



**SOUTHERN AFRICAN DEVELOPMENT  
COMMUNITY (SADC)**

**RECORD OF THE SUMMIT**

**HELD IN**

**LUSAKA, ZAMBIA**

**16 - 17 AUGUST 2007**



# MEETING OF THE SADC SUMMIT OF HEADS OF STATE AND GOVERNMENT

LUSAKA, ZAMBIA

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## RECORD

### 1. ADOPTION OF THE AGENDA

Summit adopted the Agenda (**SADC/SM/1/2007/1**) presented by the Secretariat.

### 2. ELECTIONS

#### 2.1 Chairperson and Deputy Chairperson of Summit

Summit elected His Excellency, Levy Patrick Mwanawasa (SC) of Zambia, as the Chairperson and His Excellency, Thabo Mbeki of South Africa, as the Deputy Chairperson of SADC.

#### 2.2 Chairperson and Deputy Chairperson of the Organ on Politics, Defence and Security Cooperation.

Summit elected His Excellency, José Eduardo dos Santos of Angola, as the Chairperson and His Majesty, King Mswati III of Swaziland, as the Deputy Chairperson of the Organ on Politics, Defence and Security Cooperation.

### 3. STATUS OF MEMBER STATES CONTRIBUTIONS

#### 3.1 Summit noted the status of contributions towards the SADC approved activities and, in particular, the following:

- (i) **2007/08 Annual Member States Contributions:** To date, all Member States with the exception of the Democratic Republic of Congo have paid their annual contributions for the current financial year;
- (ii) **Arrears on Annual Member States Contributions:** The Democratic Republic of Congo (DRC) is in arrears for the last two fiscal years amounting to US\$1,369,190 and is under sanctions in accordance with the Treaty provisions. The DRC has delivered a banker's cheque for US\$558,668.25 which will be deposited in the Secretariat's account. Once the cheque is cleared, the remaining arrears for DRC will be US\$810,521.75, representing one year's arrears;
- (iii) **Member States Contributions towards the New SADC Headquarters:** All Member States have fully paid their contributions except the DRC whose pledge of US\$375,000 is still outstanding. The total amount received is US\$6,125,000; and
- (iv) **Member States Contributions towards the Hashim Mbita Project:** A total of US\$1,960,000 has been pledged and received from 9 Member States against the revised project budget of US\$2,276,177. The project has a financing shortfall of US\$316,177. The United Republic of Tanzania pledged an extra US\$50,000 towards the project.

3.2 Summit:

- (i) commended Member States that have paid their 2007/08 annual contributions to SADC;
- (ii) urged Member States with outstanding amounts in respect of annual Member States Contribution and pledges on Special Programmes/Projects to remit the amounts due;
- (iii) urged DRC, which is under sanctions, to remit the amounts that are in arrears in order, to facilitate the lifting of sanctions as this will allow for their full participation in the affairs of SADC; and
- (iv) directed the Secretariat to consult the DRC and develop a schedule of payments to clear their arrears.

3.3 Summit noted the DRC's efforts in meeting its financial obligations to SADC and its request seeking the suspension of sanctions imposed under Article 33 of the Treaty.

3.4 Summit also noted the assurance by the DRC to clear its arrears by June 2008, as outlined in the payment schedule.

3.5 Summit suspended sanctions on the DRC on condition that the DRC maintains the proposed schedule of payments to clear their arrears.

#### 4. **REPORT OF THE OUTGOING CHAIRPERSON**

Summit considered the Report (**SADC/SM/1/2007/4**) presented by the outgoing Chairperson and in particular, the following:

4.1 Summit recalled that it is now an established practice for the Outgoing Chairperson of SADC to present an Annual Report in which Summit is briefed on major developments which have taken place in the Organisation and the Region in general during his or her tenure of office.

4.2 Summit noted that the Report also serves as handover notes for the Incoming Chairperson.

4.3 Summit noted that the Chairperson's Report for the period August 2006 to August 2007 covers the following main areas:

- (i) Regional Economic Integration;
- (ii) Scaling up of the implementation of Regional Infrastructure Development;
- (iii) Implementation of the RISDP and SIPO;
- (iv) SADC-EU Economic Partnership Agreement negotiations;
- (v) Food Security;
- (vi) Political and Economic Developments in the Region;
- (vii) Relations with International Cooperating Partners (ICPs);  
and
- (viii) Relations with the AU and NEPAD.

4.4 Summit adopted the Chairperson's Report and congratulated him for his untiring efforts to improve the performance of the Organisation and for steering it to greater heights in its integration agenda during his tenure of office.

5. **REPORT OF THE CHAIRPERSON OF THE SADC ORGAN ON POLITICS, DEFENCE AND SECURITY COOPERATION**

Summit considered the Report (**SADC/SM/1/2007/5**), presented by the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation.

5.1 Summit noted the following:

- (i) Progress on the Hashim Mbita Project;
- (ii) Implementation of the Strategic Indicative Plan for the Organ(SIPO);
  - a) Staffing of the Structure of the Organ at the Secretariat.
  - b) Criteria for Recruitment of the Staff and Working Facilities for the Organ
- (iii) Consolidation of Democracy and Political Stability, in particular, elections in the Region;
- (iv) Defence and Security Matters;
  - (a) Harmonisation of Public Security Sub-Committee and the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO);
  - (b) Regional Early Warning Centre;
  - (c) Progress on the establishment of the SADC Standby Brigade; and
  - (d) SADC Contribution to Peace Support Operations.
- (v) Candidates for the post of African Union Commission and other AU Posts.

5.2 Summit noted that with respect to the Hashim Mbita Project, Namibia and Swaziland made additional pledges of US\$100,000 and US\$150,000 respectively. Lesotho, Zambia and Zimbabwe also pledged to make additional contributions to the project.

5.3 Summit endorsed the Report of the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation.

5.4 Summit took note of the Report of the Executive Secretary on the economic situation in Zimbabwe.

5.5 Summit mandated SADC Ministers responsible for finance to use the Report of the Executive Secretary in consultations with the Government of Zimbabwe and draw up an economic plan to support Zimbabwe.

6. **REPORT OF THE MINISTERIAL TASK FORCE ON REGIONAL ECONOMIC INTEGRATION**

Summit considered the Report (**SADC/SM/1/2007/6**), presented by the Chairperson of the Ministerial Task Force on Regional Economic Integration and, in particular, the following:

6.1 Summit recalled that during its Extraordinary meeting of October 2006 in Midrand, South Africa, it considered and made decisions on the following issues:

- (i) SADC Free Trade Area (FTA);
- (ii) Customs Cooperation and Trade Facilitation;
- (iii) Regional Industrial and Competition Policies;
- (iv) SADC Customs Union Preparations; and
- (v) Implementation of the Finance and Investment Protocol.

6.2 Summit noted progress on these issues as summarised in the Implementation Matrix (**SADC/SM/1/2007/6.1**).

6.3 **SADC Free Trade Area Implementation**

6.3.1 An Audit on Implementation of the Protocol on Trade of Member States' gazetted tariff schedules identified a number of challenges in order to facilitate the launching of the FTA by August 2008, in particular, the following:

- (i) Implementation of agreed tariff phase down schedules;
- (ii) Back-loading of tariff phase down schedules and the implication on revenue;
- (iii) Membership of overlapping regional arrangements and implementation of new bilateral preferential trading arrangements;
- (iv) Lack of implementation of Customs and Trade Facilitation Instruments; and
- (v) Finalisation of negotiations on review of rules of origin.

- 6.3.2 Member States have undertaken to address the identified challenges in preparation for the launch of the SADC Free Trade Area during the next Summit meeting in August 2008.
- 6.3.3 Summit noted that Angola would not be in a position to meet the envisaged deadline as it is still facing challenges of reconstruction and reforms before joining the FTA. Angola will present a formal request for a waiver for both the FTA and Customs Union to the SADC Secretariat.
- 6.3.4 Revised simpler rules of origin for the majority of products identified and recommended for review by the Mid-Term Review have been adopted by Ministers of Trade. The adopted rules will come into force by 1<sup>st</sup> September 2007. Regarding the outstanding rules of origin, Ministers of Trade have urged Member States to undertake national consultations to finalise the review proposals before the end of 2007.
- 6.3.5 An Action Plan for the monitoring and elimination of NTBs was adopted by the Committee of Ministers of Trade on 2 July 2007.
- 6.3.6 As per compliance provisions of the WTO, the SADC Trade Protocol was notified to the WTO in terms of Article XXIV of GATT 94 and a confirmation on the conclusion of the notification process has been received.
- 6.3.7 A SADC Protocol on Trade in Services, which will facilitate the liberalization and Harmonization of Trade in Services in the region was approved by Ministers of Trade on 2 July 2007, and will be presented to the Council for approval.

#### 6.4 **Customs Cooperation and Trade Facilitation**

- 6.4.1 The following Customs instruments have been developed and adopted:
  - (i) Common Customs Single Administrative Document (SADC-CD);
  - (ii) Common Tariff Nomenclature (CTN); and
  - (iii) Common Customs Training modules.
- 6.4.2 The following instruments have been developed and will be presented for approval and adoption.
  - (i) Model Customs Act; and
  - (ii) SADC Transit Management System.

6.4.3 Summit noted that the Customs training modules are being cascaded at national level. The SADC-CD is being implemented by a few countries while the Common Tariff Nomenclature is yet to be implemented. The SADC Model Customs Act is being finalised and the SADC Transit Management System is being piloted on the North-South and Beira corridors.

#### 6.5 **Regional Industrial and Competition Policies**

A draft Protocol on Industry which outlines the industrial policies and strategies to address issues of polarisation of industrial activities and unlocking industrial development potential in the region is expected to be presented to the next Council for approval. Development of a Competition Policy model suitable for Southern Africa which aims at levelling the playing field for business has been initiated.

#### 6.6 **SADC Customs Union Preparations**

A draft Final Report on a Study on an Appropriate Customs Union Model was presented to the Ministerial Task Force. A final report of the Customs Union Model Study as well as on a complementary Study on Assessment of Compatibility of National Trade Policies will be submitted to the Secretariat by the end of August 2007. Ministers agreed that Member States carry out national consultations taking into account the Audit Study, the Study on an Appropriate SADC Customs Union Model; and the Assessment of Compatibility of National Trade Policies, and that a meeting of the Ministerial Task Force will be convened in October 2007 to assess the national responses to the studies.

#### 6.7 **Signing and Implementation of the Protocol on Finance and Investment**

6.7.1 The SADC Protocol on Finance and Investment (FIP) was approved by the Summit on the 17<sup>th</sup> August 2006, in Maseru, Lesotho, and subsequently signed by ten Member States.

6.7.2 The Extraordinary Summit, at its October 2006 meeting urged Member States to expedite the completion of their National Macroeconomic Convergence Reports. All Member States have since completed their Macroeconomic Convergence Reports.

6.7.3 The Reports will be published electronically on the SADC Website and on the respective national Websites of Member States by the end of August 2007 after verification by Member States.

6.7.4 A Peer Review Mechanism for Macroeconomic Convergence has been approved by Ministers and a Monitoring and Surveillance Unit will be operational by December 2007.



6.7.5 Summit urged Member States to ratify the Protocol as the ratification process is slow.

#### 6.8 **SADC Development Fund**

Summit noted that South Africa has offered to host the Project Preparation and Development Facility (PPDF) in the interim and the Ministers responsible for Finance and Investment welcomed the offer. A Memorandum of Understanding (MoU) will be concluded between the Secretariat and the Development Bank of South Africa (DBSA) in consultation with Member States. The establishment of the PPDF will be a first step towards the establishment of the SADC Development Fund and is expected to trigger the release of five million Euros seed capital from the German Government.

#### 6.9 **Institutional Arrangements**

The recruitment process for the seventeen two-year posts was finalized in June 2007. Contracts have been offered to the successful candidates and officers have started taking up the positions since 1<sup>st</sup> July 2007. The process is expected to be concluded by the end of September 2007. The Secretariat will ensure that in recruiting Technical Experts in future, Member States representation, gender balance, equity will be considered but without compromising competency.

### 7. **REVIEW OF THE REGIONAL SITUATION**

#### 7.1 **Economic and Social Situation**

##### **Overview**

7.1.1 Overall economic growth in SADC accelerated from 2005 to 2006 and is likely to continue that trend in 2007. Preliminary estimates suggest that SADC average rate of growth in real GDP increased from 5.4 percent in 2005 to 5.7 percent in 2006. If the figures for Zimbabwe are not taken into account, given the current political and economic situation, the average growth for the region increased to 6.1 percent and 6.3 percent in 2005 and 2006, respectively.

7.1.2 Regional growth is, however, not homogeneous. Angola, Botswana, Tanzania, the DRC and Mozambique registered growth rates in excess of 6 percent in 2005. Angola and Botswana in particular, grew at rates of 20.6 percent and 9.2 percent, respectively.

7.1.3 Real GDP growth accelerated in 2006 in Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Swaziland and Zambia. Economic growth in Malawi accelerated to 8.5 percent in 2006 as compared to the 6.2 percent in 2005. Buoyant oil prices and expansion in the oil prices sector played an important role in supporting the strong growth in Angola, and also made it possible to continue with a drive to rebuild and expand the country's infrastructure. Finally, real GDP growth decreased in the Democratic Republic of Congo (DRC) and Botswana.

7.1.4 In terms of GDP per capita, Botswana, Mauritius and South Africa were the countries with the highest per capita income in the region in 2006, registering a lowest per capita income in excess of US\$5,000 while the DRC registered a per capita income of US\$89.5.

#### **Inflation**

7.1.5 In 2005, six of the 14 SADC Member States, namely Angola, the DRC, Madagascar, Malawi, Zambia and Zimbabwe registered consumer price inflation rates of more than 10 percent. Zambia's inflation rate decelerated to 8.2 percent in 2006, while inflation in Botswana and Mozambique accelerated to double-digit levels in 2006. Thus, the number of SADC Members registering inflation rates in excess of 10 percent increased to seven in 2006. Excluding Zimbabwe, the average rate of inflation in SADC countries decreased from 9.9 percent in 2005 to 9.6 percent in 2006. Significant advances in dampening inflation were made in Angola, the DRC, Madagascar, Malawi and Zambia.

#### **Fiscal Developments**

7.1.6 The average fiscal deficit in SADC moderated slightly from 1.1 percent of GDP in 2005 to 1.0 percent in 2006. Only Tanzania, Zimbabwe, Madagascar and Mauritius had fiscal deficits in excess of 5 percent of GDP in 2006. With buoyant export prices and in some instances strong revenue arising from import duties, most SADC countries' public finances showed a significant improvement in 2006. Mozambique and Zambia posted smaller deficits in 2006 when compared to 2005, while Namibia and South Africa registered fiscal surpluses in 2006 from deficits in the previous year. Lesotho's fiscal surplus widened to 13.3 percent of GDP (from 2 percent in 2005). Public finances deteriorated in Angola as the 2005 fiscal surplus of 7.3 percent was reduced to a deficit of 3.4 percent in 2006. In addition, 2006 saw a widening of the fiscal deficit in Zimbabwe, Malawi, Mauritius and Swaziland.

## **Status of Macroeconomic Convergence in 2006**

- 7.1.7 Macroeconomic convergence is necessary to promote regional integration in SADC. According to statistical data from the Report of the SADC Committee of Central Bank Governors (CCBG) (2007), the number of SADC Member States that had not attained the convergence target of single-digit inflation increased from six in 2005 to seven in 2006.
- 7.1.8 The fiscal balances of four Member States (Madagascar, Mauritius, Tanzania and Zimbabwe) did not comply with the target of keeping the deficit below 5 percent of GDP.
- 7.1.9 Considerable progress has been made in the area of public debt. The DRC, Madagascar, Malawi, Mozambique, Tanzania and Zambia benefited from debt relief under the High Indebted Poor Countries (HIPC) initiative. In 2006 most SADC Member States complied with the convergence target of keeping the public debt level below 60 percent of GDP. Malawi, Tanzania and Zambia made considerable progress in bringing the public debt level to below 60 percent of GDP in 2006.
- 7.1.10 The balance on current account as a percentage of GDP target of -9 percent was not attained by three Member States countries (Malawi, Mauritius and Tanzania) as compared with five (Madagascar, Malawi, Mozambique, Zambia and Zimbabwe) in 2005.
- 7.1.11 The rate of real growth in only three Member States, namely Angola, Malawi and Mozambique exceeded the 7 percent target in 2006. Two Member States had achieved growth of more than 7 percent in 2005 (Angola and Botswana).
- 7.1.12 In summary, SADC Member States have made some progress towards achieving the convergence criteria, particularly with respect to reducing public debt to less than 60 percent of GDP and ensuring the current deficit remains below 9 percent of GDP.

## **Outlook for 2007**

- 7.1.13 In line with the robust growth posted by the Global economy, annual average growth for the SADC region is expected to accelerate in 2007 to more than 7 per cent from 5.7 in 2006. Angola is projected to be the fastest growing economy in both sub-Saharan Africa and the SADC region in 2007 due to an expansion in oil production. Other Member States in the region strongly supporting the 2007 projected growth rate include Tanzania, Mozambique, Zambia, Lesotho, the DRC, Madagascar and Malawi. The projected average annual growth rate of the

SADC region meets the macroeconomic convergence real GDP growth rate target of 7 per cent.

- 7.1.14 Average annual inflation in SADC is expected to decline from 9.6 per cent in 2006 to 7.3 per cent in 2007, without Zimbabwe. This downward inflationary trend which is expected to continue indicates that progress is being made towards the goal of attaining single digit inflation as set out in the macroeconomic convergence programme.
- 7.1.15 Summit noted the overview on the economic situation of the region and urged Member States to continue to strive to achieve higher levels of economic growth, in particular the minimum 7 per cent required to achieving the MDG of halving poverty by 2015.
- 7.1.16 Summit also noted progress in the area of macroeconomic convergence and urged Member States to adhere to this important programme of regional integration.

#### **Social and Human Development**

- 7.1.17 The Region continued to address major challenges on human development as measured through the Human Development Index (HDI), which is a composite index that incorporates life expectancy at birth, combined gross enrolment ratios at all levels of education and real per capita income. Available data from the 2005 UNDP Human Development Report indicates that of the 18 countries which recorded declining HDI, nine are from the SADC region. This decline is mainly due to the impact of communicable and non-communicable diseases and high human poverty levels.
- 7.1.18 The Region also continues to take measures to deal with the triple burden of HIV and AIDS, Malaria and Tuberculosis (TB). The recent challenges posed by the strains that are resistant to drugs (i.e. multi drug resistant and extensively drug resistant) have caused the region to review TB control programmes as well as the need to strengthen the basic Directly Observed Treatment Strategy (DOTS) system. The Region is also characterized by unfavourable reproductive health status with high maternal mortality ratios ranging from 124 to 1,300 per 100,000 live births except for Mauritius which has 45 per 100,000 live births.
- 7.1.19 In order to address these challenges, strategic frameworks in relation to Malaria control, Tuberculosis, Sexual and Reproductive Health, Human Resources for Health, the Business Plan for the implementation of the SADC Pharmaceutical Programme, including African Traditional Medicines and the Medicines Regulatory Guidelines have been developed.

- 7.1.20 In terms of education and training, the region has made major strides in terms of access to primary education; however, there are still serious problems with access to secondary education, technical and vocational education and higher education. Available statistics show that the average Net Enrolment Rate for secondary education in the region is about 35.5%. Enrolment rates in higher education are less than 5% in most countries. In addition, the region is experiencing a shortage of qualified teachers at all the educational levels. In order to address these challenges, a Regional Implementation Plan on Education and Training which is aligned to the priorities of the African Union Second Decade of Education Plan of Action has been developed.
- 7.1.21 In relation to labour and employment, the SADC region continued to face challenges of unemployment, underemployment and improving levels of productivity. These challenges have continued to thwart sustainable social and economic development in the Member States in general; thereby further frustrating efforts aimed at poverty reduction, deepening regional integration and increased competitiveness in the global market. To address these challenges, a SADC programme on Productivity has been developed. In addition, a Regional Framework on Social Security has been developed within the context of Ouagadougou Declaration and Plan of Action on Employment and Poverty Alleviation in Africa.
- 7.1.22 Summit urged Member States to fully implement the above mentioned Regional Frameworks in order to improve the social and human development situation in line with the MDGs.

## **7.2 Agriculture and Food Security**

### **Food Security Situation During the 2006/07 Marketing Year**

- 7.2.1 The food security situation for the 2006/07 marketing year was generally satisfactory as a result of good cereal harvest in 2006. Although SADC, as a whole registered a higher cereal deficit of 3.50 million tonnes in 2006/07 marketing year against a deficit of 1.85 million tonnes in 2005/06, the overall food security situation was satisfactory. This was due to better yields obtained in most Member States.

### **Rainfall Situation for 2006/07**

- 7.2.2 The 2006/07 rainfall season has been characterised by prolonged dry spells leading to drought in most parts of the Region. The affected areas include most of Zimbabwe, southern Mozambique, Botswana and Namibia (except Caprivi), large parts of South Africa, Swaziland, southern Zambia and Lesotho. Excessive rains in some parts of the region resulted in floods and loss of crops

and lives in Angola, Madagascar, Mozambique and Zambia. Madagascar and Mozambique were affected by a series of cyclones. This situation has negatively affected agricultural production. DRC, Angola, Zambia, United Republic of Tanzania and Malawi have, however, received good rains for crop production.

### Forecast of Regional Food Security and Vulnerability Situation for 2007/08

7.2.3 Preliminary forecasts for 2007/08 indicate total available cereals to be 28.064 million tonnes, against a regional requirement of 32.411 million tonnes (Table 7.2.3). This shows that the Region has a forecast cereal deficit of 4.35 million tonnes, compared to 3.50 million tonnes in 2006/07. South Africa, which normally produces about half of the region's maize, is expected to produce about 7.17 million tonnes. This is below its 10 year average of 9.27 million tonnes. The reduction in yield this year was caused by drought. Surplus maize production is expected in Malawi (1.3 million tonnes). Mozambique (0.085 million tonnes) and Zambia (0.035 million tonnes).

**Table 7.2.3: 2007/08 All Cereal Requirement, Demand and 2007 Production Estimates Compared to 2006 and 10-Year Average ('000 tonnes) as of June 2007.**

	2007/08 Demand/Supply		Production			10-year Average	
	Required* ('000 tonnes)	Available** ('000 tonnes)	2007 ('000 tonnes)	2006 ('000 tonnes)	2007 % change over 2006	Production ('000 tonnes)	2007 % change
Angola	1527	749	696	672	4	624	12
Botswana	354	104	29	36	-20	24	21
DR Congo	Na	Na	Na	Na	Na	Na	Na
Lesotho	310	111	78	126	-38	132	-41
Madagascar	Na	Na	Na	Na	Na	Na	Na
Malawi	2456	3475	3388	2754	23	2004	69
Mauritius	209	6	2	2	0	2	0
Mozambique	2648	2327	2147	2098	2	1727	24
Namibia	302	169	114	181	-37	114	0
South Africa	13995	12564	9017	9222	-2	11267	-20
Swaziland	178	59	47	67	-30	95	-51
Tanzania	6363	5673	5578	5189	8	4196	33
Zambia	1600	1366	1541	1597	-14	1166	32
Zimbabwe	2362	925	1053	1597	-42	1682	-37
<b>SADC</b>	<b>32411</b>	<b>28064</b>	<b>23691</b>	<b>23607</b>	<b>0</b>	<b>23033</b>	<b>1</b>

Source: Member States

\* Includes requirements for SGR

\*\* 2007 production plus carryover stocks.

NA – Data not available

7.2.4 Preliminary figures indicate that the number of vulnerable people requiring humanitarian assistance during 2007/08 marketing year is about 3.66 million. This is a slight increase on last year's estimate of 3.10 million people. The people requiring humanitarian assistance are from Lesotho (553,000), Swaziland

(345,000), and Zimbabwe (2,100,000). Although Mozambique is expected to register a modest maize surplus, its overall cereal availability will be less than its requirements and will therefore require humanitarian assistance for 660,000 people.

7.2.5 Summit noted that Malawi has donated 5,000 metric tonnes of maize to Lesotho and 5,000 metric tonnes of maize to Swaziland. Zambia has also donated 10,000 metric tonnes of maize through the World Food Programme for distribution to SADC Member States in need.

7.2.6 Summit commended Malawi and Zambia for this gesture.

7.2.7 **Implementation of the Dar-es-Salaam Declaration and Plan of Action**

7.2.7.1 In addressing the food security challenges, Summit recalled that it signed the Dar-es-Salaam Declaration on Agriculture and Food Security in 2004. The Declaration emphasises short-term and medium to long-term actions that would accelerate agricultural production and improve food security in the region. These include the timely provision of key agricultural inputs (e.g. seed and fertilizer), control of crop and livestock pests and diseases, improved water management and irrigation, and increasing finance and investments to agriculture.

7.2.7.2 The Dar-es-Salaam Declaration on Agriculture and Food Security urges Member States to allocate at least 10% of their national budget to agriculture. To date, Malawi has reported an allocation of more than 10% since the Declaration in 2004, while the rest of the Member States have reported allocations of between 3% and 8%.

7.2.7.3 Member States are required to report progress in the implementation of the Dar-es-Salaam Declaration through a completion of a questionnaire annually and written reports every 6 months. However, reporting by Member States continues to be a challenge with respect to timeliness and detail of information provided.

7.2.7.4 The Secretariat is undertaking a detailed assessment of the progress on the implementation of the Dar-es-Salaam Declaration to mark the end of the short-term implementation plan and draw lessons for the medium to long-term plans.

7.2.7.5 Council has approved a Regional Harmonized Seed Regulation System which is intended to promote investment and trade in the seed sector and make more improved seed varieties available to farmers. Summit noted that the Region has developed several programmes in line with the Declaration including the following:

- (i) Water Management for Food Security Programme for mid-Zambezi (Botswana, Zambia and Zimbabwe) and Okavango (Angola and Namibia) river basins which will bring more land under irrigation;
- (ii) Trans-boundary Animal Diseases Programme covering Angola, Tanzania, Malawi, Mozambique and Zambia; and
- (iii) Regional Food Reserve Facility.

7.2.7.6 Summit urged Member States to intensify their efforts in the implementation of the Dar-es-Salaam Declaration on Agriculture and Food Security.

### 7.3 Gender

#### **Draft SADC Protocol on Gender and Development**

Summit considered the Draft Protocol on Gender and Development (**SADC/SM/1/2007/7.3**) presented by the Secretariat and, in particular, the following:

- 7.3.1 Summit at its meeting in August 2005 in Gaborone, Botswana, approved the drafting of the SADC Protocol on Gender and Development to address the existing gender disparities in the region.
- 7.3.2 Summit noted that the Secretariat, in collaboration with Member States, had developed a Draft Protocol on Gender and Development.
- 7.3.4 Summit also noted that the Draft Protocol on Gender and Development opens the unique possibility of rationalizing and enhancing all existing commitments to gender equality. In addition, this Protocol will provide clear targets and indicators to enhance accountability and monitoring mechanisms specific to the SADC region.
- 7.3.5 Summit noted the discussion during Council at its meeting of 14 – 15 August 2007 in Lusaka, Zambia, resulted in amendments to the Protocol. Summit also noted that some Member States are still undertaking internal consultations with stakeholders on this Protocol.
- 7.3.6 Summit deferred the signing of the Protocol to allow for further consultations at national level before its consideration by the next Summit.



## Women in Politics and Decision Making Positions

7.3.7 Summit recalled that at its August 2006 meeting, it directed Secretariat to ensure future reports on female representation in Political and Decision-Making positions must indicate progress and or a lack of it on all categories at senior managerial positions.

7.3.8 Summit noted progress on the status of women representation in ministerial, deputy ministerial, parliamentary and councillor positions, as reported by January 2007 in table 7.3.8 below.

**Table 7.3.8: Women Ministers/Deputy Ministers, Members of Parliament and Councillors**

COUNTRY	MINISTERS		DEPUTY-MINISTERS		MEMBERS OF PARLIAMENT		RURAL/PROV. COUNCILLORS		URBAN COUNCILLORS	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Angola	93%	7%	78%	22%	87.7%	12.3%	96.5%	3.5%	97%	3%
Botswana	71.4%	28.6%	83.3%	16.7%	89%	11%	80%	120%	80.4%	19.6%
DRC	90%	10%	75%	25%	88%	12%				
Lesotho	69%	31%	75%	25%	(NA) 86% (Sen.) 65.6%	14% 34.4%	42%	58%	67%	33%
Madagascar	86%	14%	95%	5%	76%	24%	*	*	*	*
Malawi	79%	21%	66.7	33.3%	85%	15%	96%	4%	91%	9%
Mauritius	90%	10%	100%	0	83%	17%	94%	6%	86%	14%
Mozambique	77%	23.0%	73.4%	26.6%	64%	36%	---	---	---	---
Namibia	73%	27%	75%	25%	73%	27%	88%	12%	55%	45%
South-Africa	57.2%	42.8%	57.2%	42.8%	67.34%	32.65%	63%	37%	60%	40%
Swaziland	82%	18%	0	100%	81%	19%	84%	16%	80%	20%
Tanzania	80%	20%	67.%	33%	70%	30.%	---	---	64.5%	35.5%
Zambia	74%	26%	84%	16%	88%	12%	94%	6%	93%	7%
Zimbabwe	85.4%	14.6%	85%	15%	65.2%	34.8%	90.4%	9.6%	88%	12%

Source: National Progress Reports from Member States, 2007

\* Reports not submitted.

--- Although reports were submitted, information was missing or not applicable to the specific Member State.

7.3.9 Summit also noted the status of women representation in Senior Managerial Positions of the Public Services of the Member States, as depicted in Table 7.3.9. At Permanent/Principal Secretary level, Lesotho stands at 44%, followed by Mauritius at 35.5%. Zimbabwe has achieved the highest level at the deputy permanent/principal secretary level with 37% women representation while Mauritius and Lesotho stands at 34.5% and 31% respectively. At Director/Head of Department levels; Lesotho is closest to the fifty percent target with 48%, Mauritius 34.6%, Botswana 34.3%, Namibia 32% while South Africa stands at 30%.

<sup>1</sup> Chiefs instead of rural councilors

**Table 7.3.9: Status of Women Representation in Permanent/Principal Secretaries and Deputies and Directors/Heads of Department within the SADC Member States.**

Country	Permanent /Principal Secretary		Deputy Permanent/ Principal Secretary		Directors/ Heads of Department	
	Male	Female	Male	Female	Male	Female
Angola	N/A	N/A	N/A	N/A	---	---
Botswana	90.5%	9.5%	74%	26%	<sup>2</sup> 75.4%, <sup>3</sup> 66.7%	24.6% 34.3%
DRC	*	*	*	*	*	*
Lesotho	56%	44%	69%	31%	52%	48%
Madagascar	*	*	*	*	*	*
Malawi	80%	20%	88%	12%	90%	10%
Mauritius	64.5%	35.5%	65.5%	34.5%	65.4%	34.6%
Mozambique	74%	26%	----	----	81%	19%
Namibia	77%	23%	76%	24%	68%	32%
South-Africa <sup>4</sup>	70%	30%	70%	30%	70%	30%
Swaziland	78%	22%	----	----	77%	23%
Tanzania	73%	27%	86%	14%	78%	22%
Zambia	81%	19%	-----	-----	77%	23%
Zimbabwe	80%	20%	63%	37%	78%	22%

Source: National Progress Reports from Member States, 2007.

\* Reports not submitted.

---- Although reports were submitted, information was missing or not applicable to the specific Member State.

7.3.10 Summit noted the representation of women in the different categories in the judiciary of Member States, as depicted in Table 7.3.10. Botswana, Malawi and Namibia are the only Member States that have women Attorneys General. None of the Member States have a woman Chief Justice or Registrar of the Court in those countries where these designations are applicable. Mauritius has an outstanding representation of women regional court presidents that accounts for 67% while South Africa has attained 44% representation in the same category. At the level of Judges, again Mauritius is leading with 45.5%, followed by Lesotho with 36% while Zambia has achieved 30%.

<sup>2</sup> Directors

<sup>3</sup> Heads Of Departments

<sup>4</sup> Overall women representation in Senior Management of the Public Service is 30%. No breakdowns given per category.

**Table 7.3.10: Status of Women Representation in the Judiciary**

COUNTRY	SUPREME COURT/COURT OF APPEAL/ HIGH COURT								MAGISTRATE'S COURT	
	Chief Justice		President		Registrar		Judges		Magistrates	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Angola	---	---	100%	0	---	---	80%	20%	83%	17%
Botswana	100%	0	100%	0	100%	0	95%	5%	57%	43%
DRC										
Lesotho	100%	0	100%	0	---	---	64%	36%	58%	42%
Madagascar	*	*	*	*	*	*	*	*	*	*
Malawi	99%	1	---	---	100	0	84%	16%	76.7%	23.3%
Mauritius	100%	0	33%	67%	100%	0	54.5%	45.5%	50%	50%
Mozambique	---	---	---	---	---	---	---	---	---	---
Namibia	100%	0	100%	0	100%	0	80%	20%	57%	43%
South-Africa	---	---	60%	40%	---	---	84.6%	15.4%	65%	35%
Swaziland	100	0	---	---	100	0	83%	17%	78%	22%
Tanzania	---	---	---	---	77%	23%	77%	23%	71%	29%
Zambia	87%	13%	---	---	---	---	69.8%	30.2%	77%	23%
Zimbabwe	---100-	---	53.4%	46.6%	---	---	70.4%	29.6%	73.5%	26.5%

Source: National Progress Reports from Member States, 2007

\* Reports not submitted.

--- Although reports were submitted, information was missing or not applicable to the specific Member State.

7.3.11 Summit urged Member States to submit recent up dates on statistics on Women in Politics and Decision Making Positions. The Secretariat will subsequently revise the figures and circulate the report to all Member States.

#### 7.4 HIV and AIDS

Summit considered the Report (**SADC/SM/1/2007/7.4**) on the implementation of the Maseru Declaration on HIV and AIDS, and in particular the following:

7.4.1 Summit noted that some positive trends and developments are emerging in a number of Member States, particularly among the youth. For example, Zimbabwe has shown a significant decline in both prevalence and incidence of HIV, which are linked to behaviour change. In rural areas of Botswana and urban areas of Malawi, reductions in HIV prevalence (declines of 25% or more) have also been observed among young people of aged 15-24 years. Decreases amongst pregnant women attending antenatal clinics have been observed in Botswana from 36% in 2001 to 32.4% in 2006, Namibia from 22.3% in 2002 to 19.7% in 2004 and Swaziland from 42.6 in 2002 to 39.2%. South Africa has been experiencing a stabilisation of the HIV prevalence rates over the last three years, and a significant decline over the last year. In 2006, the prevalence rate among the youth in South Africa had dropped to 13.7%, from 16.1% in 2004. However, these trends and developments in the region have not yet been significant enough to translate to decreases in the adult HIV prevalence.

7.4.2 Summit also noted the following major activities undertaken in the priority areas of the Maseru Declaration:

- (i) a Prevention Strategic Framework has been developed. It aims to influence both the work of the Member States and the Secretariat to be more focused and evidence based in addressing prevention;
- (ii) an HIV and AIDS Mainstreaming Framework has been developed and approved by Member States. A core of 80 trainers from SADC Member States has been equipped with skills and knowledge to effectively facilitate HIV and AIDS mainstreaming courses for different sectors;
- (iii) a Forum for the National AIDS Authorities, which was established in 2004, continued to hold its annual meetings. Its aims are to share experiences in their work, reach consensus on HIV and AIDS priorities for the region and discuss potential strategies for addressing common problems. The Third Forum focused on Male Circumcision as an emerging issue within the context of HIV prevention. The Secretariat is undertaking more work to provide updates in future; and
- (iv) as far as strengthening of Monitoring and Evaluation in the region is concerned, a set of core indicators has been developed and agreed upon with Member States. These indicators will facilitate tracking progress in the implementation of the Maseru Declaration, the SADC HIV and AIDS Business Plan and other continental and international commitments.

7.4.3 With regard to Resource Mobilization, Summit noted the following:

- (i) a Framework for Operationalizing the SADC Regional Fund has been approved by Council during its recent session. The Framework makes provision for Member States to collectively capitalise the Fund to the tune of US\$7 million during 2008/2009. Member States' contributions towards this amount are to be determined in line with the SADC formula towards the Fund. The Secretariat will process Member States' contributions to the Fund through its budget, starting from the 2008/09 budget, and will deduct remittances made by Member States from their respective assessed contribution;
- (ii) the Secretariat is continuing to mobilise resources for combating HIV and AIDS in the region. The total budget for the implementation of the SADC HIV and AIDS Business

Plan is US\$22,770,900. So far, US\$8,949,895 has been mobilised from International Cooperating Partners and Member States. In addition, voluntary contributions have been received from Angola, South Africa, Lesotho, Swaziland and Zambia have remitted their pledges of US\$200,000, US\$150,913, US\$100,000, US\$30,000 and US\$46,000 respectively. However, there is still a funding gap of about US\$14,000,000; and

iii) Namibia pledged to contribute US\$100,000 to the Fund.

