments of South Africa and Mozambique of their intention to ban the use, production, development, trade and stockpiling of anti-personnel mines;

**Urge** all SADC Member states:

To take unilateral steps to ban the use, production, trade and stockpiling of Anti-personnel Landmines in their territories;

To support landmine ban campaigns, especially by the general public and NGOs in their territories;

To implement the relevant UN Resolutions urging for a worldwide ban on the production and use of anti-personnel landmines;

To implement the various OAU Resolutions urging for a continent-wide ban on the production and use of anti-personnel landmines on the African Continent;

To publicly commit themselves to the objective of signing the international Treaty banning the production, trade and use of all anti-personnel landmines to be signed in December 1997;

To increase greatly resources for mine clearance from all mine infested areas in the affected SADC Countries;

To increase resources for assisting landmine victims.

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### **Declaration Concerning Firearms, Ammunition and Other Related Matters in SADC (2001)**

Full title: Declaration Concerning Firearms, Ammunition and Other Related Matters in the Southern African Development Community

Date/place of adoption/conclusion: 9 March 2001, Windhoek, Namibia

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2CnMAdS>

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## Declaration on Terrorism (2002)

Full title: Declaration on Terrorism

Date/place of adoption/conclusion: 14 January 2002, Blantyre, Malawi

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/3fepLYL>

### *Excerpts*

...

**Concerned** with national independence, sovereignty and territorial integrity as well as the social and economic development and with the stability and security of all SADC Member States;

**Conscious** that harmonious cooperation in the African continent and in the region in particular, based on the principles that guide the African Union can only be achieved in conditions of peace and in a climate of political, social and economic stability;

**Considering** that threats and acts of terrorism in the region, the African continent and the world have prompted the international community to strengthen the mechanisms for preventing and combating all forms of terrorism;

**Considering** further that terrorism constitutes an impediment to the full enjoyment of fundamental rights and freedoms of humankind;

**Conscious** of the imperative need to protect human rights and individual liberties in conformity with the principles enshrined in international legal instruments, in particular the right to life;

...

Condemn all acts of terrorism wherever they occur and, therefore, undertake to:

1. accede or ratify international instruments on combating terrorism, adopted by the OAU and the United Nations and incorporate them into domestic laws;
2. fight with all means at our disposal all forms of terrorism that endanger the lives of innocent civilians, disrupt regional security, stability and the constitutional order of states;
3. cooperate at all levels in the exchange of information and identification of persons, institutions and networks associated with terrorism;
4. urge Member States to create, strengthen and harmonise legal instruments for the prosecution of groups or individuals involved in terrorism.
5. prevent SADC Member States from being used as bases or support centres for groups or individuals involved in terrorist activities;

- 6. appeal to cooperating partners for financial, technical and human resource development assistance to SADC Member States to enable them effectively combat terrorism.

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**Revised Strategic Indicative Plan for the Organ on Politics,  
Defence and Security Cooperation (2010)**

Full title: Revised Edition | Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation

Date/place of adoption/conclusion: 5 August 2010, Maputo, Mozambique

Available online at: <https://bit.ly/2ZUIQsq>

\* Preceded by the Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation of 5 August 2004.

*Excerpts*

**1. Introduction**

- 1.1.1. The Southern African Development Community (SADC) Declaration and Treaty define SADC's vision as a SHARED FUTURE in an environment of peace, security and stability, regional cooperation and integration based on equity, mutual benefit and solidarity.
- 1.1.2. This vision needs to be appreciated within the context, historical processes and experiences of the region. Formal cooperation in politics, defence and security can be traced back to the creation of the Front Line States (FLS) in 1977. The Front Line States played a pivotal role in the liberation of Southern Africa.
- 1.1.3. To strengthen the existing cooperation, preserve independence, ensure regional development and integration, the region established the Southern African Development Coordination Conference (SADCC) in 1980.
- 1.1.4. The need for peace and security, economic and social development through regional integration culminated in the birth of the Southern African Development Community (SADC) in 1992.
- 1.1.5. Recognising the need for establishing a climate conducive to social and economic development in the region, SADC has been undertaking various actions aimed at contributing to the

maintenance and consolidation of peace and security. It has in particular, structured itself in a manner designed to make its efforts to preserve peace and security more effective.

- 1.1.6. Member states are demonstrating the will to cooperate in political, defence and security matters, and this has created an enabling environment for peace, security and stability in the region through the prevention, management and resolution of conflicts within and between states. However, the region still faces potential and actual military threats that include inter alia, armed conflicts in some member states, unfinished demobilisation, disarmament, reintegration and monitoring of former military personnel, terrorism and the prevalence of landmines.
- 1.1.7. The Heads of State and Government Summit held on 28 June 1996, in Gaborone, Botswana, established the SADC Organ on Politics, Defence and Security Cooperation.
- 1.1.8. On 17 August 1999, in Maputo, Mozambique, the SADC Heads of State and Government decided to restructure all SADC institutions including the Organ. The Extraordinary Summit of Heads of State and Government, in Windhoek, Namibia, on 9 March 2001, approved the 'Report on the Review of the Operations of the SADC institutions'.
- 1.1.9. On 14 August 2001, in Blantyre, Malawi, the SADC Heads of State and Government signed the 'SADC Protocol on Politics, Defence and Security Cooperation, which provides an institutional framework by which member states coordinate policies and activities in the areas of politics, defence, and security.
- 1.1.10. At its extraordinary meeting held in Blantyre, Malawi, on 14 January 2002, the Summit mandated that the SADC Organ on Politics, Defence and Security Cooperation prepare the 'Strategic Indicative Plan for the Organ' (SIPO), which would provide guidelines for the implementation of the 'SADC Protocol on Politics, Defence and Security Cooperation' for the next five years.
- 1.1.11. The SIPO is based on the objectives and common agenda of SADC as stated in Article 5 of the SADC Treaty as amended on 14 August 2001 in Blantyre, Malawi. The guiding principles for the strategic activities outlined in the SIPO are those that guide the implementation of the common agenda as stated in the 'Report on the Review of the Operations of SADC Institutions' approved by the SADC Extraordinary Summit on 9 March 2001 in Windhoek, Namibia.

## **1.2. Milestones and Challenges of the SIPO First Edition**

- 1.2.1. Member states have continued to deepen their cooperation in the areas of politics, defence and security so as to enhance regional



integration. The sharing and exchange of information and expertise has contributed to the strengthening of trust amongst member states. This has also served to bolster confidence in each other.

- 1.2.2. Member states understand that they have come a long way together, and that they have a common future. They have been cooperating in various defence areas, such as the exchange of information, visits, the sharing of training institutions, the carrying out joint exercises, and availing support to one other during emergencies and in times of political challenge.
- 1.2.3. 'The SADC Mutual Defence Pact' stands as a regional commitment towards collective self-defence and the preservation of peace and security in the region; an armed attack against one shall be deemed a threat to regional peace and security.
- 1.2.4. The successful launching and operationalisation of the SADC Standby Force is a commitment of purpose that ensures the region's collective approach to defence and security affairs and that goes towards the protection of the people and safeguarding the stability of the region.
- 1.2.5. The integration of Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) into the Inter-State Defence and Security Committee (ISDSC) is yet another development intended to deepen regional integration and cooperation of policing in the region.
- 1.2.6. The region established the Regional Early Warning Centre (REWC), which was operationalised and launched for conflict prevention and management.
- 1.2.7. Overall, there has been substantial progress in the SADC region on issues related to political governance, the observation of elections, the establishment of the SADC Electoral Advisory Council (SEAC) and the mediation units.
- 1.2.8. Though there is relative peace and stability in the region, there are challenges in the form of climate change, economic recession, unconstitutional change of governments, the growing vulnerability of national borders, illegal migration, increases in organised transnational crime, drug and human trafficking, money laundering, illicit mining, maritime piracy and so forth.
- 1.2.9. The reviewed SIPO was restructured in an endeavour to respond to identified challenges that would threaten the security and political stability of the region.
- 1.2.10. Key to the success of the SIPO is the need for the Organ to pursue regular monitoring and evaluation of its programs in order to ensure implementation in all sectors. Therefore, annual plans should be developed to complement the SIPO.

## 2. The Sipo Review Process

The SIPO evaluation exercise held in February 2007 in Dar es Salaam, United Republic of Tanzania recommended the review of the SIPO before its expiry in 2009. The workshop noted that there was need to review and re-evaluate the SIPO every five years in order to ensure that it remains in line with changing circumstances in the region.

