

**Building
security in
Southern
Africa**

**An update
on the
evolving
architecture**

Jakkie Cilliers

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Building security in Southern Africa

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Jakkie Cilliers

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The mission of the Institute for Security Studies is to enhance human security in Africa. This is achieved through applied research and the dissemination of information that can inform decisions on critical areas of individual, national, regional and international security. The Institute is committed to democracy, good governance and the promotion of common security.

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INTRODUCTION

While the world has seen the emergence of a single dominant global power in the aftermath of the Cold War, regional dynamics are also exerting their effect on the nature of the new international system.

During the Cold War, regional conflicts were at once internationalised and subsumed within the superpower competition and controlled to avoid escalation into nuclear conflict. In the process, the strategic relevance of regions such as Africa was elevated as part of the global chessboard, pawns in a much larger game. At the end of the twentieth century, the situation is much changed. Africa has lost its strategic relevance. Apart from humanitarian concerns, only selected areas with exploitable natural resources demand the attention of the larger and more powerful countries.

Although the chance of global war may have receded, regional conflicts and tensions have increased. Many of these have assumed both an internal and a regional character in Africa as the weakness of African states were exposed when the scaffolding of first colonialism and then that of the Cold War was removed. As the strong retreated from Africa, the African state contracted inward, in many instances soon reflecting the urban limits of governance and a rural neglect that renders international boundaries meaningless.

With the end of the Cold War, regional politics have emerged as more salient features of the international order. As Lake and Morgan argue,¹ regional conflicts are now more likely to stay regional. Although the ability of countries such as the United States to

During the Cold War, the strategic relevance of Africa was elevated as part of the global chessboard, a pawn in a much larger game

intervene locally has not diminished, the interest and motivation to do so have clearly declined.

Regional politics have not replaced international relations, but the changed context has opened up a more complex relationship between a region such as Southern Africa and the rest of the world. Regions differ and need to be treated differently, but they cannot be separated. While regional security arrangements provide rich pickings for analysis on a comparative basis, this monograph is modest in its purpose and seeks to provide an overview, update and cursory analysis of formal security relationships in Southern Africa. In the process, it traces the evolution from the former Front-Line States (FLS) alliance to the Organ on Politics, Defence and Security, including the Inter-State Defence and Security Committee (ISDSC) and the Southern African Regional Police Chiefs Co-operating Organisation (SARPCCO). The final sections point to the more obvious legal and practical challenges that will have to be overcome in the short term if the region is to progress towards the establishment of a co-operative security community and offer a number of recommendations in this regard.

THE LEGACY OF THE FRONT-LINE STATES

The evolution of regional security mechanisms and structures in Southern Africa has a history that predates decolonisation. For the first decades since the start of such co-operation in the late 1950s, the focus of efforts was on decolonising and ending minority regimes in the former Rhodesia, South West Africa and South Africa. Only since the start of the 1990s could Southern Africa turn its attention to the process of building a security community from a divided and war-torn subregion.

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Two national leaders were to play a decisive role in the war for the establishment of majority rule in Southern Africa. The one was Julius Nyerere, whose death has only recently been mourned by Tanzania and Africa. The other is Kenneth Kaunda, the former and long serving president of Zambia and the only surviving member of the liberation presidents.

The FLS alliance was formed from the remnants of the short-lived 'Mulungushi Club'.² Most of its members once belonged to PAFMECSA (the Pan-African Freedom Movement for East, Central and Southern Africa).³ PAFMECSA, in turn, grew out of PAFMECA (the Pan-African Movement for East and Central Africa), established in 1958, which changed its name and Constitution in 1962 to accommodate newly independent countries outside its original Anglophone region. PAFMECA/PAFMECSA had a series of eight conferences before it was eventually overtaken by the formation of the Organisation of African Unity (OAU) in May 1963.⁴ At continental level, the OAU Liberation Committee took responsibility for much of the work that PAFMECSA had engaged in, but the feeling remained

regional and sub-regional groupings, leaders of active liberation movements in Southern Africa were being frequently invited to the Club summits. Most of these features were carried over to the FLS alliance.”⁸

Within a subregional context, the FLS was the most important and indeed most recognised structure to emerge in the mid-1970s at a time when the anti-colonial struggle was the most important concern in the subregion. The FLS was constituted as an informal forum⁹ for the discussion of mainly political and, to a lesser extent, military problems common among the liberation movements, and the problems faced by newly independent governments in Zambia, Mozambique and Angola. Security issues were discussed in the ISDSC, the informal substructure of the FLS. At Summit level, the FLS was not only a club of national governments, but included representatives from the various liberation movements in its meetings and, for a time, the head of state of Nigeria as a type of informal associate. The heads of state of Botswana (Sir Seretse Khama), Tanzania (Julius Nyerere) and Zambia (Kenneth Kaunda) can be considered to be the founders of the FLS in 1975, together with Samora Machel of Mozambique. Angola joined in 1976, Zimbabwe in 1980 and Namibia in 1990. South Africa briefly joined in 1994 before the demise of the FLS later that same year.¹⁰ Lesotho was never a member of the FLS, although representatives of the government of Chief Leabua Jonathan attended a number of ISDSC meetings.¹¹

The FLS alliance would play its most important role in the final years leading up to the end of white rule in the former Rhodesia and the creation of Zimbabwe in 1980.¹² Thereafter, the alliance lost a degree of impact – compounded by economic decline among its members and South Africa’s aggressive destabilisation policies.¹³ Economic issues loomed as the next primary challenge for the region and, as a result, the Southern African Development Co-ordination Conference (SADCC) was founded in 1980, resulting in the further erosion of the influence of the FLS.¹⁴

As long as there were still states under colonial rule or minority regimes, the SADCC and the FLS remained separate forums, respectively accepting responsibility for economic co-ordination and for mutual political and military support.

When the anti-colonial struggle ended and apartheid was abolished in South Africa in the early 1990s, the security and political concerns of the subregion changed. The Declaration and Treaty of the Southern African Development Community (SADC), signed by Heads of State and Government in Windhoek in 1992, expressed confidence that recent developments, such as the independence of Namibia and majority rule in South Africa, “... will take the region out of an era of conflict and confrontation, to one of co-operation; in a climate of peace, security and stability. These are prerequisites for development ...”

4 The Declaration also called for “... a framework of co-operation which provides for

that this was too formal and broad an institution to cater for the particular and special needs of the subregion. As a result, and subsequent to the dissolution of PAFMECSA, a series of Conferences on East and Central African Countries (CECAC) were initiated by Tanzania and Zambia to fill the vacuum left by PAFMECSA.⁵ Together with President Mobutu Sese Seko of the former Zaïre, Nyerere and Kaunda were the most active in the region.

For most of the time the region reflected an uncompromising commitment in support of the armed struggle as opposed to dialogue. Yet, the fifth CECAC issued the Lusaka Manifesto in 1969, which was later adopted by both the OAU and the UN and, for a limited period, provoked a debate on dialogue in Southern Africa. The seventh CECAC subsequently issued the Mogadishu Declaration that reassessed the situation and concluded that the white minority regimes in Southern Africa had not only rejected the Lusaka Manifesto, but were not amenable to negotiation. The Lusaka Manifesto and the Mogadishu Declaration laid a basis for the future alternative strategies of independent Southern African countries. Dialogue and peaceful settlement of Southern African conflicts were only to be revived by the Harare Declaration (1989) in a very different, post-Cold War context and at a time that both Namibia and Zimbabwe had joined the ranks of the FLS.⁶

The Mulungushi Club was the most short-lived of the groupings preceding the FLS and there was a degree of co-existence between CECAC and the Club. Operating approximately between 1970 and 1974, the Club was the immediate predecessor of the FLS alliance. Its original four members were Tanzania, Uganda (until Idi Amin replaced Milton Obote in a 1971 *coup*), Zaïre (Mobutu attended meetings from 1973) and Zambia. Its name reflected its nature – that of an informal group of respected heads of state rather than an interstate institution.⁷ Like the previous groupings and others such as CECAC, the Club also had its focus on the liberation of Southern Africa. Its relatively small size allowed it to meet frequently and at short notice. “Also, like all other

When the anti-colonial struggle ended and apartheid was abolished in South Africa in the early 1990s, the security and political concerns of the subregion changed

... strengthening regional solidarity, peace and security, in order for the people of the region to live and work together in peace and harmony ... The region needs, therefore, to establish a framework and mechanisms to strengthen regional solidarity, and provide for mutual peace and security.”¹⁵

In response to these changes, the approaches and emphases of both the SADCC and the FLS had to change. The SADCC became SADC and after a failed proposal for the FLS to be transformed into the Association of Southern African States (ASAS), discussions commenced on the creation of the Organ on Politics, Defence and Security.

But before discussing institutional development in the region, it is important to recognise that Southern Africa is an extremely fragile region that includes two failed states within its boundaries, Angola and the Democratic Republic of Congo (DRC). In the 1999 Human Development Index (HDI) of the United Nations Development Programme (UNDP), Angola was ranked at 160 out of 174 countries. Angola has not seen peace in thirty years, yet the UNDP considers that the quality of life in this tragic country is better than in Mozambique – a country only five places above Sierra Leone. The UNDP considers Sierra Leone with its thousands of traumatised war victims to be the worst place in the world to live, yet no SADC member country rank within the top 100 countries in terms of the quality of life for its people. South Africa, who does the best, is placed at number 101. With a population of roughly 40 million people, South Africa is a giant within SADC and indeed in Africa. Its gross national product (GNP) is more than twice that of Egypt and more than four times that of Nigeria, the most densely populated country in Africa with roughly 105 million people. Indeed, the majority of SADC countries are ranked between 122 (Botswana) and 160 (Angola). Collectively, the GNP of all of SADC with its 150 million people is roughly equal to that of Belgium with 10 million inhabitants.

THE ESTABLISHMENT OF SADC

The concept of regional economic co-operation was first discussed at a meeting of the FLS Foreign ministers in May 1979 in Gaborone. The meeting led to an international conference in Arusha, Tanzania two months later which brought together all independent countries – with the exception of the then Rhodesia, South West Africa and South Africa – and international donor agencies. The Arusha conference, in turn, led to the Lusaka Summit held in the Zambian capital in April 1980. After adopting the declaration, which was to become known as ‘Southern Africa: Towards Economic Liberation’, Sir Seretse Khama was elected the first chairman of the SADCC.¹⁶ The Declaration committed the signatory governments to pursue policies aimed at economic liberation (i.e. to reduce economic dependence on South Africa) and the integrated and equitable development of the economies of the region. The SADCC was subsequently formalised by means of a Memorandum of Understanding on the Institutions of the Southern African Development Co-ordination Conference dated 20 July 1981.

In 1989, the Summit of Heads of State or Government, meeting in Harare, decided that SADCC should be formalised to “... give it an appropriate legal status ... to replace the Memorandum of Understanding with an Agreement, Charter or Treaty.”¹⁷ In 1992, the SADCC transformed itself into the Southern African Development Community (SADC), which presently consists of fourteen member countries, namely Angola, Botswana, Democratic Republic of Congo, Malawi, Mauritius, Mozambique, Namibia, South Africa, Tanzania, Zambia, Zimbabwe, Lesotho, Swaziland

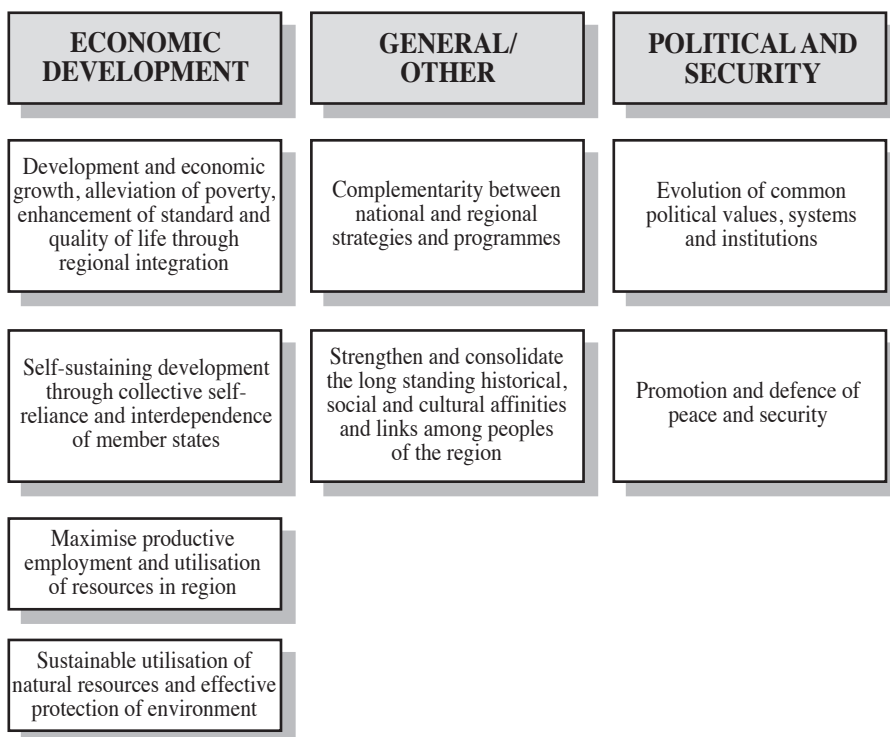
In 1992, the SADCC transformed itself into the Southern African Development Community (SADC), presently consisting of fourteen member countries

and Seychelles. The SADC Treaty was signed in Windhoek and dated 17 August 1992.

The objectives of SADC, as derived from the SADC Treaty, are represented diagrammatically in Figure 1.

In recent years, much of the effort to promote a common security regime in the region has tried to do so through the SADC Treaty. Apart from the multilateral agreement on crime combating, discussed elsewhere in this monograph, the SADC Treaty is the only existing legal vehicle through which to pursue such progress. It is therefore important to review the more important characteristics and features of the Treaty.

Figure 1: SADC objectives



THE SADC TREATY

SADC is an intergovernmental organisation aimed at promoting economic development. It is established as a Regional Economic Community of the UN system and the Treaty principles commit SADC and its member states to:¹⁸

- “Sovereign equality of all Member States;
- Solidarity, peace and security;
- Human rights, democracy, and the rule of law;
- Equity, balance and mutual benefit;
- Peaceful settlement of disputes.”

The SADC Treaty, therefore, provides some guidance with regard to the rule of law, democracy, good governance and human rights practices. Article 6 on General Undertakings also includes the clause: “SADC and Member States shall not discriminate against any person on the grounds of gender, religion, political views, race, ethnic origin, culture or disability.” Article 23 furthermore specifically provides for the involvement of non-governmental organisations (NGOs), although their engagement by SADC is still very tentative. The recent establishment of the SADC Parliamentary Forum is the first hesitant step by the Community to engage in human rights and oversight issues.¹⁹

The SADC Treaty establishes six institutions (Article 9), each of which is briefly discussed below.

- The *Summit of Heads of State and Government* is

The SADC Treaty, therefore, provides some guidance with regard to the rule of law, democracy, good governance and human rights practices

very small organisation often overburdened by the magnitude of its development co-ordination challenge. During the 1999 Summit in Maputo, the long serving Kaire Mbuende resigned with effect from the end of the year, following long standing dissatisfaction with his management and style of leadership.

- The *Tribunal* is constituted to ensure adherence to the proper interpretation of the Treaty.²⁴ The composition, powers, functions and procedures governing the Tribunal are to be described in a Protocol, adopted by the Summit. By the end of 1999, this was still under consideration by the Council. This is an important omission on the side of SADC since, as will be shown below, different interpretations of the SADC Treaty lie at the heart of much of the dispute about the status of the proposed Summit of the Organ on Politics, Defence and Security. Some see an even more ambitious and probably unrealistic role for the Tribunal. According to Mokou, *“The Tribunal could develop into an extremely important legal instrument in the process of regional integration. It is conceivable that it could also eventually attend to regional disputes, for instance the one between Namibia and Botswana regarding the Sedudu/Kasikili Island. Instead of calling upon the International Court of Justice in The Hague, as is the case with the above dispute, Southern Africa could utilise its own legal structure to attend to such matters.”*²⁵

Although the SADC Treaty provides for sanctions against any member state,²⁶ it is difficult to see how this could be implemented given the Treaty requirement for consensual decisions.

In terms of Article 21(3) of the SADC Treaty, member states agreed to co-operate in the following areas:

- food security, land and agriculture;
- infrastructure and services;
- industry, trade, investment and finances;
- human resource development, science and technology;
- natural resources and environment;
- social welfare, information and culture; and
- politics, diplomacy, international relations, peace and security.

In terms of Article 21(4), the Council may also decide on additional areas of co-operation.

considered to be the supreme policy-making body of the Community. Furthermore, “[t]he Summit shall elect a Chairman and a Vice-Chairman of SADC from among its members for an agreed period, on the basis of rotation.”²⁰ Since decisions of the Summit are taken by consensus, any single dissenting head of state has a right to veto.

