

# Declaration and Treaty



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**DECLARATION**

**AND**

**TREATY**

**of the  
Southern African  
Development Community**

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The Declaration and Treaty establishing the Southern African Development Community (SADC) were signed by Heads of State or Government of the majority ruled Southern African States on 17 August, 1992, Windhoek, Republic of Namibia.

## INTRODUCTION

The adoption of the **Declaration and Treaty** of the Southern African Development Community (SADC) at the Summit which took place in August 1992 in Windhoek, Namibia, potentially marked a major step forward for Southern Africa. The Treaty represents the culmination of processes that have been underway in the region for some time. One of the central founding objectives of Southern African Development Coordination Conference (SADCC) was "the forging of links to create a genuine and equitable regional integration". Initially, and in the context of major deficiencies in the region's transport and communications infrastructure, exacerbated by South African aggression and destabilisation, the region agreed that the first priority should be accorded to cooperating in infrastructural projects. The emphasis later shifted from specific projects towards the coordination of sectoral plans and programmes, and also from the development of infrastructure to measures intended for the promotion of investment and production. All of this was seen not only as a step towards reducing dependence, but also as laying the foundation for genuine and equitable integration. Functional cooperation, i.e. the discrete project by project or sector approach, would bring benefits in its own right, foster an experience of working together and create a sense of regional identity; all of which would underpin a programme of progressive integration.

The 1992 Theme Document, "**SADCC: Towards Economic Integration**", argued that the region had reached a point where steps towards regional integration were warranted. A higher level of cooperation would enable the countries of the region to address problems of national development, and cope with the challenges posed by a changing and increasingly complex, regional and global environment more effectively. Increased regional trade and cross border investment in themselves could yield significant benefits. More importantly, the restructuring of productive sectors, as a basis for self-sustaining development and growth, and to respond effectively to changes in the world economy, would be more feasible on a regional than a national basis. Moreover, the countries of the region need to collectively

SADC Secretariat  
Private Bag 0095  
Gaborone  
Botswana  
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Telephone 351863  
Fax: 372848/581070  
Website:www.sadc.int

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overcome the sharp disparities in the performance of the various economies, as the only viable basis for fulfilling, in the long-term, the principles of balance, equity and mutual benefit; which form the foundation for regional integration in Southern Africa.

The Treaty aims to give practical effect to these goals. Article 22(1) provides for Member States to conclude a series of Protocols to "spell out the objectives and scope of, and institutional mechanisms for cooperation and integration". These Protocols are to be negotiated by the Member States and, after approval by the Summit, become an integral part of the Treaty. Article 21 (3) identifies the following areas in which cooperation towards integration would be pursued:

- a) food security, land and agriculture;
- b) infrastructure and services;
- c) industry, trade, investment and finance;
- d) human resources development, science and technology;
- e) natural resources and environment;
- f) social welfare, information and culture; and
- g) politics, diplomacy, international relations, peace and security.

Additional areas of cooperation are also permitted under Article 21 (4).

Obviously, the coincidence of policies and plans of Member States in all these areas is critical for the integration process. Regional programmes and projects require a regional approach to sector planning, if they are to yield maximum results. This approach, in turn, requires a strong sector policy coordination. Therefore, the integration process will also create arrangements to promote the harmonisation of sector policies and plans.

Moreover, the successful integration of sector policies and plans, in turn requires a high level of harmonisation of macro-economic policies. At an early stage, the integration process should provide arrangements for Member States to harmonise their general macro-economic, fiscal and monetary policies, particularly to establish a strong relationship among the region's currencies. In this context, measures to control inflation and to ensure overall financial and monetary stability, will be

critical.

In its efforts to build the community, the new SADC had twelve years of experience in regional cooperation to draw from. During those twelve years, the SADCC had successes and failures, and important lessons were learnt. The successes are mostly for the others to judge, but the regional solidarity and identity that have been engendered, and, the successful implementation of major projects in energy, food and agriculture, transport and communications, can be pointed out as significant achievements.

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**TOWARDS THE  
SOUTHERN AFRICAN  
DEVELOPMENT  
COMMUNITY**

**A DECLARATION BY THE  
HEADS OF STATE OR  
GOVERNMENT OF  
SOUTHERN AFRICAN  
STATES**

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**In the Declaration:** Southern Africa: Towards Economic Liberation, adopted in Lusaka, Zambia, on 1st April, 1980, the Heads of State or Government of independent states of Southern Africa committed themselves to pursuing policies aimed at economic liberation and integrated development of the economies of the region. This Declaration gave rise to the establishment of the Southern African Development Coordination Conference (SADCC).

Our common cultural and social affinities, common historical experiences, common problems and aspirations, remain a firm and enduring foundation for common actions to promote regional economic welfare, collective self-reliance and integration; in the spirit of equity and partnership. This firm foundation is necessary for the attainment of our cherished ideals of economic well-being, the improvement of the standard and quality of life, freedom and social justice, and peace and security, for the peoples of Southern Africa.

We, the Heads of State and Government of the Southern African States hereby commit ourselves and our governments to the establishment of a SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) to achieve these ideals, and to serve as a vehicle for the development and integration of the region.

We also offer and commend this Declaration to the peoples of Southern Africa, and call upon them to make the same commitment, and to participate fully in the process towards regional integration. Furthermore, we call upon the international community to continue to support the efforts of the countries of Southern Africa to realise this ideal.

## **SOUTHERN AFRICA IN CONTEXT**

Since the adoption of the Lusaka Declaration, Southern Africa has changed, and is still changing. The quest for democracy and popular participation in the management of public affairs is entrenched, and spreading fast and wide. The management of economic affairs is being reformed to allow for efficiency, economy and competitiveness, and to

enable individuals to innovate and to take the responsibility for improving their own lives and their communities.