7.4.4 Summit urged Member States to continue to intensify their efforts in implementing the Maseru Declaration on HIV and AIDS.

7.4.5 Summit also urged Member States to contribute towards the Fund in line with the approved Framework.

## 8. PROGRESS REPORT ON PROTOCOL IMPLEMENTATION: LEGAL INSTRUMENTS FOR CONSIDERATION AND SIGNING

### 8.1 Status of Signature, Ratification and Accession to Protocols

8.1.1 Summit noted the status of signature, ratification and accession to Protocols by Member States which is reflected in the tables on the documents **(SADC/SM/1/2007/8.1A)** (for Protocols that have come into force) and **(SADC/SM/1/2007/8.1B)** (for Protocols that have not yet entered into force). Summit also noted that Member States have signed 26 Protocols 20 of which are now in force and 6 are still to be ratified.

8.1.2 Summit urged Member States to sign, ratify and accede to SADC Protocols.

### 8.2 Agreements Amending Existing Legal Instruments

#### 8.2.1 Draft Agreement to Amend Article 22 of the Treaty

Summit considered the Draft Agreement to amend Article 22 of the Treaty **(SADC/SM/1/2007/8.2.1)** presented by the Secretariat and, in particular, the following:

8.2.1.1 Summit noted that at its meeting held in Maseru from 17 to 18 August, 2006, the Summit approved the following recommendations made by the Ministers of Justice/Attorneys-General:

- (i) that Article 22 (10) of the Treaty be amended to provide that amendment of any SADC Protocol that has entered into force shall be taken by the State Parties to the Protocol in question;

- (ii) that proposals for such amendments should be made only by State Parties to the Protocol upon 30 days notice being given to the Executive Secretary; and
- (iii) that such amendment shall be adopted by a decision of three quarters of the State Parties to the Protocol.

8.2.1.2 Summit also noted the Draft Amendment to Amend Article 22 of the Treaty whose purpose is to make provision for a uniform procedure for amending the Protocols.

8.2.1.3 Summit further noted that Ministers of Justice/Attorneys General, at their meeting held in June 2007 in Maseru, Lesotho, deliberated on the proposed Draft Agreement and recommended it to Council for adoption and subsequent signature by Summit. Summit noted that Council, at its meeting of 14 August 2007 in Lusaka, Zambia, considered and recommended the Draft Agreement for signature by the Summit.

8.2.1.4 Summit approved and signed the Agreement to amend Article 22 of the Treaty.

#### 8.2.2 **Draft New Signature Page for the Protocol on Finance and Investment (English Version only)**

Summit considered the Draft New Signature Page for the Protocol on Finance and Investment (English Version only) (**SADC/SM/1/2007/8.2.2**) presented by the Secretariat and, in particular, the following:

8.2.2.1 Summit recalled that the Protocol on Finance and Investment was signed by seven Member States at its meeting held in Maseru, Lesotho in August 2006. Those Member States were Democratic Republic of Congo, Lesotho, Madagascar, Mauritius, Mozambique, South Africa and Tanzania. At the Extra-ordinary Summit in Midrand, South Africa, held on 23 October 2006, three additional Member States, namely Botswana, Swaziland and Zimbabwe signed the Protocol.

8.2.2.2 Summit noted that an error occurred that renders it impossible for Namibia to sign the current signature page. Summit also noted that, after consultation with the Government of the Republic of Namibia, a new signature page was prepared.

8.2.2.3 The new signature page was considered and recommended by the Ministers of Justice/Attorneys-General to Council to advise the Summit to sign the new signature page and backdate it to the 18<sup>th</sup> August 2006, which is the date when it was originally signed in Maseru, Lesotho.

- 8.2.2.4 Summit also noted that Council, at its meeting of 14 August 2007 in Lusaka, Zambia, considered and recommended the Draft new signature page for the Protocol on Finance and Investment for signature by the Summit.
- 8.2.2.5 Summit approved and signed the new signature page for the Protocol on Finance and Investment (English version only).
- 8.2.3 **Draft Agreement to Amend the Protocol on the SADC Tribunal**
- Summit considered the Draft Agreement to amend the Protocol on the SADC Tribunal (**SADC/SM/1/2007/8.2.3**) presented by the Secretariat.
- 8.2.3.1 Summit approved and signed the Agreement to amend the Protocol on the SADC Tribunal which is intended to facilitate the resolution of trade disputes in the SADC Region.
- 8.2.4 **Draft Agreement to Amend Annex VI to the Protocol on Trade**
- Summit considered the Draft Agreement to amend Annex VI to the Protocol on Trade (**SADC/SM/1/2007/8.2.4**) presented by the Secretariat.
- 8.2.4.1 Summit approved and signed the Agreement to amend Annex VI to the Protocol on Trade which is intended to facilitate the resolution of trade disputes in the SADC Region.
- 8.3 **New Legal Instruments**
- 8.3.1 **Draft Memorandum of Understanding amongst SADC Member States on the New SADC Headquarters**
- Summit considered the Draft Memorandum of Understanding amongst SADC Member States on the New SADC Headquarters (**SADC/SM/1/2007/8.3.1**) presented by the Secretariat.
- 8.3.1.1 Summit approved and signed the Memorandum of Understanding amongst SADC Member States on the New SADC Headquarters which is intended to establish the legal framework under which Member States will contribute to the construction of the new SADC Headquarters in Gaborone, Botswana.

### 8.3.2 **Draft Memorandum of Understanding on the Establishment of the SADC Standby Brigade**

Summit considered the Draft Memorandum of Understanding on the establishment of the SADC Standby Brigade (**SADC/SM/1/2007/8.3.2**) presented by the Secretariat.

#### 8.3.2.1 Summit approved and signed the Memorandum of Understanding on the Establishment of the SADC Standby Brigade which is aimed at establishing the Standby Brigade for the maintenance of peace, security and stability in the SADC Region and beyond.

## 9. **AFRICAN UNION (AU)**

### **AU Summit**

#### 9.1.1 Summit recalled the decisions taken by the Ninth Ordinary Session of the AU Assembly in particular those with direct implications for SADC Integration Agenda, as follows:

- (i) Decision Assembly/AU/Dec.166 (IX) on the Protocol on Relations between the African Union and the Regional Economic Communities (RECs) which adopts the Protocol and authorises the Chairperson of the Commission to sign the Protocol (**SADC/SM/1/2007/9.1B**) on behalf of the African Union;
- (ii) Decision EX.CL/Dec.367 (XI) on the status of negotiations of Economic Partnership Agreements (EPAs) with the European Union, requesting the Commission and the African negotiating RECs/Regional Groups to prepare and submit for the consideration of the AU Ministers responsible for Trade and other policy organs of the AU a comprehensive Report on the progress, problems and the way forward in trade and economic cooperation with the EU; and
- (iii) Declaration, Assembly/AU/Decl.2 (IX), of the Ninth Ordinary Session of the Assembly on the Union Government, in particular the roadmap to attaining the Union Government which includes commissioning a detailed study.

#### 9.1.2 Summit noted that the outcome of the debate on the Union's Government according to which the RECs have a key role to play in the Continental Integration Agenda is in line with SADC's position on the matter and calls for strengthening of the Community to play its role in the Continental process.



9.1.3 Summit noted that Council mandated the Executive Secretary of SADC to sign the Protocol on Relations between the African Union and the Regional Economic Communities (RECs).

## 9.2 **New Partnership for Africa's Development (NEPAD)**

9.2.1 Summit recalled that at its last meeting in August 2006, in Maseru, Lesotho, it noted a number of decisions of the Seventh Session of the AU Assembly, in particular the decision to establish a Committee of Heads of State to prepare the HSGIC Brainstorming Session on NEPAD and to look at the issue of the integration of NEPAD into the African Union Commission structures and processes.

9.2.2 Summit noted that the NEPAD Heads of State and Government Implementation Committee (HSGIC) met in Algiers, Algeria on 21 March 2007 and considered a joint proposal by the African Union Commission and the NEPAD Secretariat on the integration of NEPAD into AU structures and processes. The HSGIC also met in Accra, Ghana on 1 July 2007 and made recommendations to the Ninth Session of the AU Assembly on the matter.

9.2.3 Summit also noted that following the submission by the NEPAD HSGIC of their report on the integration of the NEPAD Secretariat and activities into the AU processes, the Ninth Session of the AU Assembly on the Report of the HSGIC decided that another brainstorming session on the integration of NEPAD was needed and will be held in Dakar, Senegal and the report will thereon be submitted to the next session of the AU Assembly.

9.2.4 Summit noted that the SADC and NEPAD Secretariats are currently preparing a meeting of SADC Member States to examine the NEPAD situation in preparation of the brainstorming session in Dakar, Senegal and other issues pertaining to implementation of NEPAD Programmes.

### **Inter-Regional Coordination: COMESA-EAC-SADC**

9.2.5 Summit recalled that following its decision on coordination of programmes with other Regional Economic Communities, in particular with COMESA and EAC, the Secretariats of the three RECs have been holding regular meetings, in particular in the areas of Trade and Customs and Infrastructure Development.

9.2.6 Summit noted that the Fourth Coordination Meeting of the Chief Executives of COMESA-EAC-SADC took place in May 2007, in Zanzibar, United Republic of Tanzania. The meeting was preceded by meetings of technical subcommittees on Trade and Customs as well as Infrastructure Development. The meetings among the three Organisations are also of strategic importance in

coordinating matters pertaining to both, Continental Integration and Resource Mobilisation.

9.2.7 Summit also noted that in order to deepen the strategic coordination among the three RECs, at the highest level, COMESA is proposing a tripartite Summit involving COMESA-EAC-SADC to discuss issues pertaining to the development of the three Regional Economic Communities.

9.2.8 Summit approved that the Tripartite Summit be convened and mandated the Executive Secretary to facilitate preparations for the Summit.

9.2.9 Summit noted that the Secretariat has continued to engage NEPAD in the important process of preparing and developing projects with the view to providing financing support. The African Development Bank (ADB) was appointed agency to administer funding for NEPAD Projects. To this end, the African Union, the Regional Economic Communities (RECs), NEPAD and the Infrastructure Consortium for Africa, constituted the NEPAD Infrastructure Project Preparation Facility (IPPF) Special Fund, to facilitate the development and packaging of regional infrastructure projects up to the stage of feasibility studies, in order to provide a pipeline of bankable projects for investors. The role of NEPAD has in the main, been confined to this process.

## 10. **REPORT ON PREPARATIONS FOR THE SADC INTERNATIONAL CONFERENCE ON POVERTY AND DEVELOPMENT**

10.1 Summit recalled that at its last meeting in August 2006, in Maseru, Lesotho, it decided that a SADC International Conference on Poverty and Development be held and mandated the Secretariat in consultation with Mauritius to make all the necessary preparations. Summit also recalled that it agreed that the conference agenda be guided by the outputs of the Extraordinary Summit on Regional Economic Integration held in October 2006, in Midrand, South Africa.

10.2 Summit noted that preparations for the Conference are underway and in particular the following:

- (i) The Secretariat, in consultation with Mauritius has already developed a framework on the preparations for the Conference which was approved by Council in March 2007;
- (ii) The Conference will be held in Mauritius on 20 April 2008, back to back with the SADC Consultative Conference which will be held from 18 to 19 April 2008. The

Secretariat in consultation with Mauritius will confirm these dates;

- (iii) The main theme for both the SADC International Conference on Poverty and Development as well as the 2008 Consultative Conference, as approved by Council is **SADC Free Trade Area: A Strategy for Poverty Eradication and Development;**
- (iv) Mauritius confirmed their offer to host both the SADC International Conference on Poverty and Development and the 2008 Consultative Conference;
- (v) The Conference is expected to forge and deepen consensus of SADC Member States on the regional dimensions of poverty and the underlying policies and strategies for its eradication; and
- (vi) The Secretariat is engaging regional stakeholders and International Cooperating Partners to support both the objectives of the Conference and its preparations.

10.3 Summit endorsed the deliberations made by Council on these issues at its meeting of March 2007, in Maseru, Kingdom of Lesotho.

10.4 Summit commended Mauritius for her offer to host both the 2008 Consultative Conference and the SADC International Conference on Poverty and Development.

## 11. **PROGRESS REPORT ON THE DESIGN, FINANCING AND CONSTRUCTION OF THE NEW SADC HEADQUARTERS**

11.1 Summit recalled that at its meeting held in Maseru in Lesotho on 17 and 18 August 2006, it urged Member States to consider and sign the Memorandum of Understanding (MoU) whose objective is to accord the Government of Botswana the permission to underwrite the financial obligations that will be incurred by SADC under the Public Private Partnership (PPP) Agreement, and to underwrite such obligations on behalf of SADC.

11.2 Summit noted the status on the Design, Financing and Construction of the New SADC Headquarters and in particular the following:

- (i) the building has office space for at least 250 employees and parking space for 252 vehicles. The Secretariat is expected to take occupancy in February 2009; and

- (ii) the Headquarters will be serviced for the duration of the contract including repairs and maintenance, cleaning and grounds. These services will be subject to a performance regime whereby if standards are not met SADC will pay reduced amounts to the private party. In view of the specific nature of SADC work, it was agreed that the responsibility for perimeter and internal security shall remain with SADC.

11.3 Summit also noted the following financial aspects of the project:

- (i) Unitary charge payments will commence in 2008/09 when SADC takes occupancy of the completed facility. It is envisaged that the maximum additional funding required in total from Members States is US\$3.26 million per annum. This amount is to be escalated at US Consumer Price Inflation (CPI) from 2005/6 when bids were received through the life of the contract (i.e. 17 years);
- (ii) Seed Funds available at the Secretariat will be sufficient to meet the full unitary charge for 2008/09 and 2009/10 unitary charge. Member States will have to budget for additional contributions starting from the budget of 2010/11; and
- (iii) The draft MoU between Botswana and all SADC Member States which will cover the underwriting that the Government of Botswana has undertaken on the Project is ready for signature.

11.4 Summit further noted that the proposed MoU was considered and recommended by the Ministers of Justice/Attorneys General at their meeting in Lusaka, Zambia on 12 August 2007.

11.5 Summit noted that negotiations with Bongwe Consortium had been concluded. The Public Private Partnership (PPP) Agreement between the Government of Botswana, SADC Secretariat and Bongwe Consortium would be signed on 23 August 2007.

11.6 Summit noted that Council, at its meeting held in Lusaka, Zambia on 14 and 15 August 2007, approved the MoU.

11.7 Summit urged Member States to:

- (i) make provisions in their budgets for contributions towards the unitary charge starting from 2010/11 onwards; and
- (ii) sign the MoU between all Member States and the Government of Botswana on the Project's' underwriting.

## 12. MEMBERSHIP OF SEYCHELLES

12.1 Summit recalled that at its meeting in August 2006, in Maseru, Lesotho, it mandated the Chairperson of Summit, in collaboration with the Right Honourable Prime Minister of Mauritius, to engage in further consultations with the Seychelles on the matter; specifically to assess the level of contribution; and to accommodate them without forcing SADC to review its contribution formula.

12.2 Summit noted the Report from the Prime Minister of Mauritius, Right Honourable Dr. Navinchandra Ramgoolam, on the consultations with Seychelles. Mauritius, on behalf of SADC, proposed to Seychelles to pay 2% of the SADC budget as annual contributions while Seychelles confirmed their ability to pay a maximum of US\$75,000 annually.

12.3 Summit:

- (i) agreed to offer Seychelles to pay US\$100,000 as annual contributions to SADC; and
- (ii) mandated the Prime Minister of Mauritius to negotiate with Seychelles on this matter.

## 13. REPORT OF THE TRIBUNAL

Summit noted the Report (**SADC/SM/1/2007/13**) submitted by the SADC Tribunal and in particular the following:

13.1 Summit noted that following the appointments of Members of the Tribunal in August 2005 in Gaborone, Botswana, the Members commenced recruitment of regional staff in order to operationalize the Tribunal in accordance with the approved budget of the Tribunal for 2006/07.

Three regional staff comprising the Registrar, the Librarian and the Finance and Administration Officer were recruited. The Secretariat assisted in the recruitment of six local staff.

13.2 Summit also noted that following the recruitment of the regional and local staff, the operationalization of the Tribunal started in January 2007. The Tribunal is now ready to start receiving cases. The fire tragedy at the Tribunal is however a serious set back as there is no court room for hearing cases for the time being.

13.3 Summit noted that in February 2006 in Gaborone, Botswana, Council of Ministers directed that a Task Team comprising three

experts be appointed in order to make recommendations to Council on the organisational structure of the Tribunal.

- 13.4 Summit noted that the Registrar did integrate the Task Team in February 2007. The Task Team has visited similar institutions in Africa and Europe. The Team has started drafting the report which will be ready for submission to Council by September 2007.

#### 14. **ANY OTHER BUSINESS**

##### 14.1 **Summit Brainstorming on Scaling up the Implementation of Regional Infrastructure Development in the Region**

- 14.1.1 Summit noted the presentation by SADC Secretariat of the Status of the regional infrastructure needed to facilitate the attainment of regional integration. The presentation covered the status of regional infrastructure relating to the following sectors:

- (i) Transport – Road, Rail, Maritime and Air;
- (ii) Energy;
- (iii) Communications and Information Technology;
- (iv) Tourism; and
- (v) Water.

- 14.1.2 Summit also noted that the Region requires adequate transboundary infrastructure to allow for the much needed connectivity in terms of Transport, Energy, Communications, Information Technology and Strategic Water Infrastructure to assist in the achievement of the Millennium Development Goals (MDGs) and the operationalisation of the SADC Free Trade Area, Customs Union and Common Market.

- 14.1.3 Summit further noted that there is a need to develop a comprehensive regional infrastructure development master plan that will indicate the minimum infrastructure requirements for the Region.

- 14.1.4 Summit directed the Secretariat to develop a comprehensive regional infrastructure master plan in close consultation with Member States and other stakeholders and present it to Summit at its next meeting in 2008.

#### 15. **VENUE AND DATE OF NEXT MEETING**


Summit decided that the next meeting will be held in South Africa on a date to be decided following consultations between the Chair and the Secretariat.

16.

**COMMUNIQUE**

Summit considered and adopted the Communiqué of the 27<sup>th</sup> Ordinary Summit of SADC Heads of State and Government.

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.....  
His Excellency Levy Patrick Mwanawasa, SC,  
Chairperson of SADC and President of the  
Republic of Zambia

*15th October 2007*

.....  
Date



**MEETING OF THE SADC SUMMIT FOR HEADS OF  
STATE AND GOVERNMENT  
LUSAKA, ZAMBIA  
16-17 AUGUST 2007**

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**DRAFT AGENDA**

2. Adoption of the Agenda
3. Elections
  - 2.1 Chairperson and Deputy Chairperson of Summit
  - 2.3 Chairperson and Deputy Chairperson of the Organ on Politics, Defence and Security Cooperation.
3. Status of Member State Contributions
4. Report of the Outgoing Chairperson
5. Report of the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation
6. Report of the Ministerial Task Force on Regional Economic Integration
7. Review of the Regional Situation
  - 7.1 Economic and Social Situation



- 7.2 Agriculture and Food Security
- 7.3 Gender
- 7.4 HIV and AIDS
- 8. Progress Report on Protocol Implementation: Legal Instruments  
for Consideration and Signing
- 9. African Union (AU)
  - 9.1 AU Summit
  - 9.2 New Partnership for Africa's Development (NEPAD)
- 10. Report on preparations for the International Conference on Poverty Alleviation
- 11. Progress Report on the Financing, Design and Construction of the new SADC Headquarters
- 12. Membership of Seychelles
- 13. Report of the Tribunal
- 14. Any Other Business
- 15. Venue and Date of Next Meeting
- 16. Communiqué

**SADC/SM/1/2007/5**



**ORGAN ON POLITICS, DEFENCE AND SECURITY COOPERATION**

**REPORT ON THE  
ACTIVITIES OF THE ORGAN ON POLITICS, DEFENCE AND SECURITY  
COOPERATION**

**PRESENTED TO SUMMIT BY  
HIS EXCELLENCY JAKAYA MRISHO KIKWETE**

**PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA AND  
CHAIRPERSON OF THE ORGAN ON POLITICS, DEFENCE AND SECURITY  
COOPERATION**

**LUSAKA, ZAMBIA 17<sup>TH</sup> AUGUST 2007**

## Introduction

Article 10A (3) of the SADC Treaty and Article 4 (3) of the Protocol on Politics, Defence and Security Cooperation provide that the Chairperson of the Organ shall consult with the Troika of SADC and Report to Summit. Accordingly, Summit is invited to consider the report on the activities of the Organ on Politics, Defence and Security Cooperation presented by the Chairperson.

While the sections that follow shall highlight the activities undertaken by the Organ structures from August 2006 to August 2007, the Chairperson also undertook a number of activities which included consultations with the Troika of the Organ, SADC Chairperson, Ministerial Troika of the Organ, and SADC Member States on specific political, defence and security developments in the region.

When the Chair of the Organ changed from the Republic of Namibia to the United Republic of Tanzania in August 2006; a number of ongoing activities and challenges were brought to the attention of the Summit. These were in respect of:-

- (i) The implementation of the Hashim Mbita Project;
- (ii) The Implementation of the Strategic Indicative Plan of the Organ (SIPO);
- (iii) The consolidation of Democracy and Political Stability in the region particularly with respect to democratic developments in DRC; and
- (iv) Defence and Security matters of the region.

Since August 2006 the Organ was pre-occupied with the follow up on implementation of decisions related to the above areas and the new political developments in the Kingdom of Lesotho and the Republic of Zimbabwe.

During the period under review a number of meetings and consultations by the Summit of SADC; Summit of the Organ Troika, the Ministerial Committee of the Organ; and Committees of Officials were held.

An Extra-Ordinary Summit was convened in Dar es Salaam, United Republic of Tanzania on 29 March 2007 to review the political, economic and security developments in the region, with a view to coming up with a way forward particularly on the situation in the Kingdom of Lesotho, the Democratic Republic of Congo and the Republic of Zimbabwe. Subsequently the Ministerial TROIKA of the Organ meeting was held in Dar es Salaam on 25 – 26 May 2007 to among other things review the implementation of the decisions of the Extra-Ordinary Summit.

1. **THE HASHIM MBITA PROJECT**

1.2 Summit recalled that at its meeting held in August 2006 in Maseru, the Kingdom of Lesotho, Summit noted the contributions by Member States to the Hashim Mbita Project. Summit also recalled that at the said meeting, it was briefed by Patron of the Project, Ambassador Hashim Mbita on the Project's progress with regard to the implementation of activities. Summit further recalled that the United Republic of Tanzania committed to maintain, at its own cost, the historical sites of the Liberation Movements of Southern Africa in the United Republic Tanzania. Accordingly Summit directed the Project to take cognizance of the role of women in the liberation struggle and urged Member States who have not pledged to disburse funds as soon as possible.

**Action taken**

1.3 Summit noted that Member States are responding positively to the appeal for financial contributions for the Project. As of 31 July 2007, the total pledge and disbursement to the Project was US\$1,960,000.

**TABLE 1: CONTRIBUTIONS TOWARDS THE HASHIM MBITA PROJECT**

1.4

Member State	Amount Pledged (US\$)	Amount Contributed Without Pledging (US\$)	Amount Received (US\$)
Angola	720,000		720,000
Botswana	100,000		100,000
Lesotho	20,000		20,000
Malawi	50,000		50,000
Mozambique	100,000		100,000
Namibia	100,000		100,000
South Africa	-	720,000	720,000
Tanzania	50,000		50,000
Zimbabwe	100,000		100,000
<b>Total</b>	<b>1,240,000</b>		<b>1,960,000</b>

current status of the implementation of the project in particular the following:

- (i) The National Research Focal Points finalized their field research plans and commenced their research in the respective countries between August and October 2006. During this initial stage of the research, the researchers focused, on oral presentations;

- (ii) The Patron, Project Manager, and Deputy Project Manager undertook their first supervisory visits to all the eight core countries of research focus (Angola, Botswana, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe) where they interfaced with the Researchers and discussed ways and strategies of organizing and conducting field work interviews. The Patron facilitated the interaction between the Researchers, National Governments, political leaders and other relevant persons;
- (iii) A two day meeting was held on 2-3 June 2007 between the Country Focal Points and Personal Assistants of the former Presidents of the Frontline States. The following Personal Assistants were consulted:
- Ambassador Legwaila Joseph Legwaila (Botswana);
  - Mr. Sérgio Vieira (Mozambique);
  - Major (Rtd.) Joseph Butiku (Tanzania);
  - Mr. Mark Chona (Zambia);

The Personal Assistants enlightened the Project Focal Points in the following areas:

- (a) The different strategies adopted to achieve the objectives of the struggle, the challenges thereof and adoption of new tactics;
  - (b) The principles that the Presidents subscribed to in relation to the liberation struggle in the Region;
  - (c) The political relationship between the Presidents of Frontline States and the leaders of the liberation movements;
  - (d) The counter-measures of anti-liberation forces as well as the support received from the International Community;
  - (e) The position of the Frontline States on the prevailing political and security situation in Angola, Zimbabwe and Namibia vis-à-vis the colonial powers.
- (iv) An Appraisal Workshop for the National Focal Points and Associate Researchers was also held in Dar-es-Salaam, Tanzania on 4-9 June 2007 with the aim to evaluate progress. The Researchers presented their reports which centered among others on the following issues:

- (a) The political leadership and renegades;
- (b) Combatants;
- (c) Guerrilla supporters - peasants, women, urban dwellers and intellectuals.

- 1.5 Summit noted that research would also be extended to the Democratic Republic of the Congo (DRC), Lesotho, Malawi, Swaziland, and to other non-SADC countries which include Algeria, China, Cuba, Egypt, Ethiopia, Libya, North Korea, former Soviet Union, former Yugoslavia, Sudan, Nordic countries, Ghana, Congo-Brazzaville, Nigeria and other external players that have contributed to the regional liberation history. Accordingly, the research should align with countries to which the project has been extended to.
- 1.6 Summit further noted that the Project and staff contracts have been extended by 18 months from July 2007 to December 2008. The extension was due to delays in the development of researchers' contracts and disbursement of Project funds.
- 1.7 In this regard, Summit noted that an additional budget of US\$306,176.78 is required to cover the costs for extension of the Project period and staff contracts as well as the expansion of research to Lesotho, Malawi, DRC and Swaziland.
- 1.8 Summit noted that the US\$306,176.78 will only cover the extension of the Project and staff contracts as well as research on Lesotho, Malawi, DRC and Swaziland. In this regard, additional funding will be required to cover costs for research extension to non-SADC countries.
- 1.9 Summit further noted that in response to the appeal for additional funding, the United Republic of Tanzania made an additional pledge of US\$50,000.
- 
- 1.10 Summit noted progress made on the implementation of the Project's activities.
- 1.11 Summit commended the United Republic of Tanzania for the additional pledge made towards the Project.
- 1.12 Summit urged Member States who have not pledged to do so and those who have pledged to consider increasing their pledges in order to address the Project's need for additional funding.

2. **IMPLEMENTATION OF THE STRATEGIC INDICATIVE PLAN FOR THE ORGAN (SIPO)**

2.1 **Staffing of the Structure of the Directorate of the Organ on Politics, Defence and Security Cooperation**

2.1.1 Summit recalled that at its last meeting held in August 2006 in Maseru, the Kingdom of Lesotho, it noted that the positions for **Senior Officer for Politics and Diplomacy and Senior Officer for Security Affairs** for the Directorate of the Organ on Politics, Defence and Security Affairs had been budgeted for and were in the process of recruitment.

2.1.2 Summit also recalled at its meeting held in August 2006 in Maseru, the Kingdom of Lesotho, the Secretariat was directed to finalize the recruitment of the Director by December 2006.

**Action Taken**

2.1.3 Summit noted that the recruitment for the above positions will take place during the financial year of 2007/2008:

2.1.4 Summit also noted that the following position will be filled during the Fiscal year of 2007/2008:

**Senior Analyst – Social and Economic Threats (Desk 2)**

2.1.5 Summit further noted the progress made on the Directorate on Politics, Defence and Security Affairs as follows:

- (i) **Director of Politics, Defence and Security Affairs**  
This post was filled by Lt. Col. (Rtd.) Tanki Mothae who is a citizen of the Kingdom of Lesotho. He commenced his four year term of office on 1 December 2006.
- (ii) **Senior Analyst – Political and Security Threats (Desk 1)**  
This post was filled by Mr. Habib Kambanga who is a citizen of the United Republic of Tanzania. He commenced his four year term of office on 1 May 2007.
- (iii) **Senior Officer, Defence Affairs**  
This post was filled by Lt. Col. Gerson Sangiza who is a citizen of the United Republic of Tanzania. He commenced his four year term of office on 1 August 2006

- 2.1.6 Summit noted the progress made on the staffing of the Regional Peacekeeping Training Centre (RPTC) as follows:
- (i) The United Republic of Tanzania seconded Col. G. Milanzi to the post of **Commandant** and the Republic of Zimbabwe seconded Lt. Col. S. Ndlovu to the post of **Deputy Commandant**.
  - (iv) The post of **Senior Officer for Finance and Administration at the RPTC** shall be re-advertised in the current financial year of 2007/2008 because the two prospective candidates declined the employment offer.
- 2.1.7 Summit also noted that there is a need for the creation of the post of Director for the Strategic Analysis Unit as provided for in the Strategic Indicative Plan for the Organ (SIPO).
- 2.2 **SIPO EVALUATION WORKSHOP**
- 2.2.1 Summit also noted that the Ministerial Committee at its meeting of 26 – 29 July 2007 in Dar-es-Salaam, the United Republic of Tanzania, recalled that at its meeting of 2-4 August 2006, in Windhoek, Namibia it noted that both the Inter-State Politics and Diplomacy (ISPDC) and the Inter-State Defence and Security Committee (ISDSC), approved the SIPO workshop to be held in October 2006.
- 2.2.2 Summit further noted that the Ministerial Committee endorsed the approvals and directed the Secretariat to notify Member States on the actual dates and venue of the workshop in time to allow for proper preparations.
- 2.2.3 Summit noted that the SIPO Evaluation Workshop was held on 23 – 27 February 2007 in Dar-es Salaam, the United Republic of Tanzania.
- 2.2.4 The Workshop evaluated the implementation of SIPO as guided by the Strategic Objectives set therein and the Action Plan for SIPO.
- 2.2.5 All Member States except Mauritius were represented at the Workshop. Deliberations were conducted in sectoral groups of Politics, Defence, State Security and Public Security, ending with the consolidation of inputs from all sectors.



2.2.6 Summit also noted that the Evaluation Workshop observed among others the following progress in all four sectors:

- (i) **Politics**
  - Deployment of SADC Electoral Observer Missions to Member States;
  - Implementation of the SADC Guidelines and Principles Governing Democratic Elections in the Region.
  - Effective mechanisms for dispute resolution and potential conflict in the Region are in place.
- (ii) **Defence**
  - The establishment of the Regional Peacekeeping Training Centre (RPTC) as a SADC Centre of Excellence for Regional Peacekeeping Capacity Building;
  - SADC BRIGADE (SADCBRIG) has been established and it will be launched;
  - SADC Mutual Defence Pact signed.
- (iii) **State Security**
  - Establishment of the Regional Early Warning Centre (REWC);
  - Participation of the REWC in the activities of Continental Institutions such as the Committee of Intelligence and Security Services of Africa (CISSA).
- (iv) **Public Security**
  - Connection of SADC Police (SADCPOL) to the INTERPOL database for information sharing;
  - Harmonisation of legal instruments.
  - Cooperation on joint training, law enforcement, exchange of crime intelligence, crime management and participation in peace support operations.

2.2.7 Summit is also to note that the Evaluation Workshop also observed among others, limited progress in the following:

- (i) **Politics**
  - Slow ratification of some legal instruments related to the Organ on Politics, Defence and Security Cooperation such as the Protocol on the Facilitation of Movement of Persons;
  - Regional coordinating mechanism for disaster management is not visible.
  - Slow progress in the promotion of public debates and awareness of SADC activities throughout the region.

- (ii) **Defence**
  - Limited capacity in the fight against HIV and AIDS within the Defence Sector;
  - Slow ratification of the SADC Mutual Defence Pact.
- (iii) **State Security**
  - Limited human capacity to operationalise the REWC;
  - Limited financial resources to implement the activities of the REWC.
  - Absence of Regional countermeasures against terrorism and mercenarism;
- (iv) **Public Security**
  - Limited Regional instruments and policies addressing trans-national crimes;
  - The need for the development of a Regional database for Law Enforcement Agencies.

2.2.8 Summit further noted that the Committee noted the observations of the Evaluation Workshop and directed the implementing entities to address those areas where limited progress has been observed.

### 2.3 **Criteria for Recruitment of the Staff and Working Facilities for the Organ**

2.3.1 Summit recalled that at its meeting held in August 2006, in Maseru, the Kingdom of Lesotho, it approved the criteria for recruitment of the staffing of the Directorate of the Organ on Politics, Defence and Security Affairs as follows:

- (a) That the Point Quota System should not apply to the specialized categories under the Organ. These categories are:
  - Military positions;
  - Intelligence and Security positions;
  - Police positions;
- (b) All the above positions shall be filled on two years secondment;
- (c) Military positions at the Regional Peacekeeping Training Centre shall be filled by either serving or retired military officers with minimum qualification of Command and Staff Course or Defence College Course;

- (d) The recruitment for the positions reserved for the police shall be in line with the decisions of the SADC Chiefs of Police which provides inter alia, that the Member States expected to second shall present at least four candidates who shall be interviewed by an independent panel;
- (e) The positions reserved for the military shall be recruited on the basis of the decisions of the SADC Chiefs of Defence Forces which provides that Member States shall have the prerogative to select and second the required officer;
- (f) Each Member State shall be responsible for the dissemination/advertisement of the vacancies within the relevant services;
- (g) The rest of the positions in the Organ shall be recruited following the point quota system.

2.3.2 In this regard, Summit noted that the recruitment process has followed the above directive.

### 3. **CONSOLIDATION OF DEMOCRACY AND POLITICAL STABILITY IN THE REGION**

#### 3.1 **Elections in the Region**

3.1.1 Summit noted that between September 2006 and March 2007, elections were held in the Member States noted below:

- (i) The Democratic Republic of the Congo (DRC) held her first Multiparty Presidential and Parliamentary Elections in more than forty years in July 2006. The second round of the Presidential Elections was conducted in October 2006. During the second round of elections, SADC deployed an Observer Mission which was led by Honourable Brig. General Adam Mwakanjuki, Minister of Transport and Communication, Zanzibar, the United Republic of Tanzania. The Alliance of the Presidential Majority (AMP) won the elections and His Excellency Joseph Kabila was elected the President of the Democratic Republic of the Congo.
- (ii) The Republic of Zambia held Elections on 28 September 2006. SADC sent an Election Observer Mission. The mission was led by Hon. Phillip S. Marmo (MP) Minister of State, President's Office-Good Governance, and the United Republic of Tanzania. The Movement of Multi party Democracy (MMD) party won the elections and His

Excellency Levy P. Mwanawasa was elected as the President of the Republic of Zambia.

- (iii) The Presidential Elections in the Republic of Madagascar were held on 3 December 2006 and SADC deployed an Election Observer Mission led by Hon. Kingunge Ngombale-Mwiru (MP) Minister of State, President's Office (Political Affairs and Civil Society), of the United Republic of Tanzania. The Tiako Madagasikara (TIM) Party won the elections and His Excellency Marc Ravalomanana was elected as the President of the Republic of Madagascar.
- (iv) The General Elections in the Kingdom of Lesotho were held on 17 February 2007. SADC sent an Election Observer Mission led by Honourable Captain (Rtd.) John Chiligati (MP) Minister for Labour, Employment and Youth Development, of the United Republic of Tanzania. The Lesotho Congress for Democracy (LCD) won the elections and the Right Honourable Pakalitha Mosisili became the Prime Minister of the Kingdom of Lesotho.

3.1.2 According to the Election Observer Missions all four elections were pronounced free and fair.

3.1.3 Summit congratulated the people of the Democratic Republic of Congo, Zambia, Madagascar and the Kingdom of Lesotho, for the peaceful, credible and professionally managed elections which adhered to the SADC Principles and Guidelines Governing Democratic Elections.

### 3.2 Assistance to the Democratic Republic of Congo

3.2.1 Summit recalled that at its meeting of August 2006 in Maseru, the Kingdom of Lesotho, it directed the Ministerial Committee of the Organ under the leadership of the Troika assisted by the Secretariat to assist the DRC in areas to be identified in consultation with the DRC Government.

3.2.2 The Summit also recalled that the MCO, at its 8 Meeting in Windhoek, Namibia mandated the Chairperson of the MCO to remain seized with political process in the DRC until the elected President and Parliament are inaugurated.

- 3.2.3 Summit further recalled that the Extra-Ordinary Summit held on 29 March 2007 in Dar-es-Salaam, the United Republic of Tanzania, directed that an assessment mission of SADC Organ visit the DRC.