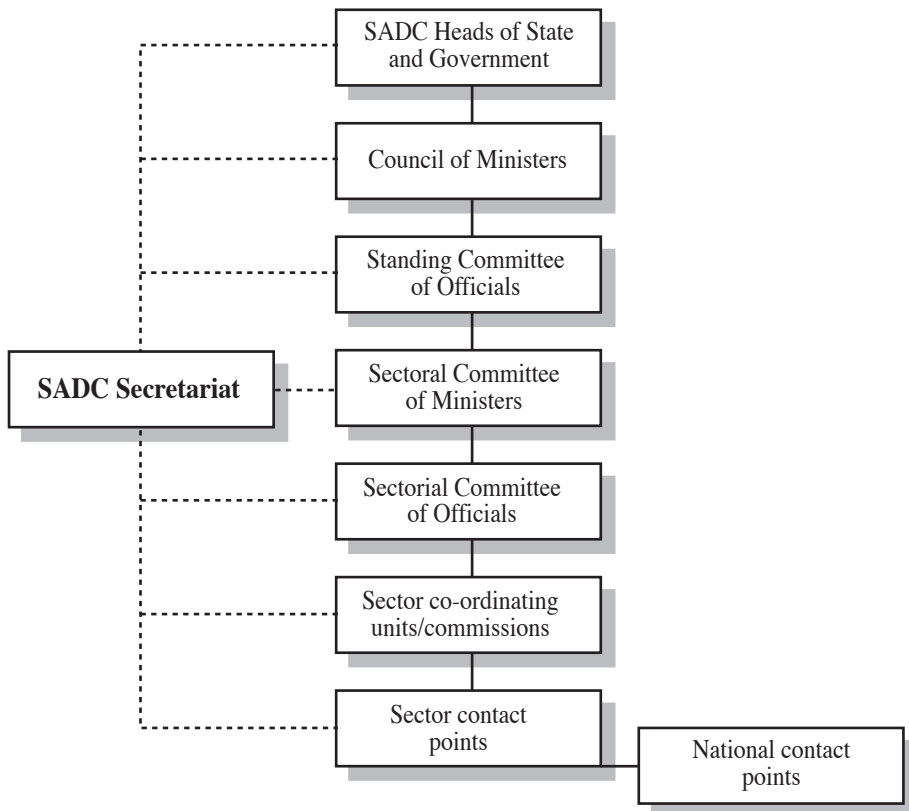
- The *Council of Ministers* is the most important structure in terms of the Treaty and responsible for the functioning and development of SADC. The Council is composed of one minister from each member state “... preferably a Minister responsible for economic planning or finance.”²¹ In the case of South Africa, Botswana, Tanzania, Zambia, Zimbabwe and Mauritius, the Foreign Ministry co-ordinates SADC involvement. Elsewhere, the responsibility generally lies with the relevant ministers for Economic Development as specified in the Treaty. This arrangement is something of an anomaly internationally where Foreign Affairs traditionally chair such meetings.
- The Treaty also envisages the establishment of *commissions* to guide and co-ordinate co-operation and integration policies and programmes in designated sectoral areas as prescribed by the appropriate protocol approved by the Summit.
- The *Standing Committee of Officials* serves as a technical advisory committee to the Council and is composed of one permanent official from each member state, once again “... preferably from a ministry responsible for economic planning or finance.”²²
- The *Secretariat*, located in Gaborone, is the principle executive institution of SADC and headed by an executive secretary appointed for a four-year term at a time.²³ The staff is composed of approximately twenty permanent employees. The remainder of the 57 staff members in Gaborone are support staff and technical advisors. The Secretariat is, therefore, a

The Tribunal could develop into an extremely important legal instrument in the process of regional integration

Although the Treaty provides for co-operation in ‘politics, diplomacy, international relations, peace and security’, there has thus far been little enthusiasm within the Secretariat itself for the involvement of SADC in this kind of endeavour. As could be expected from such a small and overburdened organisation, the Secretariat appears reluctant to engage issues that could dilute its focus on economic and development matters. Despite these limitations, regional interaction and consultation continue to increase and expand. Donor pressure and the absence of international instruments alternative to the SADC Treaty have already led to protocols and initiatives regarding small arms, landmines and drugs.

The Secretariat, for example, has appointed full-time advisors to deal with landmine²⁷ and drug issues, both of whom reside in Gaborone. The mandate of the former has subsequently been broadened to include disaster management and small arms. With

Figure 2: SADC structure



SADC SECTORS AND PROTOCOLS

The economic activities of SADC have been pursued through a complex system of commissions and sectors, which have been formed to guide and co-ordinate regional policies and programmes in specific areas. The co-ordination of sectors are allocated to individual member states that are to provide regional leadership. Within the Secretariat, the sectors fall under one of two divisions, economic integration or community-building.

Countries that serve as SADC sector co-ordinators are as follows:

- Angola – Energy
- Botswana (2 sectors) - Agricultural Research; and Livestock Production and Animal Disease Control
- Lesotho (2 sectors) - Water and Environment; and Land Management
- Malawi – Inland Fisheries, Forestry and Wildlife
- Mauritius – Tourism
- Mozambique (2 sectors) - Culture and Information; and Transport and Communication
- Namibia (2 sectors) - Marine Fisheries and Resources; and Legal
- South Africa (2 sectors) - Finance and Investment; and Health
- Swaziland – Human Resource Development

Within the SADC Secretariat, sectors fall under economic integration or community-building

- Immunities and Privileges (14 September 1995)
- Combating Illicit Drug Trafficking (24 August 1996)
- Energy (24 August 1996)
- Trade (24 August 1996)³⁰
- Transport, Communications and Meteorology (24 August 1996)
- Education and Training (8 September 1997)
- Mining (8 September 1997)
- Development and Tourism (14 September 1998)
- Wildlife Conservation and Law Enforcement (18 August 1999)
- Health (18 August 1999)

The SADC Treaty only provides for one Summit, Council and Standing Committee, and determines that the quorum for all meetings of all institutions will be two-thirds of its members. Decisions must be by consensus.³¹ Thus, a meeting or consultation, for example, by South Africa, Zimbabwe, Botswana and Mozambique with regard to a military intervention in Lesotho would not constitute a quorum, neither would a meeting between, for example, Namibia, Angola and Zimbabwe to support Laurent Kabila in the DRC.³²

The absence of such a required quorum does not detract from the sovereign right of an internationally recognised government to defend itself and call upon its neighbours and friends to assist it when faced with external aggression (DRC) or a domestic threat to an elected government (Lesotho). It does imply, however, that the efforts by Zimbabwe and its allies and South Africa and its cohorts to provide such military assistance as representing a SADC mandate do not stand up to scrutiny.

Not all protocols refer to designated sectors and/or are assigned to a particular country. This is, for example, the case with the Protocol on Combating Illicit Drug Trafficking for which no sectoral responsibility has been allocated. The drugs protocol is also, at first glance, an apparent anomaly – given the stated reluctance of the Secretariat to retain its focus on economic development and integration issues and to avoid being distracted from this task. The initiative that led to the development of this protocol came from the so-called Berlin initiative of 1994 that created the general impetus for EU-SADC co-operation.

- Tanzania – Industry and Trade
- Zambia (2 sectors) - Mining; and Employment and Labour
- Zimbabwe (2 sectors) - Food, Agriculture and Natural Resources; and Crop Protection

The SADC Plant Genetic Resource Centre is based in Lusaka. The Southern African Centre for Co-operation in Agricultural and Natural Resources and Training is based in Gaborone. The Southern African Transport and Communications Commission is located in Maputo.

Sectors are also further divided into a number of subsectors that may be co-ordinated by other countries.

Following a conference sponsored by the European Union (EU) on constitutionalism in Gaborone in 1999 and a subsequent regional conference on local government in Johannesburg in July 1999, participants agreed to establish a regional ministerial committee on local government. The idea is to eventually establish a SADC Sector on Local Government.²⁹

At present, no sectoral responsibilities have been formalised for security-related matters or governance issues despite the fact that these have frequently been under discussion in recent years.

Co-operation in each area is spelled out in protocols that, after approval by the Summit, become integral parts of the SADC Treaty. These protocols are legally binding after being ratified by more than two-thirds of the member states. Generally, the protocols spell out the objectives, scope and institutional mechanisms for co-operation and integration. In pursuit of the above, SADC has signed the following protocols – not all of which have entered into force (dates of signature in brackets):

- Shared Watercourse Systems (28 August 1995)

The efforts by Zimbabwe and its allies and South Africa and its cohorts to provide military assistance as representing a SADC mandate do not stand up to scrutiny

Typical of a number of initiatives such as that regarding landmines, the EU funded and drove the process that led to the drafting and adoption of this protocol in 1996.³³ The EU consequently also funds a technical advisor in Gaborone responsible for the implementation of the protocol. It is important to recognise that, at the time, SADC was the only legal vehicle for such an agreement. In terms of Article 2, the main objectives of the drugs protocol are:

“to reduce and eventually eliminate drug trafficking, money laundering, corruption [resulting from illicit drug trafficking] and the illicit use and abuse of drugs through co-operation among enforcement agencies and demand reduction through co-ordinated programmes in the Region; to eliminate the production of illicit drugs; and to protect the region from being used as a conduit for drugs destined for international markets.”³⁴

Collectively, the protocol exceeds the scope of SARPCCO competencies as discussed elsewhere.³⁵ The protocol further calls on member states to accede to various UN conventions (Article 5), harmonise their domestic legislation, afford mutual legal assistance, establish a regional drug database, and more (Article 6). Article 9 of the protocol calls for the establishment of a committee to oversee the implementation of the protocol, responsible for drug-related information, training and evaluation.

The initiative to draft the protocol followed the Berlin EU-SADC ministerial meeting of September 1994 during which the combating of illicit drug trafficking was identified as one of a number of priorities. This predated the finalisation of the establishment of SARPCCO and the multilateral agreement on crime combating.³⁶ Despite various letters from the head of Interpol, as well as the regional bureau chief of Interpol in Harare requesting SARPCCO involvement, SADC proceeded to draft the Protocol on Combating Illicit Drug Trafficking.³⁷ The result is a clumsy, but not unworkable system within which the issue of drugs has been elevated to protocol status despite the fact that it cannot be separated from general cross-border crime, including the smuggling of vehicles and illegal migrants, for example. Following several years of effort, it would appear as if donor funding has now been released for project implementation, although national progress in combating drugs is clearly uneven.³⁸

There is therefore a trend where the reluctance of the SADC Secretariat in Gaborone to involve itself in security issues has been overcome by donor pressure in areas such as drugs and possibly soon, small arms. Practically, this antipathy translated into a bureaucratic reluctance to push for any movement on the finalisation of a protocol on politics, defence and security (see below).

SADC REFORM

The capacity of many SADC member countries to co-ordinate activities in their allocated sectors and subsectors is limited. Very few member states have officials who are appointed to deal solely with SADC issues, and in cases where the local public service suffers a lack of resources in the fulfilment of its daily, ongoing tasks, SADC responsibilities are 'over-and-above' functions which are often left for last.

Central co-ordination within countries is becoming increasingly unwieldy and costly. For example, during the recent SADC Summit meeting in Maputo, the South African delegation consisted of some 63 persons, including the ministers of each sector that is part of SADC. Although considerable time was spent discussing security issues, no representatives from the South African departments of Defence or Safety and Security were involved in the SADC meeting.

During 1996, a committee of four member states (Malawi, Namibia, South Africa and Zimbabwe) appointed three specialist consultants from Malawi, South Africa and Zimbabwe to look at the reform of the Community. Their report, published in April 1997, found that many ostensibly regional projects are, in fact, national projects. It was recommended that SADC moves from a project approach, steered by co-operating partners, to the harmonisation of policies and procedures.

The consultants also recommended that each member state establishes a national SADC committee and that a meeting of the chairpersons of the national SADC committees in member states should replace the current meeting of senior officials.

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Other recommendations were that the current sector/commission arrangement in SADC should be replaced by five regional umbrella institutions.

A regional workshop was subsequently convened in Gaborone towards the end of 1997, in order to advise the Council of Ministers on the implementation of the study. Not surprisingly, the findings and recommendations were considered to be 'controversial' and 'radical,' since many smaller and less powerful states would stand to lose their function as sectoral co-ordinators, and their implementation was delayed. The 1998 SADC Summit meeting held in September in Mauritius would subsequently³⁹ endorse "... *the decision to reorient the role of SADC to include a focus upon policy formulation, co-ordination and harmonisation, the involvement of the private sector and other stakeholders in community building.*" The Summit also reaffirmed the necessity of continuing with the system of sectoral co-ordination by member states, the rationalisation of sectors where appropriate, and the rationalisation of the existing SADC project portfolio.

The process of building consensus on the rationalisation of SADC is bound to be long and arduous, not least because a leaner and more efficient SADC may threaten vested interests that had developed since the creation of the SADCC in 1981. The final model accepted by SADC may therefore differ significantly from that contained in the recommendations.

THE SADC ORGAN ON POLITICS, DEFENCE AND SECURITY

THE SUCCESSOR TO THE FRONT-LINE STATES ALLIANCE

The resolutions and recommendations of the SADC Workshop on Democracy, Peace and Security, which was held in Windhoek from 11 to 16 July 1994, set SADC on a course towards formal involvement in security co-ordination, conflict mediation, and even military co-operation at heads of state level.

Importantly, one of the Windhoek working groups on conflict resolution, recommended that "... *Conflict Resolution and Political Co-operation become a 'Sector', the responsibility for which would be allocated to a SADC member state*", and that a Protocol on Peace, Security and Conflict Resolution should be drawn up. The Windhoek proposals were subsequently referred to the next meeting of the Council of Ministers in Botswana. At this meeting, it was decided rather to establish a wing for conflict mediation and prevention, as opposed to a sector.

At the next meeting of SADC Foreign ministers, convened in Harare on 3 March 1995, the creation of an Association of Southern African States (ASAS), under Chapter 7, Article 21(3) (g) of the SADC Treaty, was recommended. It was envisaged that ASAS would function independently of the SADC Secretariat, and that it would report directly to the SADC Heads of State and Government. It was also envisaged that ASAS would incorporate two specialised SADC sectors, one dealing with political affairs and the other with military security.

*The SADC
Workshop on
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and Security held
in 1994, set SADC
on a course
towards formal
involvement in
security
co-ordination and
conflict mediation*

charters and conventions of the OAU and the UN;

- to promote peace and stability; and
- to promote peacemaking and peacekeeping in order to achieve sustainable peace and security.

ASAS would be independent from the SADC Secretariat, and report directly to the SADC Summit, i.e. the heads of state. The ASAS proposal was therefore a deliberate attempt to preserve the key features of the previous FLS arrangement, namely an informal and flexible *modus operandi* with unimpeded access to the SADC heads of state, while keeping bureaucracy to a minimum. Speaking in parliament on the Foreign Affairs budget vote on 18 May 1995, South African Minister of Foreign Affairs, Alfred Nzo would confirm that “... *the Foreign Ministers of SADC have proposed that the former Front-line States be turned into a new political and security arm of the SADC.*”⁴²

These recommendations were duly considered by the August 1995 SADC Summit which was held in Johannesburg. However, the Foreign ministers’ proposals had not been based on consultations with the various ministers of defence and police, nor with the intelligence community. Moreover, some of the delegates were uncomfortable with the name of ASAS and the idea that such sensitive sectors would be assigned to individual member states on a permanent basis as was the practice with the various economic sectors.

FROM AN ASSOCIATION TO THE ORGAN

The first sign that the ASAS proposal was going to run into problems at the Johannesburg Summit came from Nzo, who told a press briefing that the Foreign ministers of SADC would have to look at the name ASAS again and decide whether it would be an association or a sector. To many commentators the decision to delay the creation of ASAS was rooted in a disgruntled President Robert Mugabe who felt that Zimbabwe had a right to a commanding position in any new grouping, similar to the role it had played in the FLS and was piqued at the increased dominance of South Africa. Zimbabwe had apparently insisted that the permanent chairmanship of ASAS should be given to the longest serving SADC head of state (i.e. Mugabe), but it was Namibia’s proposal that a two-yearly revolving chairmanship would be more appropriate which had won the day.⁴³ In fact, the chair of the FLS had rotated only twice during its existence, passed on from Nyerere to Kaunda to Mugabe.⁴⁴ In retrospect, a two-yearly revolving chairmanship appeared to err on the side of excessive caution, for it would imply that it would be a quarter of a century before any single country would again chair the sector.

ASAS would be guided by the principles set out in the July 1994 Windhoek document, which included the following:⁴⁰

- the sovereign equality of all member states;
- respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence;
- peaceful settlement of disputes through negotiation, mediation or arbitration; and
- military intervention of whatever nature to be decided upon only after all possible remedies have been exhausted, in accordance with the charters of the OAU and the UN.

The Ministers further proposed that the terms of reference of ASAS should include the following objectives:⁴¹

- to protect people of the region against instability arising from the internal breakdown of law and order, interstate conflict and from external aggression;
- to co-operate fully in regional security and defence, through conflict prevention, management and resolution;
- to give maximum support to the organs and institutions of SADC;
- to mediate in interstate and intrastate disputes and conflicts;
- to co-ordinate and harmonise, as far as possible, policy on international issues;
- to promote and enhance the development of democratic institutions and practices within each member state, and to encourage member states to observe universal human rights as provided for in the

The ASAS proposal was a deliberate attempt to preserve the features of the FLS arrangement: an informal and flexible modus operandi with unimpeded access to SADC heads of state

The final communiqué issued in Johannesburg would eventually omit any mention of the name ASAS, but simply state that:

“The Summit reviewed its decision of Gaborone in August 1994, to establish the sector on Political Co-operation, Democracy, Peace and Security. The Summit considered and granted the request of the Foreign Ministers of SADC, that the allocation of the sector to any Member State be deferred and that they be given more time for consultations among themselves and with Ministers responsible for Defence and Security and SADC Matters, on the structures, terms of reference, and operational procedures, for the sector.”⁴⁵

This challenge was taken up on 18 January 1996 at a meeting in Gaborone of the SADC ministers of Foreign Affairs, Defence and Security who met with the task to

“... make recommendations on how best to merge the decisions of the SADC Council to establish a Sector for Politics, Diplomacy, Defence and Security with the proposal of Foreign Ministers of the Front-line States to establish an Association of Southern African States (ASAS).”⁴⁶

The subsequent press statement recorded the recommendation to the SADC Summit in favour of

“... the establishment of a SADC Organ for Politics, Defence and Security which would allow more flexibility and timely response, at the highest level, to sensitive and potentially explosive situations. Modalities of how the proposed SADC Organ could be structured and operationalised would be determined by Summit.”⁴⁷

A sector had now become an ‘organ’ in an obvious copy of the rather strange terminology adopted by the OAU.

In a subsequent letter to his colleagues in the rest of SADC dated 14 May, President Ketumile Masire of Botswana, as the chairperson of SADC, declared the Organ on Politics, Defence and Security officially established and that it “... *should now begin to operate.*” The letter further stated that Zimbabwean President Robert Mugabe would serve as the interim chairperson of the Organ until the next Summit meeting in August that year. A subsequent letter from President Masire, dated 18 June 1996, indicated that, after consultation with President Mugabe, an extraordinary Summit meeting would be hosted in Botswana on 28 June to launch the Organ officially.

The Summit did not deviate from the recommendations that had been made by the ministers earlier in the year. To all intents and purposes, the Organ on Politics, Defence and Security had been legitimised by SADC.⁴⁸

Apart from reiterating the five principles of SADC itself (listed earlier in this monograph), the heads of state agreed to add the following two additional principles as reflected in the proposed principles for ASAS:

“Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;

Military intervention of whatever nature shall be decided upon only after all possible political remedies have been exhausted in accordance with the Charter of the OAU and the United Nations.”⁴⁹

Both principles are well established in international law, but their application would arguably be broken by the intervention in Lesotho and the one in support of Laurent Kabila in the Congo. In both instances, military intervention by neighbours would not occur with a proper SADC mandate.⁵⁰

The manner in which the Botswana communiqué was drafted and the subsequent interpretation of the communiqué would result in endless problems. Over time, the chairpersonship of the Organ, the permanency of this position and the Organ’s status *vis-à-vis* SADC became hotly contested, particularly between South Africa and Zimbabwe.