The attainment of independence and sovereign nationhood by Namibia, formally ended the struggle against colonialism in the region. In the other countries, concerted efforts to end internal conflicts and civil strife are bearing positive results.

In South Africa, the process is underway to end the inhuman system of apartheid, and to bring about a constitutional dispensation acceptable to the people of South Africa as a whole. It is, therefore, only a matter of time before a new South Africa is welcome to join the family of free and majority-ruled States of the region.

The developments outlined above will take the region out of an era of conflict and confrontation, to one of cooperation; in a climate of peace, security and stability. These are prerequisites for development, and for the improvement of the standard and quality of life of the peoples of the region.

These changes taking place in the region are also bringing about a greater convergence of economic, political and social values across the region, and will help create the appropriate environment for deeper regional cooperation.

On the African continent, efforts continue, principally under the auspices of the Organisation of African Unity (OAU) to promote closer economic relations.

Both the Lagos Plan of Action of 1980, and the Treaty establishing the African Economic Community, signed by OAU Heads of State or Government, in June 1991, make Regional Economic Communities (RECs) the building blocks for the continental community.

We, therefore, view our efforts at regional integration in Southern Africa as part of this continental effort.

On the global scene, fundamental and far-reaching political and eco-

nomical changes are taking place. The cold war has ended, and world affairs are increasingly being managed on the basis of consultation and consensus, rather than confrontation and competition.

In addition, economic and social progress in the world is increasingly based on the mastery of science and technology, advanced human skills and high levels of productivity.

Integration is fast becoming a global trend. Countries in different regions of the globe are organising themselves into closer economic and political entities. These movements towards stronger regional blocs will transform the world, both economically and politically. Firms within these economic blocs will benefit from economies of scale provided by large markets, to become competitive both internally and internationally.

Colonialism, racism, especially apartheid, and destabilisation have left Southern Africa a legacy of wide disparities, deep economic dependence and social dislocation. This situation is neither desirable nor sustainable in the long term, because it is both unjust and wasteful. It is also a potential source of tension that could lead to future instability in the region. There is, therefore, an urgent imperative to restructure regional economies and relations towards balanced, equitable and mutually beneficial growth and development.

## **THE SADCC EXPERIENCE**

SADCC was established as a vehicle for the reduction of economic dependence and for equitable regional integration; an appropriate sequel to the political emancipation of the region. SADCC has made commendable achievements since its founding in 1980, particularly seen against the national economic problems, the hostile international economic environment and the massive destabilization and military aggression of the apartheid regime in South Africa. Of all the contributions SADCC has made to regional development, the greatest has been in forging a regional identity and a sense of a common destiny among the countries and peoples of Southern Africa.

However, progress towards reduction of the region's economic dependence, and towards economic integration, has been modest. The organisation has, so far, not been able to mobilise to the fullest extent possible, the region's own resources, for development. Yet this is one of the central objectives, as well as strategies, for effective and self-sustaining regional development. This requires political commitment and effective institutions and mechanisms to mobilise the region's own resources.

## **A SHARED FUTURE**

In the light of its peculiar circumstances, and international changes in the organisation of production and trade, Southern Africa needs to arrange and manage its affairs in a manner that will provide opportunities to all its people, on the basis of equity and mutual benefit; to invest and to become effective actors in the regional and international market places.

The economies of Southern Africa states are small and underdeveloped. The countries of the region must, therefore, join together to strengthen themselves economically and politically, if the region is to become a serious player in international relations. No single country of Southern Africa can achieve this status on its own.

Southern Africa has also been an arena of conflict and militarisation, associated with the struggle for political liberation, and the fight against apartheid and racism, aggression and destabilisation. A new Southern Africa, concerned with peace and development, must find a more abiding basis for continuing political solidarity and cooperation, in order to guarantee mutual peace and security in the region; and to free resources from military to productive development activities.

The countries of Southern Africa will, therefore, work out and adopt a framework of cooperation which provides for:

- a) deeper economic cooperation and integration, on the basis of balance, equity and mutual benefit, providing for cross-border

investment and trade, and freer movement of factors of production, goods and services across national borders;

- b) common economic, political, social values and systems, enhancing enterprise and competitiveness, democracy and good governance, respect for the rule of law and the guarantee of human rights, popular participation and alleviation of poverty;
- c) strengthened regional solidarity, peace and security, in order for the people of the region to live and work together in peace and harmony.

There is, therefore, a critical need to develop; among all the countries and people of Southern Africa, a vision of a shared future, a future within a regional community.

## **STRATEGIES**

### **a) Human Resources, Science and Technology**

The most binding constraint to development of the region is inadequate professionally and technically qualified and experienced personnel, to plan and manage the development process efficiently and effectively.

Human development is a life-long process of developing an individual's potential to the fullest, through education and training, improved health, ability to earn a decent living, the exercise of economic and political choices, and guaranteed basic human rights; to afford him/her full involvement in the development process.

The region also lacks an adequate scientific and technological base, and is substantially dependent on imported expertise and technology.

A high priority for the region must, therefore, be to develop effective national and regional policies on science and technol-



ogy, setting realistic goals and identifying practical, cost-effective instruments for achieving these goals. In formulating policies and programmes, close links will need to be developed with the business sector which utilises the technology and skilled people.

Appropriate measures will be taken to improve the region's scientific and technological base, through curricula improvement; establishment of centres of specialisation and concerted efforts in the promotion of research and development.

Policies will also be implemented to realise the innovative potential and entrepreneurship of the people of the region, and to encourage self-application and a strong work ethic.