#### **Action Taken**

- 3.2.4 In response to Summit's directive, the MCO met on 19 – 20 October 2006 in Kinshasa, DRC to assess the political situation and to urge the Presidential Candidates for the 2<sup>nd</sup> round of elections to abide by the provisions of the electoral law of the DRC. The MCO also mandated the Chairperson of the Organ to establish a Defence and Security liaison office in Kinshasa to be able to coordinate SADC efforts.
- 3.2.5 The Chairperson of the Organ, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania established the liaison office under the office of the Ambassador of the United Republic of Tanzania in Kinshasa.
- 3.2.6 The Chairperson of the Organ fielded a Senior Officials Organ Troika Assessment Mission to the DRC. The objective of the mission was to assess the political and security situation in consultation with the Government of the DRC. It also aimed to make recommendations that would inform a SADC Plan of Action that identifies key areas whereby SADC can assist the DRC in the processes of post-conflict reconstruction, sustainable peace and security.
- 3.2.7 The mission was undertaken under the leadership of Ambassador Patrick C. Mombo, Permanent Secretary of the Ministry of the Foreign Affairs and International Cooperation of the United Republic of Tanzania. The Mission also included officers from the SADC Secretariat. The Senior Officials Mission was preceded by a SADC Secretariat Assessment Mission to the DRC on 22-27 April 2007 which was led by the SADC Executive Secretary, Dr. Tomáz Augusto Salomão. The Senior Officials Mission presented its report to the Ministerial Troika of the Organ at its meeting held on 25-26 May 2007 in Dar-es-Salaam, the United Republic of Tanzania.

The Report's recommendations included inter alia the following:

- (i) SADC should establish the SADC Mission office in DRC. This Mission will coordinate the activities of the SADC Plan of Action for the DRC. The Plan of Action should be jointly

developed by the MCO Troika and the DRC Government;

- (ii) SADC to engage the neighbouring countries in diplomatic talks to allow the political, peace and security transformation to unfold and develop in the DRC;
- (iii) SADC should assist the Congolese Government to organize and facilitate a donor conference to be held in the DRC in order to solicit funding for post-conflict reconstruction and development activities;
- (iv) SADC to extend its diplomatic support to the DRC in the following two-pronged manner to support the post-conflict and reconstruction processes:

- **Diplomacy of Peace**

In this regard, SADC would assist the DRC to realise normal relationships with States that she had a belligerent relationship with during the conflict period;

- **Diplomacy of Development**

Through this process SADC would assist the DRC to realise its socio-economic development plans by encouraging external investors to invest in the DRC;

- (v) SADC should support the proposed Roundtable Dialogue for political stakeholders. The aim of the Roundtable Dialogue is to encourage ongoing dialogue between the Stakeholders and encourage a culture of peace;
- (vi) The Chairperson of the Organ should request Summit Troika to authorize the Executive Secretary to seek financial resources from International Cooperating Partners (ICPs) to fund the SADC Mission office. In this regard, the Secretariat should also indicate the financial implications of establishing a SADC office by considering budget requirements, size of the Mission and office structure.

### 3.2.8

At its meeting of 29 July 2007 in Dar-es-Salaam, the United Republic of Tanzania, the MCO considered the report's recommendations and agreed on the following areas for SADC involvement in the DRC:

- (i) Donor Conference for the Post-Conflict Reconstruction Development;
- (ii) Peace dialogue with some of DRC's neighbouring States;
- (iii) Assistance to the DRC to develop socio-economic

development plans by encouraging external investment in the country;

- (iv) Assistance with the Security Sector Reform Process;
- (v) Support for the Round Table Dialogue for Political Stakeholders;
- (vi) Establishment of the SADC Mission Office in the DRC.

3.2.9 In this regard, Summit endorsed the decision of MCO and directed that the activities agreed upon for SADC involvement in the DRC be implemented.

### 3.3 Post-Electoral Political Situation in the Kingdom of Lesotho

3.3.1 Summit recalled that the Right Honourable Pakalitha Mosisili, Prime Minister of the Kingdom of Lesotho requested His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and Chairperson of the Organ to send a Mission to Maseru to assess the political situation in the country prior to the snap elections slated for 17 February 2007 and urge all political stakeholders to commit themselves to peaceful, free and fair elections.

3.3.2 Summit also recalled that at its Extra-Ordinary Summit held on 29 March 2007 in Dar-es-Salaam, the United Republic of Tanzania, it mandated the Ministerial Troika of the Organ to conduct an assessment Mission and make recommendations on the post-electoral situation in Lesotho.

#### **Action Taken**

3.3.3 In response to the above request, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and Chairperson of the Organ sent a Ministerial TROIKA Mission to Maseru, Lesotho led by Honourable Dr. Asha-Rose Migiro, former Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania from 5 – 6 January 2007.

3.3.4 The Ministerial Troika of the SADC Organ on Politics, Defence and Security Cooperation fielded an Assessment Mission to Lesotho on 11-14 April 2007. The Ministerial Mission was led by the Honourable Captain (Rtd.) John Chiligati (MP), Minister of Labour, Employment and Youth Development of the United Republic of Tanzania and it also included all Members of the

Organ Troika and officers from the Secretariat. The Mission observed the following:

- (i) The Lesotho Mixed Member Proportional (MMP) election model combines the First-Past the Post (FPTP) and Proportional Representation (PR) systems of election. On the basis of the MMP system, Lesotho's 120 Member National Assembly comprises of eighty (80) Members of Parliament (MPs) on the basis of the constituencies (FPTP) and forty (40) MPs on the basis of party-list (PR) system.

#### **Allocation of Parliamentary seats**

- (ii) The outcome of the 17 February 2007 general elections was that the Lesotho Congress for Democracy (LCD) obtained 61 FPP seats, All Basotho Convention (ABC) 17 seats, and the Alliance of Congress Parties (ACP) 1 seat. One constituency was not contested due to the death of one of the candidates for the 17 February elections.
- (iii) From the contested 40 PR seats, the National Independent Party (NIP) obtained 21 seats, the Lesotho Workers Party (LWP) 10 seats, the Basotho National Party (BNP) 3 seats and six parties obtained 1 seat each.
- (iv) Some political Stakeholders complained that: -
  - (a) The allocation of the proportional seats was not conducted in a fair manner and accordingly, the leader of the Marematlou Freedom Party (MFP) filed a petition in court, challenging the manner in which the allocation of seats was conducted. This case was still pending in the Court.
  - (b) There are controversies surrounding the party coalitions in particular the alliance between Lesotho Congress for Democracy (LCD) and the National Independent Party (NIP).
  - (c) Some Ministers in the previous Lesotho Congress for Democracy (LCD) Government who lost their constituencies after the 2007 elections have been re-appointed to cabinet posts following inclusion of their names in the party list of NIP. This is interpreted as imposition on the voters by some stakeholders.
  - (d) There is lack of communication and dialogue among political stakeholders.



- 3.3.5 The Mission presented its report with recommendations to the Ministerial Troika of the Organ at its meeting held on 25-26 May 2007 in Dar-es-Salaam, the United Republic of Tanzania. The recommendations included inter alia the following:
- (i) Key political Stakeholders including the Opposition Parties and the Government should engage in a dialogue to resolve the current political impasse;
  - (ii) There is a need to review the Electoral Model. This review should be facilitated by external electoral model experts from countries with experience with the Mixed Member Proportional (MMP) system;
  - (iii) The United Nations Development Programme (UNDP) Country Representative informed the Mission on the UNDP's readiness to meet costs of the dialogue process if an official request is made by the Lesotho government or the SADC Secretariat. The German Consular also informed on his government's willingness to provide MMP model experts if requested. The same offer was made by the USA Ambassador that a USA based institute, National Democratic Institute (NDI) would be ready to assist with experts if assistance is needed for the political parties dialogue.
  - (iv) The Chairperson of the Organ in consultation with the Troika of the Organ urged the Government of the Kingdom of Lesotho, to initiate a formal political dialogue with a view to resolving the political problems between the Opposition Parties and the Ruling Party;
  - (v) Organ Troika assisted by SADC Secretariat should facilitate the internal political dialogue;
  - (vi) Organ Troika assisted by the SADC Secretariat should consider nominating an "Eminent Person" from the Ex-Presidents to facilitate and supervise the process of the political dialogue;

3.3.6 Summit noted that in its consideration of the above mentioned recommendations the Ministerial Troika of the Organ at its meeting of 25-26 May 2007 decided as follows:

- (i) That the current political situation in Lesotho is tense. Therefore, there is a need to urgently respond and assist in resolving the political challenges facing Lesotho;

- (ii) Mandated the SADC Executive Secretary to undertake a mission to Lesotho to initiate the process for the political dialogue;
- (iii) That the SADC Secretariat in consultation with the Office of the Chairperson of the Organ constitute a delegation that will assist the Kingdom of Lesotho in addressing the current political situation;
- (iv) That the SADC Secretariat mobilises the necessary funds for the preparations and hosting of the political dialogue amongst the Lesotho political stakeholders;
- (v) That SADC responds to the offers made by the United Nations Development Programme, the German Consular and by the USA Ambassador to assist with experts on the MMP model. In this regard, the MCO Troika urged SADC to also lead the proposed review process of the model;
- (vi) That an Eminent Person from the region be identified to facilitate the political dialogue process in Lesotho.

### 3.3.7

Accordingly, Summit further noted that His Excellency Sir Ketumile Masire, the former President of the Republic of Botswana was appointed the Eminent Person by the Chairperson of the Organ, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania to facilitate the post-electoral dialogue. In this regard, the SADC Eminent Person undertook two Missions to Lesotho for the facilitation of the political dialogue on 14 -16 June 2007 and 25 June - 1 July 2007 between the Political Parties and other relevant stakeholders. The Stakeholders managed to reach an agreement on the issues forming the agenda for dialogue as follows:-

- (i) Creation of an Enabling Environment for a Successful Dialogue;
- (ii) Consideration of certain Democratic Parliamentary Processes;
- (iii) Status of Election Related Court Cases versus the Need to facilitate the Dialogue;
- (iv) Review and Safeguarding the Mixed Member Proportional (MMP) Model and Agreement on the Process;
- (v) Review of Dialogue Progress and Outcomes; and
- (vi) Institutionalisation of a Sustainable Culture of Dialogue, Code of Conduct and Political Tolerance.

- 3.3.8 Discussions regarding the allocation of 40 proportional seats have been suspended pending the decision of the court. The stakeholders have provisionally agreed on Terms of Reference and names of experts for reviewing the allocation of 40 seats once the court case is decided on.
- 3.3.9 The UNDP Resident Office in the Kingdom of Lesotho is funding the Dialogue Process.
- 3.3.10 Summit noted that the implementation of the MCO Troika decisions is in progress.
- 3.3.11 Summit also commended His Excellency Sir Ketumile Masire, for his mediation efforts in search of lasting political stability in the Kingdom of Lesotho.
- 3.3.12 Summit further urged all political stakeholders in the Kingdom of Lesotho to resolve the post-electoral political situation swiftly.
- 3.3.13 Summit commended the UNDP Resident Representative Office in Lesotho for funding the Dialogue Process in Lesotho;
- 3.3.14 Summit congratulated the Government and all stakeholders in Lesotho for opting to resolve the political differences peacefully through internal political dialogue.
- 3.4 Political and economic situation in Zimbabwe**
- 3.4.1 Summit recalled that H.E. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and Chairperson of the SADC Organ on Politics, Defence and Security Cooperation paid a working visit to the Republic of Zimbabwe on 15 March 2007 and held discussions with H.E. Robert Gabriel Mugabe, President of the Republic of Zimbabwe on the political, economic and security situation in Zimbabwe and the way forward in resolving the political problems in Zimbabwe.
- 3.4.2 Summit also recalled that the Extra-Ordinary Summit of 29<sup>th</sup> March 2007 in Dar es Salaam, the United Republic of Tanzania took note of the situation in Zimbabwe and;
- (i) Mandated His Excellency Thabo Mbeki, the President of the Republic of South Africa to continue facilitating dialogue between the Government and the Opposition and report back to the Troika on the progress;
  - (ii) Mandated His Excellency President Thabo Mbeki to engage the International Community in particular the UK, USA and the EU countries on the issue of Zimbabwe;

- (iii) Appealed to the concerned parties to exercise restraint and refrain from inflaming the political situation in Zimbabwe;
- (iv) Mandated the SADC Executive Secretary to undertake a study on the economic situation in Zimbabwe and propose measures on how SADC can assist Zimbabwe recover economically;
- (v) Reiterated the appeal to Britain to honour its compensation obligations with regard to land reform made under the Lancaster House agreement;
- (vi) Appealed to the International Community to lift sanctions against Zimbabwe;
- (vii) Urged the International Community to support SADC's initiatives in dealing with the issues of Zimbabwe; and
- (viii) Reaffirmed its solidarity with the Government and People of Zimbabwe.

#### 3.4.3

Summit noted that since the said meeting the following has transpired:

- (i) His Excellency Thabo Mbeki, President of the Republic of South Africa, has convened several meetings between Zimbabwe African National Union – Patriotic Front (ZANU-PF) and both factions of the Movement for Democratic Change (MDC). The talks are still on-going and His Excellency President Mbeki has submitted a report to the Summit;
- (ii) The Executive Secretary of SADC Dr. Tomáz Augusto Salomão, has undertaken two visits to Zimbabwe to assess the economic situation in the country and has submitted a report as mandated by the Extra-Ordinary Summit.
- (iii) With regard to the economic situation, a combination of factors including the impact of sanctions, have continued to negatively affect economic performance with the Government recently adopting some measures to address the situation.

#### 3.4.4

##### **Current Situation on Zimbabwe**

##### 3.4.4.1

Summit was briefed by President Thabo Mbeki of South Africa on progress made on the negotiations between the Government of

Zimbabwe and the two factions of Movement for Democratic Change (MDC).

3.4.4.2 In his briefing President Thabo Mbeki indicated that the negotiations between the parties were progressing smoothly and in five main areas:

- (a) Amendment of the constitution
- (b) Electoral Laws
- (c) Security Legislation
- (d) General communication and the media
- (e) Creation of Political climate towards elections.

3.4.4.3 Summit commended President Thabo Mbeki for the job well done and encouraged the parties to expedite and conclude the work as soon as possible.

3.4.4.4 The Executive Secretary briefed the Summit on the outcome of his study on the economic situation in Zimbabwe.

3.4.4.5 Summit took note of the report and commended the Executive Secretary for the job well done and mandated the SADC Ministers responsible for Finance to use the report of the Executive Secretary in consultation with the Government of Zimbabwe and draw up an economic plan to assist Zimbabwe to overcome the current economic situation.

3.4.5 Summit noted the progress made to address the political and economic situation in Zimbabwe.

3.4.6 Summit called upon the parties to hasten the process.

### 3.5 **AFRICAN UNION GOVERNMENT TOWARDS THE UNITED STATES OF AFRICA**

3.5.1 Summit recalled that at its meeting held in Maseru, Lesotho from 17-18 August, 2006 it decided to hold an Extra-Ordinary Summit in October 2006 to discuss the Union Government among others. Summit also mandated the Ministerial Committee of the Organ to meet and prepare a SADC position and submit a report to the Extra-Ordinary Summit of October 2006.

#### **Action Taken**

3.5.2 Summit noted that the Ministerial Committee of the Organ met in DRC, Kinshasa on the 19-20 October 2006 and noted that while there is merit in keeping alive the vision of an African Union Government there are still complex challenges facing both AU Member States and the RECs, which need prior attention. The MCO thus recommended that:-

- (i) The principle of subsidiarity as contained in the AU Constitutive Act should be strictly adhered to;
- (ii) An audit must be undertaken in order to establish the current situation with regards to institutions, organs and programmes for the AU; and
- (iii) The study on the African Union Government towards the United States of Africa should be considered as a source of information to the justification of the Union Government that seeks to attain a higher level of economic and political integration.

3.5.3 Summit recalled that at its Extra-Ordinary Summit of 23 October 2006 in Midrand, South Africa it endorsed the recommendations of the MCO as SADC's common position on the Union Government. The Extra-Ordinary Summit directed that in future considerations of this matter, SADC will be guided by this position.

3.5.4 SADC's common position on the Union Government was presented at the AU Extra-Ordinary Session of the Executive Council held from 17 – 18 November 2006 in Addis Ababa, Ethiopia.

3.5.5 Summit also noted that the Ministerial Committee of the Organ at its meeting of 26 – 29 July 2007 in Dar es Salaam noted SADC's collective contributions on geo-political and economic issues in particular the Region's collective response to the issues that emerged at the African Union Summit held on 1-2 July 2007 in Accra, Ghana where among other issues the Summit deliberated on the creation of a United States of Africa. At the said meeting, SADC displayed its spirit of common vision and collective resolve, by noting the Region's preference for a gradual and incremental approach towards a continental government.

3.5.6 Summit further commended Member States for their collective position on the AU Government and directed that in future considerations of this matter be guided by this position.

### 3.6 **CANDIDATES FOR THE POST OF AU COMMISSIONER AND OTHER AU POSTS**

3.6.1 Summit also noted that in its consideration of SADC's participation in continental political issues, and in particular in the activities of the African Union, the Ministerial Committee of the Organ at its meeting of 26-29 July 2007, Dar es Salaam, Tanzania urged Member States to identify candidates for the post of the Chair of AU Commission and other AU Commissioners.

3.6.2 Summit further endorsed the MCO directive above and urged Member States to work with the Secretariat to realize these objectives.

#### 4. DEFENCE AND SECURITY MATTERS

##### 4.1 Harmonization of the Southern African Regional Police Chiefs Cooperation

4.1.1 Summit recalled that at its meeting held in August 2006 in Maseru, the Kingdom of Lesotho, it approved as follows:

- (i) That in terms of Article 9 of the SADC Treaty, as amended, Summit hereby establishes a SADC Law Enforcement Structure to be known as **THE SOUTHERN AFRICAN REGIONAL POLICE CHIEFS COOPERATION ORGANIZATION (SARPCCO)**.
- (ii) **THE SOUTHERN AFRICAN REGIONAL POLICE CHIEFS COOPERATION ORGANIZATION (SARPCCO)** is a subordinate of the Inter-State Defence and Security Committee (ISDSC), established under Article 3.2(e) of the Protocol on Politics, Defence and Security Cooperation.
- (iii) The establishment of SARPCCO will require the amendment of the Treaty and the Protocol on Politics, Defence and Security Cooperation.
- (iv) That the Executive Secretary communicates the decision of Summit to all Member States.
- (v) That SARPCCO amend its Constitution to align the SARPCCO Constitution with the SADC Treaty and the Protocol on Politics, Defence and Security Cooperation.
- (vi) That SARPCCO may retain its executive and policy structure;
- (vii) That the SADC Secretariat works closely with SARPCCO and its executive structures;
- (viii) Pursuant to Article 10(2) of the SADC Protocol on Politics, Defence and Security Cooperation, any agreement or Memorandum of Understanding (MoU) that may be negotiated by SARPCCO be subject for consideration by the Ministerial Committee of the Organ and approved by Summit.

- 4.1.2 In this regard, Summit directed the Ministers responsible for Police to ensure the implementation of its decision.

#### **Action Taken**

- 4.1.3 In line with the above SADC Secretariat convened a meeting from the 26-28<sup>th</sup> April in Dar es Salaam, Tanzania to draft the legal text on the amendment of specific provisions of the SADC Treaty and Protocol on Politics, Defence and Security Cooperation which will be circulated to all Member States for comments.
- 4.1.4 Summit noted that the SADC Chiefs of Police (SARPCCO) met in Dar-es-Salaam from 3-5 June 2007 and mandated the SARPCCO Legal Sub-Committee to expeditiously initiate the process of amending the SARPCCO Constitution and submit their recommendations to the SARPCCO Annual General Meeting in July 2007 in Lusaka, Zambia.
- 4.1.5 Summit also noted that the Ministerial Committee of the Organ at its meeting held on 26-29 July 2007 noted as follows on this matter:-
- (i) Member States concerns on the amendment of the Treaty as it relates to the incorporation of SARPCCO;
  - (ii) The procedures adopted were affront to Article 36 and Article 19 of the Treaty and the Protocol on Politics, Defence and Security Cooperation respectively, as these proposed amendments were submitted to the Council for preliminary consideration without the requisite notification;
  - (iii) That Article 7 (8) of the Protocol on Politics, Defence and Security Cooperation which provides: "***ISDSC may establish such other structures as it deems necessary to perform its functions***" is adequate to enable SARPCCO to function under the Protocol;
  - (iv) An amendment of the Treaty and/or the Protocol would set precedence;
  - (v) That this matter be deferred as the Ministers of Justice/Attorneys General from various Member States have raised their own concerns on the subject matter. In this regard, the Ministers of Justice/Attorneys Generals directed the Secretariat to:
    - (a) Establish the appropriate sub-article of Article 7 of the Protocol on Politics, Defence and Security



Cooperation under which SARPCCO would be better placed; and

- (b) Draft the amendment accordingly and give the relevant notification to Member States.

4.1.6 Summit further noted that at their meeting of 2 June, 2007 in Maseru; Lesotho the Ministers of Justice/Attorneys General:

- (i) Recommended to the Council and Summit that there was no need to amend the Treaty in order to recognize SARPCCO under the provisions of Articles 9 and 10A;
- (ii) Recommended that the amendment of the Protocol on Politics, Defence and Security Cooperation would cater for the integration of SARPCCO with SADC structure; and
- (iii) Summit noted the progress made on the harmonization of the Southern African Regional Police Chiefs Cooperation.

4.1.7 Summit endorsed the recommendations of the Ministers of Justice/Attorneys General.

#### 4.2. **Regional Early Warning Centre**

4.2.1 Summit recalled that at its meeting held in August 2006 in Maseru, the Kingdom of Lesotho, it noted that the official inauguration of the Regional Early Warning Centre was scheduled for September 2006 and that it would be officiated by the Chairperson of the Organ.

##### **Action Taken**

4.2.2 Summit noted that due to the delay in the acquisition of the specialised equipment for the Centre, the launch of the REWC will now take place not later than December 2007.

4.2.3 In this regard, Summit also noted the progress made towards the launching of the REWC as follows:

- (i) The Secretariat availed office space for the Centre Situation Room in February 2007;
- (ii) Furniture and equipment has been acquired for the Centre;
  - (a) Four (4) computers of which two (2) have been connected to the SADC network experts for daily use by REWC officers. The remaining two (2) computers

will be used for the network connecting the REWC with National Early Warning Centres of the Member States;

- (b) Four (4) sets of office furniture (tables and chairs);
- (c) One (1) Conference table with 5 chairs;
- (d) Electronic screen;
- (e) Shredder;
- (f) Two (2) lockable steel cabinets;
- (g) One (1) Printer;
- (h) Burglar proof door for access control;

The following equipment is in the process of being procured:

- (i) Two (2) TV sets with subscriptions to world news broadcasting channels;
  - (j) Photocopier;
  - (k) Secure fax;
  - (l) Multimedia Projector.
- (iii) So far thirteen (13) Member States have appointed National Focal Points on Regional Early Warning Centre matters. Madagascar is yet to provide a National Focal Point;
- (iv) The Secretariat's Early Warning Officers undertook study visits to the Situation Rooms of the African Centre for Study and Research on Terrorism (ACSRT) in Algiers, Algeria and the National Intelligence Coordinating Committee (NICOC) of South Africa. These visits enabled the officers to obtain information on how to structure and establish the Situation Room for the SADC Early Warning Centre;
- (vi) A team of ICT experts undertook a mission to Centurion, South Africa on 29 June 2007 to engage Grintek on the acquisition of the Secure Communication System for the REWC;

- (vi) That Intelligence Services of Member States are to contribute on quota basis for the funding of the acquisition of the secure communication equipment;
- (vii) That the Republic of South Africa has made a commitment to cover the short fall for the Hub in Botswana should there be any after contributions by Member States.

4.2.4 Summit commended the Republic of South Africa for her commitment to cover any shortfall that may arise in establishing the REWC HUB in Gaborone, Botswana.

4.2.5 Summit also urged Member States to remit their contributions timeously to allow for the launching of the REWC.

4.2.6 Summit further noted that the launching of the Regional Early Warning Centre (REWC) has been postponed several times because of non-allocation of required financial resources and direct the Executive Secretary to make sure the Chairperson of the Organ shall officially launch the REWC with the secure communication system in place by end of December 2007.

#### 4.3 Progress on the Establishment of the SADC Brigade (SADCBRIG)

4.3.1 Summit recalled that at its meeting held in August 2006 in Maseru, the Kingdom of Lesotho, it noted that the official inauguration of the SADC Brigade shall take place during the August 2007 Summit.

##### Action Taken

4.3.2 Summit noted that a detailed plan of the launching of the SADC Brigade has been developed and it includes inter alia, the size of the parade; Member State troops and police personnel contributions; funding; designing, production and procurement of the colours and identification symbols; rehearsals; logistics; detailed programmes and command language.

4.3.3 Summit also noted that the total revised budget for the launching is USD220,451.

4.3.4 In this regard, Summit further noted that plans for the launching are underway and that the launching is scheduled to take place on 17 August 2007 in Lusaka, Zambia.

4.3.5 Summit noted the progress and the launching of the SADCBRIG on 17 August 2007.

#### 4.3.6 **Memorandum of Understanding (MoU)**

Summit noted that the Ministerial Committee of the Organ at its meeting of 26 – 29 July 2007 in Dar-es-Salaam, the United Republic of Tanzania, recalled that the ISDSC at its meeting of 19 – 21 July 2006 in Windhoek, Namibia directed the SADCBRIG PLANELMs to coordinate the harmonization of the MoU to include the role of the RPTC and SADCPOL in SADCBRIG. The Committee also recalled that ISDSC further directed the PLANELMs to present the finalized Draft MoU to the Chairperson of the Defence Sub Committee and the Chairperson of the Committee of SADC Chiefs of Police.

#### **Action Taken**

4.3.7 Summit also noted that the legal experts from the military and police met on 25 - 26 April 2007 in Dar-es-Salaam, the United Republic of Tanzania and finalized the draft MoU which was presented to the Defence Sub - Committee meeting of 2 – 3 May 2007 and the Police Chiefs meeting of 3 – 5 June 2007 in Dar es Salaam, Tanzania.

4.3.8 In this regard the Ministerial Committee considered and adopted the finalised Draft MoU as recommended by the ISDSC.

4.3.9 Summit approved the decision of the MCO and urged Member States to sign the MoU for the launching of the SADC Brigade.

#### 4.4 **The establishment of the US Africa Command (AFRICOM) and Exercise Africa Endeavour**

4.4.1 Summit noted that the Ministerial Committee at its meeting of 26 – 29 July 2007, in Dar-es-Salaam, the United Republic of Tanzania, noted that the ISDSC considered the establishment of the US African Command (AFRICOM) and Exercise Africa Endeavour and recommended as follows:

- (i) That the region should not host the AFRICOM and that Member States should continue to, diplomatically engage each other on the establishment of this institution;
- (ii) That the Exercise African Endeavour has security implications. In this regard, SADC should undertake consultative processes before considering the exercise. Exercise Africa Endeavour be suspended pending further consultations by Member States on this matter.

4.4.2 Summit endorsed the above recommendations.

## 4.5 SADC Contribution to Peace Support Operations

4.5.1 Summit noted the contributions of SADC Member States in peace support missions either under the auspices of the United Nations or the African Union.

- (i) Angola:
- (ii) Botswana: Sudan (Darfur), Eritrea/Ethiopia
- (iii) DRC:
- (iv) Lesotho: Sudan (Darfur)
- (v) Madagascar: Sudan (Darfur), Comoros
- (vi) Malawi: DRC, Sudan (Darfur), Kosovo, Liberia, Southern Sudan
  
- (vii) Mauritius:
- (viii) Mozambique: Sudan (Darfur), Uganda, Southern Sudan
- (ix) Namibia: Sudan (Darfur), Southern Sudan, Liberia, Eritrea/Ethiopia, Côte d'Ivoire, East Timor
  
- (x) South Africa: DRC, Burundi, Sudan, (Darfur), Comoros, Nepal, Eritrea/Ethiopia
  
- (xi) Swaziland:
- (xii) United Republic of Tanzania: Lebanon, Eritrea/Ethiopia, Southern Sudan, Sierra Leone, Côte d'Ivoire, Comoros, Sudan (Darfur)
- (xiii) Zambia: Sudan (Darfur), Southern Sudan, DRC, Sierra Leone, Nepal, Eritrea/Ethiopia, Liberia, Kosovo
- (xiv) Zimbabwe: Southern Sudan, Sudan (Darfur), Côte d'Ivoire, Liberia, Nepal, Burundi, East Timor, Sierra Leone, Kosovo

4.5.2 Summit commended SADC Member States for their invaluable contribution to Peace Support Operations.

## 5. APPROVAL OF THE REPORT OF THE MINISTERIAL COMMITTEE OF THE ORGAN

5.1 Summit further noted that details of various activities of the Organ structures are contained in the Record of the Ministerial Committee of the Organ meeting of 26-29 July 2007. The Record is contained in the background documents.

5.2 Summit approved the Report of the Ministerial Committee of the Organ (MCO) and directed the Chairperson of the MCO and the Secretariat to ensure its implementation.

## 6. ANY OTHER BUSINESS



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## **MEETING OF THE SADC SUMMIT**

**16 – 17 AUGUST 2007, LUSAKA, ZAMBIA**

**REPORT OF THE MINISTERIAL TASK FORCE ON REGIONAL ECONOMIC  
INTEGRATION**

1. **INTRODUCTION**

- 1.1 The Ministerial Task Force on Regional Economic Integration was constituted by Summit in August 2006 in Maseru, Lesotho. The Report responds to the decisions that were taken by the Extraordinary Summit at its meeting on 23<sup>rd</sup> October 2006 in Midrand, South Africa. Two meetings of the Ministerial Task Force have taken place since the October 2006 Summit. This report is based on the outcomes and conclusions of these meetings, which took place in Maputo, Mozambique on 28 July 2007 and in Lusaka, Zambia on 13 August 2007,
- 1.2 An Implementation Matrix of decisions from the SADC Extra-Ordinary Summit is attached as document **SADC/SM/II/2007/6.1**.

2. **SADC FREE TRADE AREA IMPLEMENTATION**

**Gazetting of Tariff Phase Downs**

- 2.1 The 19<sup>th</sup> meeting of the Committee of Ministers of Trade and Industry (CMT) met in Maseru, Lesotho on 2 July 2007 and noted that the October 2006 SADC Extra-Ordinary Summit discussed the status of implementation of the Free Trade Area and endorsed the following:
- (i) That adopted recommendations from the Mid-Term Review be expeditiously implemented.
  - (ii) That the Secretariat undertakes an audit of Member States' gazetted tariff schedules, planned for the first quarter of 2007. The results of the audit will inform SADC of compliance with their Protocol on Trade commitments ahead of the coming into force of the FTA in 2008.
  - (iii) That Secretariat sets up an effective monitoring mechanism that will report annually to Summit as well as a support mechanism to assist Member States in the implementation of the Protocol on Trade.

## Status

- 2.2 The Audit Study of Member States' gazetted tariff schedule was conducted with the assistance of the USAID Southern Africa Global Competitiveness Hub. The study undertook the following:
- An audit of the 2007 tariff phase down schedules of Member States and their conformity to the originally negotiated offers as well as the applied rates at points of entry;
  - Progress made so far and lessons learnt from the implementation of the Trade Protocol, following up on the findings of the Mid-Term Review;
  - The status of implementation of Customs instruments adopted to facilitate movement of goods under the SADC Protocol on Trade; i.e. the SADC Customs Documentation; and
  - It assessed the status of implementation of the WTO Customs Valuation Agreement.
- 2.3 The Audit Study will also feed into a parallel study on setting up a monitoring mechanism for the implementation of the Protocol on Trade. It is envisaged that this will assist with the setting up of a SADC Monitoring and Information Unit (M&IU) based on similar proven mechanisms in other trade/economic integration areas, that will:
- Monitor status in the implementation of the Protocol on Trade;
  - Report on trade related complaints from within the region;
  - Notify interested stakeholders in the SADC region; and
  - Inform Members of changes in trade policy in individual member states and within SADC.
- 2.4 The final Draft Report and an Executive Summary of the Audit Study are appended as documents **SADC/SM/II/2007/6.2** and **SADC/SM/II/2007/6.3** respectively.
- 2.5 Ministers noted that the findings from the Audit report indicated that four Member States, namely Malawi, Mozambique, Tanzania and Zimbabwe were not up to date in the implementation of their tariff phase down schedules. In response to the observations made in the report, the four Member States provided the following information and updates on their tariff phase down schedules:
- Malawi has gazetted its tariff phase down schedule and submitted the instrument to the Secretariat for circulation to the Member States;



- Mozambique indicated that it will implement its tariff phase down schedule for 2007 and 2008, which has been approved by Cabinet.
- Tanzania indicated that its tariff phase down schedule has been on track since 2002 and that annual public notices are issued to effect the tariff phase down for each year; and
- Zimbabwe indicated that their tariff phase down on the general offer was on track. However, Zimbabwe has not implemented the differentiated offer since all Member States, other than Lesotho and Tanzania are benefiting through bilateral preferential trading arrangements while Lesotho and Tanzania are covered under the general offer.

2.6 The implementation of the SADC tariff phase down schedules is therefore on track in readiness for Summit to launch the SADC Free Trade Area by 2008.

2.7 Member States were urged to address the challenges raised in the Audit Study to facilitate the launching of the FTA by August 2008, in particular the following:

- (i) Implementation of agreed tariff phase down schedules;
- (ii) Back-loading of tariff phase down schedules and the implication on revenue;
- (iii) Overlapping membership and implementation of new bilateral preferential trading arrangements;
- (iv) Lack of implementation of Customs and trade facilitation instruments; and
- (v) Finalisation of negotiations on review of rules of origin.

2.8 The final Audit Report will be submitted to the Secretariat by the end of August 2007 in line with the contract with the consultants and will be circulated to Member States for consultation, ahead of the next meeting of the Ministerial Task Force on Regional Economic Integration, which is to take place before the end of October 2007.

#### **Angola**

2.9 Ministers noted that Angola indicated that it will table its tariff phase down offer by December 2007 with a view to implementing by August 2008.

#### **DRC**

2.10 DRC had not yet acceded to the Protocol on Trade.

## **Madagascar**

- 2.11 Ministers also noted that Madagascar's tariff offer was approved by CMT in October 2006. Following conclusion of bilateral consultations, Madagascar will submit an instrument of implementation to be effective from 1<sup>st</sup> October 2007.

## **Review of Rules of Origin**

- 2.12 In pursuance of the recommendation from the Mid-Term Review of the Protocol on Trade that SADC should strive for clear, straightforward, transparent, simple and flexible Rules of Origin, Ministers of Trade considered and adopted for implementation a schedule of revised rules.
- 2.13 Ministers directed the Secretariat to circulate the consolidated schedule incorporating the revised rules to Member States for implementation by 1<sup>st</sup> September 2007.
- 2.14 Ministers also directed that the review of the outstanding rules be finalised before the end of 2007.

## **Institutional Mechanism for Monitoring, Reporting and Eliminating Non-Tariff Barriers (NTBs)**

- 2.15 An Action Plan for the monitoring and elimination of NTBs was adopted by the CMT on 2 July 2007. Member States are expected to complete the SADC Action Plan for Monitoring and Eliminating NTBs using information from the updated NTB inventory reports compiled for each SADC country. A meeting of the Sub-Committee on Trade Facilitation which has been mandated to coordinate SADC's programme on NTBs, will evaluate the national action plans.

## **Examination of the SADC Protocol on Trade by the WTO Committee on Regional Trade Agreements (CRTA)**

- 2.16 The SADC Trade Protocol was notified to the WTO and a confirmation on the conclusion on the notification process has been received.

## **Harmonisation and Liberalisation of Trade in Services in the Region**

- 2.17 A draft SADC Protocol on Trade in Services, which will facilitate the liberalization and Harmonization of Trade in Services in the region was approved by CMT on 2 July 2007, and has been submitted to the Ministers of Justice for their consideration in preparation for submission to Council.

### 3. **CUSTOMS COOPERATION AND TRADE FACILITATION**

- 3.1 The October 2006 Extra-Ordinary Summit noted that in order to promote and facilitate trade, there is need to harmonise and streamline SADC customs procedures and instruments. Summit noted that there have been difficulties encountered in implementing adopted documentation and procedures and directed the Ministerial Task Force on Regional Economic Integration to fast-track adoption and implementation of the Customs instruments developed by the SCCC.

#### **Common Customs Documentation**

- 3.2 A Customs Single Administrative document (SADC CD) has been developed and adopted to facilitate harmonisation of Customs Declaration in SADC. Implementation has however been constrained by the different customs IT systems used by Member States' Customs Administrations.
- 3.3 Botswana, Lesotho, Namibia, South Africa, Swaziland have adopted and customised the SADC-CD and named it SAD 500. Angola has indicated that it is implementing the SADC-CD. Malawi, Mauritius, Tanzania, Zambia and Zimbabwe are implementing national SAD document.