While South Africa argued that the SADC Treaty did not provide for a SADC Organ Summit that was separately constituted under a separate chair and with a mandate separate from that of SADC, the position of Zimbabwe, the chair of the Organ, was different. The Zimbabwean interpretation of the independence of the Organ essentially drew from paragraph 4.3.1 of the 1996 Gaborone communiqué which reads as follows: *“The SADC Organ on Politics, Defence and Security shall operate at the Summit level, and shall function independently of other SADC structures.”⁵¹* The South African position did not appear to reject the concept of a SADC chair and a chair for the Organ, both at heads

Over time, the chairpersonship of the Organ, the permanency of this position and the Organ’s status vis-à-vis SADC became hotly contested

Organ as listed in the June 1996 communiqué into seven clusters as depicted in Figure 3: those dealing with strictly military/defence issues, peacekeeping, conflict prevention, crime prevention, intelligence, foreign policy and human rights.⁵⁴

The Organ objectives included a commitment that

“... where conflict does occur, to seek to end this as quickly as possible through diplomatic means. Only where such means fail would the Organ recommend that the Summit should consider punitive measures. These responses would be agreed in a Protocol on Peace, Security and Conflict Resolution.”⁵⁵

A further commitment was to

“... develop a collective security capacity and conclude a Mutual Defence Pact for responding to external threats, and a regional peacekeeping capacity within national armies that could be called upon within the region, or elsewhere on the continent.”⁵⁶

THE IMPASSE IN THE RELATIONSHIP BETWEEN THE ORGAN AND SADC

The Gaborone communiqué included the following guidelines pertaining to the institutional framework of the Organ:

- it would operate at the Summit level, and function independently of other SADC structures;
- it would also operate at ministerial and technical levels;
- the chairing of the Organ would rotate on an annual and a troika basis;
- the ISDSC would be one of the institutions of the Organ; and
- the Organ may establish other structures as the need arose.⁵⁷

A series of meetings between officials followed to work out the modalities of the Organ, based on three documents:⁵⁸

- Proposed structure of the SADC Organ on Politics, Defence and Security;
- Draft rules of procedure of the SADC Organ on Politics, Defence and Security; and

of state level, but was rather concerned with the fact that the SADC chair had to take clear precedence over the chair of the Organ, since the Organ was part of SADC.⁵² In a legal opinion prepared for the Department of Foreign Affairs the previous year, South African government law advisors warned that if the Organ was to deal with political matters, the SADC Summit would eventually play second fiddle, indeed “... *that the Chairpersonship of the Organ wields the most influential position in the region.*”⁵³ Since both the chair of the Organ and that of SADC were to rotate, the South African position could not have been directed at Zimbabwe, but was apparently motivated by a desire for a single, integrated regional co-operation mechanism.

For its part, Zimbabwe argued that the Organ should not only function under a separate chair, but that it should also operate on the same ‘flexible and informal’ basis as the FLS operated prior to the end of apartheid rule in South Africa. This implied that the Organ would, in fact, operate parallel to SADC, but will be a nominal part of the Community.

It would also appear as if neither the Zimbabweans nor the South Africans had at that stage adequately considered the establishment of an entirely separate structure dealing with political and security issues in the region.

In retrospect, these differences appear to draw more than a little on the changed power relationships evident in the region following the presidency of Nelson Mandela in South Africa – they also reflected the fundamental differences in political values and practices between SADC member countries. It would also become evident that, to some extent, officials were much more intransigent and radical in their interpretation of the communiqué – probably because they had little real idea of what had actually been agreed to in Botswana, or for that matter, at other Summits where no minutes were kept and officials were excluded from the most important deliberations.

It is possible to group the sixteen objectives of the

Zimbabwe argued that the Organ should not only function under a separate chair, but should also operate on the same ‘flexible and informal’ basis as the FLS prior to the end of apartheid in South Africa

Figure 3: Objectives of the SADC Organ on Politics, Defence and Security

MILITARY	Protect against instability – internal and external threats	Develop a collective security capacity – Mutual Defence Pact for response to external threats		
PEACEMAKING, PEACEKEEPING AND PEACE ENFORCEMENT	Develop a regional peacekeeping capacity within national armies for internal or external use	Co-ordinate participation in peace operations by member states		
CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION	Use preventive diplomacy and early warning of conflicts	Mediate in interstate and intrastate disputes and conflicts	Conflict prevention, management and resolution	Full regional co-operation in conflict management
CRIME PREVENTION	Close co-operation to deal with cross-border crime	Promote community-based approach		
INTELLIGENCE	Close co-operation	Early warning system		
FOREIGN POLICY	Promote co-operation and common political value systems and institutions	Develop common foreign policy and lobby as region	Encourage and monitor international arms control/disarmament conventions and treaties	Address extraregional conflicts that impact on the region
HUMAN RIGHTS	Develop democratic institutions and practices	Encourage observance of universal human rights	Encourage and monitor international human rights conventions and treaties	

- Draft Protocol on Politics, Defence and Security.

The differences between the South African and Zimbabwean positions became evident at the second of these meetings held on 25 June 1997 and were to be captured in the third draft of the proposed Protocol on Politics, Defence and Security.

The third meeting of officials was held in Harare on 13 and 14 August 1997 and chaired by Zimbabwe's director-general of Foreign Affairs. The three documents were discussed and endorsed at the SADC Ministerial Meeting held the next day⁵⁹ that, in turn, recommended them to the Summit scheduled for Malawi in September. The recommendations by the ministers, however, were subject to a resolution of the single/dual Summit issue.

The third and, until now, final draft Protocol on Politics, Defence and Security **in** (as opposed to 'of') SADC reiterated the objectives of the Organ as listed in the Gaborone communiqué, but omitted two objectives, one of which is to "... give political support to the organs and institutions of SADC."⁶⁰ The draft protocol also refers to a 'Summit' as "... the Meeting of the Heads of State and Government of the SADC Organ"⁶¹ – as opposed to the Summit of SADC as prescribed in the SADC Treaty. It is therefore clearly an attempt to create distance between the Organ and SADC. The draft protocol made no mention of a permanent secretariat, or the chairpersonship of the Organ, among other issues, since these were contained in a separate document entitled *Draft rules of procedure of the SADC Organ on Politics, Defence and Security*.

The draft protocol proposed

*"... a Ministerial Committee comprising Ministers of Foreign Affairs, Defence and Security on which each Member State shall enjoy equal representation. The Ministerial Committee shall meet at least once a year or as circumstances may warrant in furtherance of the objectives of the Protocol ..."*⁶²

The sum effect of this clause would be to create a ministerial structure at a level above that of the ISDSC.⁶³

A commitment was made to develop a collective security capacity and conclude a Mutual Defence Pact for responding to external threats

would be replicated at both ministerial and officials level to serve as a consultative mechanism prior to the deliberations of the entire Organ.

The majority of these recommendations reflected, in truth, the manner in which the ISDSC was already operating.

The accompanying *Draft Rules of Procedure of the SADC Organ on Politics, Defence and Security* recommended that two-thirds of the member states of the SADC Organ would constitute a quorum and that decisions of the Committee would occur by consensus.

Prior to the Blantyre Summit meeting of 8 September, Mandela wrote to his Zimbabwean counterpart and others to inform them that, while he would abide by a majority decision, South Africa would resign as SADC chair if the Summit agreed to a separate SADC Organ Summit.

The differences between the South African and Zimbabwean positions that had been simmering since the Gaborone communiqué on the Organ came to a head in Blantyre. After a report in plenary on the ministerial meeting that was held in Harare the previous month, South Africa asked that the Summit go into closed session where Mandela again registered his strong objection to a separate Organ Summit in parallel to the SADC Summit.⁶⁸ According to subsequent newspaper reports, presidents Mandela and Mugabe clashed personally on the status of the Organ. In the subsequent communiqué, the Blantyre Summit limply “*reaffirmed the importance of the Organ as a vehicle for strengthening democracy in the region and co-operation in defence and security matters*”, without any further reference to the way in which it should be organised and structured. Excluded from the debate on principles and without any formal record of the discussions and decisions at that level, officials had to rely upon the interpretation of events that they would subsequently receive from their respective heads of state.

The Blantyre Summit decided to convene an extraordinary meeting of SADC leaders to resolve the embarrassing public spat between South Africa and Zimbabwe. This meeting was scheduled to be held in Luanda on 25 September 1997, but was cancelled since the war in Angola, by then, had restarted and the Angolan government was awaiting the decision of the UN Security Council on sanctions against UNITA.⁶⁹

The issue of the Organ was raised once again during an extraordinary meeting of the SADC heads of state held in Maputo on 2 March 1998. Again, no decision was taken. Mozambican President Joaquim Chissano (then deputy chairperson of SADC) stated that the meeting had avoided taking any decision, as a thorough study of the matter was required. He announced that a working group comprising the leaders of three SADC states (Mozambique, Malawi and Namibia) would discuss in detail how better

The protocol provides for regional intervention in the case of intrastate conflict, but only for purposes of mediation, and does not provide for military assistance.⁶⁴ Therefore, a situation such as military intervention to forestall a *coup d'état* in Lesotho by other SADC member states would technically fall outside the provisions of the protocol, although such intervention would not necessarily be illegal in terms of international law.⁶⁵

In the case of interstate conflict, the protocol reinforced the decision already evident in the Gaborone communiqué of 1996 by providing for the following: “*External threats to the region would be addressed through collective security arrangements to be agreed upon in a Mutual Defence Pact among the SADC Organ Member States.*”⁶⁶

The document on the proposed structure of the Organ recommended the following:⁶⁷

- A ministerial committee composed of Foreign, Defence and Security ministers that would meet at least once a year would be created. In effect, this would create a separate ministerial committee within SADC as a whole.
- A technical committee on Politics, Defence and Security immediately below the ministerial committee would be established that would meet every six months.
- The ministerial committee could create other subcommittees at ministerial level as necessary. These subcommittees, in turn, could create appropriate technical committees. This was, for example, already the case with the three subcommittees of the ISDSC.
- The country chairing the Organ would provide secretariat services, as was the case with the ISDSC.
- For co-ordination purposes, the Troika formula

The Blantyre Summit limply reaffirmed the importance of the Organ as a vehicle for strengthening democracy in the region and co-operation in defence and security matters

meeting was that “... the SADC Organ on Politics, Defence and Security should be created as a Committee comprising five SADC member states,”⁷⁵ and that this committee “... would be given full mandate to intervene in all conflicts arising within the region.”⁷⁶ The ministers went on to reason that

“... a small committee would operate more efficiently because it would be flexible and could easily meet at short notice to take appropriate decisions. Second, it would be possible to keep such sensitive information confidential to avoid leakage.”⁷⁷

The members of the committee would be “... selected by the SADC Summit and ... two members of the Committee shall be retired and replaced every year.”⁷⁸ The existing SADC Summit of Heads of State and Government, in effect, would be subordinated to an Organ whose decisions, according to the ministers’ recommendations, will “... not be vetoed upon but could be modified or improved by the SADC Summit to facilitate quick resolution of any conflict or tension. In this regard, a link would be established between the SADC Summit and the SADC Organ.”⁷⁹ The danger was, of course, that the SADC Summit would end up merely providing a ‘rubber stamp’ for decisions taken by the executive clique of five in the Organ.

The Libombos meeting only touched on the potential role of Foreign ministers within the Organ structures, suggesting that,

“The role of Ministers of Foreign Affairs in the SADC Treaty ... should ... be clearly defined. The Ministers of Defense, Home Affairs and Security should continue to operate as the Inter State Defense and Security Committee (ISDSC). The Organ may ask the ministers of Foreign Affairs to assist in its activities when the need arises.”⁸⁰

Foreign ministers further recommended that there “... shall be no permanent secretariat for the SADC Organ.”⁸¹ If there is no permanent secretariat, there can be no secretary-general, no multinational staff, no continuity, and no means of effectively following up on the implementation of decisions.

Apparently the recommendations were not approved by the committee of three heads of state and government in anticipation of the September 1998 SADC Summit in Mauritius. It matters little anyway, for discussions focused on the emerging crisis in the DRC, whose president attended for the first time as SADC member. Indicative of the sensitivities around the Organ, the Mauritius communiqué did not even mention the issue. By the end of 1999, the Libombos recommendations appear to have fallen by the wayside.

SIGNS OF RESOLUTION

30 Recent events have been more promising. By the time of the August 1999 SADC

to “... define the very concept of a defence and security organ and its relationship with SADC.”⁷⁰

THE PEQUENOS LIBOMBOS PROPOSALS

In pursuit of this objective, Mozambique convened a SADC Organ Ministerial Meeting on 8 May 1998, which was held at Pequenos Libombos Dam outside Maputo. The purpose of the meeting was for Foreign ministers of Mozambique, Malawi and Namibia to “... put forward some recommendations on the proposed form and structure of the SADC Organ.”⁷¹ The meeting “... took into account the fact that the creation of the SADC Organ had been delayed for almost two years since a decision to create one was made by the Gaborone SADC Summit on 28 June 1996.”⁷²

The Pequenos Libombos recommendations amounted to an uneasy attempt at steering a middle road between the positions of South Africa and Zimbabwe, most evident in the convoluted recommendation regarding the chairing of the Organ. This recommendation reads as follows:

“It is proposed that the Chairman of the SADC Summit should be the Chairman of the Organ. The SADC Summit will elect the Chairman. The Chairman of the Organ shall report to the Summit, and in case he is different from the SADC Summit Chairman, then the Chairmanship should rotate once every year. In the later [sic] scenario the SADC Chairman and the Chairman of the Organ would have to consult regularly.”⁷³

Like the proverbial horse designed by a committee, the result was somewhere between a camel and a reindeer. In fact, the committee concluded with a statement that their proposals “... largely represent a compromise between the different perspectives held by member states of SADC.”⁷⁴

The most important recommendation of the Libombos

If there is no permanent secretariat, there can be no secretary-general, no multinational staff, no continuity, and no means of effectively following up on the implementation of decisions

Defence, Mosiuoa Lekota, allowed little time to pass. The following month, he initiated consultations with his counterparts in Zimbabwe and Namibia, to the consternation of desk officers within the South African Department of Foreign Affairs who were unaware of the developments. In sharp contrast to the cutting criticism expressed by Mandela of the Zimbabwean intervention in the DRC, Lekota's utterances were now broadly supportive of these events.⁸⁵

Lekota publicly welcomed the idea of a regional Southern Africa defence pact to protect countries from foreign aggression and stated that it was no longer appropriate for the region to have an *ad hoc* response to threats to national sovereignty in the region. "*Without an instrument that provides guidelines to protect legitimate governments in the region from foreign armed aggression, peace cannot be guaranteed.*"⁸⁶ Lekota added that a regional defence effort could come into being before the SADC Heads of State and Government Summit in 2000. Having established a common understanding with both Zimbabwe and Namibia – the two countries most hostile to the South African position – Lekota approached Swaziland in its capacity as chairperson of the ISDSC with a request to host an Extraordinary Ministerial Conference of SADC ministers of Foreign Affairs, Defence, State Security and Public Security for the third week in October 1999. In preparation, talks were held in Pretoria on Monday 20 September between the Defence ministers of South Africa and Zimbabwe, and Swaziland's Foreign minister. This meeting was followed, on 22 September, by two days of talks in Swaziland by SADC defence chiefs to develop a protocol governing SADC's reaction to "*... situations that require intervention, peacekeeping or peace enforcement*" according to Swaziland's Foreign Minister Albert Shabangu.⁸⁷

In preparation for the Extraordinary Ministerial meeting, a working session of officials from Swaziland, South Africa and Zimbabwe assembled in Pretoria from 29 September to 1 October to:

- deliberate on an appropriate SADC Organ structure;
- refine the protocol;
- consider a draft mutual defence pact;
- discuss a permanent security secretariat; and
- prepare for the proposed ministerial meeting.

The Pretoria meeting agreed to 'revisit' the three documents that were adopted at the ministerial meeting of the Organ in Harare on 15 August 1997.

32 The most important recommendation to emanate from the working session was that

Summit of Heads of State or Government in Maputo, events in the DRC and Lesotho had made it apparent to all parties that a compromise arrangement on the Organ was urgently required. The subsequent communiqué clearly recognised a chairperson for both SADC and the Organ on Politics, Defence and Security.⁸²

“The Summit decided that the Council of Ministers should review the operations of all SADC institutions, including the Organ on Defence, Politics and Security [sic], and report to the Summit within six months. The summit further agreed that that the Organ on Defence, Politics and Security [sic] should continue to operate and be chaired by President Mugabe of Zimbabwe.”⁸³

What the communiqué omitted, was a decision that the ongoing operation of the Organ had to occur in consultation with the outgoing, present and incoming chair of SADC, namely South Africa, Mozambique and Namibia. A promising compromise had therefore been reached that, in time, may serve to resolve the paralysing difference on the ‘two summits’ issue. In return for the recognition of Mugabe as chair and the continued operation of the Organ – albeit for a limited period – other countries had extracted a commitment that, in theory, would halt unilateral action by any single SADC member state.

For South Africa, who had long pushed for the implementation of the SADC rationalisation programme discussed earlier, the Maputo communiqué also linked the future of the Organ to the review of the existing structure. This was, obviously, not a view shared by Zimbabwe. The Zimbabwean official tasked with this issue would later plaintively write: *“... why review all SADC structures, including those whose status has never been disputed, when only the SADC Organ is the subject of contestation.”⁸⁴*

The August Summit followed shortly after elections in South Africa that had installed a new president and allowed new blood to be brought into the South African cabinet. Newly appointed South African Minister of

Without an instrument that provides guidelines to protect legitimate governments in the region from foreign armed aggression, peace cannot be guaranteed

How President Mugabe will react to these recommendations remains to be seen.

