

# **SADC's Mutual Defence Pact**

IN COMPLIANCE with the directive of the Summit of SADC Heads of State and Government, held in Gaborone, Botswana, on 28 June 1996, and other directives issued subsequently thereof,

FURTHER IN COMPLIANCE with the provisions of the SADC Protocol on Politics, Defence and Security, requiring them to conclude a Mutual Defence Pact;

REAFFIRMING commitment to the principles of the Charter of the United Nations, the Charter of the Organisation of African Unity/African Union and the Declaration and Treaty of the Southern African Development Community (SADC);

DESIROUS to live at peace with all peoples and Governments;

ACKNOWLEDGING 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 their peoples;

DETERMINED to defend and safeguard the freedom of their peoples and their civilisations, 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 their peoples;

DO RESOLVE to unite their efforts towards collective defence and the preservation of peace and stability;

Now, therefore, the State Parties hereby agree to conclude this Mutual Defence Pact (hereinafter referred to as “the Pact”) as follows:

## **ARTICLE 1** **Definitions**

In this Pact terms and expressions defined in Article of the Treaty and Protocol shall bear the same meaning 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 DEFENCE**” means the measures undertaken collectively by the State Parties to ensure peace, stability and security in the SADC Region.

“**DESTABILIZE**” means to instigate, plan, execute or assist in any of the following:

- a. an armed attack against a State Party;
- b. a 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;
- c. any act or activity aimed at changing the constitutional order of a State party through unconstitutional means.

“**MEMBER STATE**” means a member of SADC.

“**ORGAN**” means the SADC Organ on Politics, Defence and Security.

“**STATE PARTY**” means a SADC Member State who 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 party to this Pact.

## **ARTICLE 2**

### **Objective**

The Objective of this Pact is to operationalise the Mechanisms of the SADC Organ for mutual cooperation in defence and security matters.

## **ARTICLE 3**

### **Conflict Resolution**

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.

## **ARTICLE 4**

### **Military Preparedness**

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

## **ARTICLE 5**

### **Consultation**

1. Any State Party that, in its opinion, 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/allegation by a State Party.

## **ARTICLE 6**

### **Collective Defence**

1. An armed attack against a State Party shall be considered a threat to regional security. Such an attack shall be met with immediate collective action by all State Parties.
2. Collective action shall be mandated by the SADC Summit on the recommendation of the Organ.
3. Any such armed attack, and measures taken in response thereto, shall immediately be reported to the Organisation of African Unity/African Unity and the Security Council of the United Nations.

## **ARTICLE 7**

### **Non-Interference**

The State Parties undertake to respect each other's territorial integrity and sovereignty and, in particular, observe the principle of non-interference in the internal affairs of each other. To this end, 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, in the opinion of the SADC Summit action needs to be taken in accordance with the SADC Organ Protocol.

## **ARTICLE 8**

### **Destabilizing Factors**

The State Parties undertake not to nurture, harbor or support any person, group of persons or institutions whose aim is to destabilize 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, the State Parties shall cooperate in all defence matters and shall 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 exercised in each other's territory.
- b. Exchange military intelligence and information in all relevant matters subject to any restrictions or otherwise of national security.
- c. Joint research, development and production under license or otherwise of military equipment, including weapons and munitions, and to facilitate the supply of, and/or the procurement of defence equipment and services among defence-related industries, defence research establishments and their respective armed forces.

#### **ARTICLE 10** **Supplementary Agreements**

The 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. The State parties shall receive delegations of Member States for the purposes 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. The State Parties undertake not to disclose any classified information obtained in the implementation of this Pact, or any other related agreements, other than 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. The 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, in the implementation of this Pact, shall comply with the Security Regulations of the host State Party. Any information disclosed or made available to such visiting personnel shall be treated in accordance with the provisions of this Article.

### **ARTICLE 13** **Settlement of Disputes**

Any dispute among the State Parties arising from the interpretation of this Pact, shall be settled amicably. Where there is no resolution, the matter shall be referred to the SADC 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 definitely remain bound by the provisions of Article 12 thereof.

### **ARTICLE 15** **Saving Provisions**

1. The State Parties shall:
  - a. Declare that none of the international engagements between them and any Third Party or state is in conflict with the spirit and provisions of this Pact.
  - b. Recognize 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 in no way derogates the State Parties' rights and obligations under the Charter of the United Nations and the Charter of the Organisation of African Unity/African Union.
4. Further, this Pact, in no way, derogates the responsibility of the United Nations Security Council for the maintenance of international peace and security.

#### **ARTICLE 16**

##### **Signature**

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

#### **ARTICLE 17**

##### **Ratification**

This Pact shall be subjected to ratification by the State Parties in accordance with their respective constitutional procedures.

#### **ARTICLE 18**

##### **Accession**

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

#### **ARTICLE 19**

##### **Amendments**

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

**ARTICLE 20**  
**Entry into Force**

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

**ARTICLE 21**  
**Depository**

1. The original texts of this Pact, and all instruments of ratification and accession, shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all State Parties in English, Portuguese and French to all the Signatories.
2. The Executive Secretary of SADC shall register this Pact with the Secretariats of the United Nations and the Organisation of African Unity/African Union.

**ARTICLE 22**  
**Breach of the Pact**

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

IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OR DULY AUTHORISED REPRESENTATIVES OF SADC MEMBER STATES HAVE SIGNED THIS PACT.