The second review workshop was held in the Kingdom of Swaziland from 17-20 March 2009.

The Ministerial Committee of the Organ (MCO) at its meeting on 2 August 2009 directed the Secretariat to ensure the finalisation and consolidation of the second edition of the SIPO by 2010.

Following the MCO decision, member states convened in Gaborone, Botswana from 24-27 May 2010 to consolidate the SIPO as reviewed in the Kingdom of Swaziland. As a result, the meeting recommended that the Organ Troika meet from 22-25 June 2010 to harmonise the reviewed and consolidated SIPO document.

The SIPO review process involved the review of the objectives, strategies and activities undertaken by the various sectors as well as the inclusion of the police as a stand alone sector of the Organ.

The SIPO review was undertaken in response to, among others, the following:

- The changing geo-political environment
- Weaknesses in the first edition of the SIPO document to adequately respond to evolving challenges
- Inadequate provision for the coordinated monitoring and evaluation of the implementation process of the SIPO
- Inadequate human resources to coordinate the implementation of activities
- Lack of coordination in the implementation of issues that cut across sectors
- The need to restructure Organ sectors

### 2.1. Structure of the SIPO

The Strategic Indicative Plan for the Organ is divided into five main Sectors. These are:

- (i) The Political Sector
- (ii) The Defence Sector
- (iii) The State Security Sector
- (iv) The Public Security Sector
- (v) The Police Sector

The objectives of the SIPO are provided for in the 'Protocol on Politics, Defence and Security Cooperation'. The SIPO therefore, seeks to identify strategies and activities to achieve these objectives.

### **2.3. Monitoring and Evaluation**

Strict monitoring and evaluation mechanisms shall be put in place. These monitoring mechanisms shall include:

- (i) A review of the implementation of planned activities
- (ii) The provision of information on regular basis to stakeholders

### **2.4. Action Plans**

For the implementation of SIPO, the sectors should develop annual action plans.

## **3. The Political Sector**

### **3.1. Analysis**

The regional political situation is characterised by the acceptance of political pluralism. In this regard, SADC countries hold regular democratic elections and conduct consultations aimed at enhancing and deepening a democratic culture. Good political cooperation has ushered in peace and created an enabling environment for socio-economic development.

In the diplomatic sphere, member states have continued to undertake regular consultations on matters of mutual interest.

A number of regional institutions have been created with the aim of, among others, deepening cooperation and mutual trust among Member States. The institutions include inter alia the Inter- State Politics and Diplomacy Committee (ISPDC), SADC Electoral Advisory Council (SEAC) and the SADC Mediation Unit.

The SADC Mediation Unit will add value to the role played by statespersons and eminent persons of the region in conflict resolution within the region and beyond.

The prevailing peace and the deepening of democratic practices have contributed to the emergence and growth of civil society organisations. Various organisations within civil society are involved in different development initiatives that directly impact on the lives of the people.

The strengthening of existing common values and culture is at the centre stage of cooperation among member states. Whereas conventional borders confer nationality to citizens, cultural values transcend boundaries. The process of building the nation-state is taking place in tandem with the process of building the SADC Community.

A number of public and private research institutions are involved in the analysis of politics, international relations, security and human rights issues.

At the continental level, SADC has been active in the establishment and consolidation of the African Union (AU), its institutions and programmes such as the Peace and Security Council (PSC) and the New Partnership for Africa's Development (NEPAD).

### 3.2. Challenges

Despite the above positive developments, SADC still faces a number of political, economic and social challenges. These include:

- (i) Economic underdevelopment and poverty;
- (ii) The HIV/AIDS pandemic;
- (iii) Inter and intra state conflict;
- (iv) Consolidation of democracy and good governance;
- (v) Refugees, irregular movers, illegal migrants and internally displaced persons;
- (vi) The need to redress imbalances in accessibility to natural resources and wealth;
- (vii) The demobilisation, disarmament, reintegration and monitoring of ex-combatants;
- (viii) The development and consolidation of regional disaster management mechanisms; and
- (ix) Corruption.

#### Objective 1

To protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra state and inter state conflict and aggression.

#### Strategies

- (a) Promote the exchange of information and to review regional political and security situation and developments.
- (b) Establish appropriate mechanisms to avert all forms of threat against member states through diplomatic initiatives.
- (c) Enhance capacity for conflict prevention, management and resolution.
- (d) Encourage the contribution of civil society to conflict prevention, management and resolution.
- (e) Carry out regular and inclusive assessments and identify factors with potential to cause conflict.

#### Specific Activities

- (a) Strengthen communication and cooperation links within SADC countries between SADC and the AU Commission and the AU institutions.
- (b) Establish appropriate institutions and undertake diplomatic initiatives to promote a culture of peace and tolerance.
- (c) Promote peace building activities such as awareness programs and resource mobilisation for mine action.
- (d) Design a common approach to the reintegration of demobilised soldiers including child soldiers.
- (e) Identify and assess conflict factors.

**Expected Outcomes**

- (a) Effective and secure communication among SADC member states and between SADC and the AU Commission.
- (b) Prevention of all forms of threats against member states.
- (c) Sustainable socio-economic development and poverty eradication achieved.
- (d) Strengthened capacity for peace, security and development in the region.
- (e) Enhanced participation of civil society.

**Objective 2**

To promote political co-operation among Member States and the evolution of common political values and institutions. Strategies Promote public debates and awareness activities throughout SADC on its achievements.

**Specific Activities**

- (a) Identify and utilise regional centres of excellence for the exchange and sharing of political and diplomatic experiences.
- (b) Organise roundtable discussions to deliberate on the involvement of civil society in Organ activities.
- (c) Identify research and academic institutions to undertake studies on foreign policy.
- (d) Organise consultative workshop between the SIPO and the RISDP.

**Expected Outcomes**

- (a) Development of a common approach to foreign policy formulation and practices.
- (b) Enhanced political cooperation among member states.
- (c) Effective interaction between the Organ and the civil society.
- (d) Better coordination and more efficient utilisation of resources amongst SADC structures.

**Objective 3**

To prevent, contain and resolve inter and intra state conflict by peaceful means.

**Strategies**

- (a) Enhance the capacity for conflict prevention, management and resolution.
- (b) Encourage the contribution of civil society to conflict prevention, management and resolution.
- (c) Carry out regular and inclusive assessments and identify factors with potential to cause conflict.

**Specific Activities**

- (a) Promote peace-building activities such as awareness programs and resource mobilisation for mine action.

- (b) Design a common approach to the reintegration of demobilised soldiers including child soldiers.
- (c) Identify and assess conflict factors.

### **Expected Outcomes**

- (a) Strengthened capacity for peace, security and development in the region.
- (b) Enhanced participation of civil society.

### **Objective 4**

To promote the development of democratic institutions and practices by state parties and encourage the observance of universal human rights.

### **Strategies**

- (a) Achieve common electoral standards in the region.
- (b) Promote the principles of democracy, good governance and rule of law.
- (c) Encourage political parties and all stakeholders to accept the outcome of elections held in accordance with African Union and SADC electoral standards.
- (d) Establish a SADC Electoral Advisory Council (SEAC) and define its functions.

### **Specific Activities**

- (a) Consistently observe elections in the region.
- (b) Identify and share best practices.
- (c) Identify, encourage and strengthen capacity of institutions that promote democracy and good governance within member states.
- (d) Encourage member state production of periodic reports on human rights issues to relevant bodies and SADC structures.
- (e) Support of member states' judicial systems.
- (f) Encourage a culture of consultation among political stakeholders.
- (g) Establishment of the SADC Electoral Advisory Council.

### **Expected Outcomes**

- (a) Common electoral standards in the region.
- (b) Enhanced democracy and good governance practices in member states.
- (c) Improved human rights situation in the region.
- (d) Enhanced delivery of justice.
- (e) Improved electoral process management.
- (f) Enhanced democracy and good governance.
- (g) Improved electoral processes.

### **Objective 5**

To encourage member states to observe and implement the United Nations Charter, African Union Constitutive Act as well as other instruments

related to the Organ.

### **Strategies**

- (a) Ratify and accede to the relevant conventions, treaties and protocols.
- (b) Promote regular bilateral and multilateral consultations on matters of mutual interest.

### **Specific Activities**

- (a) Identify and evaluate the status of ratification of international treaties and conventions relevant to the Organ.
- (b) Evaluate the status and timeliness of implementation of conventions, treaties and protocols relating to the Organ.
- (c) Encourage member states to engage in bilateral and multilateral consultations on matters of mutual interest.