It would later become apparent that the ministers had agreed that there would be a committee of ministers below the Organ. This committee will be composed of the ministers responsible for Foreign Affairs, Defence, State Security/Intelligence and Public Security/Police and chaired by Foreign Affairs. The primacy of Foreign Affairs at this level is an important corrective step in the future development of the Organ. Two additional ministerial level committees would exist below this committee, namely the ISDSC and a new ministerial committee on Politics and Diplomacy. A total of three layers of ministerial committees would therefore function as part of the Organ. The country that chaired the Organ would also chair the subsidiary structures of the Organ and, as an interim arrangement, would also provide the secretariat. Swaziland, as chair of the ISDSC, would initiate and facilitate the formulation of a new draft Protocol on Politics, Defence and Security – a process to be completed by December 1999.⁹³

Regarding the mutual defence pact, the ministers had agreed to study the Defence Agreement signed between Angola, Namibia, Zimbabwe and the DRC, as well as a draft mutual defence pact submitted by Zambia as a basis to develop a pact for SADC – also to be done by December 1999.⁹⁴

By the end of 1999, the difference between the South African and Zimbabwean positions had become more symbolic than real, since these revolved more around the technical relationship between SADC and the Organ than around matters of principle. By focusing on structure rather than content and process, the further development of the Organ had been unnecessarily delayed for some time.

A number of technical questions remain unclear, however. For example, is the joint Committee of Ministers below the Organ and that referred to as the Council of Ministers in the SADC Treaty one and the same? If not, it may be assumed that SADC has indeed developed a two-legged approach to security and development. Conspicuously absent from any discussion thus far is room for the involvement of non-government actors or a clearer commitment to minimum standards of human rights and good governance.

All chairs rotate annually, but the SADC chair and the Organ chair need not be the same. In fact, Mozambique chaired SADC and Zimbabwe chaired the Organ in 1999, while Swaziland was the chair of the ISDSC.

“SADC Heads of State and Government should decide and clarify whether the Organ should operate as part of the existing SADC Summit or as a separate and parallel entity to the Economic and Development Forum. In the event of the former, the SADC Treaty would have to be amended in order to accommodate a Ministerial Committee comprising Ministers of Foreign Affairs, Defence and Security. The latter would require a separate Treaty/Charter to legitimise such a separate structure as envisaged in the Gaborone Communiqué of 28 June 1996 ... SADC Heads of State and Government need to prudently appoint the other two members of the Troika, as an interim measure, until there have been three changes of Chairmanship, after which the Troika will function automatically by logical procession.”⁸⁸

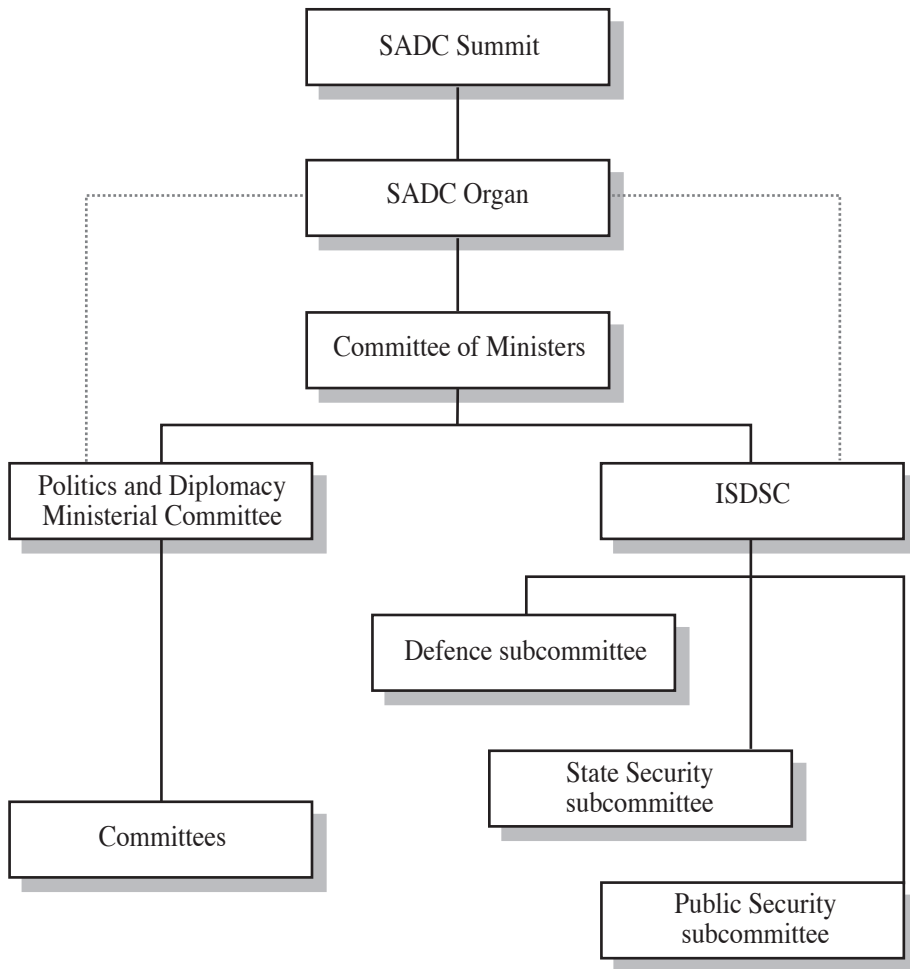
The working session further recommended that the Harare draft Protocol on Politics, Defence and Security “... would require serious reconsideration by a working group of legal, security and diplomatic experts”⁸⁹ and that a regional mutual defence pact could only be considered once a decision on the status of the Organ *vis-à-vis* the SADC Treaty had been taken.⁹⁰ The officials also expressed themselves in favour of a permanent secretariat for the Organ.⁹¹

The subsequent communiqué that was issued by the extraordinary ministerial meeting of the ISDSC and SADC ministers of Foreign Affairs on 27 October stated that:

“It was agreed that the Organ is part of SADC and should report to the SADC summit. Consensus was reached on all issues relating to the structure of the Organ, the composition and chairpersonship of these structures, and lines of reporting to the SADC Summit. Consensus was also reached in terms of a process for refining a draft Protocol on Politics, Defence and Security and a draft Defence Pact. The consensus reached on these matters will now be submitted as recommendations to the SADC Heads of State and Government for their consideration.”⁹²

By focusing on structure rather than content and process, the further development of the Organ had been unnecessarily delayed for some time

*Figure 4: Proposed SADC Organ structure issued in Mbabane
October 1999*



THE INTER-STATE DEFENCE AND SECURITY COMMITTEE

The Inter-State Defence and Security Committee (ISDSC) was established as a substructure of the FLS by Mozambique, Tanzania and Zambia in 1975. The ISDSC therefore predates both SADC and SARPCCO structures and has a degree of historical salience that continues to infuse its existence to this day.

Historically, the ISDSC advised and implemented the decisions and resolutions of the FLS Summit meetings. At the time of its establishment, the ISDSC was essentially a ministerial committee where ministers responsible for Defence, Home Affairs, Police, State Security, Intelligence and eventually Immigration Services met to discuss issues relating to their individual and collective security requirements and those related to the liberation struggle.⁹⁵ Similar to the FLS Summit, the ISDSC had no charter or constitution, neither did it have a headquarters or secretariat. Yet, it was more formally structured than the FLS Summit. The Committee met twice a year or as often as necessary. Its meetings were preceded by meetings of officials and, similar to the FLS Summit, the heads of the military wings of the active liberation movements were invited to both officials and ministerial meetings.⁹⁶

When the FLS was disbanded, the ISDSC was retained and its membership was expanded to include all SADC member states.⁹⁷ As a result, Malawi, South Africa and Swaziland also became members. Mauritius was welcomed as the twelfth member at the annual conference of the ISDSC held in Lilongwe during October 1996. In November 1997, the DRC and the Seychelles were accepted as members following their accession to membership of SADC.⁹⁸

The ISDSC had no charter or constitution, neither did it have a headquarters or secretariat

- *Public security*: to co-ordinate public security activities in the subregion; to exchange experience and information between member states on public security issues such as motor vehicle theft, drug-trafficking, counterfeit currency, illegal immigrants, forged travel documents and firearm-smuggling; and to explore areas and means of enhancing co-operation among police agencies in the subregion.
- *State security*: to review the security situation in the subregion and to analyse issues affecting respective member states, including political instability, armed conflict, influx of refugees, religious extremism and organised crime; to recommend appropriate measures to deal with potential threats to the stability of the subregion; and to consider ways of consolidating and expanding co-operation between member states on matters relating to state security.

Issues dealt with at the 20th ISDSC meeting in Swaziland included the following:

- the security situation in member countries as it affects these countries;
- military training;
- peacekeeping training and capacity-building;
- the establishment of a national maritime authority for law enforcement at sea;
- motor vehicle thefts;
- the SADC Protocol on Illicit Drug Trafficking;
- firearms-licencing;
- legislation regarding penalties for the rape and abuse of women and children, educational campaigns against these offences, as well as the establishment of specialised units to deal with such crimes;
- threats of terrorism;
- illegal immigration;
- the regulation of private security companies and the prevention of mercenary activities; and
- sanctions against UNITA.

At previous meetings, the ISDSC also discussed:

Having evolved informally, the ISDSC did not have a formal legal base similar to that of either SADC or SARPCCO, nor an executive secretary or permanent secretariat. Different from the FLS Summit, however, the ISDSC did keep detailed minutes of its proceedings – although its irregular press releases that followed meetings were intended to mislead more than to inform. Meetings of the ISDSC Ministerial Committee (as a whole) are still chaired by the minister of Defence of the host country. The ISDSC ministerial meeting is preceded by an Officials Plenary Meeting and followed by meetings of the subcommittees for Defence, Public Security and State Security – also chaired by the host country – which later report back to the plenary meeting. The various sub-substructures of these committees meet outside of and at different times than the annual ISDSC meetings. The country that hosts the annual ISDSC meeting automatically becomes chairperson for that particular session and retains the position until the next ISDSC session. The host country also provides the secretariat for the meeting.

United in a common struggle to liberate the region, ISDSC members shared their review of the security situation and co-ordinated their defence against armed attack. Despite the fact that Lesotho was not a member of the FLS, it participated in a number of committee meetings at a time when the government of Chief Leabua Jonathan was becoming increasingly militant and anti-apartheid prior to the 1986 *coup* that overthrew his government.⁹⁹

By 1999, the South African Department of Foreign Affairs would summarise the key functions of the three ISDSC subcommittees as follows:¹⁰⁰

- *Defence*: to review and share experiences on the prevailing military security situation in member states; to explore areas of further multilateral military co-operation and practical means for its realisation; to exchange views and propose mechanisms for the prevention, management and resolution of conflicts.

***United in a
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subcommittees in turn.

THE DEFENCE SUBCOMMITTEE OF THE ISDSC

The various substructures of the Defence Subcommittee are grouped into a functional group, standing committees and professional committees – with a number of sub-substructures as depicted in Figure 5. As a result, operations, intelligence, personnel and logistics all form part of the functional group, while medical, legal and chaplaincy services are represented in professional committees. A consultative committee composed of the permanent secretaries of Defence has also been created. The sub-subcommittees are Operations, Defence Intelligence, Standing Aviation, Standing Maritime,¹⁰¹ Military Chaplains Work Group,¹⁰² and Military Medical Services Work Group.¹⁰³

The Operations Sub-subcommittee is the most important of the subcommittees and has been requested to co-ordinate, liaise and implement decisions and directives given by the Defence Subcommittee. Meetings of the Operations Sub-subcommittee are therefore convened as and when necessary or when directed by the Defence Subcommittee.¹⁰⁴

During the recent ISDSC meetings in Mbabane, the Defence Subcommittee agreed that:¹⁰⁵

- *“The chairmanship of all ISDSC Working Groups should stay in the chair as long as it is acceptable to the chairing country except for the Operations Sub-Sub Committee which should rotate along with that of the Chairmanship of the Defence Sub-Committee.”*
- *“Each country should establish offices with officers specifically dealing with ISDSC matters.”* In South Africa, this office is located within Defence Intelligence as opposed to the SADC nodal point within the Department of Foreign Affairs.
- *“The other Sub-Sub Committees should send representatives to the Operations Sub-Sub Committee meetings when the need arises and should also copy minutes of their meetings to the Operations Sub-Sub Committee.”*
- *“Country briefs [are] to be issued to members of the meeting in an agreed format before the actual meeting in order to deal with specific issues. In addition, the Commanders should be fully briefed by the Intelligence Staff on the conflict areas immediately before the convening of Defence Chief’s Meetings. Therefore the Intelligence Chiefs should meet as and when necessary in order to keep the Commanders abreast of events in the region.”*

- the prevention of aggression from within and outside the region;
- the prevention of *coups d'états*;
- the management and resolution of conflicts;
- early warning;
- the promotion of regional stability and peace; and
- the enhancement of regional development.

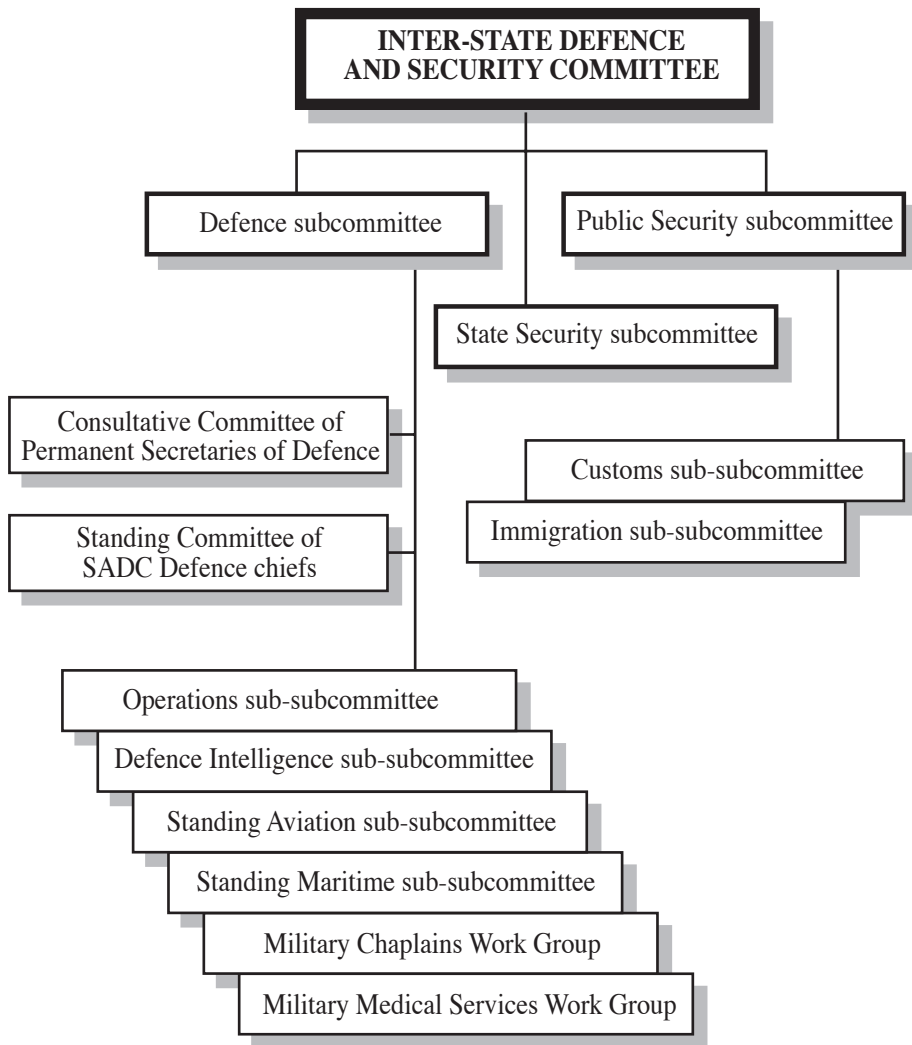
Co-operation in the field of intelligence is not well suited for multilateral interaction

Apart from its three subcommittees, the ISDSC has also established *ad hoc* committees, as was the case with the *Ad Hoc* Committee on Cross-Border Crime that sought to end support for UNITA. This committee consisted of ministers from Angola, the DRC, Malawi, Namibia, South Africa and Zimbabwe (chair). Its broad task was to propose regional mechanisms to deal with illegal supplies to UNITA. The first meeting of the committee occurred in Harare during November 1997 and a task force of officials from the Police, Army, Air Force, Civil Aviation, Customs, Immigration and State Security was set up. The terms of reference of the task force was to monitor suspicious aircraft traffic, including airports, airstrips and border posts. It also had to investigate all alleged violations of Angolan airspace, including all allegations of UNITA activities in the subregion, companies and individuals providing logistic support to UNITA, drug-trafficking and weapons-smuggling, and to ensure that member countries did not violate UN sanctions against UNITA.

After a number of meetings, the task force agreed that member countries would each set up a national information centre (NIC) to co-ordinate the national operations of the task force, and a regional information centre in Harare to co-ordinate the various NICs. The task force soon lost momentum, however, and held its last meeting in June 1998 reflecting, probably, the lack of a common commitment to the sanctions issue.

The following sections discuss each of the three

Figure 5: Structure of the ISDSC



The agenda of the Public Security Subcommittee has included discussions on the following:

- armed robbery and hijacking of cash in transit;
- theft of motor vehicles and carjacking;

next to the Zimbabwe Staff College in Harare would also fall under the ISDSC in accordance with its character and stature as the regional centre for the provision of common peacekeeping training within SADC.

THE STATE SECURITY SUBCOMMITTEE OF THE ISDSC

By its nature, co-operation in the field of intelligence is not well suited for multilateral interaction, and the bulk of co-operation in intelligence occurs at the bilateral level. Issues that have apparently appeared on the agenda of the State Security Subcommittee include the escalation of conflict in Angola and the DRC, air traffic violations, unconstitutional changes of government, the activities of dissident groups and measures to improve co-ordination among the region's intelligence community.

After the bombing of the US embassies in Dar es Salaam and Nairobi late in 1998, the State Security Subcommittee would have the 1999 ISDSC Ministerial Meeting recommend to the heads of state that “[a] specialised committee be established to examine the threat of terrorism in the region and present a detailed report to the next session.” The meeting further decided that

“A mechanism at national and regional levels be put in place with the purpose of detecting: the origins of terrorists; their sources of funding; and the planning and execution of terrorist activities. The mechanism should also identify quick methods of successful investigation, which can lead to quick and effect arrest of the culprits.”