#### **Common Tariff Nomenclature (CTN)**

- 3.4 A Common Tariff Nomenclature was adopted by CMT at its 17<sup>th</sup> session held in August 2005, to facilitate harmonisation in commodity coding and description for harmonisation of customs declaration and statistical count. The CTN is yet to be implemented at national level by Member States. The CTN document will form the basis for further work under the SADC Customs Union Task Force.
- 3.5 Ministers directed that the Secretariat circulate reminders for implementation by Member States and urged Member States to implement the adopted CTN.

#### **Draft SADC Model Customs Act**

- 3.6 The 18<sup>th</sup> Special Meeting of Ministers of Trade considered the SADC Model Customs Act developed by the SCCC and noted that it was a benchmark document to facilitate harmonisation of national customs laws. The Ministers of Trade recommended that the document be tabled before the Ministers responsible for Finance and Investment for consideration and approval. The draft was presented to Ministers responsible for Finance and Investment at their meeting held in Maputo on the 27<sup>th</sup> of July 2007 who noted the document and decided that national consultations be carried out and the document be presented for approval at their next regular meeting.

### **SADC Customs Transit Bond Chain Guarantee Agreement**

- 3.7 The SCCC developed the SADC Transit Management System, which incorporates the SADC Customs Transit Bond Chain Guarantee Agreement, whose purpose is to facilitate extra territorial recognition of single surety and single customs declaration, freedom of movement in transiting countries and speedy clearance of transit traffic.
- 3.8 The Transit Management System is being piloted in the North-South and the Beira-Lumbubashi corridors to test the developed transit legal framework provisions and procedures with a view to fine-tune the proposed system for approval by Ministers. The pilot test will run up to December 2007 and experience so far indicates a potential reduction of clearance waiting time at transit borders from the current average of two days to an hour.
- 3.9 Ministers urged the participating countries, namely DRC, Malawi, Mozambique, South Africa, Zambia and Zimbabwe Customs Administrations to provide the necessary support to facilitate the transit pilot run, which is expected to be completed by end of December 2007. A report on the pilot run will be submitted to Ministers for consideration during their next regular meeting.

### **Common Customs Training Modules**

- 3.10 The SCCC developed and adopted 12 regional training modules for customs officials with the objectives of standardising training curricula and to improve technical capacity in member Customs Administrations. To date seven regional training sessions have been conducted. Cascading of training on the regional modules is in progress in some member administrations while others are in the process of incorporating them in their respective national training curricula.
- 3.11 Ministers urged SADC Customs Administrations to cascade training on the regional modules to improve uniformity in interpretation and application of customs laws, procedures and practices.

### **4.0 REGIONAL INDUSTRIAL POLICY AND COMPETITION LAW AND POLICY**

- 4.1 The October 2006 Extra-Ordinary Summit noted that the challenges that face SADC Member States are to diversify their economies, change their historical patterns of trade, remove internal barriers and harmonise industrial and competition policies. Summit therefore noted the need for the region to develop coordinated industrial policy strategies and to harmonise competition policies.

## **Regional Industrial Policy**

- 4.2 The 19<sup>th</sup> CMT recalled that during its 12<sup>th</sup> meeting held in March 2003, in Cape Town, South Africa, it mandated the Secretariat to involve UNIDO in the preparation of the regional industrial strategies using the value chain approach addressing the nine selected sectors. .
- 4.3 A draft Protocol on Industry has been developed and its objective is to promote industrial efficiency and global competitiveness, industrial expansion and the creation of employment within the SADC region. In addition the draft Protocol addresses issues related to polarisation of industrial activities; industrial Investment potential; and regional industrial policies and strategies. The draft is going through national consultation and is expected to be submitted for approval in October 2008.

## **Competition Law and Policy**

- 4.4 The Secretariat in conjunction with the Commonwealth Secretariat convened an Expert Group meeting on Competition Law and Policy from 2<sup>nd</sup> to 4<sup>th</sup> April 2007 in Livingstone, Zambia with the objective to recommend a competition policy model suitable for the Southern African Development Community. At the time of the Expert Group meeting, the status of Competition and Consumer Laws in the region was as follows:
- (i) Only Madagascar, Malawi, Mauritius, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe have adopted Competition Laws;
  - (ii) Angola, Botswana, DR Congo, Lesotho and Mozambique have yet to adopt national competition laws;
  - (iii) Currently only Malawi, South Africa, Tanzania, Zambia and Zimbabwe have operational national competition authorities;
  - (iv) Botswana, Malawi, Mauritius, South Africa and Tanzania have comprehensive national consumer laws, while other SADC Member States have yet to adopt such laws.
- 4.5 A progress report on the development of a competition framework for SADC will be presented to the Ministerial Task Force after consideration by the next meeting of the CMT.

## **5. SADC CUSTOMS UNION PREPARATIONS**

### **(a) Consideration of the Customs Union Studies**

- 5.1 The October 2006 Extra-Ordinary Summit meeting noted that Council at its August 2006 meeting in Maseru, Lesotho, endorsed the formation of a broad based Customs Union Task Force of officials reporting to Ministers of Trade and Finance to spearhead the preparations for the SADC Customs Union. Summit noted that the Ministerial Task Force

and the Secretariat will undertake and finalise, not later than March 2007, a study which will evaluate an appropriate model for the SADC Customs Union and that the recommendations following from the study will be submitted to Summit at its next meeting.

5.2 A draft Final Report on a Study on an Appropriate Customs Union Model was presented to the Ministerial Task Force during its 4<sup>th</sup> meetings held on 13 August 2007 in Lusaka, Zambia. Ministers further noted that the SADC Customs Union Model proposed by the consultants has the following features:

- a) A low and simple Common External Tariff;
- b) Customs duty collection on entry, using the final destination principal for the revenue sharing formula;
- c) Establishment of a development fund; and
- d) Elimination of Rules of Origin.

5.3 The final draft report of the Study on an Appropriate Model for a Customs Union is appended as document **SADC/SM/II/2007/6.4**. A summary of recommendations by the consultants is attached as document **SADC/SM/II/2007/6.5**.

5.4 A final report on the SADC Customs Union Model Study as well as on a complementary Study on Assessment of Compatibility on National Trade Policies will be submitted to the Secretariat by the end of August 2007. **Ministers agreed that:**

- a) Member States carry out national consultations taking into account the Audit Study, the Study on an Appropriate SADC Customs Union Model; and the Assessment of Compatibility of National Trade Policies.
- b) Secretariat, in consultation with the office of the Chairperson, will convene\_a meeting of the Ministerial Task Force in October 2007, to exchange views on national responses to the following:
  - Report of the Audit Study including the identified challenges, recommendations and required timelines;
  - Report on the SADC Customs Union model;
  - Report on the Assessment of Compatibility of National Trade Policies Study, and accordingly
  - Road Map for the SADC Customs Union.

## 6. **SIGNING AND IMPLEMENTATION OF THE PROTOCOL ON FINANCE AND INVESTMENT**

### 6.1 **The Protocol on Finance and Investment**

6.1.1 The SADC Protocol on Finance and Investment (FIP) was approved by the Summit on the 17th August 2006, in Maseru, the Kingdom of

Lesotho, and subsequently signed by: the Democratic Republic of the Congo; Lesotho; Madagascar; Mauritius; Mozambique; South Africa; and the United Republic of Tanzania. At the Extraordinary Summit on 23<sup>rd</sup> October 2006 in Midrand, Republic of South Africa, the following Member States also signed the FIP: Botswana; Swaziland; and Zimbabwe.

6.1.2 The remaining four Member States, namely Angola, Namibia, Malawi and Zambia will sign the Protocol during the August 2007 Summit in Lusaka, Zambia. The ten Member States that have signed the FIP have yet to deposit the instruments of ratification with the Secretariat.

6.1.3 The 2006 Summit, as well as the Extraordinary Summit urged all Member States that have not yet signed and ratified the FIP, to do so as a matter of urgency and deposit the instruments of ratification with the Secretariat.

6.1.4 Ministers noted that the ratification process was proceeding slowly and urged Member States to complete it.

6.1.5 The following additional Annexes to the FIP are being developed:

- The Project Preparation and Development Fund (PPDF);
- Anti-Money Laundering; and
- Accounting and Auditing Standards.

6.1.8 Notwithstanding the non-entry into force of the FIP, implementation work is ongoing. The various Sub-Committees are following their detailed implementation plans in conformity with the Annexes of the FIP.

6.1.9 A Protocol implementation workshop, involving all stakeholders will be held in November 2007 to discuss the challenges pertaining to the implementation of the FIP.

## 6.2 **Macroeconomic Convergence**

6.2.1 The Extraordinary Summit at its October 2006 meeting urged Member States to expedite the completion of their National Macroeconomic Convergence Reports. All Member States have now completed their Macroeconomic Convergence Reports. Translated versions of the Reports for Angola, Democratic Republic of Congo, Madagascar and Mozambique have been finalised and will be referred to those Member States for verification before publication.

6.2.3 SADC Member States will achieve most of the indicators by 2008. In general terms macroeconomic performance in the region is improving as follows: inflation and fiscal deficits are declining; debt has been stabilised taking into account debt sustainability measures implemented under the Highly Indebted Poor Countries (HIPC) and Multilateral Debt

Relief (MDR) initiatives; current account deficits are diminishing; and growth is rising, albeit slowly.

6.2.4 The Reports will be published electronically on the SADC Website and on the respective national Websites of Member States by the end of August 2007 after verification by Member States.

### **6.3 Macroeconomic Monitoring, Surveillance and Performance Unit and the SADC Peer Review Mechanism**

6.3.1 The SADC Extraordinary Summit held in October 2006 noted the process of operationalising the Macroeconomic Surveillance and Performance Unit (MSPU) at the Secretariat, to monitor the status and prospects of economic conditions in the Member States and the SADC region as a whole.

6.3.2 Article 20 of the Protocol on Finance and Investment (FIP) provides for the establishment of the Peer Review Panel consisting of Ministers responsible for Finance and Investment and Central Bank Governors from Member States. The Panel is expected to meet once a year to effect the provisions of macroeconomic monitoring and surveillance as provided for in Article 7 of Annex 2 of the FIP.

6.3.3 The October 2006 Summit further noted that the MSPU will assess macroeconomic and structural policies, potential risks, as well as examining economic linkages between countries and regional economic and market conditions and their implications. Summit directed the Ministerial Task Force and the Secretariat to establish the MSPU by June 2007 and to ensure that National Macroeconomic Convergence Reports are presented to Summit annually.

6.3.4 Notwithstanding that the FIP remains to be ratified, Ministers of Finance and Investment approved the establishment of the Peer Review Panel under Article Twenty, to consist of: the Ministers Responsible for Finance and Investment; and the Central Bank Governors.

6.3.5 The Macroeconomic Monitoring and Surveillance Unit will be operational by December 2007.

### **6.4 SADC Development Fund**

6.4.1 The Extraordinary Summit at its October 2006 meeting reaffirmed its decision on the establishment of the SADC Development Fund (SDF) and directed the Ministerial Task Force and the Secretariat to accelerate the feasibility studies and modalities for establishing the SADC Development Fund.

6.4.2 The Ministers responsible for Finance and Investment in 1998 commissioned a study on "the Desirability and Viability of Establishing the SADC Development Fund". The primary recommendation of Phase I



was that SADC should give priority to the establishment of a Project Preparation and Development Fund (PPDF). The Ministers commissioned Phase II of the study to determine the primary goals of the PPDF. Phase III is now being finalised which includes: development of a legal framework; requirements for the hosting institution; and a preliminary draft Annex to the FIP.

6.4.4 The PPDF will be co-ordinated by the SADC Secretariat. To facilitate the co-ordination and the implementation, a Steering Committee consisting of Member States, the SADC Secretariat and the Development Finance Institutions (DFI's) will be put in place.

6.4.5 Ministers noted the progress made with regard to the development of the PPDF as a first step of the SADC Development Fund. South Africa has offered to host the PPDF in the interim. The Ministers responsible for Finance and Investment welcomed the offer by South Africa to host the PPDF. In this regard, a draft Memorandum of Understanding (MoU) between the Secretariat and the Development Bank of South Africa (DBSA) will be circulated to Member States for consultations. Establishment of the PPDF will trigger the release of five million Euros seed capital from the German Government.

## 6.5 **Integrated Paper on Recent Economic Developments in SADC**

6.5.1 The Extraordinary Summit at its October 2006 meeting directed the Ministerial Task Force on Regional Economic Integration to present a paper on recent economic developments in SADC annually to the Summit.

6.5.2 The Integrated Paper on Recent Economic Developments in SADC was prepared by the CCBG. The paper highlights the major economic developments in the SADC region and provides information on the progress made towards the achievement of macroeconomic convergence

6.5.4 The paper will be presented to Summit by the Chairperson of the Ministerial Task Force.

## 7. **INSTITUTIONAL ARRANGEMENTS**

7.1 The October 2006 Extra-Ordinary Summit took the following decisions:

- Directed the Ministerial Task Force on Regional Economic Integration and the Executive Secretary to urgently review the Secretariat Structure; staffing and financing and align them to the new priorities, with a view to accelerate the implementation of regional economic integration agenda;
- Mandated the Ministerial Troika to consider a temporary waiver of the quota system in the recruitment of positions that require highly

specialised competencies and qualifications. This will enable the Executive Secretary to expeditiously recruit experts for positions of particular importance to regional economic integration; and

- Urged Member States to strengthen their capacity at national level including the SADC National Committees to implement the Regional Economic Integration agenda.

- 7.2 In pursuance of the above Troika approved the request by the Secretariat for a temporary waiver to the quota system to appoint staff to fill seven (7) vacant positions. The waiver is only valid for contracts of four years after which the quota system shall apply appropriately.
- 7.3 Troika also approved the recruitment of 17 Technical Experts on two-year contracts outside the current SADC Secretariat Structure and the quota system. Council at its meeting in March 2007 in Maseru, Lesotho endorsed the decision of the Troika. In appointing the Technical Experts, Member States representation should be considered, but without compromising competency. The budgetary implications were submitted to Council for approval through the Finance Committee.
- 7.4 Recruitment for the seven four-year posts under temporary waiver of the quota system has been finalized and the officials are now in place.
- 7.5 The recruitment process for the seventeen two-year posts was finalized in June 2007. Contracts have been offered to the successful candidates and officers have started taking up the positions since 1<sup>st</sup> July 2007. The process is expected to be concluded by the end of September 2007.
- 7.6 The Secretariat will ensure that in recruiting Technical Experts in future, Member States representation, gender balance, equity will be considered but without compromising competency.



**IMPLEMENTATION MATRIX FOR DECISIONS FROM THE SADC EXTRA-ORDINARY SUMMIT**

DECISIONS		PROGRESS	OUTPUT	TIME LINE
1.	SADC Free Trade Area			
1.1	That adopted recommendations from the Mid-Term Review be expeditiously implemented.	Status of implementation to be reviewed by meetings of the TNF (27 June) & Ministers of Trade (2 <sup>ND</sup> July).	Better performance in implementation of FTA	Ongoing
1.2	That the Secretariat undertakes an assessment and outcomes audit of Member States' gazetted tariff schedules, planned for the first quarter of 2007. The results of the audit will inform SADC of compliance with their Protocol on Trade commitments ahead of the coming into force of the FTA in 2008.	<p>FTA implementation Study commenced on 10 April 2007. Study undertook the following:</p> <ul style="list-style-type: none"> <li>• Audited Member States gazetted tariff reduction schedules</li> <li>• Outlined progress made so far and lessons learnt from the implementation of the Trade Protocol, following up on the findings of the Mid-Term Review.</li> <li>• Assessed the status of implementation of Customs instruments adopted to facilitate movement of goods under the SADC Protocol on Trade; i.e. the SADC Customs Documentation, etc.</li> </ul> <p>Assessed the status of implementation of the WTO Customs Valuation Agreement</p>	Status of implementation recorded and follow up made with Members to ensure implementation.	<ul style="list-style-type: none"> <li>• First Draft Report presented to the Ministerial Task Force meeting of 28 July 2007 and Final Draft to be presented to the 13 August 2007 Ministerial Task Force meeting.</li> </ul>
1.3	That negotiation on revised and more	CMT meeting of 2 July 2007	Rules revised and	Adopted revised rules to be circulated

	flexible rules of origin, be finalised by the first quarter of 2007.	adopted revised rules and directed the TNF to finalise consideration of outstanding rules by the end of 2007. Consolidated schedule of agreed rules to be circulated by 1 September 2007 for implementation.	positive impact on intra-regional trade flows	for implementation by 1 <sup>st</sup> September 2007. Outstanding rules to be considered by TNF before end of 2007 and submitted to Ministers of Trade at their next meeting for adoption.
1.4	That Secretariat sets up an effective monitoring mechanism that will report annually to Summit as well as a support mechanism to assist Member States in the implementation of the Protocol on Trade.	<p>Assistance secured from the Southern Africa Global Competitiveness Hub to set up a SADC Monitoring and Information Unit (M&amp;IU) at that will:</p> <ul style="list-style-type: none"> <li>• Monitor status in the implementation of the Protocol on Trade;</li> <li>• Report on trade related complaints from within the region; and</li> <li>• Notify interested stakeholders on potential trade barriers.</li> <li>• Inform Members of changes in trade policy in individual member states and within SADC.</li> </ul> <p>Consultancy Study on details of mechanism underway following signing of MoU with Secretariat.</p>	Establishment of Secretariat-based mechanism to continuously monitor and follow up on trade protocol implementation on a more consistent basis.	Setting up of SADC Monitoring and Information Unit (M&IU) at Secretariat by December 2007.
1.5	That the Task Force develops an Action Plan for monitoring and elimination of NTBs in the first quarter of 2007.	Recommendations on an action plan for the monitoring and elimination of NTBs were presented and endorsed by the 19 <sup>th</sup> CMT on 2 July 2007. Member States to complete the SADC Action Plan for Monitoring and Eliminating NTBs using the updated NTB inventory reports compiled by study funded under the Regional Trade Facilitation Programme. This is to be done ahead of meeting of the Sub-Committee on Trade Facilitation which will be responsible for coordinating SADC's programme on NTBs.	Action Plan approved and used as basis for addressing NTBs in SADC.	Action Plan adopted on 2 July 2007 by CMT and SADC's programme on NTBs to be discussed at a meeting of the Sub-committee on Trade Facilitation.
1.6	<p><b>Notification to the WTO of the SADC Free Trade Area</b></p> <p>In pursuance of the August 2002 decision of the 16<sup>th</sup> Meeting of the SADC Committee of Ministers of Trade (CMT) to notify the SADC FTA to the WTO under Article XXIV of GATT 1994, a Factual Presentation on the SADC Protocol on Trade prepared by the WTO Secretariat, was considered during a meeting of the WTO Committee on Regional Trade Agreements (CRTA) which met on 14 – 16 May 2007 in Geneva. At the end of the Session, the Chairperson of CRTA declared the process of notification duly finalised and therefore completing the notification</p>			

	of the SADC FTA in terms of the Article XXIV of GATT.			
<b>2.</b>	<b>Areas key to FTA Implementation</b>			
	In discussing the implementation of the FTA, Summit noted that challenges that face SADC Member States is to diversify their economies, change their historical patterns of trade, remove internal barriers and harmonize industrial and competition policies. An outline of progress in these areas is provided below.			
	<b>a) Regional Industrial Policy</b>	Ministers responsible for Trade and Industry noted a draft Protocol on Industry which deals with issues of polarization of industrial activities and unlocking industrial development potential in southern Africa.	<ul style="list-style-type: none"> <li>The main outcome of the process is a draft Protocol on Industry which is now going through its finalization stages</li> <li>A proposed programme on industrial up-grading</li> </ul>	The final draft Protocol on Industry is expected to be submitted to the next ordinary Summit for signing.
	<b>b) Competition Law and Policy</b>	Ministers responsible for Trade and Industry noted a progress report on the development of a Competition Law and Policy suitable for SADC.	A directive by Ministers responsible Trade and Industry that the recommendations by the Expert Group meeting on Competition Law and Policy be considered at a special TNF meeting now scheduled for September 2007	The recommendations of a special TNF meeting on Competition Law and Policy will be submitted of SADC Ministers responsible for Trade and Industry at their next meeting.
<b>3.</b>	<b>Customs Cooperation</b>			
	Summit directed Ministerial Task Force on Regional Economic Integration to fast track adoption and implementation of Customs instruments.			
<b>3.1</b>	SADC Common Tariff Nomenclature	Adopted document updated to 2007 WCO tariff amendment & to be presented to SCCC for endorsement	Updated version of CTN implemented	Endorsed at the 13 <sup>th</sup> SCCC meeting held from 25 – 27 April - and amendments Noted at the CMT meeting held from 2 <sup>nd</sup> July 2007
<b>3.2</b>	Draft Model Customs Act	Approved by SCCC & noted by Ministers of Trade & recommended for submission to Finance Ministers for adoption	Implementation of the Model Act	Noted by Ministers of Finance at their meeting held in Maputo in July 2007. Ministers decided to further consult before approval at their next meeting.
<b>3.3</b>	SADC Transit Chain Bond Guarantee System	Guarantee System approved by SCCC and noted by Ministers of Trade that System to be piloted before final approval	Regional Transit Bond implemented	Pilot run in progress along the Durban-Beit Bridge-Blantyre corridor & first truck transited to Blantyre under the system on 17 March 2007. Pilot on the Beira corridor also launched. Pilot to run up to December 2007. Fine tuned System to be submitted to Ministers of Trade for final approval.
<b>3.4</b>	Regional Customs Training Modules	Modules approved by	Enhanced skills and	Ongoing

		SCCC and noted by Ministers of Trade. Cascading of training on modules at national level in progress. Regional training ongoing.	knowledge of Customs officials	
3.5	SADC Customs Declaration Form (single administrative document)	Approved by SCCC & adopted by Ministers of Trade 2001/02 but implementation at national level taking time due to different customs ICT systems	Single administrative customs document in use	Implementation ongoing
3.6	Status of Implementation of the WTO Customs Valuation Agreement	All Members in various stages of implementation. Capacity building still required	Implementation of Agreement in full by all SADC countries	Ongoing
4.	<b>SADC Customs Union (2010)</b>			
4.1	Study on appropriate model for a SADC Customs Union.	Tender awarded to Development Africa Network (Pty) Ltd, a South Africa based economics & development consulting company. Study to be funded by SADC-Belgium Study Fund (STUFO2).	Study recommendations to be submitted to the Ministerial Task Force scheduled for 27 July 2007.	Contract signed and study commenced during the 2 <sup>nd</sup> week of May. 1 <sup>st</sup> draft considered by the 24 July 2007 SADC CU Task Force meeting and the 28 July 2007 Ministerial Task Force meeting. The Draft Final Report will be considered by the CU Task Force on 9 August 2007 and to the Ministerial Task Force on 13 August in Lusaka, Zambia.
4.2	Study on the Assessment of Compatibility of National Trade Policies	Tender awarded to Economic Research Bureau, a University of Dar es Salaam, Tanzania based consultancy. Study will be funded by GTZ and the Secretariat.	Study recommendations to be submitted to the Ministerial Task Force meeting scheduled for 27 July 2007.	Contract signed and study commenced during the 3 <sup>rd</sup> week of May. 1 <sup>st</sup> draft considered by the 24 July 2007 SADC CU Task Force meeting and the 28 July 2007 Ministerial Task Force meeting. Draft Final Report will be submitted on 14 August 2007 as per contract.
4.3	Road Map	Being considered by the Customs Union Task Force	Agreed Road Map	Finalisation of the Draft by the SADC Customs Union Task Force now scheduled for October 2007. Member States given until the end of September 2007 to submit their comments.
5.	<b>Signing and Implementation of the Finance and Investment Protocol (FIP)</b>			
5.1.	FIP Signing	10 Member States signed Protocol by October, 2006	Ratified FIP	August 2007. All Members States to sign.
5.2	FIP Ratification	None	None	August 2007 all Member States to ratify FIP.
5.3	Annexes to the FIP A. Project preparation and development fund (PPDF). Development of the PPDF is the first step towards the SADC Development Fund.	South Africa has offered to host the PPDF in the interim.	An MoU will be concluded between the Secretariat and the Development Bank of South Africa (DBSA) on hosting the PPDF.	December 2007 the Annex and the hosting arrangements to be concluded. To be submitted to the Ministerial Task Force for approval.  To be finalise by December 2007 and

	<b>B. Anti-Money Laundering</b>	South Africa has developed and submitted to the Secretariat the first draft of the Annex on Anti- Money Laundering and also offered to assist in the development of a legal framework.	The Anti-Money Laundering Annex.	submitted to the Ministers of Finance for approval.
	<b>C. Accounting and Auditing Standards</b>	It will be develop and coordinated by the SADC Committee of Auditors General.	An Accounting and Auditing Standards Annex.	To be finalise by December 2007 and submitted to the Ministers of Finance for approval.
<b>6.</b>	<b>Macroeconomic convergence</b>			
<b>6.1</b>	Monitoring, Surveillance and Performance Unit (MSPU) by June 2007.	MSPU staff budgeted for in the 2007/2008 budget.	Establishment of the MSPU in August 2007.	Recruitment in process and Unit expected to be in place by November 2007.
<b>6.2</b>	Macroeconomic Convergence Reports	Reports finalized, including translation.	Reports will be published electronically on the SADC Website and the Websites of Member States.	By the end of August after verification by Member States.
	<b>A. Integrated Paper on Recent Economic Developments in SADC, including Macroeconomic Convergence as requested by the Extraordinary Summit.</b>	The paper has been completed by the CCBG and will be updated annually.	Paper will be presented to the Summit.	In August 2007 and annually there after.
<b>7.</b>	<b>SADC Development Fund</b>			
<b>7.1</b>	SADC Development Fund	Terms of Reference to be developed, after the finalization and establishment of the PPDF.	Establishment of the SADC Development Fund.	End of December 2007. The TOR will be submitted to the Ministers of Finance for approval.
<b>8.</b>	<b>Institutional Arrangement [to Drive Acceleration of the implantations of SADC Regional Economic Integration Process]</b>			
<b>8.1</b>	Temporary waiver of Quota system	Approved 7 staff positions approved by TROIKA	Staff in position	Staff assumed posts as from March 2007.
<b>8.2</b>	Technical experts being recruited	17 Technical experts being recruited on two-year contract.	Staff in position	September, 2007



**PROTOCOL**

**ON**

**GENDER AND DEVELOPMENT**



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# PROTOCOL ON GENDER AND DEVELOPMENT

## PREAMBLE

We, the Heads of State or Government of:

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

**CONVINCED** that the integration and mainstreaming of gender issues into the Southern African Development Community (SADC) Programme of Action and Community Building Initiatives is key to the sustainable development of the SADC region;

**NOTING** that Member States undertook, in the SADC Treaty (Article 6(2)) not to discriminate against any person on the grounds of, inter alia, sex or gender;

**NOTING** further that all SADC Member States are convinced that gender equality and equity is a fundamental human right and are committed to gender equality and equity and have signed and ratified or acceded to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;

**RECALLING** that Member States reaffirmed their commitment to the Nairobi Forward Looking Strategies, the Africa Platform of Action, the Beijing Declaration and its Platform for Action, and United Nations Resolution 1325 on Women, Peace and Security; and resolved, through the 1997 SADC Declaration on Gender and Development and its 1998 Addendum on the Prevention and Eradication of Violence Against Women and Children to ensure the elimination of all gender inequalities in the region and the promotion of the full and equal enjoyment of rights;

**TAKING COGNISANCE** of the decision on gender parity taken at the inaugural session of the African Union Assembly of Heads of State and Government in July 2002 in Durban, South Africa, and the adoption of the Protocol to the African Charter on Human and Peoples Rights on the Rights of

Women in Africa during the Second Ordinary Session of the Assembly of the African Union in Maputo, Mozambique in 2003;

**RECOGNISING** that Member States are obliged to meet their commitments and set targets under the said instruments, and that the fragile gains made face new threats as a result of, inter alia, HIV and AIDS, globalisation, human trafficking, especially of women and children, the feminisation of poverty, and violence against women;

**RECOGNISING** further that social, cultural and religious practices, attitudes and mindsets continue to militate against the attainment of gender equality and equity which are central to democracy and development;

**RECALLING** that Article 26 of the SADC Addendum on the Prevention and Eradication of Violence Against Women and Children recognises that urgent consideration must be given to the adoption of legally binding SADC instruments;

**DETERMINED** to consolidate and create synergy between the various commitments on equality-gender equality and equity made at regional, continental and international levels into one comprehensive regional instrument that enhances the capacity to report effectively on all instruments and also addresses new challenges; and

**COMMITTED** to drawing up a Plan of Action setting specific targets and timeframes for achieving gender equality and equity in all areas, as well as effective monitoring and evaluation mechanisms for measuring progress;

**HEREBY AGREED** as follows:

## **PART ONE DEFINITIONS, GENERAL PRINCIPLES AND OBJECTIVES**

### **ARTICLE 1 DEFINITIONS**

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty establishing SADC shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise requires:

“affirmative action” means a policy programme or measure that seeks to redress past discrimination through active measures to ensure equal opportunity and positive outcomes in all spheres of life;

“AIDS”	means Acquired Immune Deficiency Syndrome;
“care-giver”	means any person who provides emotional, psychological, physical, spiritual or social care and support services to another;
“discrimination”	means any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, by any person of human rights, and fundamental freedoms in the political, economic, social, cultural, civil or any other field;
“gender”	means the roles, duties and responsibilities which are culturally or socially ascribed to women, men, girls and boys;
“gender based violence”	means all acts perpetrated against women, men, girls and boys on the basis of their sex which cause or could cause them physical, sexual, psychological, emotional or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed or other forms of conflict;
“gender equality”	means the equal enjoyment of rights and the access to opportunities and outcomes, including resources, by women, men, girls and boys;
“gender equity”	means the just distribution of benefits, rewards and opportunities in which relations between women, men, girls and boys are based on respect for differences;
“gender mainstreaming”	means the process of identifying gender gaps and making women’s, men’s, girls’ and boys’ concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that they benefit equally;
“gender stereotypes”	means the beliefs held about characteristics, traits and activity domains

that are deemed appropriate for males and females based on the conventional roles of males and females both domestically and socially;

"gender sensitive"	means acknowledging and taking into account the specific gender needs of both men and women at all levels of planning, implementation, monitoring and evaluation;
"health"	means a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity;
"HIV"	means Human Immunodeficiency Virus;
"Human trafficking"	means the recruitment, transportation, harbouring or receipt of persons, by means of threat, abuse of power, position of vulnerability, force or other forms of coercion, abduction, fraud or deception to achieve the consent of a person having control over another person for the purpose of amongst other things, sexual and financial exploitation;
"ICT"	means Information and Communication Technology;
"informal sector"	means the portion of a country's economy that lies outside of any formal regulatory environment;
"multiple roles of women"	means the several responsibilities that women shoulder in the reproductive, productive and community management spheres;
"National Gender Machineries"	means national structures with the mandate to execute gender policies, programmes and projects;
"sex"	means the biological differences between females and males;
"sexual harassment"	means any persistent and/ or intrusive, and unwanted, unsolicited, sexual advance, or

sexually derogatory statement or sexually discriminatory remark;

“sexual and reproductive rights”

means the universal human rights relating to sexuality and reproduction, sexual integrity and safety of the person, the right to sexual privacy, the right to make free and responsible reproductive choices, the right to sexual information based on scientific enquiry, and the right to sexual and reproductive health care;

“social safety nets”

means the measures taken or applied to mitigate the effects of poverty, gender based violence and other social ills;

“State Party”

means a Member State that is a Party to this Protocol;

## **ARTICLE 2 GENERAL PRINCIPLES**

1. For the purposes of this Protocol, the following principles shall apply:
  - (a) State Parties shall harmonise national, regional and international policies, strategies and programmes related to ensuring Gender equality and equity and the empowerment of women and girls in the areas dealt with in this Protocol;
  - (b) State Parties shall decide all matters relating to the implementation of this Protocol by consensus.
  - (c) State Parties shall cooperate in facilitating the development of human, technical and financial capacity for the implementation of this Protocol.
2. State Parties shall adopt the necessary policies, strategies and programmes such as affirmative action to facilitate the implementation of this Protocol. Affirmative action measures shall be put in place with particular reference to women and girls, in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life.



### **ARTICLE 3 OBJECTIVES**

The objectives of this Protocol are:

- (a) to bring synergy among the various instruments to which SADC Member States have subscribed to at the regional, continental and international levels on Gender equality and equity amongst others, the Beijing Declaration and its Platform For Action, the Convention on the Elimination of all Forms of Discrimination Against Women, the Millennium Development Goals; the International Conference on Population and Development; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the SADC Declaration on Gender and Development and its Addendum;
- (b) to enhance these commitments as stated in paragraph (a) if gaps have been identified;
- (c) to address emerging gender issues and concerns;
- (d) to set realistic, measurable targets, time frames and indicators and allocate the necessary resources for achieving these;
- (e) to strengthen, monitor and evaluate the progress made by State Parties towards reaching the targets and goals set out in this Protocol;
- (f) to create fora for the meaningful involvement of all stakeholders and sharing best practices in the implementation of this Protocol; and
- (g) to deepen regional integration, sustainable development and community building.

## **PART TWO CONSTITUTIONAL AND LEGAL RIGHTS**

### **ARTICLE 4 CONSTITUTIONAL RIGHTS**

1. State Parties shall endeavour where necessary by 2015, enshrine gender equality and equity in their Constitutions.
2. State Parties shall adopt and implement legislative and other measures to eliminate all practices which negatively affect the fundamental rights of women, men, girls and boys, such as their right to life, health, dignity, education or physical integrity.

**ARTICLE 5  
AFFIRMATIVE ACTION**

1. State Parties shall put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and creating conditions for such participation.

**ARTICLE 6  
DOMESTIC LEGISLATION**

1. State Parties shall review, amend and or repeal all discriminatory laws by 2015.
2. State Parties shall enact and enforce legislative and other measures to:
  - (a) ensure equal access to justice and protection before the law;
  - (b) abolish the minority status of women by 2010;
  - (c) eliminate practices which are detrimental to the achievement of the rights of women by prohibiting them and attaching deterrent sanctions thereto;
  - (d) provide protection and benefits for women and men during maternity and paternity leave;
  - (e) eliminate gender based violence.

**ARTICLE 7  
EQUALITY IN ACCESSING JUSTICE**

State Parties shall, where necessary and practical, put in place legislative measures which promote and ensure the practical realization of equality for women where necessary and practicable. These measures shall ensure:

- (a) equality in the treatment of women in all judicial and quasi-judicial proceedings, including national reconciliation processes;
- (b) equal legal status and capacity in civil law, including, amongst other things, full contractual rights; the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit;
- (c) the encouragement of all public and private institutions to enable women to exercise their legal capacity;

- (d) that positive and practical measures are taken to ensure equality for women complainants in the criminal justice system;
- (e) the provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal system;
- (f) that women have equal representation on, and participation in, all traditional courts, alternative dispute resolution mechanisms and local community courts; and
- (g) accessible and affordable legal services for women.

## **ARTICLE 8 MARRIAGE AND FAMILY RIGHTS**

1. State Parties shall enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.
2. Legislation on marriage shall ensure that:
  - (a) every marriage takes place with the free and full consent of both parties;
  - (b) every marriage, including a customary marriage, is registered in accordance with national laws;
  - (c) married persons can retain their surnames if they so desire, or use their surname jointly with the spouse's surname.
3. State Parties shall enact and adopt appropriate legislative and other measures to ensure that where spouses separate, divorce or have their marriage annulled:
  - (a) they shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount; and
  - (b) they shall have equitable shares of property acquired during their relationship taking into account the respective contributions made by the parties, financial or otherwise;
4. State Parties shall put in place legislative and other measures to ensure that parents, especially fathers, honour their duty of care towards their children, and maintenance orders are enforced.

**ARTICLE 9  
WIDOWS' RIGHTS**

1. State Parties shall enact and enforce legislation to ensure that:
  - (a) widows are not subjected to inhuman, humiliating or degrading treatment;
  - (b) a widow automatically becomes the guardian and custodian of her children when her husband dies, unless otherwise determined;
  - (c) a widow shall have the right to continue to live in the matrimonial house after her husband's death;
  - (d) a widow shall have access to employment and other opportunities to enable her to make a meaningful contribution to society;
  - (e) a widow shall have the right to inherit the property in a joint estate within a marriage;
  - (f) a widow may remarry any person of her choice; and
  - (g) a widow shall have protection against all forms of violence and discrimination based on her status.

**ARTICLE 10  
WIDOWERS' RIGHTS**

1. States Parties shall put in place legislative measure to ensure that widowers enjoy the same rights as widows under Article 9.

**ARTICLE 11  
THE GIRL CHILD**

1. State Parties shall adopt laws, policies and programmes to ensure the development and protection of the girl child by:
  - (a) eliminating all forms of discrimination against the girl child in the family, community and at state levels;
  - (b) ensuring that girls have equal access to education and health care, and are not subjected to any treatment which causes them to develop a negative self-image;
  - (c) ensuring that girls enjoy the same rights as boys and are protected from harmful cultural attitudes and practices in

accordance with the United Nations Convention on the Rights of the Child; and the African Charter on the Welfare of the Children;

- (d) protecting girls from economic exploitation, trafficking and all forms of violence including sexual abuse;
- (e) ensuring that girl children have access to information and education on sexual and reproductive health and rights.