**b) Food Security, Natural Resources and Environment**

Land, agriculture and food security are synonymous with life and livelihood. Most of the people of Southern Africa remain dependant on agriculture as a source of food and income. Agriculture is also critical to the industrialisation of the region, by ensuring availability of raw materials for local industries, and a source of purchasing power for the people. Agricultural development will, therefore, need to provide for increased production and productivity, and intra-regional trade in food and other crops, to guarantee food security and enhance the quality of life of the people of the region.

The exploitation and utilisation of natural resources, especially land, water and minerals will contribute to human welfare and development. However, such exploitation requires good management and conservation, to ensure that development does not reduce or impair the diversity and richness of the region's natural resource base and environment.

In this context, policy measures will be taken, and mechanisms instituted to protect the environment, and manage natural re-

source utilisation with a view to achieving optimum sustainable benefits for the present and future generations of Southern Africans.

**c) Infrastructure and Services**

In order to enhance services to the people of the region, to support industrial development and growth, and promote intra-regional trade; the rehabilitation and upgrading of existing, and development of new transport and communications and energy systems will remain a priority.

Emphasis will also be placed on increased and effective operational coordination, towards efficiency, cost-effectiveness and competitiveness, in order to ensure economic viability of the systems.

**d) Finance, Investment and Trade**

The creation of an environment conducive to increased investment, particularly in the material productive sectors of the regional economy, is central to the strategy for regional integration.

The experience gained in regional cooperation so far, shows that collective self-reliance with respect to the mobilisation of regional resources, is one of the areas where the gap between the declared aims and practice has been widest. Appropriate measures will be instituted urgently to address this issue, in order for the region to achieve its aims and objectives.

Although the creation of a regional market under existing circumstances could lead to only a modest increase in intra-regional trade, its most important impact will be to spur new types of investment in more productive and competitive industries, to supply the regional and international markets.

Continuing policy and management reforms, the restructuring of production at higher levels of enterprise, productivity and competitiveness; are accordingly identified as the main pillars of a strategy capable of engendering increased investment in production and trade.

It is evident that for this to take place, the countries of Southern Africa will need to harmonise their economic policies and plans, and ensure that regional integration becomes an intrinsic and integral part of the management of national affairs. In this regard, particular attention will be given to factors which impinge on intra-regional investment and trade flows, such as payments and clearance, monetary and financial relations, and mechanisms for the mobilisation of the region's own resources.

**e) Popular Participation**

Regional integration will continue to be a pipe dream unless the peoples of the region determine its content, form and direction, and are themselves its active agent.

Measures will, therefore, be taken, and appropriate mechanisms and institutional framework put in place; to involve the people of the region in the process of regional integration.

**f) Solidarity, Peace and Security**

War and insecurity are the enemy of economic progress and social welfare.

Good and strengthened political relations among the countries of the region, and peace and mutual security are critical components of the total environment for regional cooperation and integration. The region needs, therefore, to establish a framework and mechanisms to strengthen regional solidarity, and provide for mutual peace and security.

## INSTITUTIONS

Successful regional integration will depend on the extent to which there exist national and regional institutions with adequate competence and capacity to stimulate and manage efficiently and effectively, the complex process of integration.

Integration will require mechanisms capable of achieving the high level of political commitment necessary to shape the scope and scale of the process of integration. This implies strengthening the powers and capacity of regional decision-making, coordinating and executing bodies.

Integration does imply that some decisions which were previously taken by individual states are taken regionally, and those decisions taken nationally give due consideration to regional positions and circumstances. Regional decision-making also implies elements of change in the locus and context of exercising sovereignty, rather than a loss of sovereignty.

## INTERNATIONAL COOPERATION

This Declaration is a statement of commitment and strategy, aimed at economic development and integration of Southern Africa, on the basis of balance, equity and mutual benefit. However, Southern Africa is still a developing region which will continue to need the support of the international community to realise its plans and aspirations. Every effort will, therefore, be made to consolidate the goodwill which the Southern African states have established with their international cooperating partners, and to justify and stimulate enhanced practical international cooperation, for mutual benefit.

## COMMITMENT

Underdevelopment, exploitation, deprivation and backwardness in Southern Africa will be overcome only through economic cooperation and integration. The welfare of the people of Southern Africa, and the

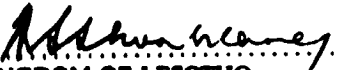
development of its economies, require concerted and higher levels of coordinated regional action.

The primary responsibility for upliftment of the welfare of the people of this region rests primarily with them and their Governments. Member States recognise that the attainment of the objective of regional economic integration in Southern Africa will require us to exercise our sovereign right in empowering the organisation to act on our behalf and for our common good. This is the challenging mission of SADC.

This declaration is produced in two (2) original texts in English and Portuguese languages, both texts being equally authentic.

Done in Windhoek, on <sup>17<sup>th</sup></sup> ~~25<sup>th</sup>~~ August, 1992.  
*agreements*

  
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PEOPLE'S REPUBLIC OF ANGOLA

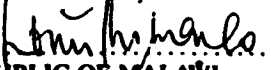
  
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REPUBLIC OF NAMIBIA

  
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UNITED REPUBLIC OF TANZANIA

  
.....  
REPUBLIC OF ZIMBABWE

**TREATY OF THE  
SOUTHERN AFRICAN  
DEVELOPMENT COMMUNITY**

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**PREAMBLE**

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

- The People's Republic of Angola**
- The Republic of Botswana**
- The Kingdom of Lesotho**
- The Republic of Malawi**
- The Republic of Mozambique**
- The Republic of Namibia**
- The Kingdom of Swaziland**
- The United Republic of Tanzania**
- The Republic of Zambia**
- The Republic of Zimbabwe**

**HAVING REGARD** to the objectives set forth in "Southern Africa: Toward Economic Liberation - A Declaration by the Governments of Independent States of Southern Africa, made at Lusaka, on the 1st April, 1980";