THE PUBLIC SECURITY SUBCOMMITTEE OF THE ISDSC

A mechanism should be put in place at national and regional levels to detect the origins of terrorists, their sources of funding, and the planning and execution of terrorist activities

- refugees;
- visas;
- fraudulent travel documents and machine readable passports;
- mutual assistance in the investigation and prosecution of immigration cases; and
- border passes.

THE ISDSC AND THE FUTURE

Although the ISDSC has no permanent structure or legal basis, it has already made an important contribution to build confidence and trust among member countries in the post-apartheid Southern African region. As it has expanded, however, it has become an increasingly unwieldy and cumbersome structure, placing heavy demands on political leaders that meet in successive subcommittees.

The pre-eminence of the military, security and intelligence portfolios within the ISDSC, which is chaired by the ministers of Defence of SADC countries on a rotational basis (Swaziland chaired in 1999) remains an anomaly. For this reason, the recent proposals regarding the Organ and the establishment of a committee of ministers chaired by Foreign Affairs are welcome developments. The focus of the Organ is on preventive action, which clearly places the responsibility for interaction and liaison primarily within the domain of diplomacy rather than military action.

The eventual formalisation of the Organ must impact upon the way in which the ISDSC presently operates, including its international legal basis (presently non-existent) and the issue of who should chair it (presently Defence). Most controversial is the fact that there is neither room, nor tolerance for the involvement of non-state actors in areas such as the monitoring of human rights, early warning, research, and many others.¹⁰⁶

A number of proposals are included in the final pages of this monograph that seek to address some of these glaring challenges.

- drug-trafficking;
- illegal firearms;
- the rape and abuse of women and children;
- murder;
- terrorism;
- corruption;
- customs and immigration;
- illegal immigrants and refugees; and
- SARPCCO joint operations and the ratification of the SARPCCO Multilateral Agreement.

The Public Security Subcommittee also has a number of subsidiary structures, including sub-subcommittees on customs and immigration.

The Customs Sub-subcommittee deals with enforcement issues (as opposed to trade), including the management of transit goods, smuggling and drug-trafficking.

The Sub-subcommittee for Heads of Immigration has dealt with issues such as:

- training;
- one-stop border posts;
- the computerisation of records;
- exchange of information, and the establishment of an information centre;
- illegal border crossings and border control;
- repatriation of illegal immigrants and transit facilities;

Most controversial is the fact that there is neither room, nor tolerance for the involvement of non-state actors in areas such as the monitoring of human rights, early warning, research, and many others

PEACEKEEPING AND THE ISDSC

Summit to oppose the 1997 *coup d'état* in Sierra Leone, the meeting identified a groundswell of support in favour of “... *interference by the OAU Secretary General in the internal matters of Member States under special circumstances ... [namely]:*”

- *Serious human rights abuses;*
- *Grave threats to civilian populations; and*
- *An unconstitutional attempt to overthrow a democratically elected government.”*¹⁰⁹

According to the official record of the meeting, this would introduce the concept of ‘automaticity’ to the OAU, building upon the example contained in the newly established Mechanism of the Economic Community of West African States (ECOWAS) based on which the OAU Secretary General engaged member states to “... *act effectively to prevent, manage or settle deadly conflicts in Africa when deemed necessary.*”¹¹⁰

In a world within which African security is of marginal global concern, it is increasingly to the OAU, and not to the UN, that African leaders turn on issues of peace and security. In this process, the debate on the continent is enthusiastic about the complementary role that subregional organisations can play in the maintenance of peace and security within their areas of concern.

In Africa, West Africa has been at the forefront of practise in regional peacekeeping through the activities of the ECOWAS Monitoring Group (ECOMOG). In recent years, there has also been considerable pressure, particularly from Denmark, to push for a similar approach in Southern Africa. The result was a series of research and familiarisation trips to Europe (but never to West Africa) to showcase the extent of regional co-operation in peacekeeping training, and even actual co-operation during 1996 and 1997. Ironically, an earlier approach by the United States to encourage a similar approach through the establishment of an African Crisis Response Force (ACRF) had met with considerable hostility in the subregion. The need for such a force was also captured in the aims and objectives of the Organ on Politics, Defence

THE ROLE OF THE ISDSC

One of the recommendations that followed from the second meeting of the OAU Chiefs of Defence Staff in Harare in 1997 stated that, in

*“... an emergency situation, the OAU should undertake preliminary preventive action while preparing for more comprehensive action which may include the UN involvement ... If the UN is unresponsive, the OAU must take preliminary action whilst continuing its efforts to elicit a positive response from the world body.”*¹⁰⁷

Furthermore, “[t]he OAU could earmark a brigade-sized contribution to standby arrangements from each of the five African sub-regions as a starting point, which could then be adjusted upwards or downwards according to evolving circumstances.”¹⁰⁸

Although the meeting also recommended that capacity-building includes programmes to enhance humanitarian participation, civilian policing and related matters, it has traditionally only been the Scandinavian countries and Canada that have included a focus outside of the military.

The latest in these endeavours was Exercise Blue Crane in South Africa that followed upon Exercise Blue Hungwe in Zimbabwe in 1997 and Exercise Guidemakha in Senegal during February 1998. Over time, most of the subregions have been able to indicate their ability to run rudimentary peace mission exercises with sufficient donor support. The development of this rather flimsy ability to co-operate in basic peacekeeping techniques is often used by donors to showcase the ability of Africans to keep the peace in Africa – and therefore to justify the devolution of responsibility for African peacekeeping to Africa.

During a recent meeting on peacemaking and peacekeeping at the OAU, discussions centred on strengthening the ability of the OAU and subregional organisations to act. Citing the decision by the Harare

The OAU Secretary General engaged member states to act effectively to prevent, manage or settle deadly conflicts in Africa when deemed necessary

In reality, construction of the Centre had recently been completed with funding from Denmark and eleven staff members out of a total planned component of thirty have already been appointed.

The RPTC will eventually develop a regional character and identity and fall under the ISDSC. It will provide guidance on peacekeeping concepts and serve as a repository for regional peacekeeping standing operating procedures and policy documents. The Centre has been removed from the Zimbabwe Staff College where it was previously housed, and now resorts directly under the Zimbabwean Ministry of Defence. A meeting chaired by Swaziland in its capacity as chair of the ISDSC is scheduled for the end of November 1999 to discuss personnel and logistic issues for presentation to the next ISDSC meeting in 2000.

At the same time, the ISDSC recognised the need for specialisation in areas such as peacekeeping logistics, finance, communication, media relations, civilian components, UN military police and UN civilian police, among others. The Committee decided that these courses should be conducted at existing national training centres in the various SADC countries while the RPTC would play a co-ordinating and supportive role.¹¹²

The RPTC committed itself to utilise the research capabilities available at research institutes, universities and NGOs in the region in order to enhance its effectiveness and encourage specific research programmes.

The ISDSC also accepted certain minimum standards for peacekeeping training such as the inclusion of aspects relating to international humanitarian law, and recognised that regional peacekeeping exercises were important tools in building a SADC peacekeeping capability. Following upon Exercise Blue Crane in 1999, the ISDSC recommended that SADC peacekeeping exercises should be hosted on a less frequent basis and scheduled long in advance. This would enable SADC member countries to budget and plan accordingly.

THE SADC PEACEKEEPING CLEARING HOUSE

At the same meeting in Mbabane, the ISDSC also approved the establishment of a SADC clearing house as an integral part of the RPTC that would:¹¹³

“(1) Be responsible for co-ordinating peacekeeping training activities throughout the sub-region.

(2) Maintain records of trained peacekeeping practitioners to assist nations in appraising key appointments to peacekeeping courses and missions.

and Security as discussed earlier.

Eventually, Zimbabwe hosted a regional seminar on peacekeeping training at the Regional Peacekeeping Training Centre in Harare from 27 to 31 July 1998, that drew participants from most, if not all, SADC member states.¹¹¹ The aim of the seminar was to make concrete proposals on the future of peacekeeping training in SADC. The recommendations and proposals from the seminar were subsequently submitted and approved by the 20th Session of the ISDSC that was held in Swaziland during March 1999 and relate to:

- the future of peacekeeping training in SADC;
- the establishment of a SADC clearing house; and
- the establishment of a SADC peacekeeping brigade.

Collectively, these recommendations provide a comprehensive review of progress and planning within the Southern African region. The following sections review the ISDSC decisions in some detail.

THE FUTURE OF PEACEKEEPING TRAINING WITHIN SADC

Perhaps the most important decision to emerge from the ISDSC meeting was the formal recognition of Zimbabwe as the Regional Peacekeeping Training Centre (RPTC), responsible for UN command and staff training for peacekeeping in SADC. The Centre would be responsible for common training within the region, focusing on areas such as:

- peacekeeping courses for commanders;
- UN military observer courses;
- tactical and technical peacekeeping courses for commanders; and
- UN staff officers courses.

The RPTC committed itself to utilise the research capabilities available at research institutes, universities and NGOs in the region

recommendation by the OAU Chiefs of Staff meeting held in Harare in 1997 referred to above, that each African subregion develop peacekeeping forces of brigade size for deployment on peace missions.

The first phase would consist of the establishment of a skeleton staff for a permanent, multinational mobile brigade headquarters. In subsequent years, the rest of the brigade will take form, consisting of three infantry battalions, a reconnaissance company, engineer squadron, logistic support company, military police company, medical component, civilian police component and an air and naval component. The intention to create such a force, including the legal framework that would allow for its implementation, is also covered in the mutual defence pact currently under discussion within SADC.

As a stand-alone force, such a capacity is beyond the political will and financial resources of the region – but not if it is designed and structured as a stand-by capacity within the various national armed forces.¹¹⁴

According to the ISDSC, the force should eventually have the following features:

- “a. The ability to deal rapidly with small-scale contingencies of a short-term nature.*
- b. The ability to deal with UN Chapter VI and humanitarian aid type contingencies under the OAU and UN mandates.*
- c. The ability to expand to appropriate force levels within a realistic warning period and the development of a brigade size force over the next five years.*
- d. An effective command and control structure and system.*
- e. An effective intelligence and command and management information system, to ensure early warning of potential conflicts and crises and the management thereof.*
- f. Effective supply and maintenance and where necessary upgrading or replacement of equipment and weaponry.*
- g. An effective training capability to develop and prepare force components of the required roles and tasks.”*

Funding would come from member states, and the subregion would standardise doctrine, communication equipment, and other components.

Contributing SADC countries were requested to give sufficient financial priority to the project and to allocate adequate numbers of staff officers to ensure the required

- (3) *Establish and co-ordinate a regional pool of resource persons.*
- (4) *Serve as a regional source of information and publication of peacekeeping issues.*
- (5) *Identify new regional training requirements for the purpose of updating peacekeeping courses and materials.*
- (6) *Establish links with the UN (DPKO), the OAU and other relevant institutions.*
- (7) *Establish direct links with a designated focal point of contacts in each of the SADC countries, taking due cognisance of the information requirements of the normal channels of communication/chain of command.*
- (8) *Co-ordinate, evaluate and make follow-up on regional seminars and workshops on peacekeeping and related issues.*
- (9) *Co-ordinate the development of a SADC UN Peacekeeping Tactical Manual, including the appropriate training programmes.*
- (10) *Co-ordinate the compilation of lessons learned from peacekeeping missions and training activities and distribute these to all interested parties.”*

Staffing for the clearing house will consist of three officers, and it will form one of sections within the RPTC.

THE SADC PEACEKEEPING BRIGADE

In deciding in favour of the creation of a sustainable brigade-size peacekeeping force over a five-year period, the ISDSC followed the example already established in West Africa. This decision resulted from the earlier

In deciding in favour of the creation of a sustainable brigade-size peacekeeping force over a five-year period, the ISDSC followed the example already established in West Africa

The reality is that most African states have small armed forces that are often ill-equipped, poorly trained by international peacekeeping standards, poorly led, often élitist, prone to intervene in the domestic political affairs of the country and with a strong emphasis on internal security concerns.

Developments in Southern Africa reflect a global trend towards the use of subregional organisations and/or 'coalitions of the willing and able' to undertake peace enforcement under the guise of peacekeeping in the backyard of regional powers. This trend is particularly evident in Africa where a number of countries have engaged in capacity-building initiatives to strengthen African peacekeeping capabilities. These initiatives are generally state-centred and consist of donor countries seeking to capacitate weak and unconsolidated states to provide security in the region where these states cannot even do so within their own territory.

Given the immense gulf in equipment and training that separates organisations such as NATO from subregional organisations in Africa, it seems inevitable that the result will be the further entrenchment of the two-tiered system of global peacekeeping – one set of standards for the developed world and another for Africa.

progress and momentum. The latter implied the establishment of a SADC brigade headquarters to ensure continuity. The headquarters would be staffed on a permanent basis by contributing countries according to signed letters of intent.¹¹⁵ The key functions within the headquarters would rotate between countries.

REGIONAL PEACEKEEPING IN CONTEXT

Most conflict management capacity-building efforts in Africa, including the assistance provided to the Conflict Management Division of the OAU in Addis Ababa, are state-centred on a continent where the state is often weak, predatory and incapable of providing either security or basic services to the majority of its citizens. Inevitably, subregional and continental structures reflect and sometimes even amplify the porous state foundations upon which they depend.

Despite the well-established principles of impartiality within the peacekeeping debate, when it comes to the new enthusiasm for a greater role for subregional organisations, the underlying assumption is that they are closer to a conflict and therefore more familiar with local conditions. Organisations such as SADC or ECOWAS should therefore have a comparative advantage when called upon to play the lead role in the termination of such conflicts. In reality, it has only been the hegemonic position of a country such as Nigeria that has allowed it to conduct operations in Liberia and Sierra Leone, or South Africa's dominance of the subregion that allows it to interfere in Lesotho. In contrast even to NATO, subregional peacekeeping and intervention in Africa are often dependent upon the dominance of a single powerful country, as opposed to the combined efforts of a number of consolidated nation-states. As a result, a country such as Nigeria provides the essential vehicle for ECOMOG and South Africa goes through the motions of consulting its SADC partners before intervening in Lesotho under a regional pretext.

It seems inevitable that the two-tiered system of global peacekeeping will be further entrenched – one set of standards for the developed world and another for Africa

THE SOUTHERN AFRICAN POLICE CHIEFS CO-OPERATION ORGANISATION (SARPCCO)

Since SARPCCO itself consists of police chiefs as members and not of countries, the members have spearheaded a multilateral co-operation agreement on combating crime within the region.¹¹⁹ This agreement was signed on 1 October 1997 by Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe on the day of the official opening of the subregional bureau of Interpol in Harare. The agreement came into effect on 29 July 1999 after it was ratified by seven member countries.

A peculiar feature of the co-operation agreement is that it not only outlines what needs to be done, but also carefully sets out the conditions that would allow co-operation between police services. Indeed, the agreement provides that

*“[t]he parties shall consult with each other as to the legislative or administrative steps that may be necessary to ... remove any legal obstacles or impediments that may be found to exist in the execution of the provisions of the agreement.”*¹²⁰

Article 5 provides for the following specific areas of co-operation:

- the regular exchange of crime-related information;
- the planning, co-ordination and execution of joint operations;
- co-operation with respect to border control and crime prevention in border areas, as well as follow-up operations;
- control over the delivery of illegal substances or any other objects;
- technical assistance and expertise;
- logistical support, advice, support or assistance in the training of officials, the improvement and development of organisations and administration, the promotion of expertise, and the performance of supportive functions by the respective police services.¹²¹

ESTABLISHMENT¹¹⁶

It has long been recognised that crime, and more specifically organised and transnational crime, can only be successfully combated through concerted effort at multilateral level. It is for this reason that a United Nations Convention on Transnational Organised Crime is being drafted by an *ad hoc* committee that has been meeting in Vienna since January 1999.

The Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) came into being on 2 August 1995 at the Victoria Falls in Zimbabwe. At this meeting, police chiefs of the Southern African subregion, assembled within the framework of the ISDSC, decided to form an organisation through which they could enhance co-operation to meet their common goals. The ISDSC has subsequently recognised SARPCCO as the vehicle for policing matters in the region.

Overall, SARPCCO is the primary operational mechanism in Southern Africa for the prevention and fighting of cross-border crime, including the trafficking of weapons. Since its foundation, SARPCCO has become an important asset in the regionalisation of the International Criminal Police Organisation (Interpol), by becoming its *de facto* subregional operational arm since, for all practical effect, the SARPCCO secretariat and the subregional Interpol bureau in Harare are one and the same.¹¹⁷

The aim of Interpol is:

“To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the ‘Universal Declaration of Human Rights’;

To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.”¹¹⁸

It has long been recognised that crime, and more specifically organised and transnational crime, can only be successfully combated through concerted effort at multilateral level

SARPPCO is committed to observe the following principles:

- respect for national sovereignty;
- equality of police services/forces;
- non-political professionalism;
- mutual benefit to all member countries;
- observance of human rights;
- non-discrimination and flexibility of working methods; and
- mutual respect and goodwill.

While these principles are familiar in conventional international discourse relating to police co-operation, they imply a break with the previous politicised policing culture in the region. Accepting such principles provides an impetus to a more appropriate, democratically accountable policing culture. The various regional police services can then measure their effectiveness, standards, professionalism and ethos, as well as their operational practices in comparison with one another. In other words, the police services that had traditionally been insulated from external oversight will now not only strive to be accountable to the usual domestic constituencies, but will also be accountable to a regional constituency.

As outlined in its Constitution,¹²⁴ SARPPCO's objectives are to:

- promote, strengthen and perpetuate co-operation and foster joint strategies for the management of all forms of cross-border and related crimes with subregional implications;
- prepare and disseminate relevant information on criminal activities as may be necessary to enable members to contain crime in the subregion;
- carry out regular reviews of joint crime management strategies in view of changing national and subregional needs and priorities;
- ensure the efficient management of criminal records and the effective joint monitoring of cross-border crime, taking full advantage of the relevant facilities available through Interpol;
- make relevant recommendations to governments of member countries in relation

Article 4 of the agreement provides for the right of entry of police officials into member states. It stipulates, *inter alia*, that “[u]nder no circumstances shall the visiting police official act on his or her own, but shall at all times be accompanied by a member of the hosting police service and all actions to be taken shall be done by the hosting police official concerned.”¹²²

By the middle of 1999, South Africa, Botswana and Namibia have already ratified the agreement and it is expected that the other countries will follow in the near future.

Once the agreement enters into force and is ratified by Swaziland and Mozambique, it will replace the existing two bilateral agreements between South Africa and these two countries.