## **ARTICLE 12 THE BOY CHILD**

1. State Parties shall adopt laws, policies and programmes to ensure the development and protection of the boy child in the same manner as specified in Article 13.

## **PART THREE GOVERNANCE**

### **ARTICLE 13 REPRESENTATION**

1. State Parties shall endeavour that by 2015, 50 percent of decision-making positions in the public and private sectors are held by women.
- 2.. State Parties shall ensure that all legislative measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women in decision making positions, and democracy, good governance and citizen participation.

### **ARTICLE 14 PARTICIPATION**

1. State Parties shall adopt specific legislative measures and other strategies to enable:
  - (a) women to participate equally with men in all electoral processes including the administration of elections and voting; and
  - (b) equal participation of women and men, in the electoral process.
2. State Parties shall ensure the equal participation of women and men in decision-making by enacting laws and putting in place policies, strategies and programmes for:

- (a) building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
  - (b) providing support structures for women in decision-making positions;
  - (c) the establishment and strengthening of structures to enhance gender mainstreaming;
3. State Parties shall ensure the inclusion of men in all gender related activities, including gender training and community mobilisation.

## **PART FOUR EDUCATION AND TRAINING**

### **ARTICLE 15 EQUAL ACCESS TO EDUCATION**

1. State Parties shall, by 2015 enact laws that promote equal access to primary, secondary, tertiary and vocational education in line with Protocol on Education and Training.
2. State Parties shall adopt and implement gender sensitive educational policies and programmes.

## **PART FIVE PRODUCTIVE RESOURCES AND EMPLOYMENT**

### **ARTICLE 16 ECONOMIC POLICIES AND DECISION-MAKING**

1. State Parties shall, by 2015, ensure equal participation, of women and men, in policy formulation and implementation of economic policies.
2. State Parties shall ensure gender sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation.

### **ARTICLE 17 MULTIPLE ROLES OF WOMEN**

State Parties shall conduct time use studies by 2010 and adopt policy measures to ease the burden of the multiple roles played by women.

### **ARTICLE 18 TRADE POLICIES**

1. State Parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship.
2. State Parties shall, by 2010 review their national trade policies, to make them gender responsive.

#### **ARTICLE 19 ACCESS TO PROPERTY AND RESOURCES**

State Parties shall, by 2015, review all policies and laws that determine access to, control of, and benefit from, productive resources by women in order to:

- (a) end all discrimination against women and girls with regard to water rights and property such as land and tenure thereof;
- (b) ensure that women have equal access and rights to credit, capital, mortgages, security and training as men;
- (c) ensure that women have access to modern, appropriate and affordable technology and support services.

#### **ARTICLE 20 EQUAL ACCESS TO EMPLOYMENT**

1. State Parties shall, by 2015, review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy in accordance with ILO Conventions.
2. State Parties shall review, adopt and implement legislative, administrative and other appropriate measures to ensure:
  - (a) equal pay for equal work and equal remuneration for jobs of equal value for women and men;
  - (b) the eradication of occupational segregation and all forms of employment discrimination;
  - (c) the recognition of the economic value of, and protection of, persons engaged in domestic work; and
  - (d) the appropriate minimum remuneration of persons engaged in domestic work.
3. State Parties shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy, maternity leave or chronic diseases including HIV and AIDS.

**ARTICLE 21  
BENEFITS**

1. State Parties shall take such measures as are necessary and appropriate to ensure that all employers provide family friendly facilities such as day care centres for their employees' children within close proximity to their parents' workplaces.

**PART SIX  
GENDER BASED VIOLENCE**

**ARTICLE 22  
LEGAL**

1. State Parties shall:
  - (a) by 2015, enact and enforce legislation prohibiting all forms of gender based violence; and
  - (b) ensure that perpetrators of gender based violence, including femicide, sexual harassment, female genital mutilation and all other forms of gender based violence are tried by a court of competent jurisdiction.
2. State Parties shall ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual offences, which shall include:
  - (a) emergency contraception;
  - (b) the right to terminate a pregnancy where it is the result of a sexual offence;
  - (c) ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV; and
  - (d) preventing the onset of sexually transmitted infections.
3. State Parties shall, by 2010, review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence to:
  - (a) eliminate gender bias; and
  - (b) ensure justice and fairness are accorded to victims and survivors of gender based violence in a manner that ensures dignity and respect.



4. State Parties shall put in place measures to eradicate gender based violence in educational institutions,
5. State Parties shall provide resources and mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence.
6. State Parties shall, by 2015:
  - (a) enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society;
  - (b) put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks;
  - (c) put in place harmonised data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring;
  - (d) establish bilateral and multilateral agreements to run joint actions against human trafficking among countries of origin, transit and destination countries; and
  - (e) ensure capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials all parties.
7. State Parties shall ensure that in all cases of gender based violence:
  - (a) cases are handled by police who are gender sensitive;
  - (b) cases are heard by judges who are gender sensitive;
  - (c) cases are heard in camera;
  - (d) complainants are not subjected to abusive and degrading language;
  - (e) where children are involved, the assistance of a social worker are provided; and
  - (f) free medical services are provided for victims thereof.
8. State Parties shall establish Special Courts to address cases of gender based violence.

9. State Parties shall establish special counselling services, legal and police units to provide dedicated and sensitive services to victims of gender based violence.

**ARTICLE 23**  
**SOCIAL, ECONOMIC, CULTURAL AND POLITICAL PRACTICES**

1. State Parties shall, by 2015, review, and eradicate traditional norms, including social, economic, cultural and political practices and religious beliefs which legitimise and exacerbate the persistence and tolerance of gender based violence.
2. State Parties shall create public awareness in all sectors of society regarding the harmful practices referred to in paragraph 7.
3. State Parties shall, in all sectors of society, introduce and support gender sensitisation and public awareness programmes aimed at changing behaviour and eradicating gender based violence.
4. State Parties shall ensure the media plays a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.

**ARTICLE 24**  
**SEXUAL HARASSMENT**

1. State Parties shall, by 2010, enact legislative provisions, and adopt and enforce policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.
2. State Parties shall ensure equal representation of women and men in adjudicating bodies hearing sexual harassment cases.

**ARTICLE 25**  
**SERVICES**

1. State Parties shall provide accessible information on services available to victims of gender based violence.
2. State Parties shall ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of gender based violence.
3. State Parties shall provide accessible, affordable and specialised legal services, including legal aid, to survivors of gender based violence.
4. State Parties shall provide specialised facilities, including places of shelter and safety, for victims and survivors of gender based violence.

5. State Parties shall provide effective rehabilitation and re-integration programmes for perpetrators of gender based violence.

#### **ARTICLE 26 TRAINING OF SERVICE PROVIDERS**

1. State Parties shall introduce, promote and provide:
  - (a) the gender education and training of all service providers involved in gender based violence including the police, the judiciary, health and social workers;
  - (b) community sensitisation programmes regarding available services and resources for victims of gender based violence; and
  - (c) training for all service providers to enable them to offer services to people with special needs.

#### **ARTICLE 27 INTEGRATED APPROACHES**

1. State Parties shall adopt integrated approaches, including institutional cross sector structures, in order to end gender based violence.

#### **PART SEVEN HEALTH**

##### **ARTICLE 28**

1. State Parties shall by 2015 adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care particularly in maternal health, sexual and reproductive health, in line with the SADC Protocol on Health.
2. State Parties shall ensure the provision of quality gender sensitive health care and services in sanitation, mental health, communicable diseases and nutrition amongst other things.

##### **ARTICLE 29 HIV AND AIDS**

State Parties shall take every step necessary to adopt and implement gender sensitive policies and programmes in prevention, treatment, care and support in accordance with the Maseru Declaration on HIV and AIDS.

**PART EIGHT  
PEACE BUILDING AND CONFLICT RESOLUTION**

**ARTICLE 30  
CONFLICT RESOLUTION AND PEACEKEEPING**

State Parties shall endeavour to put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes by 2015 in accordance with UN Council Resolution 1325 on Peace Building, Peace-making and Peace keeping.

**PART NINE  
MEDIA, INFORMATION AND COMMUNICATION**

**ARTICLE 31  
GENERAL PRINCIPLES**

1. State Parties shall ensure gender is mainstreamed in all information, communication and media policies, programmes and laws in accordance with the Protocol on Culture, Information and Sport.
2. State Parties shall encourage the media and media-related bodies to mainstream gender in their codes of conduct, policies and procedures, and adopt and implement gender aware ethical principles, codes of practice and policies in accordance with the Protocol on Culture, Information and Sport.

**ARTICLE 32  
GENDER IN MEDIA CONTENT**

1. State Parties shall ensure through censorship the operations of state and public media:
  - (a) refrain from:
    - (i) promoting pornography and violence against all persons, especially women and children;
    - (ii) depicting women as helpless victims of violence and abuse;
    - (iii) degrading or exploiting women and undermining their role and position in society; and
    - (iv) reinforcing gender oppression and stereotypes;

- (b) increase the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.

**ARTICLE 33  
UNIVERSAL ACCESS TO INFORMATION,  
COMMUNICATION AND TECHNOLOGY**

1. State Parties shall put in place the use of information and communication technology policies and laws in the social, economic and political development arena for women's empowerment to ensure universal access to information, communication and technology regardless of gender, race, age, religion, or class. The policies and laws shall include specific targets developed through an open and participatory process, in order to ensure women's and girl's access to information and communication technology.

**PART TEN  
GENERAL PROVISIONS**

**ARTICLE 34  
REMEDIES**

1. State Parties shall provide:
- (a) appropriate remedies in their legislation to any person whose rights or freedoms have been violated; and
  - (b) ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided by law.

**ARTICLE 35  
IMPLEMENTING MECHANISMS**

1. State Parties shall ensure the implementation of this Protocol at the national level.
2. State Parties shall ensure, through appropriate national and regional structures, that national and regional action plans with measureable time frames are put in place, and that appropriate monitoring and evaluation mechanisms are developed and implemented.
3. State Parties shall ensure the provision and allocation of human, technical and financial resources for the successful implementation of this Protocol.

**ARTICLE 36**  
**FINANCIAL PROVISIONS**

1. State Parties shall ensure the gender sensitive planning and allocation of resources. Resource allocations shall:
  - (a) include specific initiatives to empower women and girls;
  - (b) be employment-equity related; and
  - (c) be gender sensitive within and between all sectors, spheres and levels of government. All Ministries shall state in their budget submissions what they are doing to achieve Gender equality and equity, and budgets shall contain an annex on gender awareness in the allocation of resources.
2. State Parties shall allocate the necessary financial resources to ensure the implementation and sustainability of the programmes set out in this Protocol.

**ARTICLE 37**  
**MONITORING AND EVALUATION**

1. State Parties shall, by 2015, develop, monitor and evaluate systems and plans setting out targets, indicators and time frames based on this Protocol.
2. Each State Party shall collect and analyse baseline data against which progress in achieving targets will be monitored.
3. State Parties shall submit comprehensive reports to the SADC Secretariat once a year, indicating the progress achieved in the implementation of the measures agreed in this Protocol.
4. State Parties shall, in reporting on the implementation of this Protocol, use a standardised reporting template to ensure uniformity and consistency in reporting.
5. The SADC Secretariat shall disseminate the reporting template to State Parties.
6. State Parties shall ensure that their action plans include standards, targets, indicators, and timeframes against which progress is measured and benchmarked.
7. Sanctions for non-compliance with this Protocol shall be imposed in accordance with Article 33(2) of the SADC Treaty.

**ARTICLE 38  
SETTLEMENT OF DISPUTES**

1. State Parties shall strive to resolve any dispute regarding application, interpretation or implementation of the provisions of this Protocol amicably.
2. Any dispute arising from the application, interpretation or implementation of this Protocol, which cannot be settled amicably, shall be referred to the SADC Tribunal, in accordance with Article 16 of the Treaty.

**ARTICLE 39  
WITHDRAWAL**

1. A State Party may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Executive Secretary.
2. Such State Party shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective, but shall remain bound by the obligations under this Protocol for a period of twelve (12) months from the date of notice.

**ARTICLE 40  
AMENDMENTS**

1. A State Party may propose an amendment to this Protocol.
2. Proposals for amendment may be made to the Executive Secretary of SADC who shall duly notify State Parties of the proposed amendment at least 30 days in advance of consideration of the amendment.
3. An amendment of this Protocol shall be adopted by a decision of three-quarters of State Parties.

**ARTICLE 41  
SIGNATURE**

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

**ARTICLE 42  
RATIFICATION**

This Protocol shall be ratified by the Signatory States in accordance with their constitutional procedures.

**ARTICLE 43**  
**ENTRY INTO FORCE**

This Protocol shall enter into force thirty (30) days after the deposit of the Instruments of Ratification by two-thirds of the Member States.

**ARTICLE 44**  
**ACCESSION**

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

**ARTICLE 45**  
**DEPOSITORY**

1. The original texts of this Protocol and all Instruments of Ratification and Accession shall be deposited with the Executive Secretary, who shall transmit certified copies to all Member States.
2. The Executive Secretary shall notify the Member States of the dates on which Instruments of Ratification and Accession have been deposited under paragraph 1.
3. The Executive Secretary shall register the Protocol with the Secretariat of the United Nations, the Commission of the African Union and such other organisation as the Council may determine.



**IN WITNESS WHEREOF, WE**, the Heads of State or Government or duly Authorised Representatives of SADC Member States have signed this Protocol.

Done at .....this.....day ..... of ..... 2007 in three original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....  
Republic of Angola

.....  
Republic of Botswana

.....  
Democratic Republic of Congo

.....  
Kingdom of Lesotho

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Republic of Madagascar

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Republic of Malawi

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Republic of Mauritius

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Republic of Mozambique

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Republic of Namibia

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Republic of South Africa

.....  
Kingdom of Swaziland

.....  
United Republic of Tanzania

.....  
Republic of Zambia

.....  
Republic of Zimbabwe



**REPORT ON THE IMPLEMENTATION OF THE HIV AND  
AIDS MASERU DECLARATION AND BUSINESS PLAN  
TO THE SADC SUMMIT OF THE HEADS OF STATES  
AND GOVERNMENT**

**17 - 18<sup>TH</sup> AUGUST, 2007  
LUSAKA, ZAMBIA**

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## 1.0 Overview and Objectives

### 1.1 Overview

Southern African Development Community (SADC) remains the epicentre of the HIV pandemic with the adult (15-49 years old) prevalence averaging at 14% as compared to 1% globally. Nine (9) of the fourteen member States<sup>1</sup> have high prevalence of more than 10% of their population living with HIV and four.

In spite of this, there are successes and achievements within the region. Zimbabwe has shown a significant decline in both prevalence and incidence of HIV. Further, these declines are linked to behavior change. In rural areas of Botswana and urban areas of Malawi, reductions in HIV prevalence (declines of 25% or more) have also been observed among young people 15-24 years old. Decreases amongst pregnant women attending antenatal clinics have been observed in Botswana from 36% in 2001 to 32.4% in 2006<sup>i</sup>, Namibia from 22.3% in 2002 to 19.7% in 2004 and Swaziland from 42.6 in 2002 to 39.2%. South Africa has been experiencing stabilization of the HIV prevalence rate over the last three years and a significant decline over the last year. In 2006 the prevalence rate among the youth in South Africa had dropped to 13.7%, from 16.1% in 2004. However, these trends and developments in the region have not yet been significant enough to translate to decreases in the adult HIV prevalence.

In addition, most countries in the SADC region have policies and guidelines to ensure safe blood supply and almost all Member States have 100% safe blood supply. The region has harmonized STI treatment protocols and as a result is experiencing a decline in bacterial STI infections owing to syndromic management programmes. Antiretroviral treatment has been scaled up in most of the Member States and has resulted in an increase in quality of life ensuring that those on antiretroviral treatment return to productive lives.

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<sup>i</sup> Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, Zimbabwe

## 1.2 SADC Response

One of the most critical threats to the attainment of SADC's social, economic and political objectives is HIV and AIDS. SADC is committed to halting the epidemic. Leadership has pledged strong support for comprehensive multisector responses. The *SADC Protocol on Health* (1999) is an early example of regional commitment to action. The *Abuja Declaration* (African Summit on HIV, 2001) promised "to strengthen successful interventions" and develop "more appropriate policies, practical strategies [and] effective implementation mechanisms" in order to ensure adequate and effective control of HIV and AIDS;<sup>2</sup> however it was the *Maseru Declaration<sup>3</sup> on the Combating of HIV and AIDS* (2003) and the *SADC HIV and AIDS Strategic Framework and Programme of Action* (2003-2007) that provided clear policy direction for intensifying efforts to control the epidemic in the region as a matter of urgency.

The *Maseru Declaration* reinforced the need for multisectoral prevention programmes. It also prioritized for action, expanded access to testing, care and treatment within biomedical health care facilities and research for regulating utilization of traditional medicines. Community action, resource mobilization, and integrated development planning was advocated along with improved monitoring and evaluation. The establishment of a regional fund for implementing the *SADC Strategic Framework* and simplified mechanisms for fund disbursement were also called. The Maseru Declaration also addressed the need for harmonization of policies and joint programme undertakings.

## 1.3 Objective

SADC overall objective in its response to the HIV and AIDS epidemic is to decrease the numbers of HIV and AIDS infected and affected individuals and families in the SADC region, so as to ensure that HIV and AIDS is no longer a threat to public health and to sustained socio-economic development of Member States. In this regard, the following are the approved priority area as per the HIV and AIDS Business Plan:

- Policy Development and Harmonization;
- Capacity Building and Mainstreaming HIV and AIDS;
- Facilitate Technical Response, Network and Information Sharing;
- Scaling-up Cross-Border Initiatives
- Facilitate Resource Mobilization; and

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<sup>2</sup> *Abuja Declaration*,

<sup>3</sup> *Maseru Declaration*, July 2003.

- Strengthening Monitoring and Evaluation of the Regional Multi-sectoral Response.

## 2.0 Programme Implementation

The main activities and outputs, recorded during the period under review as per the five priority areas are as follow:

### 2.1 Policy Development and Harmonization

#### a) HIV Prevention Strategy

The development of the Prevention Strategic Framework is almost completed. A draft prevention strategy is expected to be finalised by end of June 2007. The Prevention Strategy is expected to influence both the work of the Member States and the SADC Secretariat to be more focused and evidence based in addressing prevention. The Framework is based on the three major regional workshops that were held in 2006 as part of the Year of Accelerating HIV Prevention in Africa. This include the Think Tank workshop of experts that was held in May 2006, the Regional Consultation on Social Change communication and the Third Forum for National AIDS Authorities that focused on HIV Prevention.

#### b) Guidelines, Frameworks and Tools

The following Guidelines, Tools and Frameworks developed and endorsed have been posted on the SADC web in addition to being printing into hard copies for dissemination:

- Regional Framework for Managing Sexually Transmitted Infections (STIs)
- Norms and Standards for Quality of STI care
- SADC STI Quality of Care Assessment Tool
- SADC STI Clinical Guidelines
- SADC STI Surveillance
- Regional Framework for Advocacy on needs of People Living with HIV and AIDS

In addition, all key policy and programme documents pertaining to HIV and AIDS have been translated into French and Portuguese. The documents that have been translated are as follows:

- The Maseru Declaration
- The HIV and AIDS Business Plan
- The HIV and AIDS Strategic Framework
- The HIV and AIDS Mainstreaming Framework
- The Best Practice Framework
- The Expert Think Tank Meeting Report on Prevention
- The Monitoring and Evaluation Framework

## 2.2

### **Building Capacity and Mainstreaming HIV and AIDS into all SADC Policies and Plans**

#### **a) Capacity Building Initiatives for Mainstreaming HIV and AIDS in Member States**

An HIV and AIDS Mainstreaming Framework has been developed and approved by Member States. In addition, a curriculum for the Operationalisation of the Framework has been developed with support of UNDP. A core group of about 80 trainers from SADC Member States have been equipped with skills and knowledge to effectively facilitate HIV and AIDS mainstreaming courses for different sectors such as Agriculture, Education, Finance, Local Government, Transport and Tourism. Furthermore, the SADC Secretariat has developed an HIV mainstreaming training kit for leaders in the region. The kit will be utilized to build support for mainstreaming for leadership from government at all levels, as well as the private, non governmental and donor sectors.

#### **b) Capacity Building for effective coordination at the regional level**

The capacity of the HIV and AIDS Unit has been strengthened through the recruitment of additional staff members. Eight additional staff members have been recruited. Six of these eight newly recruited staff are sponsored by the Joint Financing and Technical Cooperation Arrangement, one is sponsored by European Union and the eighth one is sponsored by Member States Contributions. In addition, Member States Contributions is also used to support the position of the Head of the HIV and AIDS unit. The Profile of the Unit is as follows:

<b>Position</b>	<b>Source of financing</b>
Head HIV and AIDS Unit	Member States contributions
Senior Programme Manager Technical Collaboration & Research-	Member States contributions
Technical Advisor- Policy Development and Harmonisation	Joint Financing and Technical Cooperation Arrangement
Technical Advisor- Capacity Building and Mainstreaming	Joint Financing and Technical Cooperation Arrangement
Technical Advisor- Partnership Coordination	Joint Financing and Technical Cooperation Arrangement
Technical Advisor- Monitoring and Evaluation	Joint Financing and Technical Cooperation Arrangement
Finance Officer	Joint Financing and Technical Cooperation Arrangement
Data Manager	Joint Financing and Technical Cooperation Arrangement
EU project Manager	European Union
Assistant Finance Officer	European Union
Technical Advisor – OVC&Y	Regional Psychosocial Support Initiative (REPSSI)

## **2.3 Facilitate Technical Response, Network and Information Sharing**

### **a) Forum for the National AIDS Authorities**

- 2.3.1 A Forum for the National AIDS Authorities, which was established in 2004, continued to hold its annual meetings. The Forum was created to facilitate the leadership of the National AIDS authorities to share experiences in their work as well as to provide an opportunity for networking; to reach consensus on HIV and AIDS priorities for the region; and to create an opportunity for identification of common problems and discuss potential strategies for addressing the problems. The third Forum was held in Blantyre, Malawi during the period 12-14 December, 2006 and focused on HIV prevention.
- 2.3.2 The Third Forum focused on Male Circumcision as an emerging issue within the context of HIV prevention. The Secretariat is undertaking more work to provide updates in future.



**b) Multisectoral Advisory Committee for the HIV and AIDS Programme**

2.3.3 The revised SADC Framework proposes the establishment of a Technical Committee on HIV and AIDS to monitor and guide the operations of the regional response. To this end, a Technical Advisory Committee for the SADC HIV and AIDS Programme was established and held its first meeting on the 11<sup>th</sup> December 2006. During the meeting, the terms of reference for the Committee were endorsed and membership to the Committee was expanded to include representatives from youth, gender, human rights, Employers and Trade Union representatives. Members to the Committee have now been formally appointed and held their second meeting on 28<sup>th</sup> May 2007.

2.3.4 The main purpose of the Committee is to provide overall guidance and oversight on the implementation of the SADC Strategic Framework and Programme of Action on HIV and AIDS and the Maseru Declaration on HIV and AIDS taking into account other continental and international commitments. The main tasks of the committee include:

- To periodically review and advise SADC HIV and AIDS priorities in line with national, regional and international trends and developments relating to the epidemic;
- To provide technical support and advice in the development and harmonization of SADC policies on HIV and AIDS;
- To oversee and advise on the operations of the SADC HIV and AIDS Fund;
- To monitor and provide technical oversight to the implementation of the SADC HIV and AIDS Business Plan;
- To perform any tasks as mandated by the Integrated Council of Ministers.

2.3.5 Membership to the committee include:

- 3 representatives from Member States (Troika);
- 5 representatives of Civil Society Organizations from (Faith based organisations, PLWHA, Youth, Human Rights with Legal Background and Gender);
- 1 representative from Labour;

- 1 representative from Private Sector;
- 1 representative from United Nations Agencies;
- 1 representative from Donors;and
- 1 representative from the SADC Secretariat;
- HIV and AIDS Focal Persons from SADC directorates;
- 1 representative from Research Institutions;
- 1 representative from Employer Federation.

**c) Framework for Identifying and documenting Best Practices**

2.3.6 Sharing Best Practices has been recognized as a useful mechanism for facilitating the scaling-up of responses both in the Member States and the region as a whole. To this end, the sharing of Best Practices in the region has been prioritized through the SADC Business Plan on HIV and AIDS. However what has been lacking has been a tool to facilitate a more systematic way of harvesting the varied experiences in HIV and AIDS across the region.

2.3.7 At the Second Annual Regional Meeting for the National AIDS Authorities in the SADC region, held in November 2005, a framework for documenting and sharing Best Practices was agreed upon. The Framework provides guidance on documentation. Specifically, the framework:

- Provides a working definition for a SADC HIV and AIDS Best Practice;
- Provides criteria for a programme to qualify as a Best Practice;
- Provides guidance on how to identify opportunities for Best Practices;
- Explain how to document them at country and local level.

2.3.8 The Secretariat has initiated a process to operationalise the Framework. A call was made to all Member States to submit proposal that meet the SADC Guidelines for Funding. The Secretariat intends to achieve four related objectives through this initiative:

- Assist in the Documentation of Best Practices in Member States;

- Build Capacity in the Selected Member States to document Best Practices;
- Use the opportunity to test the applicability of the SADC Framework as a guide to the identification and documentation of Best Practices; and
- Facilitate the sharing of information on what works as part of an effort to scale-up the response in line with the Brazzaville Commitment to Universal Access.

2.3.9 The Secretariat intends to document for Best Practice Intervention during the first phase which will end in June 2007. The Interventions to be documented will have to meet the criteria for a proposal to be considered which is as follows:

- demonstrate that it is effective;
- not violate human rights hence it must meet universally accepted ethical standards;
- the intervention must be efficient; hence we need a demonstration that it is cost effective;
- the intervention must be relevant to the community it is intended to serve;
- the intervention must also satisfy the replicability criteria;
- it must also show signs of innovativeness;
- the intervention must also demonstrate that it is sustainable.

2.3.10 Other important issues to consider are the involvement of people living with HIV and AIDS in planning and implementation of programs and the equal treatment of men and women.

## 2.4 Facilitate Resource Mobilization

### a) Financial Status for the HIV and AIDS Programme

The Secretariat has continued to mobilize resources from member states and International Cooperating Partners (ICP's) for the implementation of the Maseru Declaration. Funding for the HIV and AIDS Programme is mainly from two sources namely: International Cooperating Partners and contributions from Member States as outlined in the table below. According to the table, it shows that the programme depends mostly on ICP's funding.

**Table 1**

**STATUS OF THE FINANCIAL COMMITMENTS FOR HIV and AIDS FIVE YEAR BUSINESS PLAN 2005-2009 AS AT 28 FEBRUARY 2007**

Currency: US\$

PRIORITY AREA	YR BUSINESS PLAN INDICATIVE BUDGET - US\$	ADB	EU	JFTCA	GTZ	JAPAN	SADC MS	REPSSI	TOTAL
1. Policy Development and Harmonization of HIV and AIDS in the SADC Region	1,977,000	288,200							
			357,032	1,154,325					1,799,557
2. Capacity Building & HIV and AIDS mainstreaming	3,319,000	222,300							
			398,850	654,325	600,000			100,000	1,975,475
3. SADC Secretariat HIV and AIDS Workplace Program	220,000								
				479,325					479,325
4. Scaling-up Cross-Border Initiatives	11,000,000	0							
			0	0					0
5. Facilitation of Technical Response, Resource Networks, Collaboration and Coordination	2,816,000	210,600							
			206,400	1,464,487			922,750		2,804,237
6. Monitoring & Evaluation of Global and Regional Commitments	3,438,900	167,700							
		167,700	289,276	1,364,325		70,000			1,891,301
<b>Total</b>	<b>22,770,900</b>	<b>888,800</b>	<b>1,251,558</b>	<b>5,116,787</b>	<b>600,000</b>	<b>70,000</b>	<b>922,750</b>	<b>100,000</b>	<b>8,949,895</b>
Financial Commitments made by 28 Feb 2007	8,949,895								
Resource Gap as of 28 February 2007	13,821,005								
Financial Commitments made by 28 Feb 2007	8,849,895	888,800	1,251,558	5,116,787	600,000	70,000	922,750	100,000	8,949,895
Received by 28 February 2007	2,524,333	0	500,623	1,738,710	0	0	185,000	100,000	2,524,333
Balance not	6,325,562	888,800	750,935	3,378,077	600,000	70,000	737,750	0	6,425,562

received as of 28 February 2007									
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#### JFTCA Analysis

International Cooperating Partner (ICP)	SIDA (3 Yrs 2005-2008)	UNAIDS	IRISH AID(2 Yrs 2006-2007)	NETHERLANDS	DFID			Total
Commitment made as of 28 February 2007	1,672,108	0	1,270,034	0	0			2,942,142
Received by 28 February 2007	1,103,693	0	635,017	0	0			1,738,710
Balance not received as of 28 February 2007	568,415	0	635,017	0	0	0		1,203,432

Note: 1. UNAIDS; Although the column on UNAIDS show zero contribution, UNAIDS does in fact contribute through technical assistance.

This assistance has not been costed yet.

2. The table does not include the contributions and commitments from the HIV and AIDS Fund because the fund has not yet been approved.

Table 2

#### SUMMARY OF SOURCES OF FUNDS FOR THE 14 MONTHS WORKPLAN AND SUMMARY COMMITMENTS FOR HIV and AIDS UNIT

PRIORITY AREA	Source						TOTAL
	ADB	EU	JFTCA	GTZ	JAPAN	SADC MS	
1. Policy Development and Harmonisation	288,200	357,032	480,400				1,125,632
2. Capacity Building & Mainstreaming HIV and AIDS into all SADC Policies and Plans	132,300	212,850	375,200	600,000			1,320,350
3. Facilitate technical response, resource networks, collaboration and coordination	210,600	206,400	527,304				944,304
4. Facilitate resource mobilisation for the regional multi sectoral response	0	0	283,600				283,600
5. Facilitate monitoring & evaluation of the regional multi sectoral response	167,700	347,822	1,254,200		70,000		1,839,722
6. Program Management (Enablers)	0	0	185,600			15,250	200,850
7. Finance & Administration (Enablers)	90,000	186,000	539,600			169,300	984,900
<b>Total</b>	<b>888,800</b>	<b>1,310,104</b>	<b>3,645,904</b>	<b>600,000</b>	<b>70,000</b>	<b>184,550</b>	<b>6,699,358</b>

The total budget for the implementation of the Business Plan is US\$ 22, 770, 900. However only US\$ 8,949,895 has been mobilised. This therefore means that there is a financial gap of US\$ 13,821,005 to allow for full implementation of the Business Plan.

According to the table 2, the 14 month work-plan for the Unit is fully financed. However it is worthy noting that according to the budget for the 14 month work-plan, 97 percent of the budget is financed by

International Cooperating Partners. This shows that the Programme is overly depend on donor funding. From the financial allocations of the 14- months work plan, more resources have been allocated for the facilitating of monitoring and evaluation of the Regional Response. This will entail putting in place systems for tracking progress and surveillance system management of all programmes. Enhancing the M and E area will allow member states to track indicators related to the implementation of both global and international commitments. The investment in M and E will diminish in the proceeding years once the systems are in place and operational.

#### **b) Establishment of a SADC HIV and AIDS Fund**

A decision to establish a Regional Fund to support the fight against HIV and AIDS in SADC countries was taken at the SADC Extraordinary Summit on combating HIV and AIDS in the SADC Region held in Maseru, Lesotho in July 2003. The major outcome of the Summit was the "Maseru Declaration on HIV and AIDS", which provided for mobilization of financial resources for the implementation of the SADC HIV and AIDS Programme. Since Heads of State and Government are signatory to that document, the Declaration has a high political profile. The SADC Secretariat has been mandated to coordinate the implementation of the Summit decisions, including the setting-up of the Fund.

A Ministerial Subcommittee consisting of Malawi, Swaziland, South Africa (chairperson) and Zimbabwe which was established to oversee the development of the SADC Fund for HIV and AIDS has finalized the Framework for the Operationalisation of the Fund. The Draft Framework was submitted to a meeting of SADC Ministers of Health held in Durban, South Africa, in April 2006. Following some modifications, the final Draft was submitted to the Senior Officials at their meeting in Windhoek, Namibia in November 2006. However, the Draft could not be considered by the Ministers due to the fact that the Chairperson of the Ministerial Sub-Committee was not available. For similar procedural difficulties, the Draft was not considered by the Ministers at their meeting in Lilongwe, Malawi, in March 2007.

The Framework was presented to the Ministers of Health in Geneva, within the margins of the World Health Assembly in May 2007. The Ministers of Health endorsed the Framework with the following modifications: the formatting to be improved, inclusion of table of contents, rearranging and renumbering of some sections, annexing of Terms of Reference for the Project Steering

Committee, attachment of an Annex on expected contributions as Seed Fund by each Member State, re-titling of the Background and Sanctions to read "**Background and Justification**" and "**Penalties**" respectively.

The Framework for Operationalising the SADC Regional Fund has been approved by Council during its recent session. The Framework makes provision for Member States to collectively capitalise the Fund to the tune of US\$7 million during 2008/2009. Member States' contributions towards this amount is to be determined in line with the SADC formula. Once the contributions towards the Fund have been made, Member States will be subsequently required to provide 5 percent of their annual contributions to the Secretariat Budget towards the Fund. The Secretariat will process Member States' contributions to the Fund through its budget, starting from the 2008/09.

The Framework has the following main sections:

- i. Background and Justification;
- ii. Principles and Objectives of the Fund;
- iii. Role of the SADC Secretariat;
- iv. Eligibility principles of projects to be funded by the Special Fund;
- v. Priority areas for funding;
- vi. Disbursement of Project Funds;
- vii. Project Management;
- viii. Penalties.

## 2.5 **Monitoring and Evaluation of the Regional Multi-sectoral Response**

### a) **Operationalisation of the Monitoring and Evaluation Framework**

The SADC HIV and AIDS Monitoring and Evaluation Framework has been operationalised through the development and consensus on set of core indicators. This set of indicators is made up of UNGASS indicators that are generally reported on by Member States and 5 other indicators reflecting implementation of the Maseru Declaration and SADC HIV and AIDS Business Plan. In addition the Secretariat and Member States have developed an Action Plan for the operationalisation of the SADC Monitoring and Evaluation system.

Consensus on the cross cutting challenges affecting monitoring and evaluation in the region has been reached with Member States and plans are underway to develop an M and E capacity building plan.

**b) SADC HIV and AIDS Research Database and Information Portal**

The SADC HIV and AIDS Research Database and Information Portal are web based information systems for collecting HIV and AIDS related projects and experts SADC region. These projects range from behavioral change, treatment to issues of care and support. policy and capacity building. The idea for developing the portal was founded having realized that more than 10,000 HIV and AIDS related projects are currently going or have been completed in the region, yet lessons learnt from these experiences are often lost as information is scattered or experiences are sometimes not documented and shared.

The database and information portal thus facilitate better coordination of a regional response through on-line sharing on information on research, policies and programmes being undertaken in the SADC region. In addition the portal can be used as a source for posting HIV and AIDS Calendar of events, as a tool for information dissemination or for downloading HIV and AIDS strategic documents such as Maseru Declaration, Monitoring and Evaluation Framework, Management Information System Guideline, to name just a few.

The HIV and AIDS research database and information portal also provides SADC Secretariat with the opportunity to harness information on projects, researches and experts. The database is updatable on line or off line through a CD.

The database and portal which were developed for SADC by Wits University have now been transferred to the SADC Secretariat and they are operational.

**c) SADC HIV and AIDS epidemic Report 2006**

The HIV and AIDS Epidemic Report for 2006 is in the process of being developed using information and statistics from Member states. The Epidemic report will help provide information for better understanding the disease in the



region. The information that will be analysed in the report will include among others the following:

- % of HIV infected individuals receiving a complete course of antiretroviral prophylaxis to reduce risk of MTCT;
- Estimated adult (15-49) HIV Prevalence rate (%), end 2003 and 2005;
- Estimated number of people living with HIV, end 2003 and 2005;
- Percentage of schools with teachers who have been trained in life-skills-based HIV/AIDS education and who taught it during the last academic year;
- Young people (15-24) who used a condom last time they had sex with a casual partner (%) by gender;
- Estimated number of children (0 - 14) living with HIV, end 2005.

### **3.0 Achievements**

The following are the major achievements specific to the Secretariat for the year under review:

- The development and endorsement by SADC Ministers of Health the Framework for Operationalising the SADC HIV and AIDS Fund;
- The training of 80 officials from Member States as trainer of Trainers in HIV and AIDS mainstreaming;
- The development and consensus on the 8 core indicators for tracking progress in the implementation of the Maseru Declaration and other commitments;
- Development on the Framework for identifying and documenting Best Practices in the region.