### **Expected Outcomes**

- (a) Member States governed by the same international legal regime.
- (b) Harmonisation of positions and approaches on issues of mutual interest in the international fora.

## **Objective 6**

To develop peacekeeping and coordination capacities of Member States for effective participation in regional and international peace support operations.

### **Strategies**

- (a) Enhance regional capacity for peace support operations.
- (b) Mobilise resources and enhance regional capacity for peace support operations.

### **Specific Activities**

- (a) Ensure the training of the civilian component of the SADC Standby Force (SADC SF).
- (b) Periodically review of the training curricula of the Regional Peace Training Centre (RPTC) to include civilian component courses.
- (c) Mobilise resources for the capacitation of the civilian component.
- (d) Overall resource mobilisation for the sector to ensure the full operationalisation of peace support operations and the RPTC.
- (e) Establish a civilian roster within the SADC Secretariat.

### **Expected Outcomes**

Effective participation of the civilian component in peace support operations.

## **Objective 7**

To enhance regional capacity in respect of disaster risk management, and

coordination of regional disaster response and international humanitarian assistance.

### **Strategies**

- (a) Strengthen and consolidate regional disaster risk management mechanisms.
- (b) Develop and implement sustainable mechanisms for knowledge management and information sharing at SADC and national levels.
- (c) Enhance natural disaster early warning capacities, structures and networks at regional and national levels.
- (d) Align national and regional Disaster Risk Reduction (DRR) policies, strategies and action plans with international and regional strategies and trends.
- (e) Facilitate DRR training and capacity needs assessment in member states.

### **Specific Activities**

- (a) Establish and strengthen a DRR Coordination Unit at SADC Secretariat.
- (b) Revise and implement the 'SADC DRR Strategic Plan' and align with 'Hyogo Framework for Action' and the 'Africa DRR Strategy'.
- (c) Develop and implement the regional disaster response mechanism to guide regional response to disasters.
- (d) Enhance disaster risk mapping, hazard monitoring and risk/vulnerability assessments for disaster preparedness, prevention and response.
- (e) Facilitate formulation and implementation of national and regional policies and action plans to allow for harmonisation and alignment with national, regional and international strategies and trends.
- (f) Facilitate DRR training, the exchange of data and information, lessons learnt and best practices among Member States.

### **Expected Outcomes**

- (a) Effective coordination of DRR at regional level.
- (b) Consolidated regional Plan of Action for DRR.
- (c) Reduction in loss of life and damage to property.
- (d) Effective sharing of DRR information and experiences.
- (e) Better management of disaster risks and emergencies.
- (f) Trained and skilled DRR personnel.

## **4. The Defence Sector**

### **4.1. Analysis**

The Southern African region has for decades been developing and strengthening regional cooperation in the defence sector. This cooperation has significantly contributed to the prevailing peace and stability in the



region, which is a fundamental prerequisite for social and economic development.

The advent of relative peace and stability throughout the region has refocused the role of the military to peace support operations, humanitarian assistance and as a support to civil authority.

In order to ensure the effective conduct of peace support operations the ISDSC has strengthened the Regional Peacekeeping Training Centre (RPTC) in Zimbabwe to cover all components of SADC SF. In doing so, SADC Defence Forces have continued to hold joint peace support exercises such as Blue Ruvuma and Golfinho which were important milestones in operationalising the SADC SF.

At the international level, many SADC Member States have continued to contribute to UN and AU peace support operations.

#### **4.2. Challenges**

Notwithstanding the achievements stated above, the region still faces a number of challenges, which impact on the defence sector. These include:

- (i) Armed conflicts within member states.
- (ii) Terrorism.
- (iii) HIV/AIDS.
- (iv) Developing policies and capacities to ensure that the region maintains trained units ready to be deployed in peace support operations in the region or under the auspices of the African Union or the United Nations.
- (v) Developing a regional capacity on defence technology.
- (vi) The clearance of landmines and other unexploded ordinances (UXOs).
- (vii) Responding to external aggression.
- (viii) The reintegration of ex-combatants and rehabilitation of child soldiers.
- (ix) Implementing the doctrine that will enable the inter-operability of defence forces.
- (x) Disaster relief support capability.
- (xi) The proliferation of and illicit trafficking in small arms and light weapons.
- (xii) Illegal migration.
- (xiii) Maritime piracy.
- (xiv) Any other threats.

#### **Objective 1**

To protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra state and inter state conflict and aggression.

##### **Strategies**

- (a) Develop regional capability and contribute to continental peace and security architecture.

- (b) Conduct regular assessments of the regional security situation.
- (c) Define and identify common interests and threats in the region.
- (d) Formulate regional policies with regard to reintegration of demobilised ex-soldiers including ex-child soldiers.
- (e) Promote the establishment of linkage between the Regional Early Warning (REWC) and the Defence Intelligence Standing Committee (DISC).

### **Specific Activities**

- (a) Consolidate the operationalisation of the SADC Standby Force.
- (b) Member States to effectively resource, sustain and maintain SADC SF to ensure its proficiency and efficiency.
- (c) Member states to continue pledging personnel and equipment and ensure continued training of troops for forces readiness.
- (d) Verify the status of pledges conducted biennially.
- (e) Develop a generic memorandum of understanding (MOU) to allow smooth movement of forces during exercises or operations.

### **Expected Outcomes**

Peaceful and secure environment for regional development.

### **Objective 2**

Promote regional coordination and cooperation on matters related to security and defence and establish appropriate mechanisms to this end.

### **Strategies**

- (a) Harmonise national defence policies to be in line with foreign policy objectives so as to enhance regional security architecture.
- (b) Establish and operationalise confidence-building measures for conflict prevention, management and resolution.
- (c) Promote interaction among senior officials of the member states security and defence forces through consultation and joint training programmes.
- (d) Conduct activities aimed at enabling coordination in handling conflicts, harmonise policies and strategies.

### **Specific Activities**

- (a) Consolidate the operationalisation of the SADC Standby Force.
- (b) Member states to effectively resource, sustain and maintain the SADC SF to ensure its proficiency and efficiency.
- (c) Member states to continue pledge personnel and equipment and ensure continued training of troops for forces readiness.
- (d) Verify status of pledges conducted every two years.
- (e) Develop a generic MOU to allow smooth movement of forces during exercises or operations.

### **Expected Outcomes**

- (a) Operational mechanisms for effective coordination and cooperation

- consolidated.
- (b) Confidence and trust established among armed forces.

### **Objective 3**

To consider enforcement action in accordance with international law, as a matter of last resort, where peaceful means have failed.

#### **Strategies**

- (a) Establish stand-by arrangements and promote professionalism in the defence forces in the conduct of peace support operations.
- (b) Design and implement professional training programmes for the defence forces.
- (c) Promote civilian-military relations.
- (d) Operationalise the 'SADC Mutual Defence Pact'.
- (e) Promote and disseminate 'SADC Mutual Defence Pact' within member state institutions.
- (f) Harmonise military doctrines and operational concepts in the region in order to achieve regional inter-operability.
- (g) Adopt and rehearse operational procedures aimed at achieving the spirit of the Pact.

#### **Specific Activities**

- (a) Operationalise SADC SF.
- (b) Prepare and employ the SADC SF to respond appropriately when called upon.
- (c) Finalise the development of the SADC SF rapid deployment force's capability to respond appropriately to challenging security scenarios when called upon.
- (d) Enhance RPTC capacity.
- (e) Enhance national defence training programmes.
- (f) Coordinate regional defence training programmes.
- (g) Organise civilian-military seminars and workshops
- (h) Encourage member states to implement fully the provisions of the Pact.
- (i) Mainstream the Pact into defence and security training, workshops and seminars.
- (j) Harmonise military doctrines and operational concepts.

#### **Expected Outcomes**

- (a) Deterrence capability enhanced.
- (b) Existing collective defence and security mechanisms consolidated.

### **Objective 4**

- (a) To consider the development of a collective security capacity; and
- (b) To conclude the 'SADC Mutual Defence Pact' to respond to external military threats.

### **Strategies**

- (a) Operationalise the 'SADC Mutual Defence Pact'.
- (b) Promote and disseminate the Pact within member state institutions.
- (c) Harmonise military doctrines and operational concepts in the region in order to achieve regional inter-operability.
- (d) Adopt and rehearse operational procedures aimed at achieving the spirit of the Pact.

### **Specific Activities**

- (a) Encourage member states to fully implement the provisions of the Pact.
- (b) Mainstream the Pact into defence and security training, workshops and seminars.
- (c) Harmonise military doctrines and operational concepts.