Collectively, the constitutions of Interpol and SARPCCO, and the multilateral co-operation agreement provide the cornerstone of police co-operation in Southern Africa.

MEMBERSHIP, PRINCIPLES AND OBJECTIVES

The eleven founding countries whose police chiefs are members of SARPCCO are Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. According to Article 2(3) of the SARPCCO Constitution, “[m]embership of SARPCCO is not limited to the above-mentioned, and chiefs of police of other countries may, by way of special resolution gain membership of SARPCCO.” On this basis, Mauritius was admitted to SARPCCO shortly after its admission to SADC, making SARPCCO an organisation of twelve members to date. Despite this constitutional openness, the common understanding and practice thus far have been that SARPCCO member countries will be restricted to the Southern African subregion and, more specifically, to SADC member states, although the DRC and the Seychelles are not yet members of SARPCCO.¹²³

While SARPCCO’s principles are familiar in conventional international discourse relating to police co-operation, they imply a break with the previous politicised policing culture in the region

elected from among the police chiefs for a one-year term at the end of which a new chairperson is elected on a rotational basis. This rule seems to apply for all SARPCCO substructures.

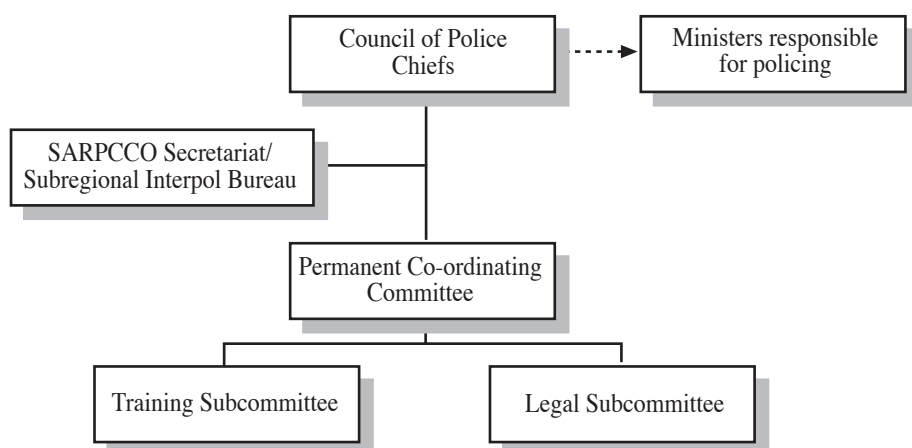
Although the SARPCCO Constitution does not provide for membership representation at the political level, each annual meeting of the police chiefs is followed by a meeting of the ministers responsible for policing in member countries in order to give political power to the organisation. The endorsement by the ministers of decisions taken by the CPC allows these to be implemented at all levels of government in member countries.

Permanent Co-ordinating Committee (PCC)

The PCC consists of heads of the criminal investigation divisions (CIDs) of all member countries. The PCC is responsible for formulating strategy to combat crime in the subregion, creating operational mechanisms, and for dealing with any other matter referred to it by the CPC. The PCC convenes as often as it deems necessary. Given the need for flexibility in SARPCCO’s functional mechanisms, the PCC has been vested with the authority to create subcommittees or *ad hoc* task units, or even to co-opt heads of other police components according to particular needs. The PCC is accountable to the CPC and reports to its annual meeting or as otherwise requested.¹²⁵

Committees, subcommittees and task units

Figure 6: SARPCCO structure



to matters affecting effective policy in the Southern African subregion;

- formulate systematic subregional police training policies and strategies, taking into account the needs and performance requirements of the subregional police services; and
- carry out any relevant and appropriate acts and strategies as are necessary for the purposes of promoting subregional police co-operation as prevailing circumstances dictate.

Although the

STRUCTURE

The objectives of SARPCCO can only be pursued through an appropriate multilateral policing forum. Significant progress has already been made in putting such structures in place. The various SARPCCO substructures are:

- the Council of Police Chiefs;
- a Permanent Co-ordinating Committee;
- various committees, subcommittees and task units; and
- the SARPCCO Secretariat.

The following sections comment on each in turn.

Council of Police Chiefs (CPC)

The CPC is the supreme body of SARPCCO, consisting of all chiefs of police of member states. The CPC is responsible for formulating policy on all subregional police co-operation matters to ensure the efficient functioning of all SARPCCO structures and the attainment of the organisation's objectives. The CPC fulfils its mandate through issuing directives and prescribing standard operating procedures. It normally meets once a year and, under extraordinary circumstances, as often as it deems necessary. The CPC chairperson is

twelve officers seconded by various member states to Interpol, all of whom serve in Harare, and ten support staff members provided by the Zimbabwe Public Police. The head of Interpol's subregional bureau for Southern Africa is simultaneously the head of the SARPCCO Secretariat. Although the subregional bureau has assigned a desk to look after all SARPCCO's affairs, including the follow-up of all resolutions and the co-ordination of the activities of all SARPCCO subcommittees, there is little practical differentiation between the work of SARPCCO and Interpol.

SARPCCO is funded by Interpol through an additional 'special contribution' paid by Southern African member countries, over and above their annual fees to Interpol. The annual budget for SARPCCO in 1999 is approximately Ff1 million.

Functional areas of responsibility have been allocated to liaison officers seconded to SARPCCO. At present, the organisation consists of seven functional areas together with substructures such as the head office and SARPCCO projects offices. The functional areas are:

- administration;
- vehicle theft;
- drugs;
- commercial and economic crimes;
- endangered species and firearms;
- fraudulent documents and illegal immigrants; and
- Lusophone countries.

Liaison officers are responsible for contact with all countries in the subregion on matters concerning crime, focusing specifically on cross-border crime, and the monitoring of crime trends with the aim of advising police chiefs on crime areas that need special attention. Analyses of crime trends are particularly important for defining strategies for joint operations that are to become the mainstay of the organisation in future.

Taking cognisance of the diversity of policing cultures among the subregion's police services and their lack of experience with co-operation, SARPCCO has prioritised, along with the imperative of conducting joint operations (see below), the combating of cross-border crime, particularly through confidence-building, training and legislation.

To date, two permanent subcommittees have been established that report to the PCC:

- the legal subcommittee, consisting of officers with a legal background, has the task of making recommendations in relation to legislation, the ratification of international conventions, deportations and the repatriation of exhibits; and
- the training subcommittee is responsible for the improvement of training standards in the subregion; the committee has already supported a number of training courses that are presented at police training institutions of member countries.

Given the importance of sound communication and the sharing of information, all member countries are linked through an X-400 messaging system, and four communication courses have been presented at the Interpol bureau. In addition, three other courses have been presented on the role of civil police in peacekeeping operations (by the ISS on an agency basis for SARPCCO), drug interdiction and joint operation skills, with a total of 139 police officers receiving training under the auspices of SARPCCO so far. Interpol has also availed member states of its International Weapons and Explosive Tracking System (IWETS) database.¹²⁶

The legal subcommittee is undertaking a comprehensive study of all legal matters that may inhibit police co-operation and other related activities in the subregion. The ideal towards which the subcommittee is striving, is the harmonisation of legislation, at least in those issue areas with high incidences of cross-border crime.

SARPCCO Secretariat/subregional Interpol bureau

Between meetings of the CPC, PCC and the subcommittees, continuity is provided through a permanent secretariat. This function is provided by the Interpol subregional bureau in Harare. It consists of

Taking cognisance of the diversity of policing cultures among the subregion's police services and their lack of experience with co-operation, SARPCCO has prioritised the combating of cross-border crime

Africa. Its objectives were to address motor vehicle theft, drug-trafficking, firearms-smuggling and other attendant crimes. The operation resulted in the seizure of 76 stolen motor vehicles, fourteen firearms, more than 20 000 rounds of ammunition, 116,94 kilograms of dagga and the arrest of 22 people in connection with these crimes.

Operation Atlantic

This operation took place from 8 to 18 July 1998, involving Botswana, Namibia and South Africa. The primary aim was the combating of motor vehicle theft, but attention was also paid to other crimes. Operation Atlantic resulted in the seizure of 114 stolen motor vehicles, eleven firearms, 71 rounds of ammunition of various calibre, 27 910 kilograms of dagga and the arrest of 23 suspects.

Operation Stone

This is an ongoing intelligence-gathering operation undertaken between Angola, Botswana, Namibia and South Africa. Although other crimes are mentioned as part of the aims of this operation, the main objective is to curb the smuggling and illegal dealing in diamonds and other precious stones. This operation has culminated in the seizure of 26,15 carats of diamonds, 2,24 grams of gold and the arrest of nine suspects.

Operation Sesani

The operation was undertaken between Malawi, Mozambique, Tanzania, Zambia and Zimbabwe, with technical backup from South Africa. The main aim was to address motor vehicle theft and associated cross-border crimes. Apart from Operation Stone, which is an ongoing intelligence-gathering exercise, Sesani has been the longest SARPCCO operation to date. It started on 12 August 1998 and was only concluded on 24 February 1999 in Zimbabwe. During Operation Sesani, 180 stolen motor vehicles, 47 firearms, 15,1 grams of hard drugs (heroin and cocaine), 413 kilograms of light drugs (dagga and Khat) were seized, and 64 suspects were arrested.

SARPCCO OPERATIONS AND LEGAL CHALLENGES

The success of the operations listed above serves as an indication of what can be achieved when police agencies act together with a common purpose in the fight against crime. However, the recovered items are dealt with according to the different laws governing the disposal of such items in the countries concerned. This is the area where the most difficulties are experienced. In fact, of the 2 401 stolen motor

As far as confidence-building measures are concerned, an important activity undertaken in this regard is the promotion of sports and cultural exchange programmes among police organisations in the subregion. Furthermore, all SARPCCO activities contain focused components aimed at enhancing mutual trust among police organisations, as well as between individual police officers.

JOINT OPERATIONS¹²⁷

At the outset, SARPCCO recognised that effective co-operation in matters of cross-border crime and policing is largely dependent upon the harmonisation of legislation and policing culture among police services in the subregion, the nurturing of mutual trust, and the establishment of effective communication and information exchange mechanisms. Nevertheless, cross-border crime has demanded immediate responses. As a result, SARPCCO had to institute practical measures to combat cross-border crime in the short term. Focusing on the most common transnational crimes, such as motor vehicle theft, drug-trafficking, arms-smuggling, and organised crime in general, SARPCCO has conducted five joint operations since 1997.¹²⁸

Operation Voyager 4 (V4)

The operation was undertaken between South Africa, Mozambique, Zambia and Zimbabwe. Launched at the beginning of 1997, it was aimed at tackling the spiralling incidence of motor vehicle theft. During the operation, 1 576 stolen vehicles were seized and 143 suspects arrested.

Operation Midas

This operation was undertaken from 10 to 26 June 1998 between Lesotho, Mauritius, Swaziland and South

The success of operations serves as an indication of what can be achieved when police agencies act together with a common purpose in the fight against crime

progress in this field. SADC and SARPCCO have only recently started to interact with each other. In fact, SADC ignored SARPCCO in the drafting of the SADC Protocol on Combating Illicit Drug Trafficking, despite the fact that only the subregion's various policing agencies could and inevitably will end up implementing the core components of the protocol.

SADC, SARPCCO AND SMALL ARMS

Recent developments to co-ordinate and collaborate on policy on small arms within the region have been remarkably successful, but illustrate the challenges that the lack of an effective division of labour holds for Southern Africa.

The framework for co-operation in the region is the Southern Africa Regional Action Programme on Light Arms and Illicit Trafficking that was drafted at a meeting of EU and SADC government officials hosted by the ISS and Saferworld in South Africa in May 1998. The programme was subsequently endorsed by the EU and SADC Foreign Ministers Meeting in Vienna in November 1998. It recommends action by SADC governments and outlines potential assistance for this by EU governments in four areas:

- tackling illicit arms trafficking;
- enhancing legal controls over weapons possession and transfer;
- remarking weapons from society; and
- enhancing transparency and information exchange.

Within the EU, there are four budget programmes through which SADC can obtain funding for small arms programmes. These are the Lomé Convention, the recently concluded South Africa-EU trade agreement, the Common Foreign and Security Policy budget and, of course, bilateral assistance programmes. Since co-operation and assistance between the EU and Southern Africa occur through SADC, the establishment of a SADC desk on special projects allows the Community to engage the region.

Small arms issues constitute only one of a number of areas of co-operation between the EU and SADC, regulated by an annual ministerial meeting.

Progress on small arms control has advanced rapidly in Southern Africa. Reviewing the success of Operations Rachel (below), the SARPCCO annual general meeting that was held in Gaborone, Botswana during July 1998 decided to expand regional

vehicles seized since SARPCCO operations started, only thirteen per cent (314) have been successfully returned to the countries from where they were stolen by mid-1999. The main reason for this low rate of disposal of seized items is the complexity of the legal procedures concerning these cases. It is thus imperative that the countries in the subregion not only harmonise, but also simplify their legal procedures to facilitate the disposal of recovered items. Otherwise, the operations may succeed in apprehending suspects, but they will be of little use for the victims of such crimes. This task has become the main function of the legal subcommittee.

In less than five years, SARPCCO has become an important regional body. Its strength lies in the fact that, while traditional international bodies are primarily forums of discussion and exchange of information, SARPCCO has emerged as an instrument to combat and prevent crime. As such, it has shown considerable potential as an engine for joint action in areas beyond the safety and security realm. What is needed, is further regional political recognition and endorsement of its role, particularly at SADC level. The word 'recognition' is deliberately used in the sense that SARPCCO should be appreciated strictly from a professional policing point of view by avoiding any attempt of politicising the Organisation. The same considerations underlie the reluctance of SARPCCO to serve as an integral part of the ISDSC, since the latter will tie the organisation into a political structure.

There is, however, a clear lesson for the ISDSC to be learned from the SARPCCO experience, namely, the value of a permanent secretariat and the secondment of officers to serve in such a secretariat. Zimbabwe is at present making a significant contribution to SARPCCO, not only through the provision of support staff to the Organisation, but also by constructing a new building for the Secretariat, to be completed in 2001.

Regional co-operation, co-ordination and the harmonisation of policy remain problems within Southern Africa, although recent years have seen steady

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implementation at regional level.”¹³²

On 22 October 1999, the first meeting of the SADC working group held in Gaborone led to the appointment of the SARPCCO legal subcommittee as drafter of the SADC policy/protocol on small arms. The group started to work in this direction during November with the intention of submitting the protocol to the SADC Summit meeting in 2000.

Similarly, the EU-SADC Co-operation Executive Committee met in Cape Town in April 1999 and recommended the creation of a EU-SADC technical group on small arms issues. This was established at the EU-SADC meeting of senior government officials to take place in November 1999.

The April EU-SADC meeting was followed by an informal consultation between the two organisations on small arms held in Pretoria on 10 September 1999. The aim of the meeting was to exchange views on the possible areas of EU-SADC co-operation in the field of preventing and combating the illicit trafficking and the destabilising accumulation and spread of small arms. The group discussed, among others, an informal paper on the modalities of the future activities of the EU-SADC expert working group that would serve as a point of reference in future co-operation.

anti-crime operations and identified firearms-trafficking as one of its priority areas.

According to the present chairperson of SARPCCO, Commissioner Edgar Hillary of the Royal Swaziland Police,

*“The implementation of the Action Programme ... calls for the identification and strengthening of legal controls of weapon possession, use and transfer. This will involve the adoption of necessary legislation by member countries that have not yet done so and will of necessity, involve the process of harmonisation, through SARPCCO, of firearms legislation in the region ...”*¹³¹

As a result of interagency discussion between SADC and SARPCCO earlier this year, the 1999 SARPCCO annual meeting in Swaziland in July 1999 adopted a *Declaration on Firearms* that effectively recognised SARPCCO as the lead agency on firearms issues in the region. This decision goes some way in harmonising the regional response towards small arms. SADC still remains responsible for policy within the small arms issue, but the fact that the ministers responsible for policing assemble after each SARPCCO annual general meeting to vet and approve the decisions of SARPCCO furthermore ameliorates some of the more onerous co-operation challenges. This was followed by a SADC Council of Ministers decision in Maputo (August 1999) stating that:

“SADC should establish a regional policy for control of small arms and light weapons. SARPCCO should be appointed as the implementation agency of the SADC policy on small arms and cross border crime prevention. The Ministries responsible for Law and Order or Safety should be the SADC National Focal Points on the issues of prevention and combating of small arms and related crimes.” Furthermore, “[a] working group comprising of Mozambique, South Africa, Swaziland (chair), Zambia, Zimbabwe, the Secretariat and SARPCCO should be appointed to work out the SADC policy on small arms and develop a programme for the

***The SARPCCO
legal subcommittee
has started work
on a Draft Protocol
on Small Arms
with the intention
of submitting it to
the SADC Summit
meeting in 2000***

BILATERAL TREATIES, AGREEMENTS AND RELATED ISSUES

Nations.”

Article 7 determines that no action in terms of the protocol may be undertaken within the territory of a signatory save at the request of that country “

... except where the extent, violence or rapidity of the aggression has disrupted the free and effective functioning of its institutions and rendered the exercise of its sovereignty impracticable.”

Article 9 demands co-operation in all defence matters, particularly regarding training, the exchange of military intelligence and military industrial co-operation. Article 11 establishes “... a Joint Committee to be called the ‘Angola-DRC-Namibia-Zimbabwe Co-operation Committee’ whose function shall be to ensure the smooth implementation of this Protocol.”

This protocol resulted from the military threat to Kabila’s government by, among others, rebels backed by Rwanda and Uganda and his subsequent appeal for military support from his regional allies. President Mugabe responded rapidly to the request and hosted a summit of regional leaders on 18 August 1998 at the Victoria Falls in Zimbabwe. Although Mugabe claimed that SADC had unanimously agreed to Kabila’s request for assistance, the region was sharply divided on the issue. On 19 August, the Defence ministers of Angola, Namibia and Zimbabwe announced that their three countries would rush to Kabila’s assistance and the first troops were dispatched within a matter of days.

South Africa and Lesotho

The above protocol therefore served to legalise an existing situation - much the same as South Africa did some months later in the case of Lesotho. Escalating unrest and violence followed the May 1998 parliamentary elections in Lesotho and eventually prompted military intervention by South Africa and Botswana in September 1998. Although claiming to be a ‘SADC force’, similar to the claim made by Zimbabwe in the case of the DRC, only limited telephonic consultations had preceded the decision

Regional security is not held hostage, of course, by either the Organ, the ISDSC or SARPCCO.