**IN PURSUANCE** of the principles of "Towards a Southern African Development Community - A Declaration made by the Heads of State or Government of Southern Africa at Windhoek, in August, 1992," which affirms our commitment to establish a Development Community in the Region;

**DETERMINED** to ensure, through common action, the progress and well-being of the people of Southern Africa;

**CONSCIOUS** of our duty to promote the interdependence and integration of our national economies for the harmonious, balanced and equitable development of the Region;

**CONVINCED** of the need to mobilise our own and international resources to promote the implementation of national, interstate and regional policies, programmes and projects within the framework for economic integration;

**DEDICATED** to secure, by concerted action, international understanding, support and co-operation;

**MINDFUL** of the need to involve the people of the Region centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights and the rule of law;

**RECOGNISING** that, in an increasingly interdependent world, mutual understanding, good neighbourliness, and meaningful co-operation among the countries of the Region are indispensable to the realisation of these ideals;

**TAKING INTO ACCOUNT** the Lagos Plan of Action and the Final Act of Lagos of April 1980, and the Treaty establishing the African Economic Community signed at Abuja, on the 3<sup>rd</sup> of June, 1991;

**BEARING IN MIND** the principles of international law governing relation between States;

Have decided to establish an international organisation to be known as the **Southern African Development Community (SADC)**, and hereby agree as follows:

## CHAPTER ONE

### ARTICLE 1 DEFINITIONS

In this Treaty, unless the context otherwise requires:

|             |   |
|-------------|---|
| "Treaty"    | means this Treaty establishing SADC;  |
| "Protocol"  | means an instrument of implementation of this Treaty, having the same legal force as this Treaty; |
| "Community" | means the organisation for economic integration established by Article 2 of this Treaty;          |
| "Region"    | means the geographical area of the Member States of SADC;   |

|                            |  |
|----------------------------|--|
| "Member State"             | means a member of SADC;  |
| "Summit"                   | means the Summit of the Heads of State or Government of SADC established by Article 9 of this Treaty;  |
| "High Contracting Parties" | means States, herein represented by Heads of State or Government or their duly authorised representative for purposes of the establishment of the Community; |
| "Council"                  | means the Council of Ministers of SADC established by Article 9 of this Treaty;  |
| "Secretariat"              | means the Secretariat of SADC established by Article 9 of this Treaty;   |
| "Executive Secretary"      | means the chief executive officer of SADC appointed under Article 10 (7) of this Treaty;   |
| "Commission"               | means a commission of SADC established by Article 9 of this Treaty;  |
| "Tribunal"                 | means the tribunal of the Community established by Article 9 of this Treaty;   |
| "Sectoral Committee"       | means a committee referred to in Article 38 of this Treaty;  |
| "Sector Coordinating Unit" | means a unit referred to in Article 38 of this Treaty;   |
| "Standing Committee"       | means the Standing Committee of Officials established by Article 9 of this Treaty;   |
| "Fund"                     | means resources available at any given time for application to programmes, projects and activities of SADC as provided by Article 26 of this Treaty.         |



**CHAPTER TWO  
ESTABLISHMENT AND LEGAL STATUS**

**ARTICLE 2  
ESTABLISHMENT**

1. By this Treaty, the High Contracting Parties establish the Southern African Development Community ( hereinafter referred to as SADC).
2. The Headquarters of SADC shall be at Gaborone, Republic of Botswana.

**ARTICLE 3  
LEGAL STATUS**

1. SADC shall be an international organisation, and shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued.
2. In the territory of each Member State, SADC shall, pursuant to paragraph 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.

**CHAPTER THREE  
PRINCIPLES, OBJECTIVES AND  
GENERAL UNDERTAKINGS**

**ARTICLE 4  
PRINCIPLES**

SADC and its Member States shall act in accordance with the following principles:

- a) sovereign equality of all Member States;

- b) solidarity, peace and security;
- c) human rights, democracy, and the rule of law;
- d) equity, balance and mutual benefit;
- e) peaceful settlement of disputes.

**ARTICLE 5  
OBJECTIVES**

1. The objectives of SADC shall be to:
  - a) achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;
  - b) evolve common political values, systems and institutions;
  - c) promote and defend peace and security;
  - d) promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States;
  - e) achieve complementarity between national and regional strategies and programmes;
  - f) promote and maximise productive employment and utilisation of resources of the Region;
  - g) achieve sustainable utilisation of natural resources and effective protection of the environment;
  - h) strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the Region.

2. In order to achieve the objectives set out in paragraph 1 of this Article, SADC shall:
- a) harmonise political and socio-economic policies and plans of Member States;
  - b) encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the Region, and to participate fully in the implementation of the programmes and projects of SADC;
  - c) create appropriate institutions and mechanisms for the mobilisation of requisite resources for the implementation of programmes and operations of SADC and its Institutions;
  - d) develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the Region generally, among Member States;
  - e) promote the development of human resources;
  - f) promote the development, transfer and mastery of technology;
  - g) improve economic management and performance through regional co-operation;
  - h) promote the coordination and harmonisation of the international relations of Member States;
  - i) secure international understanding, co-operation and support, and mobilise the inflow of public and private resources into the Region;
  - j) develop such other activities as Member States may decide in furtherance of the objectives of this Treaty.

## ARTICLE 6 GENERAL UNDERTAKINGS

1. Member States undertake to adopt adequate measures to promote the achievement of the objectives of SADC, and shall refrain from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.
2. SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture or disability.
3. SADC shall not discriminate against any Member State.
4. Member States shall take all steps necessary to ensure the uniform application of this Treaty.
5. Member States shall take all necessary steps to accord this Treaty the force of national law.
6. Member States shall co-operate with and assist institutions of SADC in the performance of their duties.