### **Expected Outcomes**

- (a) Existing collective defence and security mechanisms consolidated.
- (b) Deterrence capability enhanced.

### **Objective 5**

To encourage state parties to implement United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between states.

### **Strategies**

- (a) Develop a regional culture binding SADC defence forces to relevant international conventions and treaties.
- (b) Incorporate into training programmes and curricula the existing international conventions and treaties.

### **Specific Activities**

- (a) Defence forces of Member States should adhere to international conventions and treaties.
- (b) Incorporate international conventions and treaties into national training programmes.

### **Expected Outcomes**

- (a) International conventions and treaties are observed by member states and regional forces are aware of and adhere to international conventions and treaties.

### **Objective 6**

To develop the peacekeeping capacity of national defence forces and coordinate the participation of state parties in international and regional peacekeeping operations.

### **Strategies**

- (a) Develop a regional peace support operational capability based upon individual member state's standby arrangements.
- (b) Consolidate and develop the activities of the Regional Peacekeeping Training Centre.
- (c) Design and establish a regional peace support operational structure with appropriate means.

### **Specific Activities**

- (a) Operationalise SADC SF and ensure the required operational readiness of the pledges.
- (b) Ensure continuous Operations of the Regional Peacekeeping Training Centre (RPTC).
- (c) Source funds for operations of the Centre.
- (d) Develop SADC SF operational structure.
- (e) Conduct joint training exercises to promote the inter-operability.
- (f) Conduct joint Peace Support Operations (PSO) training exercises and courses at national and regional level.
- (g) Adapt UN PSO training doctrine.
- (h) Conduct periodic joint multinational exercises.
- (i) Finance the Regional Peacekeeping Training Centre (RPTC) according to the capacities of member states or through possible foreign partners.
- (j) Conduct joint multinational exercises.

### **Expected Outcomes**

Enhanced regional capacity to participate in peace support operations.

### **Objective 7**

To enhance regional capacity in respect of disaster management and coordination of international humanitarian assistance.

### **Strategies**

- (a) Support the implementation of and contribute to the establishment of operational procedures related to disaster management mechanism.
- (b) Train national defence forces for effective rapid response in search and rescue missions.
- (c) Conduct joint exercises for humanitarian assistance and disaster relief.
- (d) Adopt operational emergency procedures that will guide the use of military forces in search and rescue operations.
- (e) Encourage the defence forces of member states to acquire equipment to be used in case of emergency.

### **Specific Activities**

- (a) Participate in the coordination mechanisms on disaster

- management at national and regional levels.
- (b) Develop disaster management operational procedures.
- (c) Harmonise disaster management operational procedures.
- (d) Formulate training programmes and carry out joint search and rescue training exercises at national and regional levels.
- (e) Conduct joint training exercises on humanitarian relief at national and regional levels.
- (f) Carry out needs assessments.
- (g) Establish coordination mechanisms on search and rescue operations.

### **Expected Outcomes**

Enhanced Regional Disaster mitigation capacity.

## **5. The State Security Sector**

### **5.1. Analysis**

The success of the integration process in the SADC region requires a satisfactory level of state security. Political cooperation has created a conducive environment for enhanced security cooperation.

While the security situation in the region is characterised by peace and stability there are externally and internally induced threats to the security of member states. The following are some of the main areas of concern:

Threats to subvert constitutional order and diminish national sovereignty.

Maneuvers or activities designed to undermine the economic interests of member states and/or the region.

Regular exchange of intelligence information among the services and mutual assistance rendered to each are some of the important factors defining the current state of cooperation in the State Security Sector. This process has also significantly benefited from formal and informal links between the services.

The State Security Sector achieved the following milestones during the period under view:

- (i) Staffing of the Regional Early Warning Centre (REWC) through secondment and recruitment.
- (ii) Review of the 'REWC Concept Paper'.
- (iii) Development of insecurity and conflict indicators
- (iv) Development of the REWC manual.
- (v) Procurement and installation of secure communication equipment.
- (vi) Creation of national focus points for the REWC.
- (vii) Identification of training needs for the sector.

### **5.2. Challenges**

Despite the above positive developments, the State Security sector still faces a number of challenges. These include:

- (i) Enhancement of the capacity to prevent the subversion of the constitutional order and national sovereignty.
- (ii) The negative effects of globalisation such as the growing vulnerability of national borders, increases in organised and transnational crime, drug trafficking, money laundering and human trafficking.
- (iii) Terrorism.
- (iv) Enhancement of bilateral relations.
- (v) Implementation of a SADC Early Warning System (EWS).
- (vi) Addressing the impact of the HIV/AIDS pandemic.
- (vii) Limited resources.
- (viii) Food security.
- (ix) Protection of maritime resources.
- (x) Climate change.
- (xi) Transnational organised crime.
- (xii) Illegal migration.
- (xiii) Maritime piracy.
- (xiv) Economic threats.
- (xv) Foreign interference.

### **Objectives**

The overall objectives of the Organ in the State Security Sector are stipulated in Article 2 of the 'SADC Protocol on Politics, Defence and Security Cooperation', and these are:

#### **Objective 1**

To protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra and inter-state conflict.

### **Strategies**

- (a) Identify and diffuse threats within the region.
- (b) Exchange intelligence on potential threats undermining the stability of member states.
- (c) Share intelligence on the prevention and combating of terrorism.
- (d) Share intelligence on maritime piracy.
- (e) Exchange intelligence on the unchanging behaviour of society with respect to HIV/AIDS.
- (f) Exchange intelligence on the observance of human rights.

### **Specific Activities**

- (a) Staff Regional Early Warning Centre.
- (b) Launch the Regional Early Warning Centre.
- (c) Designate national focus points on early warning matters.
- (d) Share information on suspected terrorist syndicates within the region.
- (e) Hold regular workshops and seminars on combating terrorism.
- (f) Coordinate sourcing of assistance to prevent and combat terrorism.
- (g) Enact and or strengthen national legislation on terrorism.

- (h) Share intelligence on nature and extent of the threat
- (i) Collaborate with relevant institutions that deal with the HIV/AIDS pandemic.
- (j) Participate in research activities on the HIV/AIDS pandemic.
- (k) Include human rights as part of training curricula at all levels.

### **Expected Outcomes**

An effective monitoring of threats leading to the improved security in the region.

### **Objective 2**

To promote regional coordination and cooperation on security and defence and establish appropriate mechanisms.

### **Strategies**

- (a) Collaborate with relevant intelligence institutions.
- (b) Exchange training programmes.
- (c) Share financial and technological resources.
- (d) Hold regional training programmes.
- (e) Hold statutory meetings.

### **Specific Activities**

- (a) Establish formal collaboration between SADC and the Africa Centre for Study and Research on Terrorism.
- (b) Establish formal relationship between SADC and CISSA.
- (c) Enhance collaboration between AU and SADC.
- (d) Establish formal relations with other relevant institutions.
- (e) Identify areas requiring joint training.
- (f) Build capacity in the use of ICT for an early warning system.
- (g) Conduct training in counter terrorism with ACSRT
- (h) Engage SADC Liaison Officer at the AU on matters of funding, technology and other relevant security matters.
- (i) Organise regional training programmes for analysts.

### **Expected Outcomes**

Enhanced cooperation and coordination at regional and continental level on matters of defence and security.

### **Objective 3**

To prevent, contain and resolve inter and intra state conflicts.

### **Strategies**

- (a) Identify early warning signs of inter and intra-state conflict.
- (b) Monitor regional security situation.
- (c) Collect and disseminate intelligence to assist in conflict resolution processes in the region.



### **Specific Activities**

- (a) Update insecurity and conflict indicators and develop them into software in order to assist in the analysis processes at the REWC.
- (b) Conduct regular security assessments and produce products thereof.
- (c) Assist in identifying mediators and facilitators.
- (d) Support the mediation processes.
- (e) Conduct training in conflict resolution and management.
- (f) Exchange intelligence.

### **Expected Outcomes**

Inter and intra state conflict prevented.

### **Objective 4**

To consider the development of a collective security capacity and implement the 'SADC Mutual Defence Pact' in order to respond to external military threat.

### **Strategies**

- (a) Promote the exchange of intelligence of mutual interest.
- (b) Disseminate the 'SADC Mutual Defence Pact' within state security institutions.

#### **Specific Activities**

- (a) Hold meetings, workshops and seminars.
- (b) Disseminate the 'SADC Mutual Defence Pact' within security sector institutions.
- (c) Participate in regional PSO.