A number of bilateral defence and security agreements followed the steady progress of decolonisation in the Southern African region. These include the Tanzania-Mozambique and Zimbabwean-Mozambique defence agreements. The former allowed Tanzania to deploy troops in Mozambique against the MNR. The agreement between Zimbabwe and Mozambique allowed troops from Zimbabwe to be deployed, among others, along the Beira corridor. Another agreement is that between Tanzania and Zambia. Swaziland signed a non-aggression treaty with South Africa in 1982, while Angola and Mozambique signed the Lusaka and Nkomati Accords in 1984.

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BILATERAL AGREEMENTS AMONG SOUTHERN AFRICAN COUNTRIES IN THE 1990s

Angola, the DRC, Namibia and Zimbabwe

More recently, a number of bilateral defence and co-operation treaties have come into existence within the Southern African subregion. One of the more well-known is the *Defence Protocol between the Republic of Angola, the DR Congo, the Republic of Namibia and the Republic of Zimbabwe* that was signed in Luanda on 8 April 1999 by the ministers of Defence of the respective countries. Article 4 of the protocol states:

“That an armed attack against one of them shall be considered an attack against the other and that in the event of such an attack, each of them will assist the Party so attacked by taking forthwith individually or in collaboration with other parties, such action as it deems necessary, including the use of armed force, to repel such attack and restore peace and security in the territory of the Party so attacked. Any such armed attack and measures taken as a result thereof shall immediately be reported to the Security Council of the United

arms and other cross-border crimes, namely vehicle theft and drug-trafficking, the unilateral successes in both countries became clearly insufficient. Co-operation became not a matter of choice, but an imperative. The presidents of the two countries, Joaquim Chissano of Mozambique and Nelson Mandela of South Africa, met in March 1995 to sign the *Agreement Between the Government of the Republic of Mozambique and the Government of the Republic of South Africa in Respect of Co-operation and Mutual Assistance in the Field of Crime Combating*.

The agreement provided for access to detainees for interrogation purposes, and an exchange of information on arms smuggling. It also allowed the police forces of the two countries to undertake joint operations in response to common safety and security problems (Article 6).

Under the umbrella of this agreement, the SAPS and the Police of the Republic of Mozambique (PRM) designed Operation Rachel, a joint initiative to destroy arms caches. The formula was that South Africa would supply the bulk of the financial resources, landmine resistant vehicles and other specialised equipment, as well as highly trained senior police officials. Mozambique would gather the necessary information and, with its knowledge of the local conditions, facilitate contact with local communities.

Apart from these basic understandings, and perhaps aware of the political complexities around the arms caches, it was necessary to define an appropriate collection strategy for the prevailing situation in the country. It was decided that:

- The operation to destroy arms caches would be intelligence-driven.
- The operation should be subordinated to the general goal of political reconciliation in the country and an undeclared amnesty would apply with a modest buy-back component included in the operation.
- An equal partnership between the two police forces would be fostered as a confidence-building measure, especially in the light of the past hostile relationship between the security agencies of the two countries.
- A joint command structure would be put in place.

The first Operation Rachel was launched on 11 August 1995. As conceived, the operation had to tackle the security concerns of both South Africa and Mozambique simultaneously. Each of the task force teams had to be able to see the results in terms of solving the security problems of its own country. The only way that this could be immediately accomplished, was to concentrate on the areas immediately surrounding the countries' shared border. This would allow both the South African and Mozambican authorities to attach every weapon that was retrieved meaningfully

to intervene.¹³³ The two subsequent agreements between South Africa and Lesotho therefore served to legalise and regulate an existing situation. The first is the *Status of Forces* agreement between South Africa and Lesotho that governs the South African armed forces that provide military assistance in Lesotho

*“... for the provision of military assistance ... for the purpose of restoring stability in the Kingdom, including, inter alia: The disarming and containing of all armed groups that threaten the de facto Government and the security and stability of the Kingdom of Lesotho; The taking of control of military and other strategic installations; and The protection of the territorial integrity of the Kingdom of Lesotho.”*¹³⁴

Apparently, no similar agreement has been concluded between Lesotho and Botswana to provide for the troops deployed in Lesotho by South Africa’s military ally in Operation Boleas. A subsequent agreement covers the status of members of the South African National Defence Force in Lesotho providing assistance in the establishment of a sustainable training capacity for the Lesotho Defence Force.¹³⁵

South Africa, Mozambique and Operations Rachel¹³⁶

The 1994 general elections in both South Africa and Mozambique presented turning points in the long process of political, social and economic changes. As far as arms, violence, crime and social stability are concerned, the change was characterised by a transformation from predominantly political violence to criminal violence. Violent crime rates threatened to undermine social stability, democracy and human development in both countries.

Although the countries had individually devised unilateral strategies to curb arms proliferation, the porousness of their borders, the existence of supply networks and routes, the interconnection between illicit

On the issue of the movement of small arms across the border between South Africa and Mozambique, co-operation became not a matter of choice, but an imperative

arrangements and co-operation with Lesotho;

- a draft defence co-operation agreement with Mozambique;
- a draft agreement on tactical border liaison arrangements and co-operation with Mozambique;
- a defence co-operation agreement with Namibia that was signed in June 1997 and includes the initiation of border liaison committees;
- a defence and security agreement with Namibia that was signed in June 1998 and that establishes a joint commission;
- a draft bilateral hydrographic agreement with Namibia;
- a draft defence co-operation agreement with Swaziland that would also initiate border liaison committees;
- a draft agreement on tactical border liaison arrangements and co-operation with Swaziland;
- a defence co-operation agreement with Tanzania that was signed in June 1999;
- a draft agreement on a joint permanent commission on defence and security with Zambia; and
- a defence co-operation agreement with Zimbabwe that was signed in February 1997 that also provides for border liaison committees.

Generally, these agreements provide for training, exchange of military intelligence, military sport and cultural contact, military medical co-operation and joint exercises. In the case of Angola, Tanzania and Zimbabwe, the draft agreements include the supply and manufacture of equipment.¹³⁸

Numerous other bilateral agreements exist in the region, for example, the Zambia-Zimbabwe joint permanent commission on defence and security, and the Angola-Namibia permanent defence and security commission.

Some SADC member states are also members of other regional groupings. Tanzania, for example, together with Kenya and Uganda is a member of the East Africa Community (EAC), due to be formalised as a treaty during November 1999. The EAC structure is very similar to that which is being proposed for the structure of the Organ, and includes a defence and security committee. The defence committee meets at ministerial level and has a subsidiary defence chiefs' forum and various expert

to criminal exploits in their respective countries. South Africa, for instance, could easily convey the message that arms were found and destroyed literally on the border, showing that if these were not destroyed, the potential existed that they could easily cross the border and could be used in criminal activities inside the country. By 1998, four such operations had taken place and statistics show that 11 891 firearms, 106 pistols, 6 351 anti-personnel mines and 3 192 337 rounds of ammunition were destroyed. These figures represent a success from a security point of view, and both South Africa and Mozambique have indicated that the Operations will continue. Despite the lack of evidence, the perception is that arms-smuggling into South Africa has been reduced as a consequence of the Rachel Operations.

What makes Operation Rachel exceptional is that it managed to devise a strategy that combined the different stakeholders in a common cause. It has been able to overcome both security and political hurdles.

Other bilateral agreements

The South African Department of Defence also has a number of agreements with other SADC countries, as well as with countries beyond SADC's boundaries. Most of these agreements are in an advanced state of finalisation, including:¹³⁷

- a concept defence co-operation agreement with Angola; the finalisation of this agreement has been placed on hold due to the war in the DRC, as have been agreements with Rwanda and Uganda;
- a draft agreement with Botswana to establish a joint permanent commission on defence and security;
- a defence co-operation agreement with Lesotho awaiting final signature;
- a draft agreement on tactical border liaison

These agreements provide for training, exchange of military intelligence, military sport and cultural contact, military medical co-operation and joint exercises

working groups. The security committee includes substructures at ministerial and other levels from the departments of intelligence, police and immigration.¹³⁹

TEASING OUT THE ORGAN¹³⁹

A MULTINATIONAL SECRETARIAT

Should the SADC Organ on Politics, Defence and Security wish to interact with the OAU and the UN in areas such as peacekeeping or the provision of early warning for conflict prevention, the establishment of a small permanent, multinational secretariat is an important component of any future structure. Thus far SADC has not decided in favour of a permanent secretariat for the Organ – in contrast to the SADC secretariat for regional economic development located in Gaborone. In part, this delay reflects a common desire to resolve the organisational and mandate issues before tackling the subject of where such a body would be located.

Should SADC decide to establish such a secretariat, it could:

- undertake strategic control, planning and management of the programmes of the Organ;
- monitor the implementation of decisions of the Summit and of the Council of Ministers; and
- organise and manage Organ meetings.

The multinational secretariat would also be well placed to run some type of a situation room to:

- manage early warning information systems to sensitise the Organ (where appropriate) regarding developments within SADC;

SADC has not decided in favour of a permanent secretariat for the Organ – in contrast to the SADC secretariat for regional economic development located in Gaborone

one-party dominance in the absence of an effective political opposition to the African National Congress. In countries such as Malawi and Lesotho, military and paramilitary intervention in politics remains a threat.

SADC clearly has to deal with the issue of democratisation and the advancement of human rights in a sensitive manner. With the possible present exception of South Africa, SADC heads of state will not readily accept any mechanisms or institutions that threaten or potentially question their internal practices in too rigorous a manner. This being said, commitments undertaken in the realm of democracy and human rights in terms of the SADC Treaty and protocols are matters of direct and legitimate concern to all states party to the Treaty.

It is not appropriate, nor possible, to advance the cause of democracy and human rights through secretive discussions between government leaders. The nature of the instrument must match the ends. Therefore, such organisations, structures or processes must be transparent, at arm's length from direct political control, and include and provide for interaction with civil society.

One way of meeting this requirement is to establish an Institute for Democracy and Human Rights that receives its mandate directly from the annual meeting of the SADC Heads of State and Government or the Organ. Such an institution would give recognition to four of the objectives of the Organ that were announced in the original Gaborone communiqué, but which cannot effectively be pursued by the other Organ structures, namely to:

- promote political co-operation among member States and the evolution of common political value systems and institutions;
- provide early warning of humanitarian and military crises within and between SADC states and countries which border SADC member states;
- promote and enhance the development of democratic institutions and practices within member states; and
- encourage the observance of universal human rights as provided for in the charters and conventions of the OAU and the UN.

The systematic abuse of human rights is often the best early warning that any conflict prevention mechanism could hope for. Based on the general functions of the Office for the Protection of Minorities within the Organisation for Security and Co-operation in Europe (OSCE), such an institute would also partially serve as an early warning and conflict mediation mechanism. Given the traditional reluctance of intelligence agencies to share information on a multilateral basis, the existing State Security

- supply the Organ, and its various structures with information; and
- interact with the Conflict Management Division at the OAU, and the UN.

A more ambitious view would hold that the SADC Organ and its secretariat, in time, could come to replicate the practise at the OAU and the UN. At this level, the majority of meetings and decisions occur at ambassadorial level – although the subregion would clearly not require the same intensity and frequency of meetings. The need to consult at the levels of ministers and heads of state is thereby limited to one or more annual meetings. Since most SADC member countries have high commissioners or ambassadors in other member countries of the Community, SADC could, after designating a location for the Organ secretariat, also accredit the ambassadors or high commissioners in that country to the SADC Organ.

Such an option would also reduce the extent to which SADC and the ISDSC, with their various subcommittees, reflect layers of overlapping ministerial consultations that are expensive, time-consuming and therefore also ineffective.

HUMAN RIGHTS AND EARLY WARNING

Arguably the greatest deficiency within SADC, including the Organ and the ISDSC, relates to the absence of integrated systems, processes and methods to deal with the issues of human rights and the advancement of democracy and good governance. This is a contentious and sensitive issue, not only due to the fact that a country such as Swaziland is perceived to be non-democratic while others, such as Angola and the DRC are still caught up in debilitating conflict. For its part, Mozambique is in a slow transition from a devastating civil war. Elsewhere, countries such as Zambia and Zimbabwe have been accused of gerrymandering elections, while some see South Africa drifting towards

The systematic abuse of human rights is often the best early warning that any conflict prevention mechanism could hope for

committee should be chaired by the minister of Foreign Affairs of the country that is also chairing the Organ itself.

The extraordinary ministerial meeting did not provide any direction regarding the proposed functions of the Committee. Such functions could include the following:

- overseeing the functioning and development of the Organ;
- overseeing the implementation of the objectives of the Organ and the proper execution of its programmes;
- advising the Summit on matters of common foreign, defence and security policy;
- approving policies, strategies and work programmes of the SADC Organ;
- directing, co-ordinating and supervising the operations of the institutions of the SADC Organ subordinate to it;
- creating its own committees when necessary;
- recommending to the Summit persons for appointment to the post of head of the permanent secretariat of the Organ (see above);
- determining the terms and conditions of service of the staff of the institutions of the Organ; and
- convening conferences and other meetings as appropriate, for purposes of promoting the objectives and programmes of the Organ.

Apart from overall responsibility for more specific objectives of the Organ which are delegated to subordinate organ structures, the committee itself would be responsible for managing the following Organ objectives:

- co-operate fully in regional security and defence issues through conflict prevention, management and resolution;
- conflict avoidance and, where such means fail, recommend punitive measures as a last resort (these responses would be agreed to in a multilateral protocol);
- give political support to the organs and institutions of SADC;
- promote peacemaking and peacekeeping in order to achieve sustainable peace and security; and

Subcommittee of the ISDSC probably serves a greater role as a confidence building process than adding additional capacity through the exchange of useful intelligence not already in the possession of member countries. As a captive of state structures, the extent to which this subcommittee provides an appropriate vehicle for an effective early warning mechanism as reflected in the aims and objectives of the Organ is questionable.

The institute, for example, could focus on the following activities:

- election monitoring;
- the protection of minorities;
- the monitoring of political and human rights (basic freedoms and rule of law); and
- research and the dissemination of information.

The overarching mission of such a structure could flow directly from Article 5 of the SADC Treaty: to evolve common political values, systems and institutions in order to promote and defend peace and security.

The institute would therefore be responsible for bringing to the attention of the chairpersons of SADC and the Organ those issues that, in its informed opinion, demand mediation or preventive action.

PROPOSED FUNCTIONS OF THE COMMITTEE OF MINISTERS OF THE ORGAN

The October 1999 recommendation by the SADC extraordinary ministerial meeting provides for the establishment of a Committee of Ministers as part of the Organ. At present, the relationship between this proposed committee and the Council of Ministers already in existence in terms of the SADC Treaty is unclear. What is important, however, is the recommendation that the

The institute would therefore be responsible for bringing to the attention of the chairpersons of SADC and the Organ those issues that demand mediation or preventive action

- promote the political, economic, social and environmental dimensions of security.

PROPOSED FUNCTIONS OF THE MINISTERIAL COMMITTEE ON POLITICS AND DIPLOMACY

Perhaps the most important recommendation to flow from the recent discussions on the structure of the SADC Organ is the proposed establishment of a Ministerial Committee on Politics and Diplomacy that would function at the same level as the ISDSC and below the Committee of Ministers. The committee would meet for discussions on issues pertaining to peace and security, with the view of pursuing the following objectives of the Organ:

- develop a common foreign policy in areas of mutual concern and interest and to lobby as a region, on issues of common interest at international forums;
- promote peacemaking and peacekeeping in order to achieve sustainable peace and security;
- encourage and monitor the ratification of UN, OAU and other international conventions and treaties on arms control and disarmament, human rights and peaceful relations between states;
- co-ordinate the participation of member states in international and regional peacekeeping operations; and
- address extraregional conflicts that impact on peace and security in Southern Africa.

CONCLUSION

Defence and security co-operation is not new in the SADC region. Following the start of decolonisation, the first such co-operation was between governments and liberation movements. Thus, Zambia was the rear-base and headquarters for the Zimbabwe African People's Union (ZAPU) and hosted the ANC until 1991. The South West Africa People's Organisation (SWAPO) also had its headquarters in Zambia before moving to Angola and thereafter to Namibia. Tanzania was the headquarters of the *Frente de Libertação de Moçambique* (FRELIMO), in addition to hosting offices of almost all the liberation movements in the region.¹⁴¹

The trend towards greater formalisation and therefore greater structure is an irresistible one in even the most informal of processes. It began when the FLS summit started to meet more regularly, and was to receive particular impetus from the ISDSC. Whatever form the Organ on Politics, Defence and Security eventually takes, the region has recognised that it has to move beyond the informal approach of the FLS towards one that is solidly rooted in international law. The creation of a permanent executive secretariat for the Organ and/or the ISDSC is an inevitable next step. With a clear legal base, structures and procedures, there will be less opportunity to abuse a regional mandate and a more coherent and predictable basis to seek international support.¹⁴²

As a weak institution, SADC often responds rather than initiates action on security-related developments. This was the case with the EU initiative that led to a protocol on drugs in 1996 and partially lies behind the recent initiative to draft a protocol on small arms issues. Donor

The trend towards greater formalisation and therefore greater structure is an irresistible one in even the most informal of processes

assistance, increased levels of conflict and international marginalisation are all driving the move towards the creation of a viable security framework within Southern Africa. Considerable progress has been made in this endeavour, although the impasse on the issue of dual SADC/Organ summits can only be resolved at the level of heads of state during 2000.

The choice would appear to be a simple one: draft an entirely separate treaty to the SADC Treaty, or accept that the Organ is a subsidiary of the SADC Summit.

In the latter case, it appears to be technically possible to use the SADC Treaty to legalise the Organ and the ISDSC through the adoption of an amended version of the draft Protocol on Politics, Defence and Security with minimal amendments. It is well-known, for example, that South Africa would like to use the opportunity created by the linkage of the debate about the future of the Organ and the restructuring of SADC that occurred at the recent Maputo Summit meeting to push for a revamped SADC Treaty. A number of factors make such an option now more feasible than at any time in the future. The most obvious is the opportunity created by the imminent appointment of a new Executive Secretary for SADC and the reduction in the animosity between Zimbabwe and South Africa in recent months on the future of the Organ.