## 4.0

### Priorities for 2008/2009

The fiscal year 2008 to 2009 will focus on the implementation of HIV Prevention Strategy I addition to facilitating the scale up of treatment in the region. Specifically the following will be undertaken:

- Implementation of the HIV Prevention Framework in terms of putting in place policies and guidelines and capacity building;
- Building on and scale up of success initiatives that have emerged in the region strengthening of information exchange mechanisms;
- Capacity building in the planning, implementation and management of evidence based country prevention responses so that these can be taken to scale;
- Promotion and capacity building for HIV and AIDS and gender mainstreaming in all development programmes and sectors;
- Tracking Programme implementation of regional and international commitments and tracking progress on the implementation of the SADC HIV and AIDS Plan;
- Facilitating scale up of care, treatment and support through policy development and harmonisation;
- Harmonising policies pertaining to Antiretroviral Treatment Management and Prevention of Mother to Child Transmission of HIV and AIDS.

**AGREEMENT**  
**AMENDING**  
**ARTICLE 22 OF THE TREATY OF THE**  
**SOUTHERN AFRICAN DEVELOPMENT**  
**COMMUNITY**

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**AGREEMENT AMENDING ARTICLE 22 OF THE TREATY OF THE  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**

**PREAMBLE**

WE, the Heads of State or Government of:

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

**NOTING** that the Treaty of the Southern African Development Community (SADC) as amended, herein referred to as "the Treaty" entered into force on 17 August 1992;

**DESIRING** to implement the Treaty;

**RECOGNISING** that Article 22 of the Treaty dealing with Protocols requires amendment;

**HAVE AGREED**, pursuant to Article 36 of the Treaty, to effect the following amendment:

**ARTICLE 1  
DEFINITIONS**

In this Agreement, terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.

**ARTICLE 2**  
**AMENDMENT OF ARTICLE 22 OF THE TREATY**

Article 22 of the Treaty is amended by:

- 10: (a) inserting the following new sub-articles after the existing sub-article
- "11. An amendment to any Protocol that has entered into force shall be adopted by a decision of three-quarters of the Member States that are parties to the Protocol.
12. A proposal for the amendment of the Protocol shall be submitted to the Executive Secretary by any Member State that is party to the Protocol.
13. The Executive Secretary shall submit a proposal for amendment of the Protocol to Council after:
- (a) all Member States that are parties to the Protocol have been notified of the proposal; and
- (b) thirty days have elapsed since notification to the Member States that are parties to the Protocol."
- (b) renumbering the existing "sub-article 11" to be "sub-article 14".

**ARTICLE 3**  
**ENTRY INTO FORCE**

This Agreement shall enter into force on the date of its adoption by three-quarters of the Members of the Summit.

**ARTICLE 4**  
**DEPOSITORY**

1. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States
2. The Executive Secretary shall register this Agreement with the Secretariat of the United Nations Organisation and the Commission of the African Union.

IN WITNESS WHEREOF, WE, the Heads of State or Government or our duly authorized representatives, have signed this Agreement.

Done at Lusaka this ....<sup>th</sup> day of August 2007 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic..

\_\_\_\_\_  
Republic of Angola

\_\_\_\_\_  
Republic of Botswana

\_\_\_\_\_  
Democratic Republic of Congo

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Kingdom of Lesotho

\_\_\_\_\_  
Republic of Madagascar

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Republic of Malawi

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Republic of Mauritius

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Republic of Mozambique

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Republic of Namibia

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Republic of South Africa

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Kingdom of Swaziland

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United Republic of Tanzania

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Republic of Zambia

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Republic of Zimbabwe

**DRAFT NEW SIGNATURE PAGE FOR THE PROTOCOL ON FINANCE AND INVESTMENT (ENGLISH VERSION ONLY)**

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

DONE at Maseru, Lesotho, on 18th day of August 2006 in three original texts in the English, French and Portuguese languages, all texts being equally authentic.

\_\_\_\_\_  
Republic of Angola

\_\_\_\_\_  
Republic of Botswana

\_\_\_\_\_  
Democratic Republic of Congo

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Kingdom of Lesotho

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Republic of Madagascar

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Republic of Malawi

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Republic of Mauritius

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Republic of Mozambique

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Republic of Namibia

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Republic of South Africa

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Kingdom of Swaziland

\_\_\_\_\_  
United Republic of Tanzania

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Republic of Zambia

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Republic of Zimbabwe



**AGREEMENT**

**AMENDING**

**THE PROTOCOL ON TRIBUNAL**

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## AGREEMENT AMENDING PROTOCOL ON TRIBUNAL

### PREAMBLE

WE, the Heads of State or Government:

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

**RECOGNISING** that the Protocol on Tribunal was adopted by Summit at Windhoek, Namibia, on 7<sup>th</sup> August 2000, and that the Protocol entered into force upon the adoption of the Agreement Amending the Treaty of the Southern African Development Community at Blantyre, Malawi, on 14<sup>th</sup> August 2001;

**MINDFUL** that the Protocol was premised on the provisions of the Treaty;

**NOTING** that the provisions of the Treaty were amended following the restructuring of SADC;

**RECOGNISING** that the amendment of the Treaty entails effecting amendments to the Protocol;

**RECOGNISING** further that the amendment of the Protocol on Trade of SADC and the Annex VI thereto entails effecting amendments to the Protocol;

**HAVE AGREED**, pursuant to Article 37 of the Protocol on Tribunal, to effect the following amendment:

**ARTICLE 1**  
**AMENDMENT OF ARTICLE 1 OF THE PROTOCOL**

Article 1 of the Protocol is amended by adding the following new definition to paragraph 2:

“ “Appeal” means a dispute relating to the legal findings and conclusions of a panel established under a Protocol referred to the Tribunal for appellate decision by a party to a dispute ;”.

**ARTICLE 2**  
**AMENDMENT OF ARTICLE 3 OF THE PROTOCOL**

Article 3 of the Protocol is amended by, in paragraph 6, deleting the word “member” and substituting therefore the word “Member”.

**ARTICLE 3**  
**AMENDMENT OF ARTICLE 15 OF THE PROTOCOL**

Article 15 of the Protocol is amended by adding the following new paragraph 4:

“4. An appeal before the Tribunal pursuant to Article 21 shall be limited to issues of law and legal interpretations developed or covered in the report of a panel established in terms of the relevant Protocol.”.

**ARTICLE 4**  
**AMENDMENT OF ARTICLE 20 OF THE PROTOCOL**

Article 20 of the Protocol is amended by, in the title, adding the word “Opinions” immediately after the word “Advisory”.

**ARTICLE 5**  
**INSERTION OF NEW ARTICLE 20 A INTO THE PROTOCOL**  
The Protocol is amended by inserting immediately after Article 20 the following new Article:

**"ARTICLE 20 A  
APPELLATE DECISION**

1. The Tribunal shall have the jurisdiction to review any dispute relating to the legal findings and conclusions of a panel established under a Protocol referred to the Tribunal for appellate review by a party to a dispute.
2. Only a party to a dispute, may appeal a panel report. Third parties which have notified the Registrar of a substantial interest in the matter pursuant to the Rules may make written submission to, and be given an opportunity to be heard by, the Tribunal.
3. The Tribunal may uphold, modify or reverse the legal findings and conclusions of the panel.
4. In cases of urgency, parties to a dispute and the Tribunal shall make every effort to accelerate the proceedings to the greatest extent possible.
5. An appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel.
6. The Tribunal may call an expert to address them during oral hearings on any matter for the Tribunal's benefit.
7. Disputes relating to the legal findings and conclusions of a panel established under the Protocol on Trade referred to the Tribunal for appellate review by a party to a dispute shall be dealt with in accordance with that Protocol."

**ARTICLE 6  
AMENDMENT OF ARTICLE 24 OF THE PROTOCOL**

Article 24 of the Protocol is amended by:

- (a) *in paragraph 3, adding the words "other than decisions and rulings relating to trade disputes under appellate review" immediately before the words "shall be final and binding."; and*
- (b) *adding the following new paragraph 4: "4. Any decision and ruling of the Tribunal relating to trade disputes under appellate review shall be referred to the CMT for adoption in accordance with the Protocol on Trade<sup>8</sup>."*

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<sup>8</sup> The Committee of Senior Legal Experts noted that the paragraphs highlighted in italics are contrary to Article 16 (5) of the Treaty which is to the effect that decisions of the Tribunal shall be final and binding.

## ARTICLE 7

### AMENDMENT OF ARTICLE 32 OF THE PROTOCOL

Article 32 of the Protocol is amended by adding the following new paragraph 6:

*"6. Implementation and enforcement of decision and ruling of the Tribunal relating to trade disputes under appellate review shall be governed by the applicable provisions provided for in the Protocol on Trade."*<sup>9</sup>

## ARTICLE 8

### AMENDMENT OF ARTICLE 37 OF THE PROTOCOL

Article 37 of the Protocol is amended by, in paragraph 3, deleting the words "Article 36" and substituting therefore with the words "Article 37"<sup>10</sup>.

## ARTICLE 9 ENTRY INTO FORCE

This Agreement shall enter into force on the date of its adoption by three-quarters of the Member of the Summit.

## ARTICLE 10 DEPOSITORY

2. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States

The Executive Secretary shall register this Agreement with the Secretariat of the United Nations Organisation and the *Commission of the African Union*<sup>11</sup>

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<sup>9</sup> The Committee of Legal Experts noted that the paragraph highlighted in italics is subjecting the decisions or rulings of the Tribunal to another Protocol, the Protocol on Trade. Concern was raised that the proposed amendment interferes with the supremacy and independence of the Tribunal. The enforcement of the decision of the Tribunal is dealt with in accordance with the laws and rules of procedure of a Member State concerned in accordance with article 32 of the Protocol on Tribunal.

<sup>10</sup> The Committee noted that the paragraph highlighted in italics are contrary to Article 16 (1) and (2) of the Treaty. As a result the amendment could not be adopted.

<sup>11</sup> Further research to be made regarding the correct name for the African Union





IN WITNESS WHEREOF WE, the Heads of State or Government, or duly authorised representatives, of SADC Member States have signed this Agreement.

Done at Lusaka, Zambia, this            day of August 2007 in three original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....  
REPUBLIC OF ANGOLA

.....  
REPUBLIC OF BOTSWANA

.....  
DEMOCRATIC REPUBLIC  
OF CONGO

.....  
KINGDOM OF LESOTHO

.....  
REPUBLIC OF MADAGASCAR

.....  
REPUBLIC OF MALAWI

.....  
REPUBLIC OF MAURITIUS

.....  
REPUBLIC OF MOZAMBIQUE

.....  
REPUBLIC OF NAMIBIA

.....  
REPUBLIC OF SOUTH AFRICA

.....  
KINGDOM OF SWAZILAND

.....  
UNITED REPUBLIC OF TANZANIA

.....  
REPUBLIC OF ZAMBIA

.....  
REPUBLIC OF ZIMBABWE

**AGREEMENT  
AMENDING  
ANNEX VI TO THE PROTOCOL ON TRADE CONCERNING  
THE SETTLEMENT OF DISPUTES BETWEEN THE MEMBER  
STATES OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**

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**AGREEMENT AMENDING ANNEX VI TO THE PROTOCOL ON TRADE  
CONCERNING THE SETTLEMENT OF DISPUTES BETWEEN THE  
MEMBER STATES OF THE SOUTHERN AFRICAN DEVELOPMENT  
COMMUNITY**

**PREAMBLE**

WE, the Heads of State or Government:

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

**AWARE** that the Protocol on Trade (hereinafter referred to as the "Protocol") entered into force on 25 January 2000;

**MINDFUL** that the Protocol was premised on the provisions of the Treaty;

**RECOGNISING** that the amendment of the Protocol entails effecting amendments to the Annex;

**ACTING** in pursuance of Article 32 of the Protocol on the settlement of disputes;

**HEREBY AGREE** as follows:

**ARTICLE 1**  
**INSERTION OF NEW ARTICLE 1 BIS INTO THE ANNEX**

The Annex is amended by inserting immediately after Article 1 the following new Article:

**“ARTICLE 1 BIS**  
**FORUM SHOPPING**

If a Member State has invoked the rules and procedures of this Annex or any other applicable international dispute settlement mechanism with respect to any matter, that Member State shall not invoke another dispute settlement mechanism on the same matter.”

**ARTICLE 2**  
**AMENDMENT OF ARTICLE 3 OF THE ANNEX**

Article 3 of the Annex is amended by deleting the words “Sector Coordinating Unit” wherever they appear and substituting therefor the words “Registrar of the Tribunal”.

**ARTICLE 3**  
**AMENDMENT OF ARTICLE 5 OF THE ANNEX**

Article 5 of the Annex is amended by deleting the words “Sector Coordinating Unit” wherever they appear and substituting therefor the words “Registrar of the Tribunal”.

**ARTICLE 4**  
**AMENDMENT OF ARTICLE 6 OF THE ANNEX**

Article 6 of the Annex is amended by deleting the words “Sector Coordinating Unit” wherever they appear and substituting therefor the words “Registrar of the Tribunal”.

## **ARTICLE 5**

### **AMENDMENT OF ARTICLE 7 OF THE ANNEX**

Article 7 of the Annex is amended by adding the words "or international economics" immediately after the words "international law" as appear in paragraph (a).

## **ARTICLE 6**

### **AMENDMENT OF ARTICLE 8 OF THE ANNEX**

Article 8 of the Annex is amended by:

- (a) in the first sentence of paragraph 3, adding the words "the Registrar of the Tribunal shall refer the matter to the Executive Secretary of SADC." Immediately after the words "or to select a panelist in the prescribed time,";
- (b) in the second sentence of paragraph 3, deleting the words "a list of twelve panelists" " wherever they appear and substituting therefore with the words "the list of panelists nominated in the roster referred to in Article 6"; and
- (c) deleting paragraph 5.

## **ARTICLE 7**

### **AMENDMENT OF ARTICLE 9 OF THE ANNEX**

Article 9 of the Annex is amended by deleting the words "Sector Coordinating Unit" wherever they appear and substituting therefor the words "Registrar of the Tribunal".

## **ARTICLE 8**

### **AMENDMENT OF ARTICLE 12 OF THE ANNEX**

Article 12 of the Annex is amended by deleting the words "Sector Coordinating Unit" wherever they appear and substituting therefor with the words "Registrar of the Tribunal".

## **ARTICLE 9**

### **AMENDMENT OF ARTICLE 15 OF THE ANNEX**

Article 15 of the Annex is amended by:

- (a) deleting the words "Sector Coordinating Unit" wherever they appear and substituting therefore the words "Registrar of the Tribunal";
- (b) in paragraph 4, adding the words "or a disputing Member State notifies the CMT of its decision to appeal," immediately after the words "not to adopt the report,"; and
- (c) in paragraph 4, adding the following new second sentence: "If a disputing Member State has notified the CMT of its decision to appeal, the report by the panel shall not be considered for adoption by the CMT until after completion of the appeal."

## **ARTICLE 10**

### **INSERTION OF NEW ARTICLE 15A INTO THE ANNEX**

The Annex is amended by inserting immediately after Article 15 the following new Article:

**"ARTICLE 15A  
APPELLATE REVIEW OF PANEL REPORT**

1. Only disputing Member States may appeal a panel report. Third parties which have notified the CMT of a substantial interest in the matter pursuant to Article 12 may make written submission to, and be given an opportunity to be heard by, the Tribunal.
2. Subject to sub-article 4, the length of the appeal proceedings shall not exceed 90 days.
3. An appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel.
4. Working procedures for appellate review provided for under this Article shall be drawn up by the Tribunal in consultation with the Executive Secretary of SADC and shall not be less restrictive than the Working Procedures of the Appellate Body under the WTO "Understanding on the Rules and Procedures Governing the Settlement of Disputes".

**ARTICLE 11**

**AMENDMENT OF ARTICLE 17 OF THE ANNEX**

Article 17 of the Annex is amended by:

- (a) deleting the words "Sector Coordinating Unit" wherever they appear and substituting therefore the words "Registrar of the Tribunal"; and
- (b) adding the following new second paragraph:

"2. The provisions of paragraph 1 and Article 19 shall apply *mutatis mutandis* to decisions taken by the Tribunal pursuant to Article 15A."

**ARTICLE 12**

**AMENDMENT OF ARTICLE 18 OF THE ANNEX**

Article 18 of the Annex is amended by:

- (a) in the first sentence of paragraph 1, adding the words "or the decisions of the Tribunal in terms of Article 15A, as the case may be" immediately after the words "in the event that the recommendations of the panel, as adopted,";
- (b) in the second sentence of paragraph 1, adding the words "or the decisions of the Tribunal in terms of Article 15A, as the case may



be,"\_immediately after the words "Full implementation of the panel recommendations"; and

- (c) deleting the words "Sector Coordinating Unit" wherever they appear and substituting therefore the words "Registrar of the Tribunal".

### **ARTICLE 13**

#### **AMENDMENT OF ARTICLE 19 OF THE ANNEX**

Article 19 of the Annex is amended by:

- (a) in paragraph 2, adding the words "funded through the regular budget of the Community, in accordance with the criteria that the CMT may, from time to time determine, and from such other sources as may be determined by the CMT" immediately after the words "their travel and lodging expenses and all other general expenses of panels shall be";
- (b) in paragraph 2, deleting the words "borne in equal parts by the disputing Member States or in a proportion as determined by a panel";and
- (c) adding the following new paragraph 4:

"4. Each disputing Member State shall be responsible for payment of its own costs arising from litigation. Where the panel determines that a disputing Member State has abused the process of the panel, it may require from that disputing Member State to pay for the costs reasonably incurred under the circumstances of the particular case by the other disputing Member State arising from the litigation."

### **ARTICLE 14 ENTRY INTO FORCE**

This Agreement shall enter into force on the date of its adoption by three-quarters of the Member of the Summit.

### **ARTICLE 15 DEPOSITORY**

- 3. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
- 2. The Executive Secretary shall register this Agreement with the Secretariat of the United Nations Organisation and the Commission of the African Union.

IN WITNESS WHEREOF WE, the Heads of State or Government, or duly authorised representatives, of SADC Member States have signed this Agreement.

Done at Lusaka, Zambia, this            day of August 2007 in three original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....  
REPUBLIC OF ANGOLA

.....  
REPUBLIC OF BOTSWANA

.....  
DEMOCRATIC REPUBLIC  
OF CONGO

.....  
KINGDOM OF LESOTHO

.....  
REPUBLIC OF MADAGASCAR

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REPUBLIC OF MALAWI

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REPUBLIC OF MAURITIUS

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REPUBLIC OF MOZAMBIQUE

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REPUBLIC OF NAMIBIA

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REPUBLIC OF SOUTH AFRICA

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KINGDOM OF SWAZILAND

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UNITED REPUBLIC OF TANZANIA

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REPUBLIC OF ZAMBIA

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REPUBLIC OF ZIMBABWE

**MEMORANDUM OF UNDERSTANDING AMONGST THE MEMBER  
STATES OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
ON THE NEW HEADQUARTERS OF SADC**

***PREAMBLE***

**WE**, the Heads of State or Government of:

The Republic of Angola

The Republic of Botswana

The Democratic Republic of Congo

The Kingdom of Lesotho

The Republic of Madagascar

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of South Africa

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

**CONSCIOUS** of our collective duty to the attainment of the objectives set forth in Article 5 of the Treaty of SADC, as amended in August 2001, amongst other things, to achieve development and economic growth, achieve complementarity between national and regional strategies and programmes, harmonize our political and socio-economic policies and plans, develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services and of the peoples of our States, improve economic management and performance through regional co-operation and reduce economic imbalances;

**WHEREAS** the SADC Summit of Heads of State or Government has decided to procure, the design, financing and construction of the new headquarters accommodation for SADC in Gaborone, Republic of Botswana;

**BEARING IN MIND** that the SADC Council of Ministers has mandated the Double Troika Finance Ministers comprising six Member States, namely Republic of Botswana, Kingdom of Lesotho, the Republic of Mauritius, Republic of Namibia, Republic of South Africa and United Republic of Tanzania known as the Double Troika Finance Ministers to determine the preferred technical solution option and the preferred procurement mechanism for the new headquarters accommodation for SADC;

**NOTING** that the Double Troika Finance Ministers has established a committee of experts the SADC Double Troika Member States, known as the Double Troika Technical Committee, to facilitate the process of implementation of the Project;

**RECOGNISING** that, following the completion of a Feasibility Study Report on the proposed Project, in August 2005 the SADC Summit approved it and directed the Double Troika Finance Ministers to consider the recommendations made thereunder by the Double Troika Technical Committee on the new headquarters accommodation for SADC to procure the design, finance and construction of the new headquarters accommodation for SADC through a Public Private Partnership ("PPP").

**AWARE** that the Double Troika Finance Ministers considered and approved the recommendation by the Double Troika Technical Committee in December 2005, and mandated the Secretariat to develop a Memorandum of Understanding to the effect that due to SADC's reliance on Member State contributions, one of the Member States should underwrite the financial obligations that SADC will incur under the PPP Agreement, and that the most appropriate Member State to perform this function is the Government of the Republic of Botswana;

**NOW THEREFORE**, it has been agreed as follows:

#### **ARTICLE 1 DEFINITIONS AND INTERPRETATION**

1. The headings of the clauses in this Memorandum of Understanding are for the purpose of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Memorandum of Understanding nor any provision hereof.
2. In this Memorandum of Understanding, unless the context otherwise requires-

**"Facilities"** means the buildings and other facilities together with all supporting infrastructure, plant and equipment which accede to the Project Site, as required to enable the Private Party to exercise its rights and perform its obligations included in the Project Deliverables;

**"GoB"** means the Government of the Republic of Botswana;

**"Lease Agreement"** means the Lease Agreement in respect of Plot 54385 in the Central Business District of Gaborone entered into between the GoB and SADC;

**"Member States"** means the members of SADC, or where the context indicates any one or more of them;

**"MoU"** means this memorandum of understanding and includes all annexures or schedules hereto;

**"Party"** means each of the signatories to this MoU all being Member States, and **"Parties"** has a corresponding meaning;

**"PPP Agreement"** means the proposed public private partnership agreement for the Project;

**"Private Party"** means the preferred bidder in the Project procurement process, once the PPP Agreement has been signed by the parties thereto;

**"Project"** means the provision by the private party of the project deliverables to SADC including, *inter alia* –

- (a) carrying out the Works in respect of the facilities;
- (b) undertaking relocation; and
- (c) providing the services at the facilities;

each pursuant to and in accordance with the provisions of the PPP Agreement where:

**"Works"** means the design, construction, fitting out, installation and commissioning works to be undertaken by the private party in respect of the facilities and the facilities assets, to enable it to meet the design and construction specifications and performance standards, as may be subsequently amended in accordance with the PPP Agreement

**"Property"** means the immovable property which is Plot number 54385 in the Central Business District of Gaborone, with an area of 11,343m<sup>2</sup>, on which the new headquarters for SADC with floor space area of approximately 19,000m<sup>2</sup> will be built and includes all structures built thereon and all fixtures, fittings, furniture, information technology and other equipment provided by the Private Party under the PPP Agreement, but excludes any item previously owned by SADC and brought to the new site during the course of the PPP Agreement;

**"SADC"** means the Southern African Development Community, an international organization set up under the 1992 Treaty establishing the Southern African Development Community;

**"SADC Secretariat"** means the executive arm of SADC, with its headquarters in Gaborone, Botswana.

3. If any provision in a definition is a substantive provision conferring rights or imposing obligations on any Party, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were a substantive provision in the body of the MoU.
4. When any number of days is prescribed in this MoU, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday in the Republic of Botswana, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday in the Republic of Botswana.

5. Where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail.
6. Expressions defined in this MoU shall bear the same meanings in schedules or annexures to this MoU which do not themselves contain their own definitions.
7. Where any term is defined within the context of any particular clause in this MoU, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this MoU, notwithstanding that that term has not been defined in this interpretation clause.
8. The expiration or termination of this MoU shall not affect such of the provisions of this MoU as expressly provide that they will operate after any such expiration or termination or which of necessity must continue to have effect after such expiration or termination, notwithstanding that the clauses themselves do not expressly provide for this.
9. The words "include", "including" and "in particular" shall be construed as being by way of example or emphasis only and shall not be construed as, nor shall they take effect as, limiting the generality of any preceding word/s.
10. The words "other" and "otherwise" shall not be construed *eiusdem generis* with any preceding words where a wider construction is possible.

## **ARTICLE 2 UNDERTAKINGS**

This MoU shall be binding on all Member States.

## **ARTICLE 3 DURATION**

This MoU shall subsist for such a period of time until it terminates upon the occurrence of the earlier of:

- (a) expiry of the PPP Agreement without the underwriting obligations of the GoB having been triggered; or
- (b) final determination and implementation of the consequences of any payment made by GoB as provided for in this MoU, including determination and implementation of the respective liability of the other Member States arising therefrom, as provided for in Article 5 herein.

**ARTICLE 4**  
**NOMINATION AND OBLIGATIONS OF THE GOVERNMENT OF BOTSWANA**

1. SADC Member States hereby acknowledge the need for a Member State amongst them to underwrite the financial obligations to be incurred by SADC under the PPP Agreement, and hereby request and nominate the GoB, which hereby accepts the request and nomination, to underwrite such obligations on their behalf.
2. SADC Member States acknowledge that the Project has undergone a competitive procurement process, and that the final mechanism for underwriting SADC's financial obligations is as set out in the PPP Agreement.
3. SADC Member States thus mandate the GoB to underwrite the financial obligations to be incurred by SADC under the PPP Agreement in accordance with the provisions of the PPP Agreement.
4. SADC Member States agree that the role of GoB in underwriting the financial obligations of SADC shall be limited to making payment, on behalf of SADC where SADC is unable to pay, or unable to pay timeously, of either the monthly unitary charge payable by SADC to the Private Party under the PPP Agreement, or of termination compensation in the event that the PPP Agreement is terminated early due to default by either SADC or the Private Party, or due to *force majeure*, corruption or any other trigger event that in terms of the PPP Agreement could lead to early termination thereof.

**ARTICLE 5**  
**GENERAL OBLIGATIONS**

1. SADC Member States agree that in the event that the GoB's obligation to make payment on behalf of SADC of any amounts due to the Private Party under the PPP Agreement is triggered during the course of the PPP Agreement, and the GoB does in fact make such payment, the following principles shall be applied in determining the consequences thereof for the Member States and the respective liabilities of the Member States other than the Republic of Botswana, unless the Member States agree, as and when a trigger event occurs, on an alternative mechanism for determining the consequences of a payment by the GoB as contemplated in this MoU and their respective liabilities arising therefrom:
  - (a) if the GoB makes payment of the monthly unitary charge on behalf of SADC and the PPP Agreement continues to operate as if SADC itself had paid such monthly unitary charge, then:
    - (i) SADC Member States shall each be liable in proportion to their annual contribution obligation vis-à-vis SADC for that proportion of the moneys paid by the GoB on behalf of SADC, and SADC shall in turn be liable to effect repayment to the GoB for the amount paid by the GoB on its behalf; and
    - (ii) in the event of SADC failing to effect payment of any amount due by it to the GoB in terms of Article 5 (1) (a) (i) above, then such amount shall be regarded as a loan granted by the GoB to SADC which shall be repayable by SADC as a first call on any

membership contribution received by SADC from any other Member State;

- (b) in the event of termination of the PPP Agreement and the GoB is called upon to discharge its obligations under the PPP Agreement and one or more of the other SADC Member States fails, neglects or otherwise refuses to provide its portion of the contribution required to keep the GoB reimbursed following the discharge of its obligations under the PPP Agreement, and provided further that the Parties are unable to reach agreement regarding the continued operation of the Lease Agreement entered into between SADC and the GoB on terms mutually accepted to the Parties, the GoB may terminate the Lease Agreement on no less than Ninety (90) days prior to written notice to SADC.
2. SADC Member States undertake to notify the GoB immediately should any event occur during the course of the PPP Agreement that SADC reasonably believes may lead to the GoB's obligations under the PPP Agreement, as contemplated in this MoU and as finally determined in the PPP Agreement itself, being triggered.
  3. The GoB undertakes, in turn, to notify the other Member States immediately it receives notification whether from SADC or the Private Party that its obligations under the PPP Agreement have been or will be triggered by any event.
  4. In the event of a notification by SADC or the GoB under sub-articles 2 or 3 above, representatives of the GoB and the SADC Secretariat will as soon as possible thereafter meet to attempt to resolve the matter without triggering default by SADC under the PPP Agreement or interruption of the services to be provided under the PPP Agreement, and to discuss the consequences for the GoB, SADC and the Member States of any payment made by the GoB on behalf of SADC under the PPP Agreement.
  5. The certificates provided in terms of the PPP Agreement setting out the liabilities of GoB in respect of its obligations shall be sufficient proof of such liabilities for the purposes of this MoU.

#### **ARTICLE 6 SEVERABILITY**

Any provision in this MoU which is or may become illegal, invalid or unenforceable shall be ineffective to the extent of such prohibition or unenforceability and shall be treated *pro non scripto* and severed from the balance of this MoU, without invalidating the remaining provisions of this MoU.

#### **ARTICLE 7 WHOLE AGREEMENT**

SADC Member States agree that this MoU sets out the responsibilities among themselves relating to the subject matter and constitutes the whole agreement.



**ARTICLE 8  
SETTLEMENT OF DISPUTES**

**Any dispute arising from the interpretation or application of this MoU which cannot be settled amicably shall be referred to the SADC Tribunal for determination.**

**ARTICLE 9  
AMENDMENT**

1. Any Member State may propose amendments to this MoU.
2. Proposals for amendment to this MoU may be made to the SADC Executive Secretary who shall duly notify other Member States of the proposed amendments, at least thirty (30) days in advance of consideration of the amendments by Member States, but such period of notice may be waived by Member States.
3. Amendments to this MoU shall be adopted by consensus all Member States, and shall become effective thirty (30) days after such adoption.

**ARTICLE 10  
ENTRY INTO FORCE**

This MoU shall enter into force on the Date of Signature by two thirds of all Member States.

**ARTICLE 11  
ACCESSION**

This MOU shall remain open for accession by any State subject to Article 8 of the SADC Treaty.

**ARTICLE 12  
WITHDRAWAL**

Any Member State signatory to this MoU may withdraw from it if it is withdrawing from SADC in accordance with the provisions of Article 34 of the SADC Treaty subject to settling its outstanding liabilities under this MoU as certified by the Executive Secretary of SADC.

**ARTICLE 13  
DEPOSITORY**

The original texts of this MoU shall be deposited with the Executive Secretary of SADC, who shall transmit certified true copies thereof, to all SADC Member States.

**IN WITNESS WHEREOF, WE, the duly authorised representatives of our Heads of State or Government, have signed this Memorandum of Understanding.**

**DONE at Lusaka, Republic of Zambia, on this .....day of August 2007 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.**

.....  
**REPUBLIC OF ANGOLA**

.....  
**REPUBLIC OF BOTSWANA**

.....  
**DEMOCRATIC REPUBLIC OF CONGO**

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**KINGDOM OF LESOTHO**

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**REPUBLIC OF MADAGASCAR**

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**REPUBLIC OF MALAWI**

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**REPUBLIC OF MAURITIUS**

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**REPUBLIC OF MOZAMBIQUE**

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**REPUBLIC OF NAMIBIA**

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**REPUBLIC OF SOUTH AFRICA**

.....  
**KINGDOM OF SWAZILAND**

.....  
**UNITED REPUBLIC OF TANZANIA**

.....  
**REPUBLIC OF ZAMBIA**

.....  
**REPUBLIC OF ZIMBABWE**

**MEMORANDUM OF UNDERSTANDING  
AMONGST**

**THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY MEMBER  
STATES**

**ON**

**THE ESTABLISHMENT OF A SOUTHERN AFRICAN  
DEVELOPMENT COMMUNITY STANDBY BRIGADE**

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## PREAMBLE

We, the Heads of State or Government of:

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

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

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

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

**HEREBY AGREE** as follows:

### ARTICLE 1 DEFINITIONS

In this MoU, terms and expressions defined in Article 1 of the SADC Treaty; Article 1 of the SADC Protocol on Politics, Defence and Security Co-operation, and in Article 1 of the SADC Mutual Defence Pact shall bear the same meaning unless the context otherwise requires.

In this MOU, unless the context otherwise requires:

"Civilian Component"	means all civilian personnel including the Special Representative of the Mandating Authority and range of substantive civilian experts in a mission area;
"Consumables/ Expendable item"	means an item or material which is expended or consumed in use or is integral to, or a structural part of, another equipment or installation;
"Main Logistics Depot"	means a central regional facility for maintenance, storage and management of the logistical infrastructure for the SADCBRIG;
"Minor Equipment"	means all other equipment not deemed to be consumables or major equipment such as furniture;
"Mandating Authority"	means supra-national political entities under whose mission the SADCBRIG may be deployed namely SADC, AU, or UN;
"MoU"	means this Memorandum of Understanding;
"State Party"	means a member state that has signed or acceded to this MoU;
"Personnel"	means the Military, Police and Civilian personnel appointed for the purposes of this MoU;
"Planning Element"	means an autonomous management structure that operates on a daily basis as a tool of the SADC Organ to ensure the attainment of the objectives of the SADCBRIG;
"SADCBRIG"	means the Southern African Development Community Standby Brigade;

“SADCPOL”

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

## **ARTICLE 2 PURPOSE OF MOU**

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

## **ARTICLE 3 ESTABLISHMENT AND COMPOSITION OF SADC BRIG**

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

## **ARTICLE 4 FUNCTIONS OF SADCBRIG**

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

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

- (g) any other functions as may be authorised by the SADC Summit.

#### **ARTICLE 5**

#### **FUNCTIONS OF CIVILIAN COMPONENT OF THE SADC BRIG**

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

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

#### **ARTICLE 6**

#### **PLANNING ELEMENT**

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

#### **ARTICLE 7**

#### **DEPLOYMENT OF SADC BRIG**

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

#### **ARTICLE 8**

#### **STATE PARTIES' CONTRIBUTION**

1. State Parties shall contribute the Military, Police and Civilian personnel as required and agreed upon. Any personnel contributed above the level agreed upon shall be the State Parties' responsibility and thus not subject to reimbursement or other kind of support by SADC.
2. State Parties shall contribute major equipment as required and agreed upon.



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

**ARTICLE 9  
MAIN LOGISTICS DEPOT**

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

**ARTICLE 10  
FUNDING AND FINANCIAL GUIDELINES**

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

**ARTICLE 11  
REIMBURSEMENT OF STATE PARTIES AND SUPPORT FROM SADC**

1. SADC shall reimburse each contributing Member State in respect of personnel provided in terms of this MOU in accordance with the SADC financial guidelines.
2. SADC shall reimburse each contributing Member State for the major equipment provided as agreed upon.
3. The reimbursement rates for major equipment shall be reduced proportionately in the event that such equipment does not meet the

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

## **ARTICLE 12 COMMAND AND CONTROL**

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

8. Police personnel and equipment shall be under the operational control of the Commissioner of Police and shall remain under the command of each contributing country.

### **ARTICLE 13 TRAINING AND EXERCISES**

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

### **ARTICLE 14 DEPLOYMENT, MOVEMENT AND TRANSPORTATION**

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

### **ARTICLE 15 CLAIMS**

1. **Indemnity**  
State Parties hereby waive all claims against each other arising out of loss of, or damage to the property, or out of death or injury sustained by its personnel during training or performance of duty under this MOU, provided that such loss of, or damage to the property, or death or injury is not attributable to the gross negligence or willful misconduct of the personnel of any Member State, or its authorized representative.
2. **Claims by Third Parties**  
SADC shall be responsible for any claims by third parties where loss of, or damage to the property, death of, or injury to personnel, was caused

by the personnel or equipment provided by a Member State in the performance of services, or any other activity under this MOU.

#### **ARTICLE 16 RECOVERY**

1. A Member State shall reimburse SADC for loss of, or damage to SADC-owned equipment and property caused by the personnel or equipment provided by the Member State, where such loss or damage:
  - (a) occurred outside the performance of services or any activity or operation under this MOU; or
  - (b) arose out of ,or resulted from gross negligence or willful misconduct on the part of personnel of the Member State.
2. A Member State shall reimburse SADC for any Third Party claims arising from gross negligence or willful misconduct of its personnel, or where such claims arose out of actions or incidents outside the performance of services or any activity or operation under this MOU.

#### **ARTICLE 17 SUPPLEMENTARY AGREEMENTS**

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

#### **ARTICLE 18 CONFIDENTIALITY**

1. State Parties shall not disclose any classified information obtained in the implementation of this MOU, or any other related agreements, or obtained during any multilateral co-operation, other than to their own staff, where such disclosure is essential for purposes of giving effect to this MOU or such further agreements pursuant to this MOU.
2. Visiting personnel shall, in the implementation of this MOU, comply with the security regulations of the host Member State and any information disclosed or made available to such visiting personnel shall be treated in accordance with this Article.