## CHAPTER FOUR MEMBERSHIP

### ARTICLE 7 MEMBERSHIP

States listed in the Preamble hereto shall, upon signature and ratification of this Treaty, be members of SADC.

### ARTICLE 8 ADMISSION OF NEW MEMBERS

1. Any state not listed in the Preamble to this Treaty may become a

member of SADC upon being admitted by the existing members and acceding to this Treaty.

2. The admission of any such state to membership of SADC shall be effected by a unanimous decision of the Summit.
3. The Summit shall determine the procedures for the admission of new members and for accession to this Treaty by such members.
4. Membership of SADC shall not be subject to any reservations.

## CHAPTER FIVE INSTITUTIONS

### ARTICLE 9 ESTABLISHMENT OF INSTITUTIONS

1. The following Institutions are hereby established:
  - a) The Summit of Heads of State or Government;
  - b) The Council of Ministers;
  - c) Commissions;
  - d) The Standing Committee of Officials;
  - e) The Secretariat; and
  - f) The Tribunal.
2. Other institutions may be established as necessary.

### ARTICLE 10 THE SUMMIT

1. The Summit shall consist of the Heads of State or Government of

all Member States, and shall be the supreme policy-making Institution of SADC.

2. The Summit shall be responsible for the overall policy direction and control of the functions of SADC.
3. The Summit shall adopt legal instruments for the implementation of the provisions of this Treaty; provided that the Summit may delegate this authority to the Council or any other institution of SADC as the Summit may deem appropriate.
4. The Summit shall elect a Chairman and a Vice-Chairman of SADC from among its members for an agreed period on the basis of rotation.
5. The Summit shall meet at least once a year.
6. The Summit shall decide on the creation of Commissions, other institutions, committees and organs as need arises.
7. The Summit shall appoint the Executive Secretary and the Deputy Executive Secretary, on the recommendation of the Council.
8. Unless otherwise provided in this Treaty, the decisions of the Summit shall be by consensus and shall be binding.

### ARTICLE 11 THE COUNCIL

1. The Council shall consist of one Minister from each Member State, preferably a Minister responsible for economic planning or finance.
2. It shall be the responsibility of the Council to:
  - a) oversee the functioning and development of SADC;
  - b) oversee the implementation of the policies of SADC and the proper execution of its programmes;
  - c) advise the Summit on matters of overall policy and efficient

and harmonious functioning and development of SADC;

- d) approve policies, strategies and work programmes of SADC;
  - e) direct, coordinate and supervise the operations of the institutions of SADC subordinate to it;
  - f) define sectoral areas of co-operation and allocate to Member States responsibility for coordinating sectoral activities, or re-allocate such responsibilities;
  - g) create its own committees as necessary;
  - h) recommend to the Summit persons for appointment to the posts of Executive Secretary and Deputy Executive Secretary;
  - i) determine the Terms and Conditions of Service of the staff of the institutions of SADC;
  - j) convene conferences and other meetings as appropriate, for purposes of promoting the objectives and programmes of SADC; and
  - k) perform such other duties as may be assigned to it by the Summit or this Treaty;
3. The Chairman and Vice-Chairman of the Council shall be appointed by the Member States holding the Chairmanship and Vice-Chairmanship of SADC respectively.
  4. The Council shall meet at least once a year.
  5. The Council shall report and be responsible to the Summit.
  6. Decisions of the Council shall be by consensus.

## ARTICLE 12 COMMISSIONS

1. Commissions shall be constituted to guide and coordinate co-operation and integration policies and programmes in designated sectoral areas.
2. The composition, powers, functions, procedures and other matters related to each Commission shall be prescribed by an appropriate protocol approved by the Summit.
3. The Commissions shall work closely with the Secretariat.
4. Commissions shall be responsible and report to the Council.

## ARTICLE 13 THE STANDING COMMITTEE OF OFFICIALS

1. The Standing Committee shall consist of one permanent secretary or an official of equivalent rank from each Member State, preferably from a ministry responsible for economic planning or finance.
2. The Standing Committee shall be a technical advisory committee to the Council.
3. The Standing Committee shall be responsible and report to the Council.
4. The Chairman and Vice-Chairman of the Standing Committee shall be appointed from the Member States holding the Chairmanship and the Vice-Chairmanship, respectively, of the Council.
5. The Standing Committee shall meet at least once a year.
6. Decisions of the Standing Committee shall be by consensus.

**ARTICLE 14  
THE SECRETARIAT**

1. The Secretariat shall be the principal executive Institution of SADC, and shall be responsible for:
  - a) strategic planning and management of the programmes of SADC;
  - b) implementation of decisions of the Summit and of the Council;
  - c) organisation and management of SADC meetings;
  - d) financial and general administration;
  - e) representation and promotion of SADC; and
  - f) coordination and harmonisation of the policies and strategies of Member States.
2. The Secretariat shall be headed by the Executive Secretary.
3. The Secretariat shall have such other staff as may be determined by the Council from time to time.

**ARTICLE 15  
THE EXECUTIVE SECRETARY**

1. The Executive Secretary shall be responsible to the Council for the following:
  - a) consultation and coordination with the Governments and other institutions of Member States;
  - b) pursuant to the direction of Council or Summit, or on his/her own initiative, undertaking measures aimed at promoting the objectives of SADC and enhancing its performance;

- c) promotion of co-operation with other organisations for the furtherance of the objectives of SADC;
  - d) organising and servicing meetings of the Summit, the Council, the Standing Committee and any other meetings convened on the direction of the Summit or the Council;
  - e) custodianship of the property of SADC;
  - f) appointment of the staff of the Secretariat, in accordance with procedures, and under Terms and Conditions of Service determined by the Council;
  - g) administration and finances of the Secretariat;
  - h) preparation of Annual Reports on the activities of SADC and its institutions;
  - i) preparation of the Budget and Audited Accounts of SADC for submission to the Council;
  - j) diplomatic and other representations of SADC;
  - k) public relations and promotion of SADC;
  - l) such other functions as may, from time to time, be determined by the Summit and Council.
2. The Executive Secretary shall liaise closely with Commissions, and other institutions, guide, support and monitor the performance of SADC in the various sectors to ensure conformity and harmony with agreed policies, strategies programmes and projects.
  3. The Executive Secretary shall be appointed for four years, and be eligible for appointment for another period not exceeding four years.

