



SADC MUTUAL DEFENCE PACT

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Preamble

We, the Heads of State and Government of:

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

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

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

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

DESIROUS to live at peace with all peoples and Governments;

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

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

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

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

CONVINCED that close 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: <ol style="list-style-type: none">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; orc) 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 16
Signature

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

ARTICLE 17
Ratification

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

ARTICLE 18
Accession

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

ARTICLE 19
Amendments

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

ARTICLE 20
Entry into Force

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

ARTICLE 21
Depositary

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

ARTICLE 22
Breach of the Pact

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

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

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

REPUBLIC OF ANGOLA

REPUBLIC OF BOTSWANA

DEMOCRATIC REPUBLIC OF CONGO

KINGDOM OF LESOTHO

REPUBLIC OF MALAWI

REPUBLIC OF MAURITIUS

REPUBLIC OF MOZAMBIQUE

REPUBLIC OF NAMIBIA

REPUBLIC OF SEYCHELLES

REPUBLIC OF SOUTH AFRICA

KINGDOM OF SWAZILAND

UNITED REPUBLIC OF TANZANIA

REPUBLIC OF ZAMBIA

REPUBLIC OF ZIMBABWE