#### **ARTICLE 19 SETTLEMENT OF DISPUTES**

Any dispute among Member States arising from the interpretation or application of this MOU shall be settled amicably, and where there is no settlement, the

matter shall be referred to the SADC Tribunal as established by Article 16 of the SADC Treaty, whose decision shall be final and binding.

#### **ARTICLE 20 AMENDMENT**

3. Any Member State may propose amendments to this MoU.
4. Proposals for amendment to this MoU may be made to the SADC Executive Secretary who shall duly notify other Member States of the proposed amendments, at least thirty (30) days in advance of consideration of the amendments by Member States, but such period of notice may be waived by Member States.
3. Amendments to this MoU shall be adopted by consensus all Member States, and shall become effective thirty (30) days after such adoption.

#### **ARTICLE 21 ENTRY INTO FORCE**

This MoU shall enter into force on the Date of Signature by two thirds of all Member States.

#### **ARTICLE 22 ACCESSION**

This MOU shall remain open for accession by any State subject to Article 8 of the SADC Treaty.

#### **ARTICLE 23 WITHDRAWAL**

Any Member State may withdraw from this MOU upon the expiration of twelve (12) calendar months from the date of giving written notice to that effect to the Chairperson of the Organ and shall cease to enjoy all the rights and benefits under this MOU but shall remain bound:

- (a) until all the obligations are met under the provisions of Article 16 of this MoU;
- (b) indefinitely, in respect of the outstanding obligations incurred before the withdrawal under the provisions of this MOU.

#### **ARTICLE 24 DEPOSITORY**

The original texts of this MoU shall be deposited with the Executive Secretary of SADC, who shall transmit certified true copies thereof, to all SADC Member States.

**IN WITNESS WHEREOF**, WE, the duly authorised representatives of our Heads of State or Government, have signed this Memorandum of Understanding.

**DONE at Lusaka, Republic of Zambia**, on this .....day of August 2007 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....  
**REPUBLIC OF ANGOLA**

.....  
**REPUBLIC OF BOTSWANA**

.....  
**DEMOCRATIC REPUBLIC OF CONGO**

.....  
**KINGDOM OF LESOTHO**

.....  
**REPUBLIC OF MADAGASCAR**

.....  
**REPUBLIC OF MALAWI**

.....  
**REPUBLIC OF MAURITIUS**

.....  
**REPUBLIC OF MOZAMBIQUE**

.....  
**REPUBLIC OF NAMIBIA**

.....  
**REPUBLIC OF SOUTH AFRICA**

.....  
**KINGDOM OF SWAZILAND**

.....  
**UNITED REPUBLIC OF TANZANIA**

.....  
**REPUBLIC OF ZAMBIA**

.....  
**REPUBLIC OF ZIMBABWE**



**DRAFT PROTOCOL**

**ON RELATIONS BETWEEN**

**THE AFRICAN UNION (AU)**

**AND THE**

**REGIONAL ECONOMIC COMMUNITIES (RECs)**  
**EXECUTIVE COUNCIL, ELEVENTH ORDINARY**  
**SESSION**

**25 – 29 JUNE, 2007**

**ACCRA, GHANA**

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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Addis Ababa, ETHIOPIA P. O. Box 3243 Tel.: +251-11-5517700, Fax: +2551 115 517 844  
Website: [www.africa-union.org](http://www.africa-union.org)

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**DRAFT PROTOCOL**  
**ON RELATIONS BETWEEN**  
**THE AFRICAN UNION (AU)**  
**AND THE**  
**REGIONAL ECONOMIC COMMUNITIES (RECs)**  
**EX.CL/348 (XI)**



AFRICAN UNION

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Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844  
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**EXECUTIVE COUNCIL**  
**Eleventh Ordinary Session**  
**25 – 29 June 2007**  
**Accra, GHANA**

EX.CL/348 (XI)

**DRAFT PROTOCOL ON RELATIONS BETWEEN THE**  
**AFRICAN UNION (AU) AND THE REGIONAL**  
**ECONOMIC COMMUNITIES (RECs)**

As adopted by the joint Legal experts and PRC Meeting held in Addis-Ababa, in  
March 2005

**PROTOCOL ON RELATIONS BETWEEN THE AFRICAN UNION (AU) AND THE  
REGIONAL ECONOMIC COMMUNITIES (RECs)**

Article 88 of the Treaty Establishing the African Economic Community provides for relations between the latter and the Regional Economic Communities (RECs). According to Article 95 of the said Treaty, these relations should be governed by a Protocol to be concluded by the Member States.

Pursuant to the provisions of this Article, a protocol was signed on 25 February 1998, on the authority of the Member States, by the Chief Executives of the OAU and four RECs, two of them adhering to the Protocol subsequently.

The new deal engendered by the advent of the African Union invalidated the said Protocol that has been reviewed by the Commission.

In conformity with Decision AHG/Dec.160 (XXXVII) of the 37<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government of the OAU, which, among other things, requested consideration of the implications of the Constitutive Act of the African Union for "the Protocol between AEC and the RECs, for the purpose of amending it or formulating a new protocol governing relations between the African Union and the Regional Economic Communities", the former General Secretariat of the OAU and the AU Commission respectively deliberated with the RECs on procedures for the practical implementation of the said Decision.

These deliberations culminated in an in-depth revision of the 1998 Protocol as well as in the negotiation and adoption in June 2004, by the Commission and the RECs, of a new text which was also considered and adopted by a joint meeting of PRC/Legal experts from Member States in March 2005. It is this latter text that is being submitted for the attention of the current Session that is urged, after endorsement, to recommend it for the approval of the Council and the Assembly.

After the approval, the Assembly will be requested to authorise the Chairperson of the Commission to sign it on behalf of the AU Member States. For their part, the Chief Executives of the RECs will be authorised by their decision-making organs to sign it on behalf of the Member States.

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## PREAMBLE

### THE PARTIES

**INSPIRED** by the objectives of the Constitutive Act of the African Union and the Treaty Establishing the African Economic Community (AEC) particularly regarding the need to accelerate the political and socio-economic integration of the continent through the integration process of the RECs;

**RECALLING** the Declarations and commitments made by Member States of the African Union intended to accelerate integration, such as the Sirte Declaration (1999), Lusaka Declaration (2001) and the Durban Declaration (2002);

**TAKING** into account the role of the African Union, in terms of the provisions of Paragraphs 1 and 3 of Article 88 of the Treaty Establishing the African Economic Community of promoting closer cooperation among the RECs, in particular, through the co-ordination and harmonization of their policies, measures, programmes and activities in all fields and sectors;

**AWARE** of the need to establish a mechanism for the harmonisation and strategic planning of programmes by the African Union and RECs taking into account the NEPAD process so as to accelerate the integration of Africa;

**CONSCIOUS** of the need for the co-ordination and the harmonization of the policies, measures, programmes and activities of the RECs and their urgent integration so as to accelerate the establishment of the African Common Market, as a prelude to the AEC;

**AWARE** of the responsibility placed on both the African Union and the RECs to ensure that the latter are integrated in the most economic and effective manner and the integration process of Africa is accelerated to enable Africa to face the challenges of globalisation;

**STRESSING** the need for relations between the African Union and the RECs intended to emphasize the principle of gender equality in all areas of cooperation;

**AGREEING** on the need to enhance integration in the social, cultural and political areas, including the need to maintain peace and security;

**AGREEING ALSO** on the need to establish a co-operation mechanism between the Union and the RECs in the promotion of good governance, human rights, the rule of law, humanitarian concerns and a democratic culture in Africa;

**AWARE** of the need to define the role of the Union and that of the RECs taking into account the principle of subsidiarity and thereby allowing the RECs to advance the integration agenda in specific areas;

**CONVINCED** of the need to establish an institutional framework to govern relations between the Union and the RECs;

NOW THEREFORE IT IS HEREBY AGREED as follows:

## CHAPTER ONE

### PRELIMINARY PROVISIONS

#### ARTICLE 1

##### Definitions

In this Protocol, unless the context otherwise requires:

**"African Union" or "Union"** means the African Union established under Article 2 of the Constitutive Act;

**"Assembly"** means the Assembly of Heads of State or Government of the Union;

**"Bureau of the Assembly"** means the Chairperson and Vice-Chairpersons of the Assembly;

**"Chairperson"** means the Chairperson of the Commission of the Union;

**"Chief Executive"** means the Chief Executive Officer of a Regional Economic Community;

**"Commission"** means the Commission of the Union established under Article 5.1 (e) of the Constitutive Act of the African Union

**"Commissioner"** means a Commissioner of the Union appointed by the Assembly under Article 9.1 (i) of the Constitutive Act;

**"Community"** means the African Economic Community (AEC) established by Article 2 of the Treaty defined infra;

**"Committee on Co-ordination"** means the Committee established by Article 6 (a) of this Protocol;

**"Committee of Secretariat Officials" (CSO)** means the Committee set out in Article 6 (b) of this Protocol;

**"Constitutive Act"** means the Constitutive Act of the Union adopted in Lome, Togo, on 11<sup>th</sup> July 2000;

**"Executive Council"** means the Executive Council of the Union;

**"Parties"** means the Parties to this Protocol namely the Union and the Regional Economic Communities

**"Policy organs"** means the decision-making organs established by the legal instruments of the Union and the RECs;

**"Treaty"** means the Treaty Establishing the African Economic Community; and

**Treaties**" means the treaties establishing the Regional Economic Communities;

**Protocol**" means the present Protocol;

**Regional Economic Community (REC)**" means a regional grouping of African states organized into a legal entity by treaty, with economic and social integration as main objective;

**Specialized Technical Committees**"(STCs) means the Specialized Technical Committees of the Union established under Article 5 of the Constitutive Act.

## ARTICLE 2

### Scope of Application

This Protocol shall apply to the mechanism established by the Parties in the implementation of measures in the economic, social, political and cultural fields including gender, peace and security, intended to fulfil the responsibilities placed on them by the Constitutive Act, Treaty and this Protocol.

## ARTICLE 3

### Objectives

The objectives of this Protocol are to:

- (a) formalize, consolidate and promote closer co-operation among the RECs and between them and the Union through the co-ordination and harmonization of their policies, measures, programmes and activities in all fields and sectors;
- (b) establish a framework for co-ordination of the activities of RECs in their contribution to the realization of the objectives of the Constitutive Act and the Treaty;
- (c) strengthen the RECs in accordance with the provisions of the Treaty and decisions of the Union;
- (d) implement the Sirte Declaration with regard to the acceleration of integration process and shorten the periods provided for in Article 6 of the Treaty;
- (e) set and monitor general and specific benchmarks for the establishment of the African Common Market;
- (f) establish a framework for linking the operations of the Specialized Technical Committees (STCs) and the Sectoral Cluster Committees of the Economic, Social and Cultural Council of the Union (ECOSOCC) to the operations of the RECs;

- (g) establish a co-ordination mechanism of regional and continental efforts for the development of common positions by its members in negotiations at the multilateral level;
- (h) encourage the sharing of experiences in all fields among the RECs and ensure harmonization of their cooperation with potential donors and international financial institutions;
- (i) ensure that gender is mainstreamed into all the programmes and activities within the relationships among the RECs and between the RECs and the Union;

## ARTICLE 4

### General Undertakings

The Parties undertake, in conformity with the Constitutive Act the Treaty and this Protocol to co-ordinate their policies, measures, programmes and activities with a view to avoiding duplication thereof. To this end, the Parties shall:

- (a) cooperate and coordinate the policies and programmes of the RECs with those of the Union;
- (b) exchange, at all appropriate levels, information and experiences on programmes and activities and implement the provisions of this Protocol;
- (c) promote inter-regional projects in all fields; and
- (d) support each other in their respective integration endeavours and agree to attend and participate effectively in all meetings of each other and in the activities required to be implemented under this Protocol.

## ARTICLE 5

### Specific Undertakings

1. The RECs which have not yet done so, shall take the necessary steps to review their treaties in order to establish an organic link with the Union and in particular provide in their treaties view to the :

- a) strengthening of their relations with the Union;
- b) alignment of their programmes, policies and strategies with those of the AU;
- c) providing for an effective implementation of this Protocol; and
- d) providing for the eventual absorption, at stage 5 as set out in Article 6(2,e) of the Treaty, of the RECs into the African Common Market, prelude to the Community.



2. The Union undertakes to discharge fully its responsibility of strengthening the RECs as well as of coordinating and harmonizing their activities.

## CHAPTER TWO

### INSTITUTIONAL FRAMEWORK

#### ARTICLE 6

##### Establishment of Institutional Organs

The following organs for co-ordinating policies, measures, programmes and activities of RECs and ensuring the implementation of this Protocol are hereby established:

- (a) the Committee on Co-ordination; and
- (b) the Committee of Secretariat Officials (CSO).

#### ARTICLE 7

##### The Committee on Co-ordination Composition and Functions

1. The Committee on Co-ordination shall consist of:
  - (a) the Chairperson;
  - (b) the Chief Executives;
  - (c) the Executive Secretary of the United Nations Economic Commission for Africa (UNECA);
  - (d) the President of the African Development Bank (ADB); and
  - (e) The chief executives of the Financial Institutions Of the Union.
2. The Committee on Co-ordination shall be responsible for:
  - (a) providing policy orientation pertaining to the implementation of this Protocol;
  - (b) co-ordinating and harmonizing the macro-economic policies, peace and security policies, other policies and activities of the RECs, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, gender, tourism, science and technology, cultural and social affairs, democracy, governance, human rights and humanitarian matters;

- (c) monitoring and keeping under constant review, progress made by each REC towards the implementation of stages 2 through 4 as set out in Article 6 of the Treaty;
- (d) adopting the budget referred to in Article 23 of this Protocol;
- (e) determining the modalities of implementing decisions and directives of the Assembly and the Executive Council on the implementation of the Treaty;
- (f) mobilizing resources for the implementation of the Treaty; and
- (g) considering recommendations of the Committee of Secretariat Officials covering (a) through (c) above.

3. In order to facilitate the harmonious and expeditious implementation of the provisions of the Treaty, the treaties and this Protocol, the Committee on Co-ordination shall have the power to implement the provisions of this Protocol and submit regular progress reports to their respective policy organs including issues requiring their approval.

## ARTICLE 8

### Meetings of the Committee on Co-ordination

1. The Committee on Co-ordination shall meet at least twice a year and shall be chaired by the Chairperson.
2. The decisions of the Committee shall be taken by consensus or, failing consensus, by a simple majority of members present and voting. The decisions of the Committee shall be forwarded to the Executive Council as recommendations on matters of policy aimed at an harmonized and efficient approach to Africa's integration.
3. At least one of the meetings of the Committee on Co-ordination shall take place four months before the next ordinary session of the Assembly.
4. The Executive Secretary of the UNECA and the President of the ADB shall provide advice to the Committee and shall have the right to vote on such matters as shall be stipulated in the rules of procedure adopted under paragraph 5 of this Article.
5. Subject to the provisions of the Treaty and the treaties, the Committee on Co-ordination shall determine its own rules of procedure for the conduct of its meetings.
6. Members of the Committee may be accompanied to meetings by experts and advisers.
7. The Committee may invite any African institution with expertise in relevant matters to participate in its work and to attend its meetings as an observer.

## ARTICLE 9

### The Committee of Secretariat Officials Composition and Functions

1. The Committee shall consist of:
  - (a) the representatives of the Chairperson responsible for co-ordination of the activities of the RECs;
  - (b) representative of the chief executives of the RECs responsible for the co-ordination of integration with the Union; and
  - (c) the representative of the Executive Secretary of the UNECA responsible for economic integration;
  - (d) the representative of the President of the ADB responsible for economic integration;
  - (e) Representations of the Chief executives of the Financial Institutions of the Union.
2. The Committee shall be responsible for:
  - (a) preparing and submitting reports to the Committee on Co-ordination on :
    - i) policy orientation pertaining to implementation of the Protocol;
    - ii) co-ordination and harmonization of the macro-economic policies, peace and security policies, other policies and activities of the RECs, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, gender, tourism, science and technology, cultural and social affairs, governance, democracy, human rights and humanitarian affairs;
    - iii) monitoring and constantly assessing the progress made by each REC towards the implementation of stages 2 through 4 as set out in Article 6 of the Treaty;
  - (b) preparing the budget referred to in Article 23 of this Protocol;
  - (c) proposing modalities of :
    - i) implementing decisions and directives of the Assembly and the Executive Council on the implementation of the Treaty; and
    - ii) mobilizing resources for the implementation of the Treaty.

- d) preparing proposals for consideration by STCs

## ARTICLE 10

### Meetings of the Committee of Secretariat Officials

1. The Committee shall meet at least twice a year and shall be chaired by the Chairperson's representative prior to the meetings of the Committee on Co-ordination.
2. The decisions of the Committee shall be taken by consensus or failing consensus, by a simple majority of members present and voting.
3. At least one of the meetings of the CSO shall take place two (2) months before the second meeting of the Committee on Co-ordination.
4. The representative of the Executive Secretary of the UNECA and the representative of the President of the ADB shall provide advice to the CSO and shall have the right to vote on such matters as shall be stipulated in the rules of procedure adopted under paragraph 5 of this Article.
5. Subject to the provisions of the Treaty and the treaties, the CSO shall determine its own rules of procedure provided that the rules of procedure so adopted shall follow as closely as possible the rules of procedure of the Committee on Co-ordination.
6. The CSO may invite any African institution to participate in its work and to attend its meetings as an observer.

## CHAPTER THREE

### IMPLEMENTATION BENCHMARKS FOR THE UNION

## ARTICLE 11

### Immediate Priority Activities by the Union

1. In terms of the provisions of Article 88 (1) and paragraph 2 (a) through (d) of Article 6 of the Treaty, the Union's role, at stages 1 through 4, is primarily to strengthen existing RECs, establish new ones where none exists and harmonize and coordinate the policies and measures adopted by the RECs into the envisaged African Common Market. To this end the Commission shall:
  - (a) monitor the implementation and evaluation carried out of the policies, measures, programmes and activities of the RECs and their implementation thereof in order to determine the stage at which each REC shall be placed in terms of the stages set-out in paragraph 2(a) through (d) of Article 6 of the Treaty;

- (b) work towards the co-ordination and harmonization of the activities of RECs taking account of the paramount necessity of accelerating the achievement of a continental integration in the context of Sirte Declaration;
- (c) in cooperation with the RECs, identify the areas with respect to each regional economic community which requires the assistance of the Commission with a view to strengthening each regional economic community and facilitating the achievement of the objectives of the treaties and the Treaty.

2. The implementation by the Union, of measures, programmes and activities envisaged under the provisions of Article 6 (3) of the Treaty shall be undertaken jointly with the RECs and shall take into account similar measures, programmes and activities being implemented by the latter.

3. The Commission shall, in consultation with the RECs, evaluate existing RECs to determine the progress of regional economic integration and thereafter design appropriate programmes to accelerate the integration process.

## CHAPTER FOUR

### IMPLEMENTATION BENCHMARKS FOR THE REGIONAL ECONOMIC COMMUNITIES

#### ARTICLE 12

##### The General Benchmarks

The RECs shall comply with the provisions of Articles 4 (2) and 6 (2) of the Treaty which envisages, *inter alia*, the following outputs:

- (a) trade liberalization, facilitation, promotion and development with a view to creating a free trade area and a customs union through the eventual adoption of a common external tariff;
- (b) sectoral integration based on harmonized macro-economic policies, enabling free market policies, factor movement and measures that aim to reduce transaction costs of doing business across the borders and thus promote increased domestic production in the Parties member states;

#### ARTICLE 13

##### Specific Benchmarks

1. The Assembly shall decide, if need be, the specific benchmarks to be attained at each stage in accordance with the guidelines in the Annex to this Protocol.

2. Notwithstanding the provisions of paragraph 1 above, all policies, measures and programmes which shall be implemented in order to achieve a free trade area, a customs union and a common market for each REC shall be implemented latest by the end of the period provided for in the Annex to this Protocol from the date of entry into force of the Treaty.

3. Notwithstanding further the provisions of Article 6 of the Treaty, the co-ordination and harmonization of tariff and non-tariff systems among the RECs with a view to establishing, at continental level, a customs union through the adoption of a common external tariff, shall be achieved within a shorter period in accordance with the Sirte Declaration.

4. Any REC may accelerate the process of integration and achieve the objectives set for each stage in advance of the time limits set out in Article 6 of the Treaty.

5. Every REC shall review and modify its existing Technical Committees to align their functions and structures to that of the STCs.

## CHAPTER FIVE

### COOPERATION AMONG THE RECS AND WITH THE UNION

#### ARTICLE 14

##### Co-ordination of Activities

The Chairperson and the Chief Executives may, prior to a meeting of the Committee on Co-ordination, meet informally to discuss the modalities of co-ordinating their activities.

#### ARTICLE 15

##### Joint Programmes and Closer Cooperation

1. RECs may enter into cooperation arrangements under which they undertake joint programmes or activities or more closely co-ordinate their policies, measures and programmes.

2. The Commission and Secretariat of the RECs shall cooperate in the preparation of economic summits for the Union.

3. The Union should consult the RECs, the UNECA and the ADB in the preparation of proposals and work programmes for consideration by the STCs.

4. The Commission and the RECs shall designate a focal point with whom all the parties may communicate in connection with any matter arising out of the implementation and application of this Protocol, and notify such designation to all the parties.

## ARTICLE 16

### **Participation in Meetings And Exchange of expertise, experience and information among RECS**

1. Each REC shall invite the others to participate in meetings convened by it in which matters of mutual interest are to be discussed.
2. A regional economic community shall be invited, in line with modalities to be mutually agreed upon, to avail another of its experience by putting at its disposal the services of its personnel. The costs for such exchange of expertise shall be borne by the RECs.
3. Subject to necessary arrangements for the safeguarding of the confidentiality of certain information, the RECs shall exchange information and documents and keep each other informed of their policies, measures, programmes and activities of the implementation of this Protocol with a view to fostering closer co-ordination and co-operation for the achievement of the objectives of the Treaty and this Protocol .

## CHAPTER SIX

### **PARTICIPATION IN MEETINGS AND THE BINDING NATURE OF DECISIONS**

## ARTICLE 17

### **Participation in Union Meetings**

1. The RECs shall attend and participate, without voting rights, in meetings of the Union.
2. Each REC shall submit to the STCs, the Executive Council and the Assembly a report on progress achieved and difficulties encountered in the implementation of the provisions of this Protocol.

## ARTICLE 18

### **Status of the RECs at Union Meetings**

The Chief Executives or their representatives shall enjoy the same rights as the Chairperson or his or representative and shall, accordingly, participate in the deliberations of the Union.

## ARTICLE 19

### Participation in Meetings of RECs

1. The Union shall attend and participate, without voting rights, in meetings of the RECs.
2. The Chairperson shall submit a report to the meetings of the policy organs of the Union and RECs on the implementation of the provisions of the Abuja Treaty and this Protocol.

## ARTICLE 20

### Status of the Commission at Meetings of RECs

The Chairperson or his or her representative shall enjoy the same rights as the Chief Executives and shall, accordingly, participate in the deliberations of the RECs.

## ARTICLE 21

### Permanent Representations

1. The Union shall open a liaison office at the Headquarters of each REC;
2. Each REC shall establish, where it does not exist, a national integration structure in each of its Member States.

## ARTICLE 22

### Binding Union decisions on RECs

1. In compliance with articles 10 (2) and 13 (2) of the Treaty, the Union shall take measures, through its principal policy organ, against a regional economic community whose policies, measures and programmes are incompatible with the objectives of the Treaty or whose implementation of its policies, measures, programmes and activities lags behind the time limits set out in Article 6 of the Treaty or pursuant to this Protocol.
2. Where it is established that the delay in the implementation of the policies, measures, programmes and activities arising from the provisions of Article 6 of the Treaty is the result of action or omission by member states of any REC, the Assembly or the Executive Council shall address its directives to the relevant Union member states.
3. The decisions of the Assembly and the Executive Council may include any sanctions deemed appropriate in accordance with the Constitutive Act.



**CHAPTER SEVEN**  
**FINANCIAL PROVISIONS**

**ARTICLE 23**

**Budget**

1. The Union shall allocate in its regular budget resources for the implementation of this Protocol and related provisions of the Treaty.
2. A draft budget, for the implementation of the Protocol, for each financial year, shall be prepared by the Chairperson in consultation with the Chief Executives.
3. Each REC shall also provide in its regular budget the resources necessary for the implementation of this Protocol and shall bear the relevant secretariat service and local transport cost when hosting meetings to this effect.
4. Notwithstanding the provisions of paragraph 1 of this Article, the resources of the budget may be derived from extra-budgetary sources.

**ARTICLE 24**

**Accounts and Financial Regulations**

The RECs shall account for any financial resources provided by the Union in accordance with the provisions of Article 85 of the Treaty.

**ARTICLE 25**

**Financial and Technical Support**

1. The Parties recognize that the main obstacles to the full implementation of the policies, measures and programmes of the RECs include resource constraints, at the levels of the Union, RECs, the member States, the UNECA and the ADB to plan, manage, implement, follow-up and monitor the implementation of agreed decisions, policies, measures, programmes and activities.
2. In order to attain the above objectives the parties shall cooperate in:
  - (a) the collective mobilization of financial resources to assist RECs to implement, in particular, policies, measures and programmes which shall facilitate the development of respective RECs from one stage to the next as set out in paragraphs 2 (a) through (d) of Article 6 of the Abuja Treaty;
  - (b) human resource capacity and institution-building;
  - (c) mobilising technical assistance to RECs according to expressed needs;  
and

- (d) monitoring the implementation and the conformity of programmes agreed upon at the level of the RECs and monitoring their compliance thereof so as to expedite the implementation of the Treaty.

## CHAPTER EIGHT

### GENERAL AND FINAL PROVISIONS

#### ARTICLE 26

##### Working Languages

For the purposes of this Protocol, the working languages shall be English and French.

#### ARTICLE 27

##### Administrative Arrangements

1. The Union shall be responsible for all secretariat, administrative and conference arrangements for all meetings held at the Union Headquarters relating to the implementation of this Protocol.
2. When the meetings are held at the invitation of one of the RECs, the REC concerned shall be responsible for all secretariat, administrative and conference arrangements.
3. The Union shall facilitate the participation of RECs at all Union meetings.

#### ARTICLE 28

##### External Relations

1. In the context of realising its integration objectives, a regional economic community may enter into co-operation agreements with other international organizations or with third countries provided that such agreements do not conflict with the objectives of the Constitutive Act, the Treaty and the treaties.
2. Copies of the agreements referred to in paragraph 1 of this Article shall be transmitted to the Chairperson by the RECs parties to them.

#### ARTICLE 29

##### Coordinating Ministries or Authorities

For the purposes of the implementation of the provisions of paragraph 2 of Article 88 of the Treaty and of Article 4 of this Protocol, the Parties agree to invite

their Member States to designate the same coordinating Ministry for the implementation of the Treaty and the treaties.

## ARTICLE 30

### Harmonization of Mechanisms for Promotion of Peace, Security and Stability

1. For the purpose of the implementation of the provisions of Article 3 (a) of this Protocol and Articles 7(j) and 16(4) of the Protocol Establishing the Peace and Security Council of the African Union, the Parties agree to undertake the following:

- (a) to harmonize and coordinate their activities in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union and those of the RECs;
- (b) to work closely to ensure effective partnership between them in the promotion and maintenance of peace, security and stability; and
- (c) to determine the modalities of the relationship in the promotion of peace, security and stability through a Memorandum of Understanding between the Union and the RECs.

2. Notwithstanding the provisions of Article 14 the Protocol Establishing the Peace and Security Council of the African Union, the co-ordination and harmonization of mechanisms to prevent, manage and resolve conflicts among the RECs with a view to establishing, at continental level, a peace and security architecture, shall be achieved within the shortest possible time.

## ARTICLE 31

### Amendments

1. Any Party may propose amendments to this Protocol.
2. Proposals made pursuant to paragraph 1 of this Article shall be submitted, in writing, to the Committee on Co-ordination, which shall make appropriate recommendations to the Parties.
3. Amendments shall enter into force after approval by the Parties.

## ARTICLE 32

### Dispute Resolution

1. Any dispute arising between the parties from the interpretation or application of the provisions of this Protocol shall be resolved amicably by the Parties concerned within the Committee on Co-ordination

2. If the Committee on Co-ordination is unable to resolve the dispute, the dispute shall be referred to the Court of Justice of the Union by any Party for settlement in conformity with the Articles 18 and 19 of the Protocol of the Court.

3. In any dispute arising from the interpretation or applicability of the provisions of the Constitutive Act, the Treaty and the treaties, the Constitutive Act shall prevail, ipso facto, the Constitutive Act and this Protocol shall constitute the legal basis for the Parties who are not signatories to the Treaty

### ARTICLE 33

#### Entry into Force and Accession

1. This Protocol shall enter into force when signed by the Chairperson and by the Chief Executives of at least three (3) RECs.

2. This Protocol shall be formally endorsed by the Assembly..

3. Any REC which is not a Party to this Protocol on the date of its entry into force may accede to it.

4. This Protocol shall enter into force in relation to an acceding REC on the date on which its instrument of accession is deposited with the Chairperson.

### ARTICLE 34

#### Termination of the Protocol on Relations between the AEC and the RECs

The operation of the Protocol on Relations between the African Economic Community and RECs, which entered into force on 25 February 1998 shall terminate upon the entry into force of this Protocol.

### ARTICLE 35

#### Depositary

This Protocol prepared in six original texts in English, French, Arabic Portuguese, Spanish and Swahili languages, the six texts being equally authentic, shall be deposited with the Chairperson., who shall transmit certified copies thereof to the Parties and to their Member States.

**IN WITNESS WHEREOF, WE, THE CHAIRPERSON AND THE CHIEF EXECUTIVES, HAVE SIGNED THIS PROTOCOL**

Done at ..... in the Republic of ..... on the  
..... day of ..... in the year two thousand and .....



REPORT OF THE TRIBUNAL

BY THE

PRESIDENT OF SADC TRIBUNAL.

DATE: 15<sup>TH</sup> JULY 2007

## **INTRODUCTION**

Article 9 (1) of the Treaty of SADC establishes the Tribunal as one of the principal institutions of the Organization. Article 16 (1) of the Treaty further stipulates that the Tribunal shall be constituted to ensure adherence to the proper interpretation of the provisions of the Treaty and subsidiary instruments, and to adjudicate upon such disputes as may be referred to the Tribunal.

It will be recalled that the Government of Namibia has accepted to host the Tribunal and has accordingly allocated a building to the Tribunal in Windhoek. The Host Agreement was signed on 3 May 2006 and the building was officially occupied in October 2006.

### **Priorities for 2006/2007 and 2007/2008**

Priorities of the Tribunal were to constitute the Task Team to work on and finalize the study on the organizational structure and terms and conditions of the Members of the Tribunal and the Staff as well as to continue implementing the interim terms and conditions of the Tribunal. I am happy to report to this Summit that the Task Team comprising of three experts from Lesotho, Namibia and the SADC Secretariat has now been integrated and started its work in March 2007 with its first meeting in Windhoek, Namibia.

It is worth noting that two of the members of this team are lawyers with international law and labour relations orientation, one in the Public Service with the other in private practice. The third member of the team is a Human Resources specialist with the SADC Secretariat based in Gaborone, Botswana.

The team has already issued its inception report to the Registrar as required by the Terms of Reference (ToRs) and has also undertaken its bench-marking trips to relevant institutions in Europe and Africa during April and June 2007 respectively. It is expected that the Task Team shall finalize its work by the end of September 2007.

I further report that between the 1<sup>st</sup> October 2006 and the end of June 2007, the Tribunal managed to have the full interim staff compliment of 9 staff members as recommended by Council comprising of 3 regional positions which are at the moment occupied by seconded staff and 6 local positions occupied by Namibian citizens. The two regional staff members (Librarian and Admin/Finance officers) reported for duty in October 2006 with the Registrar joining them in December 2006.

The main focus of the SADC Tribunal during the latter half of 2006/2007 financial year was to ensure that the operationalization of the Tribunal takes-off the ground before the end of the financial year as financial resources were already availed by the SADC Secretariat to cover the expenditure on the planned activities. In view of the limited time between commencement of duty by the staff and the end of the financial year, the short term strategy that the

Tribunal put in place was a raise against time to implement the above activities. The main areas of focus of these activities were:

- Putting the communications system in place
- Procurement of furniture and equipment
- Establishing the Library facilities at the Tribunal
- Linking the SADC Tribunal with relevant stakeholders and donors
- Preparing project proposals where necessary in order to attract ICPs
- Establishing the Tribunal's profile and posting it on the website
- Ensuring that the day to day operational issues run smoothly

I am happy to report to this Summit that by the end of the financial year ended 31<sup>st</sup> March 2007, substantial progress had been achieved in these activities which I have mentioned above.

### **Sensitisation Workshop on the SADC Tribunal**

It will be recalled that during the preparation for the 2007/2008 budget activities, it was proposed to convene a sensitization/publicity workshop whose objective was to acquaint the stakeholders with the SADC Treaty and the Protocol on Tribunal and the Rules of Procedure Thereof as well as to brief stakeholders on the role of the SADC Tribunal and ways of accessing it.

I report to Summit that the said workshop which was funded by Friedrich Ebert Stiftung (FES) was successfully held in April this year and was attended by all the regular Members of the Tribunal and staff and participants from Namibia which included The Judiciary, the Law Society, Ministry of Justice, Foreign Affairs, Trade, Legislature, Media, University of Namibia (Law Faculty), and Media Institute of Southern Africa (MISA). Let me note that the workshop of this kind was just the beginning of a series of planned workshops which the Tribunal shall conduct in other SADC Member States.

### **Study Tour by SADC Tribunal Members and the Registrar**

It will be recalled further that during the 2007/2008 budget preparations, a need was identified for the five regular Members of SADC Tribunal and the Registrar to go on a study tour to visit similar institutions in the Africa region and Europe in order to bench-mark the Tribunal and for these Members and the Registrar to acquaint themselves with the modus operandi of such Tribunals. I am happy to report to Summit that the study tour to similar courts in Europe was undertaken between 13<sup>th</sup> and 31<sup>st</sup> May this year and we believe that the experience gained in this tour will go a long way in assisting the Members and the Registrar in hearing cases which are brought to the Tribunal.

We further believe that this experience will enable us to put in place the legal systems and processes to facilitate the administration of justice amongst the Member States.

## **Commonwealth Meetings**

I am glad to report to Summit that as a result of the links with international stakeholders, the President and the Registrar were invited by the Commonwealth Secretariat to participate in European Commonwealth Meetings for Justices and Registrars of Final/Regional Appellate Courts which took place from the 30<sup>th</sup> of June to the 13<sup>th</sup> of July 2007 in Luxembourg City, Luxembourg, The Hague, Netherlands and London in the United Kingdom..

As a result of our participation, the Tribunal has benefited a lot from similar Courts such as the ECOWAS Court of Justice, COMESA Court of Justice, the Caribbean Court of Justice, the European Court of Justice, the International Court of Justice, the International Criminal Tribunal for former Yugoslavia, the Judicial Committee of Privy Council and the House of Lords.

## **Fire Incident at the SADC Tribunal**

On the 18<sup>th</sup> of January, 2007 at 0300 hours, part of the SADC Tribunal premises comprising of the main Court section was gutted down by fire after which a report was prepared and presented at the SADC Council of Ministers meeting in Maseru, Lesotho in March 2007. Let me report to this Summit that the Namibian Government had immediately indicated its readiness to provide alternative Court room if need arises.

I further report to Summit that this fire incident had adverse effect on some of the planned activities for 2006/2007 as furniture for the Court was on order before the fire incident, and on its delivery, there was no space to store it. This space challenge had to be addressed through the help of the host country offering to provide alternative space for storage.

## **Expenditure Estimates in 2007/2008**

During the SADC Council of Ministers meeting in Maseru, Lesotho in March 2007, the Tribunal budget was approved to the tune of USD684,813 from USD593,155 in 2006/07 which represents a 15% increase. We believe these financial resources will be adequate to cater for expenditure on planned activities and priorities of the SADC Tribunal during the current financial year.

Let me seize the opportunity to note to this Summit that the Tribunal's Business Plan to 2010/11 that pivots around establishing adequate infrastructure to facilitate hearing of cases depends on the finalization of the organizational structure as well as terms and conditions for both the Members and the staff. This exercise, as mentioned earlier in my report, is yet to be finalized by the Task Team and approved by Council before the recommendations from it can become operational.



## SPEECHES

### Annex 1

**ACCEPTANCE SPEECH BY HIS EXCELLENCY THE  
PRESIDENT OF THE REPUBLIC OF ZAMBIA,  
MR LEVY PATRICK MWANAWASA, SC,  
ON THE OCCASION OF THE 27<sup>TH</sup> ORDINARY SUMMIT OF SADC HEADS  
OF STATE AND GOVERNMENT ON 16 AUGUST, 2007,  
MULUNGUSHI INTERNATIONAL CONFERENCE CENTRE  
LUSAKA, ZAMBIA**

Your Majesty, King Mswati III;  
Your Excellencies Heads of State and Government;  
Your Excellencies the First Ladies;  
Your Excellency the Executive Secretary of SADC;  
Your Excellency Dr Kenneth David Kaunda, First Former President of Zambia;  
Your Excellency Dr Frederick J T Chituba, Second Former President of  
Zambia;  
Your Excellency Joachim Chissano, Second Former President of Mozambique;  
Honourable Speaker of the National Assembly;  
Your Lordship the Chief Justice;  
Your Worship the Mayor of the City of Lusaka;  
Honourable Cabinet and Deputy Ministers from the SADC Region;  
Your Excellencies Members of the Diplomatic Corps;  
Honourable Members of Parliament;  
Leaders of Opposition Parties in Zambia;  
Distinguished Delegates;  
Ladies and Gentlemen.