### **Expected Outcomes**

Collective security capacity and implementation of the 'SADC Mutual Defence Pact' in the region attained.

### **Objective 5**

To develop close cooperation between the law enforcement agencies and state security services of member states.

### **Strategies**

- (a) Hold meetings between state security services and law enforcement agencies.
- (b) Exchange intelligence through the development of a common database on cross border crime.
- (c) Promotion of community-based approach to domestic security.

### **Specific Activities**

- (a) Exchange experiences.
- (b) Exchange intelligence on syndicates of illegal migration and

- transnational organised crime.
- (c) Profile suspects of transnational organised crimes and illegal migration.

### **Expected Outcomes**

Improved security in the region through effective monitoring of threats.

## **6. The Public Security Sector**

### **6.1. Analysis**

The purpose of the Public Security Sector is to provide and ensure services, in law enforcement, public safety, corrections/prisons, immigration, parks and wildlife, customs and refugees. Public security is an important tool that contributes significantly to the maintenance of a stable political environment and socio- economic prosperity.

The situation in the public security sector is characterised by increased cooperation and collaboration between its various services and other law enforcement agencies.

Public security institutions have been participating in joint cross border operations which have resulted in the reduction of crime and the recovery of stolen property. Transnational organised crime and incidents of terrorism constitute some of the most serious concerns to law enforcement agencies such as immigration, police, customs, border guards, coast guards and fiscal inspectors.

The immigration services of SADC are engaged in collective planning aimed at strengthening the control and facilitation of the movement of persons in the region. The region's long and porous borders, economic attractions and the relative peace and stability make the region a preferred destination and transit point for not only investment, but also criminal elements.

The Public Security Sector has also been engaged in the prevention of poaching and in the illegal trade of wildlife products in the region.

Member States have also been working together to curb incidents of transit fraud and the under-valuation of imported goods from outside the region as well as cross border smuggling.

Cognisant of the region's vulnerability to cross-border crime, SADC has been active in developing regional instruments to fight transnational crime in the region. The Public Security Sector has been participating in the implementation of SADC protocols on the combating of illicit drug trafficking, and on the firearms, ammunition and other related materials.

### **6.2. Challenges**

The Public Security Sector made significant achievements in the first edition of the SIPO Joint cross-border operations, which resulted in the

reduction in crime in areas related to poaching and the illegal trade in wildlife, customs issues and illegal migration were conducted. Member States have also been working together to curb incidents of transit fraud and under-valuation of imported second hand goods as well as cross border smuggling.

Despite the above achievements, The Public Security Sector still faces numerous challenges, which include:

- (i) Transnational criminal activities and organised criminal syndicates.
- (ii) Cyber crime.
- (iii) Terrorism.
- (iv) Drug dealing and trafficking.
- (v) Violent crime.
- (vi) Control and regulation of private security companies for the elimination of mercenary activities.
- (vii) The proliferation of and trafficking in small arms and light weapons.
- (viii) Money laundering and cash in transit heists.
- (ix) The negative effects of globalisation such as the growing vulnerability of national borders.
- (x) The scarcity of resources.
- (xi) Efficient communication systems backed by a reliable criminal intelligence network.
- (xii) Combating human trafficking.
- (xiii) Combating and prevention of rape, abuse and violence against women, and children.
- (xiv) HIV/ AIDS.
- (xv) Enforcement of the agreed policies pertaining to the control of conflict diamonds.
- (xvi) Illegal migration.
- (xvii) Overcrowding in corrections/prisons facilities.
- (xviii) Poaching.
- (xix) Maritime piracy.
- (xx) Smuggling of goods.

## Objective 1

To promote public security and safety in the region.

### Strategies

- (a) Conduct regular assessments and evaluations of the regional public security situation.
- (b) Devise effective measures to address the HIV/AIDS pandemic in the sector.
- (c) Train public security officers on effective law and order maintenance strategies.
- (d) Develop a common approach to deal with rehabilitation and reintegration of offenders into society.
- (e) Develop close cooperation among law enforcement agencies and the criminal justice system to deal with overcrowding in prisons.
- (f) Establish a common approach in fighting poaching and trade in

wildlife products.

### **Specific Activities**

- (a) Continuous exchange of information on public security matters including cross-border and transnational organised crime.
- (b) Implement guidelines on combating HIV/AIDS in prisons in line with World Health Organisation (WHO) standards.
- (c) Harmonise training programmes and conduct joint training courses.
- (d) Provide education, vocational training and psychosocial support.
- (e) Devise effective measures to address overcrowding in correctional facilities.
- (f) Plan and conduct joint anti-poaching operations.

### **Expected Outcomes**

- (a) Public safety and security in the region enhanced.
- (b) Incidences of HIV/AIDS reduced and effective treatment and monitoring of those infected/affected enhanced.

### **Objective 2**

To promote regional coordination and cooperation on matters related to public security and safety and establish appropriate mechanisms to this end.

### **Strategies**

- (a) Promote and encourage best practices to establish a common approach to handling public security and safety matters.
- (b) Harmonise and consolidate public security sector procedures, practices and legislation in line with AU, UN standards.
- (c) Facilitate legitimate movement of goods.

### **Specific Activities**

- (a) Conduct regional workshops, seminars and training programmes on safety and security matters.
- (b) Develop and implement the protocol on the interstate transfer of prisoners.
- (c) Harmonise immigration procedures and control mechanisms to facilitate movement of people amongst member states, including the ratification of the 'SADC Protocol on the Facilitation of Movement of Persons'.
- (d) Establish a common approach in handling and management of tourists;
- (e) Identify appropriate IT systems, harmonise laws and procedures and train immigration and police officials in order implement UNIVISA system.
- (f) Review policies, laws and procedures governing prisons in line with constitutional guarantees and international human rights.
- (g) Harmonise policies, procedures and management of refugees in

line with UN and AU instruments.

### **Expected Outcomes**

- (a) Improved cooperation and coordination in public safety and security.
- (b) Free movement of persons facilitated.

### **Objective 3**

To develop capacity and incorporate prison officers in peacekeeping operations.

### **Strategies**

Capacitate prisons/corrections officers in peacekeeping operations.

### **Specific Activities**

- (a) Develop training curricula for prisons/corrections officers in peacekeeping operations.
- (b) Organise training courses/ seminars in collaboration with RPTC.
- (c) Participate in peacekeeping exercises and operations.

### **Expected Outcomes**

Peacekeepers capacitated.

### **Objective 4**

Enhance regional capacity in respect of disaster risk management and coordination of regional disaster response and international humanitarian assistance.

### **Strategies**

- (a) Strengthen and consolidate regional disaster risk management mechanisms.
- (b) Develop and implement sustainable mechanisms for knowledge management and information sharing at SADC and national levels.
- (c) Enhance natural disaster early warning capacities, structures and networks at regional and national levels.
- (d) Align national and regional Disaster Risk Response (DRR) policies strategies and action plans with international and regional strategies and trends.
- (e) Facilitate DRR training and capacity needs assessment in member states.

### **Specific Activities**

- (a) Establish and strengthen a Disaster Risk Reduction (DRR) Unit at SADC Secretariat.
- (b) Implement the revised SADC DRR Strategic Plan as the basis of long-term regional DRR Plan of Action.

- (c) Develop a regional disaster response mechanism to guide regional response to disasters.
- (d) Explore and enhance collaboration with other existing DRR initiatives and stakeholders.
- (e) Enhance the functioning of the Disaster Risk Reduction Technical & Coordination Committees.
- (f) Establish and consolidate a regional DRR database of disaster risks and hazards, DRR expertise and skills, and response capacities in member states, and facilitate the dissemination and sharing of the information.
- (g) Facilitate exchange of lessons-learnt and best practices in DRR among member states.
- (h) Enhance disaster risk mapping, hazard monitoring, risk and vulnerability assessments for disaster preparedness, and prevention and response.
- (i) Facilitate effective coordination between relevant sectors and stakeholders at regional and national levels.
- (j) Facilitate formulation and implementation of national and regional policies and action plans to allow for their future harmonisation and alignment with international strategies and trends.

### **Expected Outcomes**

Enhanced capacity on disaster management.

### **Recommendations from Public Security**

- (a) Annual work plans should reflect performance indicators evaluation of implementation.
- (b) Establishing of a post for senior public security officer to be considered.
- (c) The need to introduce a system of certification and authentication of the records of the meetings to be considered.
- (d) Create data bank for police and public security documents to be accessed.