The alternative is to convert the draft Protocol on Politics, Defence and Security into a separate treaty, independent of the SADC Treaty. Here the evolution of regional co-operation structures in Southern Africa, in one way of thinking, has shown a circular trend. Some years ago, the FLS alliance existed alongside SADC, the Preferential Trade Area for Eastern and Southern Africa (PTA) and the Common Market for Eastern and Southern Africa (COMESA). Following efforts to establish a single integrated regional co-operation structure, the latest developments may indicate a trend towards the development of a separate structure for political and security issues in the region. There are many advantages to such an approach. Most important of all, it would not require that the SADC Treaty to be amended at this stage.

Whatever direction the heads of state would eventually decide upon, SARPCCO should not become too closely integrated into either SADC or the Organ. Apart from the fact that the organisation is independently established in terms of international law, too close a linkage would threaten the advantage of the dual use of the subregional Interpol bureau as SARPCCO secretariat and the cost benefit that this implies. But, more importantly, cross-border crime prevention should not suffer tight political control or interference.

ENDNOTES

Many people contributed to this monograph through extensive interviews and assistance in South Africa and within the region. Not all are acknowledged in the text, but I need to acknowledge the time and assistance of Mr Horst Brammer from the Department of Foreign Affairs and Dr Wayne Hendriks from the Department of Defence and thank them for their openness and assistance. The opinions and interpretations remain my own.

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- 1 D Lake & P Morgan, *The new regionalism in security affairs*, in D Lake & P Morgan (eds), *Regional orders: Building security in a new world*, Pennsylvania State University Press, Pennsylvania, 1997, p 6
- 2 Membership in 1974 was composed of Tanzania, Zaïre and Zambia. In fact, the Mulungushi Club and the FLS nominally co-existed for several months. The FLS would subsequently exclude President Mobutu of Zaïre, although the reasons for this realignment are not clear. A Omari, *The rise and decline of the Front Line States (FLS) alliance in Southern Africa: 1975-1995*, unpublished manuscript, 1999, pp 62 and 79
- 3 PAFMECA existed from 1958 to early 1962 while PAFMECSA is the same organisation in the period thereafter until its demise in 1963. PAFMECA was established at a conference in Mwanza, Tanganyika in September 1958. See *ibid*, pp 66, 64, and footnote 6.
- 4 *Ibid*, p 69.
- 5 CECAC membership grew from twelve in 1966 to seventeen in 1974. *Ibid*, pp 70 and 74.
- 6 *Ibid*, p 75.
- 7 *Ibid*.
- 8 *Ibid*, p 78.

training the trainers of mine action managers. According to Makou, the Mine Action Programme will organise, with the assistance of a specialised consultant, a workshop on the treatment, rehabilitation and integration of mine victims with the purpose to elaborate a realistic regional action plan for victim assistance. Mokou, op cit, p 4.

28 Ibid.

29 Ibid.

30 Following the signature of a US \$2 million agreement to fund activities identified at the SADC-US Forum that took place in Gaborone in April 1998, the US Government agreed to fund the relevant trade development, assessment of the impact of HIV/AIDS on sectoral development and regional environmental management. In terms of the agreement, the US would fund a trade advisor to provide on-site analysis and policy advice to the Secretariat in the implementation of the trade protocol. A second expert will be provided to analyse the trade and revenue implications of implementing the proposed SADC Free Trade Area. See, *SADC, US sign \$2 million agreement*, SADC information unit, 30 September 1999.

31 Articles 18 and 19.

32 In fact, the Victoria Falls meeting of August 1998 was only attended by the ministers of Defence of Zimbabwe, the DRC, Namibia and Angola, and not by any heads of state. Technically, this meeting could therefore qualify as a meeting of the Defence Subcommittee of the ISDSC, albeit without a quorum. South Africa's subsequent objections emphasised the fact that its deputy high commissioner from Harare had attended and that his reservations and that of the High Commissioner of Botswana were not noted. Subsequently, the emergency Defence Summit in Pretoria on 23 August 1998 did not include presidents Mugabe and Dos Santos.

33 The protocol itself was signed during a Maseru Summit meeting by all the SADC countries, except Angola, on 24 August 1996.

34 *Protocol on Combating Illicit Drug Trafficking*, SADC Region, Article 2; quoted in SAIIA, [The illegal drug trade in Southern Africa: International dimensions to a local crisis](#), South African Institute of International Affairs, Johannesburg, March 1998, p 176.

35 B Steyn, Interview, SA Department of Foreign Affairs, 13 October 1999.

36 The Berlin conference itself followed a conference in South Africa funded by the UNODCCP on combating corruption earlier that same year. At the time of the Berlin conference, Germany was chairing the EU. The German-led EU initiative was followed by one by Spain in Mbabatho in the latter part of 1995 at which time an assessment of the regional drugs problem, as well as a proposed protocol were tabled. Ibid.

37 F Msutu & E Hillary, Interviews, South Africa, 9 September 1999.

38 See, for example, the comments on the situation in Zimbabwe in 1998 by Simon Baynham in his chapter on Southern Africa's role, in SAIIA, op cit, p 113.

- 9 The FLS did not have a basic legal instrument and therefore no formal status in international law. Ibid, p 12.
- 10 Ibid, p 1.
- 11 Ibid, p 89.
- 12 Ibid, p 2.
- 13 Ibid, pp. 2-3.
- 14 Ibid, p. 3.
- 15 Declaration Treaty and Protocol of Southern African Development Community, Gaborone, 1995, pp 2 and 5.
- 16 P Dube, *Historic SADC summit in SA*, Sowetan, 25 August 1995.
- 17 See <www.sadc.int/overview/history.htm>, 19 September 1999.
- 18 Article 4.
- 19 Others would include the SADC Electoral Forum, Association of SADC National Chambers of Commerce and Industry (ASNCCI) and the SADC Lawyers Association. The Forum was established in Windhoek on 20 October 1993. Article 4 of the Forum's Constitution seeks to establish the Forum as an integral institution within the structure of SADC. It consists of a plenary assembly, executive committee, secretariat and standing committees. An important objective of the Forum is the promotion of human rights and democracy in the SADC region. As such, it is the only part of SADC to provide more than lip service to the pursuit of the human rights commitments evident within the SADC Treaty.
- 20 Article 10(4).
- 21 Article 11(1).
- 22 Article 13(2).
- 23 Article 14 and 15.
- 24 Article 16.
- 25 O R W Mokou, *SADC: Legal co-operation and intelligence*, draft, presentation to the Intelligence Academy, undated, p 2.
- 26 Article 33(1).
- 27 The SADC Summit agreed to the establishment of the SADC Mine Actions Programme. A Landmine Safety Database is to be established and regional co-ordinated training must focus on **85**

- 58 On 9 May 1997, 25 June 1997 and 13-14 August 1997. H Brammer, Interview, 1 November 1999. *Report of the working session of officials of the Kingdom of Eswatini, South Africa and Zimbabwe, in preparation of the forthcoming extraordinary ministerial conference on the SADC Organ on Politics, Defence and Security*, Pretoria, 29 September-1 October 1999, paragraph 7.
- 59 For South Africa, the Ministerial Meeting was attended by the minister of Foreign Affairs, the deputy minister of Defence, the deputy minister of Intelligence, the minister of Safety and Security and others. Brammer, *ibid*.
- 60 *Communiqué*, 28 June 1996, *op cit*, paragraph 4.3(j).
- 61 *Protocol on Politics, Defence and Security in the Southern African Development Community (SADC) Region*, Article 1(v).
- 62 *Ibid*, Article 3.
- 63 An alternative interpretation would be that this clause could have the effect of enlarging the ISDSC to include ministers of Foreign Affairs.
- 64 *Ibid*, Article 5.2(l).
- 65 The draft Protocol does state, in a subsequent clause, that “[p]unitive measures shall be undertaken only as a means of last resort after all possible diplomatic efforts to resolve the conflict has failed. The punitive measures shall be determined by the Organ on a case-by-case basis in accordance with the Charter of the United Nations, the Charter of the Organisation of African Unity and international law.” *Ibid*, Article 5.4.
- 66 *Ibid*, Article 5.3(iv).
- 67 *SADC Organ on Politics, Defence and Security, Structures and Operations*, SADC/ORG/MC/150897.
- 68 Tapfumaneyi, *op cit*, p 3.
- 69 Brammer, 1 November 1999, *op cit*.
- 70 PANA, 3 March 1998.
- 71 *Report on the Ministerial Meeting of the SADC Organ on Politics, Defence and Security*, Maputo, Mozambique, 8 May 1998, paragraph 1.1.
- 72 *Ibid*, paragraph 1.2.
- 73 *Ibid*, paragraph 3.1(b).
- 74 *Ibid*, paragraph 4.1.
- 86 75 *Ibid*, paragraph 2.1.

- 39 *Final communiqué of the 1998 SADC Summit of Heads of State and Government*, 14 September 1998, Grand Baie, Republic of Mauritius, paragraph 28.
- 40 From A Pahad, *South Africa and preventive diplomacy*, paper read at an IDP/SAIIA conference, on South Africa and Peace-keeping in Africa, Johannesburg, 13-14 July 1995, p 4.
- 41 Ibid, pp 4-5.
- 42 Remarks by Minister Alfred Nzo, Foreign Affairs budget vote, National Assembly, Cape Town, 18 May 1995, p 6.
- 43 S Brammer, *Mugabe is a spanner in the works*, Mail & Guardian, Johannesburg, 25-31 August 1995.
- 44 Omari, op cit., p 183.
- 45 *SADC Summit Communiqué*, 28 August 1995, Johannesburg, p 3.
- 46 SADC, *SADC ministers meet in Gaborone*, press release, SADC Secretariat, 19 January 1996.
- 47 Ibid.
- 48 *Communiqué, Summit of Heads of State or Governments of the Southern African Development Community*, 28 June 1996, paragraph 1. According to W Tapfumaneyi in *The SADC Organ on Politics, Defence and Security: Interpreting the decision of the Maputo 1997 SADC Summit*, unpublished paper, October 1999, p 4, South Africa had registered its reservations regarding the structure of the Organ and its relationship with the rest of SADC.
- 49 *Communiqué*, 28 June 1996, ibid, paragraph 4.1.
- 50 The right of a state to call upon others to come to its aid if threatened by military invasion is generally recognised in international law.
- 51 *Communiqué*, 28 June 1996, op cit, paragraph 4.3.1.
- 52 On this issue see, for example, the legal opinion that the SADC subdirectorates within the Department of Foreign Affairs obtained from the Office of the Chief State Law Advisor (international law), 10 October 1996.
- 53 *Communiqué*, 28 June 1996, op cit.
- 54 Ibid, paragraph 4.2.1.
- 55 Ibid, paragraph 4.2.1(g).
- 56 Ibid, paragraph 4.2.1(l),
- 57 Ibid, paragraph 4.3.

- 96 Ibid, p 87.
- 97 In October 1994, at the ISDSC meeting held in Arusha, Tanzania.
- 98 SA Department of Foreign Affairs, *The Inter-State Defence and Security Committee*, undated background paper, p 1.
- 99 Omari, op cit, p 88.
- 100 SA Department of Foreign Affairs, ISDSC, op cit, pp 3-4.
- 101 The co-ordinating countries for the Standing Maritime Sub-subcommittee are as follows: Maritime Search and Rescue – Angola; Combined Naval Force Support – Mozambique; and Hydrography – Tanzania. South Africa will retain the chair of the SMC until it is fully structured and functional.
- 102 Previously called the Southern African Military Chaplains Association (SARMCA). All countries belonging to SADC are entitled to be members of SARMCA, although only Botswana, Namibia, Swaziland, South Africa, Zimbabwe, Malawi and Zambia had chaplaincy services at the beginning of 1999.
- 103 Previously called the Military Medical Doctors Association.
- 104 Report of the Operations Sub-subcommittee of the Defence Subcommittee of the 20th Session of the ISDSC that was hosted from 15-19 March 1999 in Mbabane, Swaziland,
- 105 Report of the Defence Subcommittee of the 20th Session of the ISDSC that was hosted from 15- 19 March 1999 in Mbabane, Swaziland.
- 106 This runs counter to Article 23 of the SADC Treaty, which states that the organisation will “*seek to involve fully the peoples of the Region and Non-Government Organisations.*”
- 107 *Report of the Second Meeting of the Chiefs of Defence Staff of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution*, Harare, 22-25 October 1997, p 9.
- 108 Ibid, p 12.
- 109 *IPA Seminar on Peacemaking and Peacekeeping Addis Ababa, 29 November-3 December 1998*, International Peace Academy, New York, 1999, p 7. These points echo the content of the ECOWAS Mechanism established in December 1997.
- 110 Ibid, p 7.
- 111 27-31 July 1999.
- 112 The SADC regional Civpol course is presented by the Institute for Security Studies on an agency basis for SARPCCO.

- 76 Ibid, paragraph 2.2.
- 77 Ibid.
- 78 Ibid, paragraph 3.1(a).
- 79 Ibid, paragraph 3.1(c).
- 80 Ibid, paragraph 3.1(d).
- 81 Ibid, paragraph 3.1(e).
- 82 See paragraph 19 of the *Final Communiqué of the 1999 SADC Summit of Heads of State and Government*, 17 to 18 August 1999.
- 83 Ibid, paragraph 46.
- 84 Tapfumaneyi, op cit, p 4.
- 85 See, for example his remarks as quoted in *SADC Defence Pact in place next year*, Xinhua News Agency, Johannesburg, 30 August 1999.
- 86 The idea of a defence pact is, of course, not new. According to Omari, there were at least two attempts to transform the ISDSC itself into a multilateral defence pact in 1976 and 1983. Omari, op cit, p 85.
- 87 *SADC defence chiefs to develop conflict protocol*, Business Day, Johannesburg, 22 September 1999.
- 88 *Report of the working session of officials of the Kingdom of Eswatini, South Africa and Zimbabwe, in preparation of the forthcoming extraordinary ministerial conference on the SADC Organ on Politics, Defence and Security*, Pretoria, 29 September-1 October 1999, paragraph 8.
- 89 Ibid, paragraph 10.
- 90 Ibid, paragraph 11.
- 91 Ibid, paragraph 12.
- 92 *Communiqué, Extraordinary Ministerial Meeting of the Inter-State Defence and Security Committee and SADC Ministers for Foreign Affairs*, 26-27 October 1999, Mbabane, Swaziland.
- 93 Various interviews with officials
- 94 Ibid.
- 95 The first meeting of the ISDSC occurred in August 1975 and was attended by Mozambique, Tanzania and Zambia. Omari, op cit, p 89.

- 129 Adopted by the Council on 26 June 1997.
- 130 Brussels, 17 December 1998.
- 131 Paper read at the Institute for Security Studies, Pretoria, 8 September 1999, pp 4-5.
- 132 As conveyed to the ISS by fax from the South African Department of Foreign Affairs, National Contact Point, 1 September 1999.
- 133 See J Cilliers, *Lesotho intervention wasn't strictly legal*, Sunday Independent, 4 October 1998.
- 134 *Agreement between the Government of the Republic of South Africa and the Kingdom of Lesotho concerning the status of armed forces in the Kingdom of Lesotho providing military assistance*, signed on 17 September 1998, Article 2(1).
- 135 *Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho concerning the status of armed forces in the Kingdom of Lesotho providing assistance in the establishment of a sustainable training capacity within the Lesotho Defence Force*, undated.
- 136 This section is largely taken from M Chachiuu, *Records of weapons collection and destruction in Southern Africa: The Mozambican experience*, African Security Review, 8(4), 1999, pp 67-70.
- 137 Information obtained from with Dr Wayne Hendriks, South African Defence Secretariat, Pretoria.
- 138 Ibid.
- 139 Interview, 11 November 1999, Dakar.
- 140 This section draws heavily on earlier proposals contained in M Malan & J Cilliers, *SADC Organ on Politics, Defence and Security: Future Developments*, ISS Papers, 19, March 1997, pp 4-8.
- 141 Omari, op. cit., p 48.
- 142 For example, according to DRC president Laurent Kabila speaking during a television interview in October 1999, recruits from the Seventh Commando Brigade was undergoing training "... by instructors from SADC ... at the Kamina military base in Katanga." See *Kabila addresses 'new army'*, DR Congo television report, Nairobi, 29 October 1999.

- 113 Report of the Defence Subcommittee of the 20th Session of the ISDSC, op cit.
- 114 The South African White Paper on Defence states that “... *the creation of a standing peacekeeping force in the region is neither desirable nor practically feasible. It is far more likely that the SADC countries will engage in ad-hoc peace support operations if the need arises. ... It may .. by worthwhile to establish a small peace support operations centre, under the auspices of regional defence structures, to develop and co-ordinate planning, training, logistics, communications and filed liaison teams for multi-national forces.*” DoD, South African White Paper on Defence, Department of Defence, Pretoria, May 1996, p 24.
- 115 Approximately three to four officers should be present permanently, and eight to ten officers on a semi-permanent basis.
- 116 This section is largely taken from M Chachiua, *The Southern African Police Chiefs Co-operation Organisation (SARPCCO) and its joint operations 1995*, unpublished paper presented at the ISS/ Saferworld seminar held in Pretoria on 8-9 September 1999, pp 8-12. Additional comments were provided by Dr Philip Jacobs, Chief Manager: Legal Component, Detective Services, South African Police Service, and Virginia Gamba, Institute for Security Studies.
- 117 The Interpol subregional bureau for Southern Africa commenced operations on 3 February 1997.
- 118 Constitution of Interpol, Vienna, 1956, Article 1.
- 119 *Agreement in respect of co-operation and mutual assistance in the field of crime combating.*
- 120 Ibid, Article 2(b).
- 121 The specific provision in the agreement for co-operation regarding illegal substances underlines the strange situation of having a separate SADC protocol on drugs.
- 122 *Agreement in respect of co-operation and mutual assistance in the field of crime combating*, op cit, Article 4(4).
- 123 The Seychelles attended the July 1999 Annual General Meeting of SARPCCO in Mbabane, Swaziland as observer.
- 124 *Agreement in respect of co-operation and mutual assistance in the field of crime combating*, op cit, Article 3(1).
- 125 Ibid, Articles 7(2) and 7(3).
- 126 F Msutu, Interview, Commissioner, SARPCCO, Pretoria, 6 September 1999.
- 127 The information in this section is contained in F J Msutu, *Report to the 15th Interpol African Regional Conference*, Cape Town, 8-14 April 1999.
- 128 Operations Rachel were conducted in terms of the bilateral co-operation agreement between South Africa and Mozambique and was therefore not a SARPCCO operation.

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