**ARTICLE 16  
THE TRIBUNAL**

1. The Tribunal shall be constituted to ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it.
2. The composition, powers, functions, procedures and other related matters governing the Tribunal shall be prescribed in a Protocol adopted by the Summit.
3. Members of the Tribunal shall be appointed for a specified period.
4. The Tribunal shall give advisory opinions on such matters as the Summit or the Council may refer to it.
5. The decisions of the Tribunal shall be final and binding.

**ARTICLE 17  
SPECIFIC UNDERTAKINGS**

1. Member States shall respect the international character and responsibilities of SADC, the Executive Secretary and other staff of SADC, and shall not seek to influence them in the discharge of their functions.
2. In the performance of their duties, the members of the Tribunal, the Executive Secretary and the other staff of SADC shall be committed to the international character of SADC, and shall not seek or receive instructions from any Member States, or from any authority external to SADC. They shall refrain from any action incompatible with their positions as international staff responsible only to SADC.

**CHAPTER SIX  
MEETINGS**

**ARTICLE 18  
QUORUM**

The quorum for all meetings of the Institutions of SADC shall be two-thirds of its Members.

**ARTICLE 19  
DECISIONS**

Except as otherwise provided in this Treaty, decisions of the Institutions of SADC shall be taken by consensus.

**ARTICLE 20  
PROCEDURE**

Except as otherwise provided in this Treaty, the Institutions of SADC shall determine their own rules of procedure.

**CHAPTER SEVEN  
CO-OPERATION**

**ARTICLE 21  
AREAS OF CO-OPERATION**

1. Member States shall cooperate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit.
2. Member States shall, through appropriate institutions of SADC,

coordinate, rationalise and harmonise their overall macro-economic and sectoral policies and strategies, programmes and projects in the areas of co-operation.

3. In accordance with the provisions of this Treaty, Member States agree to co-operate in the areas of:
  - a) food security, land and agriculture;
  - b) infrastructure and services;
  - c) industry, trade, investment and finance;
  - d) human resources development, science and technology;
  - e) natural resources and environment;
  - f) social welfare, information and culture; and
  - g) politics, diplomacy, international relations, peace and security.
4. Additional areas of co-operation may be decided upon by the Council.

#### ARTICLE 22 PROTOCOLS

1. Member States shall conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for, co-operation and integration.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council, and shall thereafter become an integral part of this Treaty.
3. Each Protocol shall be subject to signature and ratification by the parties thereto.

#### ARTICLE 23 NON-GOVERNMENTAL ORGANISATIONS

1. In pursuance of the objectives of this Treaty, SADC shall seek to involve fully, the people of the Region and non-governmental organisations in the process of regional integration.
2. SADC shall co-operate with, and support the initiatives of the peoples of the Region and non-governmental organisations, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among the communities, associations and people of the Region.

#### CHAPTER EIGHT RELATIONS WITH OTHER STATES, REGIONAL AND INTERNATIONAL ORGANISATIONS

#### ARTICLE 24

1. Subject to the provisions of Article 6(1), Member States and SADC shall maintain good working relations and other forms of co-operation, and may enter into agreements with other states, regional and international organisations, whose objectives are compatible with the objectives of SADC and the provisions of this Treaty.
2. Conferences and other meetings may be held between Member States and other Governments and organisations associated with the development efforts of SADC to review policies and strategies, and evaluate the performance of SADC in the implementation of its programmes and projects, identify and agree on future plans of co-operation.

**CHAPTER NINE  
RESOURCES, FUND AND ASSETS**

**ARTICLE 25  
RESOURCES**

1. SADC shall be responsible for the mobilisation of its own and other resources required for the implementation of its programmes and projects.
2. SADC shall create such institutions as may be necessary for the effective mobilisation and efficient application of resources for regional development.
3. Resources acquired by SADC by way of contributions, loans, grants or gifts, shall be the property of SADC.
4. The resources of SADC may be made available to Member States in pursuance of the objectives of this Treaty, on terms and conditions mutually agreed between SADC and the Member States involved.
5. Resources of SADC shall be utilised in the most efficient and equitable manner.

**ARTICLE 26  
FUND**

The Fund of SADC shall consist of contributions of Member States, income from SADC enterprises and receipts from regional and non-regional sources.

**ARTICLE 27  
ASSETS**

1. **Property**, both movable and immovable, acquired by or on behalf of SADC shall constitute the assets of SADC, irrespective of their location.
2. **Property** acquired by Member States, under the auspices of SADC, shall belong to the Member States concerned, subject to provisions of paragraph 3 of this Article, and Articles 25 and 34 of this Treaty.
3. **Assets** acquired by Member States under the auspices of SADC shall be accessible to all Member States on an equitable basis.

**CHAPTER TEN  
FINANCIAL PROVISIONS**

**ARTICLE 28  
THE BUDGET**

1. The budget of SADC shall be funded by contributions made by Member States, and such other sources as may be determined by the Council.
2. Member States shall contribute to the budget of SADC in proportions agreed upon by the Council.
3. The Executive Secretary shall cause to be prepared, estimates of revenue and expenditure for the Secretariat and Commissions, and submit them to the Council, not less than three months before the beginning of the financial year.
4. The Council shall approve the estimates of revenue and expenditure before the beginning of the financial year.
5. The financial year of SADC shall be determined by the Council.