## **7. The Police Sector**

### **7.1. Analysis**

The SADC Summit held in Maseru, Lesotho in 2006 decided on the creation of the Police Chiefs Sub-committee as a SADC institution under the Inter State, Defence and Security Committee of the SADC Organ. The establishment of the Police Sector as a stand alone from the Public Security Sector was a welcome development since it compliments the recognition of policing as a unique service within the framework of regional peace and security. The overarching endeavour is to strengthen policing institutions with the view of carving a crime free zone, where citizens can pursue their endeavours unperturbed by criminal elements.

The Police Sector has a responsibility to crack down on a range of

transnational organised crime such as drug and human trafficking, unlawful possession of firearms; illegal migration and stock theft, among others. The crimes stated above are only the tip of the iceberg since there are other forms of crime, which have become a menace to public safety and security.

Joint cross-border operations that have been conducted have resulted in the reduction of crime and recovery of stolen property. In the same vein, member states have been working together to curb incidents of transit fraud and under-valuation of imported second hand goods from across the region as well as cross-border smuggling.

Cognisant of the region's vulnerability to cross-border crime and out of a desire to work in collaboration with other regions, SADC, through its law enforcement agencies, has been active in the development of international instruments to fight transnational crimes. The region has also been fiercely engaged in peace support operations in the region and beyond.

SADC, through its law enforcement agencies has been active in the implementation of regional instruments to fight transnational crimes. These regional instruments include the following, among others: the 'SADC Protocol Against Corruption', the 'SADC Protocol on Extradition, Control of Firearms, Ammunitions and Other Related Materials', mutual legal assistance in criminal matters, combating illicit drugs.

## **7.2. Challenges**

Despite the above strides, the Police Sector still faces numerous challenges, which include:

- (i) Transnational criminal activities and organised criminal syndicates.
- (ii) Cyber crime.
- (iii) Terrorism.
- (iv) Drug dealing and trafficking.
- (v) Violent crime.
- (vi) Control and regulation of private security companies for the elimination of mercenary activities.
- (vii) The proliferation of and trafficking in small arms and light weapons.
- (viii) Money laundering and cash in transit heists.
- (ix) Efficient communications systems backed by a reliable criminal intelligence network.
- (x) Combating human trafficking and people smuggling
- (xi) Combating and preventing rape/statutory rape, abuse and violence against women and children.
- (xii) HIV and AIDS.
- (xiii) Financial and hi-tech crime.
- (xiv) Illegal mining.
- (xv) Maritime piracy.

### **Objective 1**

To protect the people and safeguard the development of the region against

instability arising from the breakdown of law and order.

### **Strategies**

- (a) Carry out regular reviews of joint crime management strategies in view of changing national and regional needs and priorities.
- (b) Ensure safety of the region and build capacity for combating cyber crime and terrorism.
- (c) Devise effective measures to address the HIV/AIDS pandemic in the national police services/forces.
- (d) Prepare and disseminate relevant information on criminal activities as may be necessary to benefit member states to contain crime in the region.
- (e) Develop regional police training policy and strategies taking into account the needs and the performance requirements of the regional police services/forces.

### **Specific Activities**

- (i) Conduct joint cross-border operations.
- (ii) Continue implementation of the 'SADC Regional Action Plan on Small Arms and Light Weapons' (SALW).
- (iii) Continuous exchange of crime intelligence on cross-border and transnational organised crime by the support of the International Police (INTERPOL).
- (iv) Continue conducting joint cross-border operations.
- (v) Training of personnel in the police services/ forces.

### **Expected Outcomes**

Law and order maintained and crime reduced.

### **Objective 2**

To promote regional coordination and cooperation on matters related to safety and security and establish appropriate mechanisms to this end.

### **Strategies**

- (a) Ensure efficient operation and management of criminal records.
- (b) Effective joint monitoring of cross border crime taking full advantage of the relevant facilities available using INTERPOL.

### **Specific Activities**

- (i) SARPCCO to strengthen the implementation on the Regional Organised Crime Threat Analysis (ROCTA).
- (ii) Establish mechanisms for regional coordination among SARPCCO, customs and immigration services.
- (iii) Institute measures to combat human trafficking.
- (iv) Continuous exchange of crime intelligence on cross-border and transnational organised crime by the support of INTERPOL.



### **Expected Outcomes**

Reliable criminal database established.

### **Objective 3**

To consider enforcement action in accordance with international law.

### **Strategies**

- (a) Design and implement professional police training programmes for rapid response capability.
- (b) Ensure and promote professional accountability within the police services/forces.

### **Specific Activities**

- (i) Continue implementing joint training programmes of Police Officers on Special Operations; and
- (ii) Strengthen the implementation of the code of conduct within the police services/forces.

### **Expected Outcomes**

Law and order maintained and professionalism enhanced in the region.

### **Objective 4**

To 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 AU and UN.

### **Strategies**

- (a) Encourage the domestication of the United Nations human rights conventions and the incorporation of police code of conduct in member states training programmes.
- (b) Train police officers on the provisions of the AU and UN instruments relating to human rights.

### **Specific Activities**

- (a) SARPPCO to continue implementing code of conduct.
- (b) Capacitate personnel from police services/forces.

### **Expected Outcomes**

Law and order maintained.

### **Objective 5**

To develop close co-operation between the police, state security and other law enforcement agencies of member states in order to address:

- (a) Cross border crime
- (b) Promotion of a community-based approach to domestic security

- (c) Illegal migration

### **Strategies**

Promote, strengthen and perpetuate cooperation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications.

### **Specific Activities**

Exchange of information and sharing of experiences between police and state security and other law enforcement agencies.

### **Expected Outcomes**

Cross border crime reduced.

### **Objective 6**

To observe and encourage State Parties to implement UN, AU and other international Conventions and Treaties on arms control and disarmament.

### **Strategies**

Encourage ratification and implementation of the various existing legal instruments on arms control.

#### **Specific Activities**

- (a) Disseminate within the police services/forces, the relevant UN and AU instruments on arms control.
- (b) Include relevant UN and AU instruments on arms control in training curricula.

### **Expected Outcomes**

Effective control of the proliferation of small arms and light weapons.

### **Objective 7**

To develop peace building capacity of national police services/forces and coordinate the participation of State Parties in international and regional peacekeeping operations.

### **Strategies**

- (a) Promote the joint training of SADC POL for peace support missions.
- (b) Promote gender equity in the deployment of peace support operations.

### **Specific Activities**

- (a) Implement the SADC police-training curricula for PSO.
- (b) Conduct joint police training courses at the national and regional level.
- (c) Assess the implementation of the SARPCCO training programme.

## **Expected Outcomes**

Peacekeeping operations capacity enhanced.

## **Objective 8**

Enhance regional capacity in respect of disaster risk management and coordination of regional disaster response and international humanitarian assistance.

## **Strategies**

- (a) Strengthen and consolidate regional disaster risk management mechanisms.
- (b) Develop and implement sustainable mechanisms for knowledge management and information sharing at SADC and national levels.
- (c) Enhance natural disaster early warning capacities, structures and networks at regional and national levels.
- (d) Align national and regional Disaster Risk Reduction (DRR) policies, strategies and action plans with international and regional strategies and trends.
- (e) Facilitate DRR training and capacity needs assessment in member states.

## **Specific Activities**

- (i) Establish and strengthen a DRR Unit at SADC Secretariat.
- (ii) Implement the revised SADC DRR Strategic Plan as basis of long-term regional DRR plan of action.
- (iii) Develop regional disaster response mechanism to guide regional response to disasters.
- (iv) Explore and enhance collaboration with other existing DRR initiatives and stakeholders.
- (v) Enhance the functioning of the DRR Technical & Coordination Committees.
- (vi) Establish and consolidate a regional DRR database of disaster risks and hazards, DRR expertise and skills, and response capacities in member states, and facilitate the dissemination and sharing of the information.
- (vii) Facilitate exchange of lessons-learnt and best practices in DRR among member states.
- (viii) Enhance disaster risk mapping, hazard monitoring, and risk and vulnerability assessments for disaster preparedness, prevention and response.
- (ix) Facilitate effective coordination between relevant sectors and stakeholders at regional and national levels.
- (x) Facilitate formulation and implementation of national and regional policies and action plans to allow for their future harmonisation and alignment with international strategies and trends.

## **Expected Outcomes**

Enhanced capacity on disaster management.