As I assume the Chairmanship the Southern African Development Community, it is with a deep sense of humility that I accept this Honour, on behalf of the Government and people of the Republic of Zambia. I am aware of the enormous challenge of guiding the overall implementation of the SADC Common Agenda and the priorities outlined in the Regional Indicative Strategic Development Plan (RISDP).

One of the stated priorities in the Regional Indicative Strategic Development Plan is Infrastructure Development. It is fitting therefore that this year's Summit Theme is: **“Infrastructure Development in Support of Regional Integration”**.

In order to achieve this goal, Road, Rail, Air Transport, Telecommunications and energy development are going to be the main catalysts of our Integration Process.

**Your Majesty,  
Your Excellencies,  
Ladies and Gentlemen,**

I am mindful of the fact that as I take on the Chairmanship of our Organisation, I can not succeed on my own, but only with the collective efforts of the entire membership.

At the Maseru Summit in Lesotho last year, we made a cooperative undertaking to scale up the execution of the SADC Integration Agenda.

I am counting on all of you to ensure that we concretise the Maseru Declaration in the implementation of the SAD Programmes in the coming year.

Our Organisation has registered remarkable successes since its inception because all the Member States mobilised their resources and cooperated closely to shape a common destiny.

In the coming year, we must continue to work together by leveraging our capabilities and use the vehicle of Regional Integration to develop our Region.

Together, we must ensure that all the SADC Institutions fully exploit existing opportunities and explore new ones in order to promote and accelerate Regional Integration in a dynamic manner.

The success of my Chairmanship will rely on the solid foundation that I have inherited from the out-going Chairman, Dr. Phakalitha Mosisili, the Right Honourable Prime Minister of the Kingdom of Lesotho. During his term, he provided remarkable selfless leadership which should be acknowledged and applauded.

Our Region will consolidate further its position and influence in African and International Affairs when it achieves higher levels of Sustainable Economic Growth and Socio-Economic Development.

To this end, SADC has to scale up the implementation of, among others things, Infrastructure Development. In order to achieve this, all SADC Member States should intensify the implementation of the Regional Indicative Strategic Development Plan.

In addition, we must simultaneously double our efforts to mobilise resources and develop capacity to utilise them in the most effective manner.

In this connection, the establishment of the SSDC Development Fund, agreed at the Extraordinary Summit held in Midrand, South Africa, in October 2006, will facilitate the mobilisation of resources for the Development of Infrastructure in our Region.

To this effect, we need to expedite the establishment of the SADC Development Fund.

**Your Majesty,  
Your Excellencies,  
Distinguished Ladies and Gentlemen,**

The SADC Infrastructure Programme draws its strength and support from the New Partnership for Africa's Development (NEPAD) Initiative.

We, therefore, have to focus on those Infrastructure Programmes and Projects that facilitate quick and efficient linkages in our Communication Systems.

This requires prioritising the development of the Regional Trunk Road Network, Strategic Air Transport Facilities and the most effective Telecommunication Network that will enhance Intra-Regional travel and Communication.

Zambia has already embarked on an ambitious programme of developing Road Infrastructure Projects that are directly aimed at improving Road Transport links with other SADC States. We are convinced that our efforts, in this Programme will contribute to strengthening Regional Integration.

**Your Majesty,  
Excellencies,  
Ladies and Gentlemen,**

Allow me to now address Multilateral and Regional Trade Integration Developments.

All of us as SADC Members are in one way or another engaged in a multitude of Sub-Regional, Regional, Inter-Regional and Multilateral Trade Negotiations which are likely to have significant implications for our Region's Development Prospects.

It remains incumbent on us to ensure that the objectives and all the various instruments of these trading agreements are going to contribute towards promoting SADC and indeed Africa's Trade and Development interests.

The Doha Round Initiated in Qatar in 2001 gave hope to Africa and other developing countries that finally there was recognition of the serious developmental challenges that they face and that efforts would be made through the multilateral process to address them.

The agreed principles on the application of special and differential treatment in order to afford the developing Countries some policy space, the inclusion of the aid for trade package and the decision to enhance the least developed Countries' integrated framework to address the supply side constraints raised our expectation.

We expected that the challenges we face in the Global Trading System would effectively be addressed to accord our countries real and tangible benefits.

However, the pace and lack of progress in the negotiations has left us all wondering as to whether we should have had such high expectations.

**Your Majesty,  
Excellencies,  
Ladies and Gentlemen,**

It is disheartening to note that almost six years down the line, very little progress has been achieved. Stronger members continue to debate, whilst our situation as African countries continues to deteriorate and we continue to experience high levels of poverty.

As a Region, we therefore need to continue pressing upon our trading partners to decisively address the real concerns that have hindered our effective participation in global trade for this round to be truly deemed as a development round.

It is my desire that during my tenure of office as your Chair, I will endeavour to do my best to engage with you my colleagues and others, to see how best this situation can be addressed.

A prolonged break down of the World Trade Organisation (WTO) would not be in the interest of Africa, let alone SADC.

The Regional Economic Integration Agenda remains a priority and I cannot but emphasize the need for us to ensure its consolidation.

The underpinning principles of our Economic Agenda must continue to be driven by our Regional Indicative Strategic Development Program (RISDP)

which is premised on poverty alleviation, sustainable development and equitable distribution of wealth amongst the members of SADC. It is a fact though that we as SADC countries continue to face a lot of challenges in this regard.

The consolidation of the Free Trade Area has remained elusive partly due to the inherent production structures, which have remained by and large unfavourable, as well as the continued existence of intra Regional Trade Barriers amongst ourselves.

This situation is compounded by the existence of a number of overlapping and sometimes conflicting Regional Integration Programmes in the Region and Africa at large.

I am therefore pleased to note, Your Excellencies, that our joint Ministerial Task Force of Ministers of Trade and Finance has been working tirelessly to bring before us some recommendations on the possible options on the way forward in the light of these Regional Developments as well as those arising from our relations with other Regions, particularly the Negotiations with European Commission on Economic Partnership Agreements (EPAs).

I assure you that during the coming year I will work tirelessly with all of you and our partners, where necessary, to ensure that SADC finds a solution to these challenges.

In particular, my priorities will include ensuring the full operationalisation of a full Trade Area in which SADC Members fully implement their commitments with respect to the tariff liberalization schedules as well as addressing the elimination of Non Tariff Barriers.

In addition, I shall endeavour to work with all of you to ensure that the Institutional Framework for our pending Customs Union are in place accompanied by the necessary Industrial and Competition Policies.

**Your Majesty,  
Excellencies,  
Ladies and Gentlemen,**

Making choices on our membership to the various Regional Institutions should not be an option, but rather the challenge should be to find ways of accommodating each other and work towards building the African Union (AU) starting with the consolidation of our Free Trade Area which is lagging behind on a number of implementation areas.

Once this is achieved, it will also set a good basis for the implementation of a sustainable SADC Customs Union.

The SADC Region has, in the last few years, enjoyed Peace, Security and Stability, which should continue to be consolidated in order for the Region to achieve sustainable development.

I am delighted to observe that our brothers and sisters in Angola and the Democratic Republic of Congo (DRC) have overcome major challenges to their stability within their territories.

I also wish to congratulate Lesotho, Madagascar and Tanzania, where successful elections have been held.

I am happy to report that Zambia too held successful Presidential and Parliamentary elections in September last year. These elections will further entrench the tenets of Democracy and Good Governance in our Region.

Member countries should continue strengthening Regional Frameworks that promote Democracy and Good Governance. Member States should also consolidate Institutions that combat vices such as corruption, a vice which threatens to reverse our development efforts.

In this regard, the proposal to establish a Southern African Anti-Corruption Commission, as reflected in the Protocol on Corruption, is welcome.

**Your Majesty,  
Your Excellencies,  
Distinguished Ladies and Gentlemen,**

Allow me to draw your attention to other important aspects of our Regional Agenda, namely Food Security, Environment and Natural Resources.

With regard to Food Security, you will agree with me that success in this area will no doubt depend to the degree to which we the Member States are implementing the Dar-Es-Salaam Declaration on Food Security.

This entails the budgetary allocation to Agriculture to at least 10% of the National Budget; up-scaling the use of inorganic fertiliser from the current 8kg/ha to a world average of 100kg/ha; and not forgetting the regular and timely reporting of progress in the implementation of the Dar-Es-Salaam Plan of Action through the agreed tracking system.

However, climatic change is a threat to Food Security. We therefore need to strengthen capacity in Early Warning and Drought Mitigation Strategies so that we are able to respond adequately to the climatic uncertainties which the Region is confronted with from time to time.

Further, global warming is now considered as one of the most serious threats to sustainable development not only in our Region but also the world over. It

adversely impacts on the Environment, Human Life, Food Security, Natural Resources, Infrastructure and almost all economic activities.

It induces floods, droughts, rising sea levels, declining Agricultural productivity, food shortages, to mention but a few.

It is, therefore, important for our Region to intensify the sensitization of our people in order to mitigate the effects of Global Warming and prevent further deterioration of the Environment.

With adequate preparedness and meaningful collaboration with the rest of the world through established Treaties, the Region will be able to make an effective contribution in response to this urgent global challenge.

Our Region is also blessed with abundant Natural Resources such as Forests, Arable Land, various Minerals and abundant Wildlife, which, if fully exploited can contribute considerably to the Socio-economic well-being of the Region.

Our goal in this area should be to utilize and manage these Natural Resources in a sustainable manner.

In the Health Sector, the Region continues to experience high levels of Communicable Diseases, especially HIV and AIDS, Tuberculosis and Malaria.

In this regard, we need to continue scaling up interventions aimed at reducing the high infection rates.

The Region needs to redouble its efforts in the fight against the HIV and AIDS Pandemic. Special attention should continue to target the vulnerable groups which are most affected by the Pandemic.

I therefore, call upon Member States to intensify collaboration in Research to find local intervention measures.

With regard to Gender equality, we need to intensify our efforts to ensure that both men and women have equal access to decision making positions and productive resources.

In this regard, SADC Members States have been reviewing their constitutions and laws so as to remove legislation that discriminates against women.

Despite this progress, there are some challenges that prevent us from achieving Gender equality.

Each Member State must therefore make concerted effort to at least reach the 30% SADC bench mark.

**Your Majesty,  
Your Excellencies,  
Distinguished Ladies and Gentlemen,**

Allow me to restate that during my term of Office, focus shall be towards the Development of Regional Infrastructure; establishment of the Free Trade Area; and the SADC Development Fund.

**I thank you for your Attention.**





**SPEECH BY HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF ZAMBIA AND SADC CHAIRPERSON MR LEVY PATRICK MWANAWASA, SC, ON THE OCCASION OF THE OFFICIAL LAUNCH OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY BRIGADE (SADCBRIG) IN LUSAKA, ZAMBIA, ON 17<sup>TH</sup> AUGUST, 2007**

Outgoing Chair of SADC Right Honourable Mosisili, Prime Minister of the Kingdom Of Lesotho;  
Your Royal Highness, King Mswati III;  
Your Excellencies, Heads of State and Government of SADC Member States;  
Honourable Ministers of SADC Member States;  
Defence And Police Chiefs of SADC Member States;  
The Executive Secretary of SADC;  
Special SADC Guests;  
Observers  
Your Excellencies Ambassadors, High Commissioners and Heads of International Organisations Accredited to the Republic Of Zambia;  
Distinguished SADC Delegates;  
Ladies and Gentlemen.

It is my singular honour and privilege to welcome Your Excellencies, Heads of State and Government and Distinguished Delegates to this historic occasion in our Region.

Twenty-Seven years ago today, our Region gave birth to the **Southern African Development Coordination Conference (SADCC)** here in Lusaka, Zambia, where our march Towards a Common Future commenced. In 1992 the SADCC was transformed into the **Southern African Development Community (SADC)** thereby giving our institution legal status.

The Region's collective ideals remain the pride, anchor and driving force in our resolve to live in political peace, socio-economic development and sustained security. Our resolve is to alleviate poverty with the aim to eradicate it.

This is one noble goal, but which, as reality would have it, is only tenable in an environment of peace, security and political stability, which are prerequisites for development.

Your Royal Highness,  
Your Excellencies,  
Distinguished Guests,

It is against this background that we are gathered here today to witness the launch of the SADC Brigade, our own Regional Multi-Dimensional Peace Support Operations Capability, established under the African Standby Force Policy Framework.

It is made up of resources pledged by SADC Member States on standby arrangement and comprising the Military, the Police and Civilian Components.

Your Royal Highness,  
Your Excellencies,  
Distinguished Guests,

The scourge of conflicts in Africa constitutes a major impediment to the Socio-Economic Development of the Continent. It is thus imperative for all of us to spearhead the promotion of Peace, Security and Stability as a necessary prerequisite for Africa's Social and Economic Development and Integration.

The reality of this situation compelled African leaders to transform the **Organisation of African Unity (OAU)** to the **African Union (AU)**, in conformity with the United Nations Charter and the ultimate objectives of the OAU Charter.

That transformation ushered into being mechanisms, amongst others, the Peace and Security Council, the African Standby Force and the Military Staff Committee - all aimed at the maintenance of Peace and Security of the Continent.

Africa has redoubled its efforts and achieved progress towards the formalisation of relationship between the UN and the AU, specifically to enhance conflicts management. At the same time, the deterioration of peace and security in Africa, especially the rise in the number and intensity of internal conflicts, led to a re-opening of the debate on the need for a Continental Security Agenda.

In July 2004, African Heads of State and Government met in Addis Ababa, Ethiopia, and approved the Policy Framework Document for the establishment of the African Standby Force and Military Staff Committee within the Provisions of Article 4(D) of the Constitutive Act of the African Union and Article 13 of the Protocol Relating to the establishment of the Peace and Security Council of the African Union.

The concept is that once fully established, the African Standby Force will consist of Standby Multidisciplinary Contingents, with Civilian and Military Components located in their Countries of origin and ready for rapid deployment anywhere in Africa at appropriate notice.

The purpose of the SADC Brigade is to participate in Missions as envisaged in Article 13 of the "Mandate" of the Protocol Establishing the Peace and Security Council of the AU which includes:

- Performing Observation and Monitoring Missions;
- Peace Support Missions;
- Interventions for Peace and Security Restoration in Grave Circumstances at the Request of a Member State; and
- Prevent the Spreading to Neighbouring Areas or States of Conflicts or the Resurgence of Violence after Agreements have been reached.

The SADC Brigade shall also serve in Peace-Building efforts including Post-Conflict Disarmament and Demobilisation and Humanitarian Assistance to alleviate the suffering of civilian populations in conflict areas and support efforts on major natural disasters.

Constituted under the AU Protocol on Peace and Security requiring all Regional Economic Communities to have Standby Peace Keeping Forces, the SADC Brigade shall have the Planning Elements at the SADC Secretariat as its only permanent structure.

It operates on a daily basis as a tool of the SADC Organ On Politics, Defence and Security Cooperation and receives its guidance from the SADC Committee of Chiefs of Defence Staff and the Committee of SADC Police Chiefs.

The SADC Brigade, like all other Regional Brigades, will be part and parcel of the African Standby Force.

The Conceptual Framework is designed in such a way that the earmarked capabilities of the Troops or Personnel by contributing countries to the SADC Brigade, should remain domiciled within their countries of origin, on an 'on Call' level of alert for the duration of the assignment in line with prescribed times of response. In short, this is in fact a permanent standby arrangement.

A Memorandum of Understanding was concluded among the participating nations in order to provide a sound legal basis for their co-operation in the establishment and maintenance of the SADC Brigade.

Training of the Brigade at all levels will remain a key priority for SADC in order to achieve the principle of uniformity and be able to operate together its systems and equipment.

The Work already done by the Inter-State Defence and Security Committee in this area will serve as a sound basis for a way forward. The Regional Peacekeeping Training Centre Located in Zimbabwe and other National Peace Support Training Institutions will play a pivotal role of training Military Commanders, Police Officers and Civilian Officials at various levels while, at the same time, acting as a "Clearing House" for all peace support operations and training activities in the Region.

Your Royal Highness,  
Your Excellencies,  
Distinguished Delegates

I wish to commend the hard and laborious work done by the SADC Organ on Politics, Defence and Security Co-operation for the realisation of this historic occasion today. In the same vein, I would like to thank the organisers of the Parade and all the participants for such a wonderful display. We have indeed set a milestone for our member nations and for the rest of the world.

I now wish to take this opportunity to declare the SADC Brigade officially launched.

I Thank You.



## COMMUNIQUÉ SADC SUMMIT

1. The Summit of Heads of State and Government of the Southern African Development Community (SADC) was held in Lusaka, Republic of Zambia from August 16 to 17, 2007.
2. The Summit was officially opened by the Right. Hon. Prime Minister of the Kingdom of Lesotho and SADC Chairperson, Mr. Pakalitha Mosisili.
3. Summit elected His Excellency Mr. Levy Patrick Mwanawasa, the President of the Republic of Zambia and His Excellency Mr. Thabo Mbeki, the President of the Republic of South Africa as Chairperson and Deputy Chairperson of SADC respectively.
4. Summit elected His Excellency Mr. José Eduardo dos Santos, the President of the Republic of Angola and His Majesty King Mswati III of the Kingdom of Swaziland as Chairperson and Deputy Chairperson of the SADC Organ on Politics, Defence and Security Cooperation respectively.
5. The Summit was attended by the following Heads of State and Government:

Angola	H.E. President José Eduardo dos Santos
Botswana	H.E. President Festus Mogae
DRC	H.E. President Joseph Kabila
Lesotho Mosisili	The Rt. Hon. Prime Minister, Mr. Pakalitha
Madagascar	H.E. President Marc Ravalomanana
Malawi	H.E. President Bingu wa Mutharika
Mauritius	The Hon. Prime Minister, Dr. Navinchandra Ramgoolam
Mozambique	H.E. President Armando Emilio Guebuza
Namibia	H.E. President Hifikepunye Pohamba
South Africa	H.E. President Thabo Mbeki
Swaziland	His Majesty King Mswati III
United Republic of Tanzania	H.E. President Jakaya Mrisho Kikwete

Zambia H.E. President Levy P. Mwanawasa (SC)  
Zimbabwe H.E. President Robert G. Mugabe

6. The following organisations were also represented at the Summit: African Union, New Partnership for Africa's Development (NEPAD); Economic Commission for Africa; Common Market for East and Southern Africa (COMESA) and the United Nations High Commission for Refugees (UNHCR).
7. His Excellency President Mwanawasa, host of the 27<sup>th</sup> Summit welcomed the SADC Heads of State and Government and other delegates to the Republic of Zambia.
8. In his address to the opening session of the Summit, the Outgoing Chairperson, the Right Honourable Prime Minister Pakalitha Mosisili of the Kingdom of Lesotho, thanked Member States for the support rendered to him during his tenure of office since the 2006 Summit. He noted the progress made towards deeper regional integration and efforts to achieve the Free Trade Area in 2008. He also called for a review of the regional energy situation, the removal of all barriers to facilitate the movement of goods, including an effective operationalisation of corridors to alleviate the inhibiting costs of transport especially for landlocked SADC Member States. He handed over the SADC Chairpersonship to His Excellency President Mwanawasa, of the Republic of Zambia.
9. In accepting the SADC Chairpersonship, His Excellency President Mwanawasa thanked the Outgoing Chairperson for the progress achieved during his leadership of SADC. President Mwanawasa undertook to provide effective leadership towards the operationalisation of the FTA in 2008, consolidate and accelerate preparations towards the Customs Union.
10. The Summit received the Report from the outgoing Chairperson of the Organ on Politics, Defence and Security Cooperation, the President of the United Republic of Tanzania, His Excellency Mr. Jakaya Mrisho Kikwete. Summit noted the Report which highlighted the implementation of the Strategic Indicative Plan of the Organ (SIPO) and in particular human resources requirements for its implementation.
11. Summit noted the consolidation of democracy and political stability in the region. In this regard, Summit noted the peaceful and orderly manner in which the people of DRC, the Kingdom of Lesotho, the Republic of Madagascar and the Republic of Zambia exercised their democratic rights as they voted in the presidential and parliamentary elections held in their respective countries. Summit noted that SADC Observer Missions were present and pronounced the elections peaceful, credible, free and fair, transparent and professionally managed.

12. The Summit congratulated the people of the DRC, the Kingdom of Lesotho, the Republic of Madagascar and the Republic of Zambia for these elections.
13. The Summit was briefed that the negotiations between Zimbabwe African National Union-Patriotic Front (ZANU-PF) and both factions of the Movement for Democratic Change (MDC) were progressing smoothly. Summit commended President Thabo Mbeki. Summit welcomed the progress and encouraged the parties to expedite the process of negotiations and conclude work as soon as possible so that the next elections are held in an atmosphere of peace allowing the people of Zimbabwe to elect the leaders of their choice in an atmosphere of peace and tranquillity.
14. Summit took note of the Report of the Executive Secretary on the economic situation in Zimbabwe and mandated the SADC Ministers responsible for finance to use the Report of the Executive Secretary in consultations with the Government of Zimbabwe and draw up an economic plan to support Zimbabwe.
15. Summit launched the SADC Brigade consisting of, military, police and civilian components from all SADC Member States which was set up under the provisions of the African Union which recommends that each of its Five (5) Regional Economic Communities (RECs) should have a standby capacity for peace support operations on the Continent.
16. Summit received the Report of the Ministerial Task Force on Regional Economic Integration on the review of the implementation of the SADC Free Trade Area and noted that there is a basis to declare the SADC Free Trade Area in 2008.
17. Summit noted progress made in the preparation of the SADC Customs Union Road Map and urged the Ministerial Task Force to accelerate the completion of this work and reaffirmed its earlier decisions on the need to accelerate the implementation of related trade and economic programmes.
18. Summit reviewed the recent economic developments in the region and noted with satisfaction that the region registered positive economic growth. Summit urged Member States to continue implementing sound macroeconomic policies that enhance the increasing macroeconomic convergence.
19. Summit held a special session focussing on strategies to accelerate regional infrastructure development to support deeper regional integration and development. To this effect, Summit directed the Secretariat to work out the details of a regional Master Plan for Infrastructure Development in close cooperation with Member States.

20. Summit noted progress being made in the implementation of the Maseru Declaration on Combating HIV and AIDS. The achievements include the approval of the Framework for Operationalising the SADC HIV and AIDS Regional Fund, the training of 80 officials from Member States as Trainers of Trainers in HIV and AIDS mainstreaming, the development of core indicators for tracking progress in the implementation of the Maseru Declaration and other commitments and the development of a Framework for identifying and documenting Best Practices in the region.
21. The Summit reviewed the food security situation in the region and noted that Malawi and Zambia have a cereal surplus.

In response to humanitarian assistance requirements in the region and within the SADC cooperation framework, Malawi pledged a donation of 5 000 metric tonnes to Swaziland and 5 000 metric tonnes to Lesotho. Zambia donated 10 000 tonnes to the Region through World Food Programme.

22. Summit noted the progress made towards achieving the set target of 50% women representation in decision making and reaffirmed its commitment to attain this target. Summit noted progress on the negotiations of the protocol on gender and development and agreed to defer its signature to allow some Member States to conclude their internal consultations
23. Summit also received a Declaration from the 2007 SADC First Spouses Summit that took place in Lusaka under the theme: "Accelerating Progress in Achieving Gender Equality".
24. Summit noted, with satisfaction, the progress being made towards the construction of the SADC Headquarters in Gaborone, Botswana and approved a Memorandum of Understanding (MOU) underwriting the financing of the project.
25. Summit took note of the progress made in the preparations of the SADC International Conference on Poverty and Development that will be held in Mauritius in April 2008. The SADC Ministerial Consultative Conference with International Cooperating Partners (ICPs) will be held back to back with this Summit Conference.
26. Summit signed the following legal instruments:
  - (i) Agreement to Amend Article 22 of the SADC Treaty;
  - (ii) Agreement to Amend the Protocol on the Tribunal
  - (iii) Agreement to Amend Annex VI to the Protocol on Trade;
  - (iv) Memorandum of Understanding (MOU) amongst SADC Member States on the SADC Headquarters;
  - (v) Memorandum of Understanding (MOU) on the establishment of the SADC Standby Brigade.



27. The Summit noted the retirement of President F Mogae of the Republic of Botswana and thanked President Mogae for the invaluable contribution he has made to deepening SADC economic integration and cooperation.
28. The Summit expressed its appreciation to the Government and people of the Republic of Zambia for the warm hospitality extended to all delegates and facilities provided.
29. His Excellency President Levy Patrick Mwanawasa (SC) officially closed the Summit. The 2008 Ordinary Summit of Heads of State and Government will be held in the Republic of South Africa.

**Lusaka, Republic of Zambia**  
**August 17, 2007**



## **SADC HEADS OF STATE AND GOVERNMENT SUMMIT**

**16 - 17 AUGUST 2007**

**LUSAKA – REPUBLIC OF ZAMBIA**

### **LIST OF PARTICIPANTS**

#### **CHAIRPERSON**

H E Levy Patrick Mwanawasa (SC)  
President of the Republic of Zambia

#### **EXECUTIVE SECRETARY**

Dr. Tomaz Augusto Salomão  
SADC Secretariat

#### **ANGOLA**

H E José Eduardo dos Santos  
President

Hon. Dr. Ana Afonso Dias Lourenco  
Minister  
Ministry of Planning

Hon. Joaquim Duarte Da Costa  
Minister  
Ministry of Industry

Hon. Adre Luis Brandao  
Minister of Transport  
Ministry of Transport

Hon. Mrs. Ana Paula Da Silva Sacramento Neto  
Deputy Minister  
Ministry of Family & Promotions of Women

Mr. Rebelo Pinto Chikoti  
Deputy Minister of Foreign Affairs  
Ministry of Foreign Affairs

## **BOTSWANA**

H E Festus G Mogae  
President

Hon. B Gaolathe  
Minister of Finance and Dev. Planning

Hon. Mompoti Merafhe  
Minister of Foreign Affairs

Hon. Lebonaang Thanda Mokalake  
Assistant Minister  
Ministry of Trade & Industry

Mrs. B K Molosiwa  
Permanent Secretary  
Ministry of Trade & Industry

Mr. Motlhwane Kgori J. Masisi  
Chief Negotiator  
Ministry of Trade & Industry

## **DRC**

H E Joseph Kabila  
President

Hon. Gata Mavita Ignace  
Minister  
Ministry of Regional Integration

Hon. Mr. Mbusa Nyamwisi Antipas  
Minister of State

Mr. Andre Mutezulwa  
Deputy Director of Cabinet  
Ministry of Defence

Mr. Salumu K Latungo Jean Claude  
Expert  
Ministry of Foreign Affairs

Mr. Maximilien Kiese-a-Ngunda  
Director  
Ministry of Finance

## **LESOTHO**

Rt. Hon. Prof. Pakalitha Mosillili  
Prime Minister

Hon. Mohlabi Kenneth Tsekoa  
Minister of Foreign Affairs & International Relations  
Ministry of Foreign Affairs & International Relations

Hon. Mrs Mpeo Mahase-Moiloa  
Minister of Justice & Law  
Ministry of Law & Constitutional Affairs

Hon. Dr Timothy Thahane  
Minister of Finance & Development Planning  
Ministry of Finance & Development Planning

Hon. Mr Popane Lebesa  
Minister of Trade & Industry  
Ministry of Trade & Industry

H E Mr. Mosuoe Moteane  
High Commissioner  
Lesotho High Commission

Dr. Moeketsi Majoro  
Principal Secretary & SADC National Contact Point  
Ministry of Finance & Development Planning

## **MADAGASCAR**

H E S.E.N. Marc Ravalomanana  
President

S.E.N Narcel Ranjeva  
Minister  
Ministry of Foreign Affairs

N. Rogu Nahil RAFANONEZANTSOA  
Minister  
Ministry of Industry and Communication

Mrs Nirina Angela Rabozakandraina  
SADC National Contact Point

Mr. Robert Rabary  
Chief of Division  
Ministry of Finance

S.E.N Randriasandratiniony  
Ambassador  
Ministry of Foreign Affairs

Dr Prega Ramsamy  
Counsellor  
Office of the President

Leonnel  
Director, International Relations

Angeline JUSTIN  
Director, Regional Cooperation

## **MALAWI**

H E Bingu wa Mutharika  
President

Hon. Joyce Banda  
Minister  
Ministry of Foreign Affairs and International Cooperation

Hon. Ken Lipenga  
Minister  
Ministry of Industry, Private Sector Development

Dr Chrissie C. Mughogho  
Malawi High Commissioner to Zambia

Mr. Mark Ben Mbewe  
Permanent Secretary  
Ministry of Foreign Affairs

Mr. Maxwell Mkumba  
Deputy High Commissioner  
Malawi High Commission

## **MAURITIUS**

Rt. Hon Dr Navinchandra RAMGOOLAM  
Prime Minister

Hon. Madam M Dulloo  
Minister of Foreign Affairs, International Trade & Cooperation  
Ministry of Foreign Affairs, International Trade & Cooperation

Mr. Suresh Chandre Seeballuck  
Secretary to the Cabinet & Head of Civil Service

Mr. Anund P Neewoor  
Secretary for Foreign Affairs  
Ministry of Foreign Affairs

Mr. Kaulosh Puhee  
Senior Adviser and Chief of Staff  
Prime Minister's Office

Mrs. Kalindee Bhonji  
Permanent Secretary  
Prime Minister's Office

H E Mr. Ismael DOSSA  
Mauritius High Commissioner  
Pretoria

Mr. Devdasslall Dusoruth  
Director, Regional Cooperation & SADC National Contact Point  
Ministry of Foreign Affairs, International Trade and Cooperation

Mr. Parwez Ali Mohamudally  
Principal Regional Cooperation Analyst  
Ministry of Foreign Affairs, International Trade and Cooperation

## **MOZAMBIQUE**

H E Armando Emilio Guebuza  
President

Hon. Mr. Antonio Fernando  
Minister  
Ministry of Industry and Trade

Hon. Pedro Couto  
Deputy Minister  
Ministry of Finance

H E Mr. Belmiro Malate  
High Commissioner  
Mozambique High Commission in Botswana

Mr. Domingos Fernandes  
Director & SADC National Contact Point

Dr. Renato Matusse  
Advisor  
Office of the President

## **NAMIBIA**

H E Hifikipunye Pohamba  
President

Hon. Immanuel Ngatjizeko  
Minister  
Ministry of Trade and Industry

Hon. Marco Hausiku  
Minister  
Ministry of Foreign Affairs

Hon. Charles D N P Namoloh  
Minister  
Ministry of Defence

Mr. Andrew Ndishishi  
Permanent Secretary  
Ministry of Trade and Industry

Ambassador Veiccoh K Nghiwete  
Permanent Secretary  
Ministry of Foreign Affairs

Ambassador Ndali-che Kamati  
Executive Director  
Office of the President

## **SOUTH AFRICA**

H E Thabo M Mbeki  
President

Hon N C Dlamini-Zuma  
Minister  
Ministry of Foreign Affairs

Hon S M Mpahlela  
Minister  
Ministry of Trade and Industry

Hon. L Xingwana  
Minister  
Ministry of Agriculture & Land Affairs

Ambassador J Duarte  
Deputy Director General, Africa Multilateral  
Department of Foreign Affairs

## **SWAZILAND**

His Majesty King Mswati III  
Head of State

H E Muntu P N Mswane  
High Commissioner  
Swaziland High Commission in South Africa

Mr. Mbuso C Dlamini  
Permanent Secretary  
Ministry of Economic Planning and Development

Sihle Dlamini  
Kings Private Secretary  
Kings Office

## **UNITED REPUBLIC OF TANZANIA**

H E Jakaya Mrisho Kikwete  
President

Hon. Mr. Christopher Hugu Mvula  
Minister Plenipotentiary

H E Dismas N.P. Nguma  
High Commissioner  
Tanzania High Commission

H E Adadi Rajabu  
Ambassador  
Embassy of Tanzania

H E Gornon Ngilangwa  
Ambassador  
Embassy of Tanzania

H.E Hebert Eliadi Mrango  
Ambassador  
Director of Regional Cooperation  
Ministry of Foreign Affairs & International Cooperation



## **ZAMBIA**

Hon. Kabinga Pande  
Minister of Foreign Affairs  
Ministry of Foreign Affairs

Hon. N'gandu P Magande  
Minister of Finance and National Planning  
Ministry of Finance and National Planning

Hon. Felix Mutati (MP)  
Minister of Commerce, Trade and Industry  
Ministry of Commerce, Trade and Industry

Ambassador Tens C Kapoma  
Permanent Secretary  
Ministry of Foreign Affairs

H E Mr. Mweemba Joshua Simuyandi  
High Commissioner of Zambia to Malawi  
High Commission of Zambia

H E Prof. Royson Mukwena  
High Commissioner to Tanzania  
High Commission of Zambia

H E Mr. R Musakabantu  
High Commissioner to SADC  
Ministry of Foreign Affairs

Situmbeko Musokotwane  
Economic Advisor to President

## **ZIMBABWE**

H E Robert G Mugabe  
President

Hon. S S Mumbengegwi  
Minister  
Ministry of Foreign Affairs

Hon. S Mumbengegwi  
Minister  
Ministry of Finance

Hon. O Mpofu  
Minister  
Ministry of Industry and International Trade

Ambassador J M Bimha  
Permanent Secretary  
Ministry of Foreign Affairs

Ambassador T Mandigora  
Ambassador  
Embassy of Zimbabwe in Botswana

### **SOUTHERN AFRICAN CUSTOMS UNION (SACU)**

Mr. Dumisani Mahlinza  
Director, Trade

### **AFRICAN UNION**

H E Dr Maxwell M Mkwezalamba  
Commissioner for Economic Affairs  
African Union

### **SADC PARLIAMENTARY**

Dr. Kasuka Mutukwa  
Secretary General

### **SADC TRIBUNAL**

Dr. Luis A Mondlane  
President  
SADC Tribunal

### **AFRICAN DEVELOPMENT BANK (ADB)**

Ian Charles Bonongwe  
Executive Director  
African Development Bank

Peter Sinon  
Executive Director  
African Development Bank

Dr. Rosalind Thomas  
Director  
NEPAD, Regional Integration & Trade

Lamin Manneh  
RECs Liason & Communication Officer  
NEPAD, Regional Integration & Trade Department

### **DEVELOPMENT BANK OF SOUTHERN AFRICA (DBSA)**

Mwafyonjo Lyson Muwila  
Programme Manager  
Development Bank of Southern Africa

Jean Madzongwe  
Energy Specialist  
Development Bank of Southern Africa

### **EUROPEAN COMMISSION**

H E Derek Fee  
Head of Delegation  
European Commission

Mr. Mikael Melin  
Economic Attaché

### **SATA**

Jacob Munodawafa  
Executive Secretary  
SATA

John Kimbe  
Manager, Technical & Policy  
SATA

### **SADC SECRETARIAT**

Eng. Dr. João S Caholo  
Deputy Executive Secretary

Mr. Remigious Makumbe  
Acting Chief Director

Mrs. Margaret M Nyirenda  
Director, Food, Agriculture & Natural Resources Directorate

Mr. Stephen Sianga  
Director, Social & Human Development  
& Special Programmes Directorate

Mr. Nokokure Murangi  
Director, Trade, Industry, Finance & Investment Directorate

Mr. Tanki Mothae  
Director, Organ on Politics, Defence & Security

Mr. Clement Kanyama  
Principal Finance Officer

Mrs. Magdeline Mathiba-Madibela  
Head, Gender Unit

Dr. Teodisio Uate  
Head, Legal Unit

Dr. Angelo Mondlane  
Head, Policy & Strategic Development Planning Unit

Ms. Bester Ncube  
Senior Conference Services Officer

Mr. Robin Unath  
Head, ICT

Ms. Leefa P Martin  
Head, Corporate Communications

Mr. Willem Goeiemann  
Senior Programme Manager, Macroeconomic Convergence

Dr. A Hembe  
Manager, HIV and AIDS

Mrs. Tracy Zinanga  
Senior Officer, Resource Mobilization

Ms. Lomthi Mavimbela  
Senior Programme Manager, Education

Mr. Phera Ramoeli  
Senior Programme Manager, Water

Ms. Mapolao Mokoena  
Senior Programme Manager, Transport

Ms. Judith Ngwako  
Senior Programme Manager,

Mrs. Cecilia Mamelodi  
Senior Programme Manager,

Mr. Freddy Motthatlhedhi  
Senior Programme Manager, Energy

Ms. Circa Nurse Osi  
Senior Secretary