**ARTICLE 29  
EXTERNAL AUDIT**

1. The Council shall appoint external auditors and shall fix their fees and remuneration at the beginning of each financial year.
2. The Executive Secretary shall cause to be prepared and audited annual statements of accounts for the Secretariat and Commissions, and submit them to the Council for approval.

**ARTICLE 30  
FINANCIAL REGULATIONS**

The Executive Secretary shall prepare and submit to the Council for approval financial regulations, standing orders and rules for the management of the affairs of SADC.

**CHAPTER ELEVEN  
IMMUNITIES AND PRIVILEGES**

**ARTICLE 31**

1. SADC, its Institutions and staff shall, in the territory of each Member State, have such immunities and privileges as are necessary for the proper performance of their functions under this Treaty, and which shall be similar to those accorded to comparable international organisations.
2. The immunities and privileges conferred by this Article shall be prescribed in a Protocol.

**CHAPTER TWELVE  
SETTLEMENT OF DISPUTES**

**ARTICLE 32**

Any dispute arising from the interpretation or application of this Treaty, which cannot be settled amicably, shall be referred to the Tribunal.

**CHAPTER THIRTEEN  
SANCTIONS, WITHDRAWAL AND DISSOLUTION**

**ARTICLE 33  
SANCTIONS**

1. Sanctions may be imposed against any Member State that:
  - a) persistently fails, without good reason, to fulfil obligations assumed under this Treaty;
  - b) implements policies which undermine the principles and objectives of SADC; or
  - c) is in arrears for more than one year in the payment of contributions to SADC, for reasons other than those caused by natural calamity or exceptional circumstances that gravely affect its economy, and has not secured the dispensation of the Summit.
2. The sanctions shall be determined by the Summit on a case-by-case basis.

**ARTICLE 34  
WITHDRAWAL**

1. A Member State wishing to withdraw from SADC shall serve notice

of its intention in writing, a year in advance, to the Chairman of SADC, who shall inform other Member States accordingly.

2. At the expiration of the period of notice, the Member State shall, unless the notice is withdrawn, cease to be a member of SADC.
3. During the one year period of notice referred to in paragraph 1 of this Article, the Member State wishing to withdraw from SADC shall comply with the provisions of this Treaty, and shall continue to be bound by its obligations.
4. A Member State which has withdrawn shall not be entitled to claim any property or rights until the dissolution of SADC.
5. Assets of SADC situated in the territory of a Member State which has withdrawn, shall continue to be the property of SADC and be available for its use.
6. The obligations assumed by Member States under this Treaty shall, to the extent necessary to fulfil such obligations, survive the termination of membership by any State.

#### ARTICLE 35 DISSOLUTION

1. The Summit may decide by a resolution supported by three-quarters of all members to dissolve SADC or any of its Institutions, and determine the terms and conditions of dealing with its liabilities and disposal of its assets.
2. A proposal for the dissolution of SADC may be made to the Council by any Member State, for preliminary consideration, provided, however, that such a proposal shall not be submitted for the decision of the Summit until all Member States have been duly notified of it and a period of twelve months has elapsed after the submission to the Council.

#### CHAPTER FOURTEEN AMENDMENT OF THE TREATY

##### ARTICLE 36

1. An amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit.
2. A proposal for the amendment of this Treaty may be made to the Executive Secretary by any Member State for preliminary consideration by the Council, provided, however, that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

#### CHAPTER FIFTEEN LANGUAGE

##### ARTICLE 37

The working languages of SADC shall be English and Portuguese and such other languages as the Council may determine.

#### CHAPTER SIXTEEN SAVING PROVISIONS

##### ARTICLE 38

A Sectoral Committee, Sector Coordinating Unit or any other institution, obligation or arrangement of the Southern African Development Coordination Conference which exists immediately before the coming into force of this Treaty, shall to the extent that it is not inconsistent with the provisions of this Treaty, continue to subsist, operate or bind Member States or SADC as if it were established or undertaken under this Treaty, until the Council or Summit determines otherwise.

**CHAPTER SEVENTEEN**

**SIGNATURE, RATIFICATION, ENTRY INTO FORCE,  
ACCESSION AND DEPOSITARY**

**ARTICLE 39  
SIGNATURE**

This Treaty shall be signed by the High Contracting Parties.

**ARTICLE 40  
RATIFICATION**

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

**ARTICLE 41  
ENTRY INTO FORCE**

This Treaty shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-third of the States listed in the Preamble.

**ARTICLE 42  
ACCESSION**

This Treaty shall remain open for accession by any state subject to Article 8 of this Treaty.

**ARTICLE 43  
DEPOSITARY**

1. The original texts of this Treaty and Protocols and all instruments of ratification and accession 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 Treaty with the Secretariats of the United Nations Organisation and the Organisation of African Unity.

**CHAPTER EIGHTEEN  
TERMINATION OF THE MEMORANDUM OF  
UNDERSTANDING**

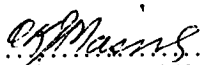
**ARTICLE 44**

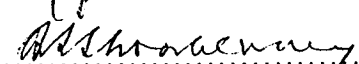
This Treaty replaces the Memorandum of Understanding on the Institutions of the Southern African Development Coordination Conference dated 20<sup>th</sup> July, 1981.

IN WITNESS WHEREOF, WE, the Heads of State or Government have signed this Treaty.


DONE AT Windhoek, on <sup>17<sup>th</sup></sup>..... Day of August, 1992 in two (2) original texts in the English and Portuguese languages, both texts being equally authentic.