## **8. Strategies For Sustainability Of The Plan**

### **8.1. Political Commitment**

Political commitment is the linchpin and fundamental ingredient underlying all stages of the implementation of the SIPO. Member states have to uphold the principles and objectives of the ‘SADC Treaty and the Protocol on Politics, Defence and Security Cooperation’ as they implement the SIPO. It is therefore, important that Member States ratify the Protocol and effectively implement other relevant legal instruments, particularly those concerning the Organ, such as the ‘SADC Protocol on Politics, Defence and Security Cooperation’ (2001), the ‘SADC Protocol on Combating Illicit Drugs’ (1996); the ‘SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials’ (2001), the ‘SADC Protocol Against Corruption’ (2001) and the ‘SADC Protocol on Extradition’ (2002).

### **8.2. Partnership**

Recognising that political, defence and security matters transcend national and regional borders, SADC seeks to cooperate with non-state parties and international organisations and, where possible, involve cooperation agreements between state parties and non-state parties on such matters as provided for in the ‘SADC Protocol on Politics, Defence and Security Cooperation’.

### **8.3. Funding, Budget Management and Financial Audit**

#### **8.3.1. Funding**

The activities of the Organ will, as a matter of principle, be funded through assessed contributions from Member States. They may also be catered for by other contributions such as special funds, endowment funds and other external sources as the Summit may decide.

The external funding of the Organ shall be in line with the provisions of Article 10 of the ‘SADC Protocol on Politics, Defence and Security Cooperation’.

The areas amenable for cooperation with international cooperating partners include:

- (i) Peace support and humanitarian operations.
- (ii) Disaster management.
- (iii) Combating organised crime including drug trafficking, anti-money laundering and human trafficking.
- (iv) Post-conflict reconstruction and social reintegration programmes.

- (v) Mine action programmes.
- (vi) HIV/AIDS programmes.
- (vii) Small arms and light weapons control.
- (viii) Drug trafficking control programmes.
- (ix) Joint training exercises.
- (x) Food security.
- (xi) Other areas as may be decided by the Summit.

### 8.3.2. Auditing

The regulations governing the auditing of SADC finances shall apply to the auditing of the finances of the Organ. However, the team of auditors shall be drawn from institutions akin to activities of the Organ.

### 8.3.3. Monitoring and Evaluation

Strict monitoring and evaluation mechanism shall be put in place. The monitoring mechanism shall include:

- (i) Review of the implementation of planned activities.
- (ii) Provision of information on regular basis to stakeholders.

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## Memorandum of Understanding Amongst the SADC Member States on the Establishment of a SADC Standby Brigade (2007)

Full title: Memorandum of Understanding Amongst the SADC Member States on the Establishment of a Southern African Development Community Standby Brigade

Date/place of adoption/conclusion: 16 August 2007, Lusaka, Zambia

EIF provision: Article 21

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2ALlzzK>

### *Excerpts*

...

**Pursuant** to the decision of the SADC Summit, held in Port Louis, Mauritius on 17 August 2004 and directives issued subsequent thereto;

**Having regard** to the United Nations (UN) Charter, Article 4 of the Constitutive Act of the African Union (AU), as read with Article 13 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union; the SADC Protocol on Politics, Defence

and Security Co-operation;

**Having resolved** to unite our efforts towards collective self-defence and security and the preservation of peace and stability;

Hereby agree as follows:

### *Article 1: Definitions*

In this MoU, terms and expressions defined in Article 1 of the SADC Treaty;

Article 1 of the SADC Protocol on Politics, Defence and Security Co-operation, and in Article 1 of the SADC Mutual Defence Pact shall bear the same meaning unless the context otherwise requires.

In this MOU, unless the context otherwise requires:

“Civilian Component” means all civilian personnel including the Special Representative of the Mandating Authority and range of substantive civilian experts in a mission area;

“Consumables/Expendable item” means an item or material which is expended or consumed in use or is integral to, or a structural part of, another equipment or installation;

“Main Logistics Depot” means a central regional facility for maintenance, storage and management of the logistical infrastructure for the SADCBRIG;

“Minor Equipment” means all other equipment not deemed to be consumables or major equipment such as furniture;

“Mandating Authority” means supra-national political entities under whose mission the SADCBRIG may be deployed namely SADC, AU, or UN;

“MoU” means this Memorandum of Understanding;

“State Party” means a member state that has signed or acceded to this MoU;

“Personnel” means the Military, Police and Civilian personnel appointed for the purposes of this MoU;

“Planning Element” means an autonomous management structure that operates on a daily basis as a tool of the SADC Organ to ensure the attainment of the objectives of the SADCBRIG;

“SADCBRIG” means the Southern African Development Community Standby Brigade;

“SADCPOL” means the Southern African Development Community Police Component of the Standby Brigade.

### *Article 2: Purpose of MoU*

The purpose of this MoU is to establish and provide a legal basis for the operationalisation of SADCBRIG.

### ***Article 3: Establishment and Composition***

There is hereby established a SADC Standby Brigade which shall consist of the Military, Police and Civilian component.

### ***Article 4: Functions of SADCBRIG***

The functions of the SADCBRIG shall be to participate in missions as envisaged in Article 13 of the Protocol Establishing the Peace and Security Council of the AU, which include performing the following functions:

- (a) observations and monitoring missions;
- (b) other types of Peace Support Missions;
- (c) intervention in a State Party in respect of grave circumstances or at the request of that State Party, or to restore peace and security in accordance with Article 4(h) and (j) of the Constitutive Act;
- (d) preventive deployment in order to prevent:
  - (i) a dispute or conflict from escalating;
  - (ii) an on-going violent conflict from spreading to neighbouring areas or States; and
  - (iii) the resurgence of violence after parties to a conflict have reached an agreement;
- (e) peace-building, including post-conflict disarmament and demobilization;
- (f) humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support;
- (g) any other functions as may be authorised by the SADC Summit.

### ***Article 5: Functions of Civilian Component of the SADCBRIG***

The functions of the Civilian Component in the SADCBRIG include, among others:

- (a) provision of human resource, financial and administrative management;
- (b) humanitarian liaison;
- (c) provision of legal advice;
- (d) protection of human rights including women and children.

### ***Article 6: Planning Element***

1. State Parties shall establish, in a separate instrument, a SADC Planning Element to perform such functions as shall be set out therein.
2. The SADC Planning Element shall be an autonomous organisation operating on a daily basis as a tool of the SADC Organ on Politics, Defence and Security Co-operation.
3. The SADC Planning Element shall be the focal point for the activities provided for under Article 13 of this MoU.

***Article 7: Deployment of SADCBRIG***

1. The SADCBRIG shall only be deployed on the authority of the SADC Summit.
2. The SADCBRIG may be deployed on a SADC, AU or UN mandate.

***Article 8: State Parties' Contribution***

1. State Parties shall contribute the Military, Police and Civilian personnel as required and agreed upon. Any personnel contributed above the level agreed upon shall be the State Parties' responsibility and thus not subject to reimbursement or other kind of support by SADC.
2. State Parties shall contribute major equipment as required and agreed upon.
3. The State Parties shall ensure that the major equipment meets the performance standards required and agreed upon for the duration of the deployment of such equipment with the SADCBRIG.
4. Any equipment contributed above the level agreed upon shall be the responsibility of that State Party and thus not subject to reimbursement or other kind of support by SADC.
5. State Parties shall contribute minor equipment and consumables related to up-keep of personnel as required and agreed upon.
6. State Parties shall ensure that the minor equipment and consumables meet the performance standards as required and agreed upon for the duration of the deployment of such equipment with the SADCBRIG.
7. Any equipment contributed above the level agreed upon shall be the responsibility of that State Party and thus not subject to reimbursement or other kind of support by SADC.

***Article 9: Main Logistics Depot***

1. A Main Logistics Depot (MLD) shall be established at a location to be agreed upon by State Parties.
2. SADC and the MLD host Member State shall enter into agreements regarding the protection and control of the MLD.

***Article 10: Funding and Financial Guidelines***

All logistic resources and services rendered to the SADCBRIG as required and agreed upon shall be financed by SADC and shall be in accordance with the SADC financial guidelines.

***Article 11: Reimbursement of State Parties and Support from SADC***

1. SADC shall reimburse each contributing Member State in respect of personnel provided in terms of this MOU in accordance with the SADC financial guidelines.



2. SADC shall reimburse each contributing Member State for the major equipment provided as agreed upon.
3. The reimbursement rates for major equipment shall be reduced proportionately in the event that such equipment does not meet the required performance standards as agreed upon or in the event that the equipment listing is reduced.
4. SADC shall reimburse each contributing Member State for the provision of minor equipment and consumables related to self-sustenance in accordance with the SADC financial guidelines.
5. The reimbursement rates for the minor equipment and consumables shall be reduced proportionately in the event that the equipment does not meet the required performance standards as agreed upon or in the event that the level of minor equipment and consumables is reduced.
6. The payment of personnel costs, the lease and self-sustenance rates will be calculated from the date of arrival of personnel and equipment in the mission area and will remain in effect until the date the personnel and/or equipment ceases to be deployed in the mission area as determined by SADC.

### *Article 12: Command and Control*

1. The SADCBRIG command structure shall be harmonized to enable it to interact with the AU and UN command arrangements in the field.
2. The command structure at any SADCBRIG headquarters shall strictly be representative of all contributing State Parties.
3. The SADCBRIG shall be subject to the standard command and control arrangements of the AU and UN operations.
4. When deployed, SADCBRIG shall be under the strategic direction of the Special Representative to be appointed for every specific mission by the Mandating Authority.
5. The SADC Summit shall appoint a Force Commander, Commissioner of Police and Head of the Civilian Component for each specific mission from the Personnel Contributing State Parties. These appointed officers shall report to the Special Representative, whilst the Military Contingent Commanders shall report to the Force Commander.
6. The Terms of Reference (TOR) for the Command Element, Headquarters and specialized mustering at SADCBRIG shall be as determined by the Mandating Authority.
7. Military personnel and equipment shall be under the operational control of the Force Commander and shall remain under the command of each contributing country.
8. Police personnel and equipment shall be under the operational

control of the Commissioner of Police and shall remain under the command of each contributing country.

***Article 13: Training and Exercises***

1. The training of personnel and units for the SADCBRIG shall be the responsibility of each State Party.
2. The required level of training proficiency for personnel and units assigned to SADCBRIG shall be achieved by standardized training objectives. Common training standards shall be developed by the Regional Peacekeeping Training Centre (RPTC) to be compatible with the developed standards of the AU/UN.
3. Such training shall include field training exercises at national and multi-national levels.

***Article 14: Deployment, Movement and Transportation***

1. Each State Party shall be responsible for planning the deployment, movement and repatriation of its contribution to the SADCBRIG.
2. Each State Party shall submit its deployment plan to the Mandating Authority for approval.
3. The Mandating Authority shall be responsible for providing or contracting means of transportation, as well as the execution of the movement, including the co-ordination and control thereof.

***Article 15: Claims***

**1. Indemnity**

State Parties hereby waive all claims against each other arising out of loss of, or damage to the property, or out of death or injury sustained by its personnel during training or performance of duty under this MOU, provided that such loss of, or damage to the property, or death or injury is not attributable to the gross negligence or wilful misconduct of the personnel of any Member State, or its authorized representative.

**2. Claims by Third Parties**

SADC shall be responsible for any claims by third parties where loss of, or damage to the property, death of, or injury to personnel, was caused by the personnel or equipment provided by a State Party in the performance of services, or any other activity under this MOU.

***Article 16: Recovery***

1. A State Party shall reimburse SADC for loss of, or damage to SADC-owned equipment and property caused by the personnel or equipment provided by the State Party, where such loss or damage:
  - (a) occurred outside the performance of services or any activity or

- operation under this MOU; or
- (b) arose out of, or resulted from gross negligence or wilful misconduct on the part of personnel of the Member State.
2. A State Party shall reimburse SADC for any Third Party claims arising from gross negligence or wilful misconduct of its personnel, or where such claims arose out of actions or incidents outside the performance of services or any activity or operation under this MOU.

### ***Article 17: Supplementary Agreements***

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

### ***Article 18: Confidentiality***

1. State Parties shall not disclose any classified information obtained in the implementation of this MOU, or any other related agreements, or obtained during any multilateral co-operation, other than to their own staff, where such disclosure is essential for purposes of giving effect to this MOU or such further agreements pursuant to this MOU.
2. Visiting personnel shall, in the implementation of this MOU, 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 19: Settlement of Disputes***

Any dispute among State Parties arising from the interpretation or application of this MOU shall be settled amicably, and where there is no settlement, the matter shall be referred to the SADC Tribunal as established by Article 16 of the SADC Treaty, whose decision shall be final and binding.

...

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## **See also:**

- SADC Regional Indicative Strategic Development Plan (1 March 2001) available online at: <https://bit.ly/2ChmE3J>
- Maseru Declaration on the Fight Against HIV/AIDS in the SADC Region (4 July 2003, Maseru, Lesotho) available online at: <https://>

[bit.ly/2AMpEou](https://bit.ly/2AMpEou)

- Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO I) (5 August 2004) available online at: <https://bit.ly/2O5hZEG>
- SADC Regional Water Policy (1 August 2005) available online at: <https://bit.ly/3iUTBE6>
- Windhoek Declaration on A New Partnership Between the Southern African Development Community and the International Cooperating Partners (27 April 2006, Windhoek, Namibia) available online at: <https://bit.ly/2BSrdBM>
- SADC Declaration on Madagascar (10 January 2013, Dar es Salam, Tanzania) available online at: <https://bit.ly/2DjcQ9S>

**Selected institutional communiqués and decisions relating to peace and security:**

**Condemnation against Apartheid, acts of violence, racism, Acts of violence, aggression by Apartheid South Africa**

- Communique of the SADCC (9 August 1985, Arusha, Tanzania) available online at: <https://bit.ly/3gMEMSd>

**Apartheid South Africa's interference with, and aggression against SADC Member States**

- Communique of the SADCC (22 August 1986, Luanda, Angola) available online at: <https://bit.ly/38MDVxV>
- Communique of the SADCC (24 July 1987, Lusaka, Zambia) available online at: <https://bit.ly/38GzSDt>

**End of Namibia's occupation by South Africa**

- Communique of the SADCC (26 August 1990, Gaborone, Botswana) available online at: <https://bit.ly/2DkcYG5>

**Conflict in Angola**

- Communique of the Summit of SADC Heads of State and Government (5 September 1993, Mbabane, Swaziland) available online at: <https://bit.ly/2O8tHOP>

**SADC intervention in Lesotho**

- Communique of the Summit of SADC Heads of State and Government (17-18 August 1999, Maputo, Mozambique) available online at: <https://bit.ly/38GbFNm>

## **Constitutional and Political Crisis in Madagascar**

### **Political and constitutional situation**

- Communique of the Extraordinary Summit of SADC Heads of State and Government (20 June 2009, Sandton, South Africa) available online at: <https://bit.ly/2ZQF97p>

### **Unconstitutional change in government; non-recognition of**

- Communique of the Extraordinary Summit of SADC Heads of State and Government (30 March 2009, Lozitha Royal Palace, Swaziland) available online at: <https://bit.ly/2Zam6Wr>

### **Process and restoration of constitutional order**

- Double Troika Summit Communique (14 January 2010, Maputo, Mozambique) available online at: <https://bit.ly/3feqrhx>
- Communique of the Extraordinary Summit of SADC Heads of State and Government (30 January 2014, Addis Ababa, Ethiopia) available online at: <https://bit.ly/38HTKFX>

### **Conflict in the DRC**

- Communique of the SADC Summit of Heads of State and Government on the Democratic Republic of Congo (23 August 1998, Pretoria, South Africa) available online at: <https://bit.ly/3feUEfR>
- Communique of the Extraordinary Summit of the SADC Heads of State and Government (26-27 January 2009, Presidential Guest House, Pretoria, South Africa) available online at: <https://bit.ly/3iMNMbV>
- Communique of the 36th Summit of SADC Heads of State and Government (30-31 August 2016, Mbabane, Swaziland) available online at: <https://bit.ly/3iKbJAq>

### **Political situation in Zimbabwe**

- Communique of the Extraordinary Summit of the SADC Heads of State and Government (26-27 January 2009, Presidential Guest House, Pretoria, South Africa) available online at: <https://bit.ly/3e9AnXL>

### **General decisions and communiqués relating to peace and security**

- Communique of the Extraordinary SADC Summit of Heads of State and Government (28-29 March 2007, Dar es Salam, Tanzania) available online at: <https://bit.ly/2DpZ99i>
- Record of the 2008 SADC Summit of Heads of State and Government (16-17 August 2008, Sandton, South Africa) available online at: <https://bit.ly/3eeNEOu>
- Communique of the 36th Summit of SADC Heads of State and Government (30-31 August 2016, Mbabane, Swaziland) available

online at: <https://bit.ly/3gHl3TU>