  
.....  
THE PEOPLE'S REPUBLIC OF ANGOLA

  
.....  
REPUBLIC OF BOTSWANA

  
.....  
KINGDOM OF LESOTHO

  
.....  
REPUBLIC OF MALAWI


  
.....  
REPUBLIC OF MOZAMBIQUE

  
.....  
REPUBLIC OF NAMIBIA

  
.....  
KINGDOM OF SWAZILAND

  
.....  
UNITED REPUBLIC OF TANZANIA

  
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REPUBLIC OF ZAMBIA

  
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REPUBLIC OF ZIMBABWE

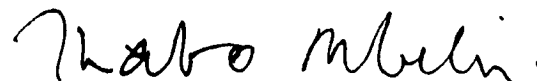
**INSTRUMENT OF ACCESSION**

**WHEREAS** the Treaty of the Southern African Development Community, done at Windhoek on 17 August 1992, remains open for accession;

**AND WHEREAS** the Government of the Republic of South Africa desires to accede to the said Treaty;

**NOW, THEREFORE**, the Government of the Republic of South Africa, having considered the Treaty, hereby, subject to approval by the Parliament of the Republic of South Africa, accedes to and accepts the same in accordance with Article 42 thereof.

**IN WITNESS WHEREOF**, I Thabo Mvuyelwa Mbeki, Executive Deputy President of the Republic of South Africa, have signed and sealed these presents at Gaborone on this the 29th day of August in the Year One Thousand Nine Hundred and Ninety Four.



**Executive Deputy President  
REPUBLIC OF SOUTH AFRICA**



*Prime Minister  
Republic of Mauritius*

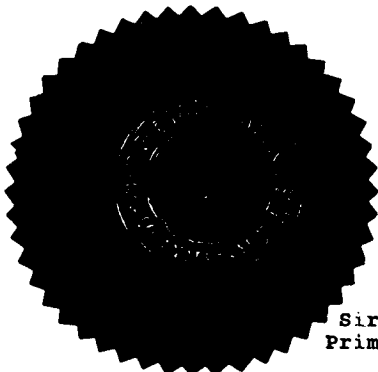
**INSTRUMENT OF ACCESSION**

**WHEREAS** the Treaty of the Southern African Development Community, done at Windhoek, Republic of Namibia on 17 August 1992, remains open for accession;

**AND WHEREAS** the Government of the Republic of Mauritius desires to accede to the said Treaty;

**NOW THEREFORE**, the Government of the Republic of Mauritius, having considered the Treaty, **HEREBY ACCEDES THERETO** and undertakes faithfully to observe all its provisions and to carry out the stipulations therein contained.

**IN WITNESS WHEREOF** I, Anerood Jugnauth, Prime Minister of the Republic of Mauritius, have signed and sealed this instrument of Accession in the Republic of South Africa on this *Twenty Eighth* day of August in the year one thousand nine hundred and ninety-five.



**SADC**  
CERTIFIED TRUE COPY OF THE ORIGINAL  
1998 -08- 0 5  
SIGNED: *[Signature]*

*[Signature]*

Sir Anerood Jugnauth, P.C., K.C.M.G., Q.C.  
Prime Minister of the Republic of Mauritius

# Democratic Republic of Congo



**INSTRUMENT OF ACCESSION**

**WHEREAS** the Treaty of the Southern African Development Community done at Windhoek, Republic of Namibia on 17 August, 1992, remains open for acession;

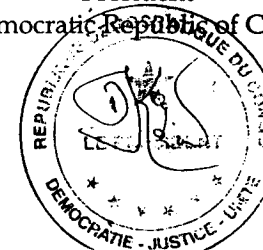
**AND WHEREAS** the Govenment of the Democratic Republic of Congo desires to accede to the said Treaty ;

**NOW THEREFORE**, the Govenment of the Democratic Republic of Congo, having considered the Treaty, **HEREBY ACCEDES THERETO** and undertakes faithfully to observe all its provisions and to carry out the stipulation contained therein.

**IN WITNESS WHEREOF** I, Laurent-Désiré KABILA, President of the Democratic Republic of Congo, have signed and sealed this instrument of Accession on this day of *the 28<sup>th</sup> of February* in the year one thousand nine hundred and ninety-eight.

**SADC**  
CERTIFIED TRUE COPY OF THE ORIGINAL  
1998 -08- 0 5  
SIGNED: *[Signature]*

Laurent-Désiré KABILA  
President  
Democratic Republic of Congo.





**The President**

State House  
Mahe  
Seychelles

**INSTRUMENT OF ACCESSION**

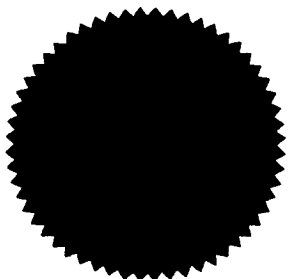
*WHEREAS the Treaty of the Southern African Development Community, done at Windhoek on the 17th day of August 1992 remains open for accession;*

*AND WHEREAS the Government of the Republic of Seychelles desires to accede to the said Treaty;*

*NOW, THEREFORE, the Government of the Republic of Seychelles, having considered the Treaty, hereby accedes to and accepts the same in accordance with Article 42 thereof.*

*IN WITNESS WHEREOF, I, France Albert René, President of the Republic of Seychelles, have signed and sealed these presents at Victoria, Mahé, Seychelles on this*  
*twenty-fourth*..... day of *June*..... in the year One  
Thousand Nine Hundred and Ninety-eight.

*France Albert René*  
*President of the Republic of Seychelles*



**SADC**  
CERTIFIED TRUE COPY OF THE ORIGINAL  
1998 -07- 3 1  
SIGNED: