

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 4985, Phase 2

2. COW Alliance # (if applicable): N/A

3. Signature date(s) (may vary for members in multilateral alliances):
August 26, 2003

4. Members of alliance (use COW country codes):

540 Angola
571 Botswana
490 Democratic Republic of Congo
570 Lesotho
553 Malawi
590 Mauritius
541 Mozambique
565 Namibia
560 South Africa
510 Tanzania
551 Zambia
552 Zimbabwe

5. Was the alliance signed during war? If so, which war, and which member(s) was at war? (check COW data)
No.

6. Means by which alliance was established (e.g., treaty, executive agreement, diplomatic notes, etc.): (Only select "treaty" if the agreement requires ratification.)
Treaty.

7. Was the treaty public, public but with secret articles, or secret? If secret articles, describe the content of secret articles.
Public.

8. Are there provisions for adding additional members mentioned in the treaty? (Yes, No) If Yes, describe these provisions.
Yes. The treaty shall remain open for accession by any state party to the Protocol on Politics, Defense and Security Cooperation (Art.18).

9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
No. (see 8)

10. Are there specific provisions in the treaty concerning the length of time the treaty is to last? (Yes, No) If Yes, describe.
No.

11. Are there conditions under which members may renounce the treaty? If Yes, describe these conditions.
Any state party may withdraw from this pact upon expiration of twelve months from the date of giving written notice to that effect to the Chairperson of the Organ and shall cease to enjoy all rights and benefits under this pact and shall indefinitely be bound by Article 12 (confidentiality) (Art.14).

12. Are there specific provisions in the treaty concerning renewal of the treaty? (Yes, No) If Yes, describe these provisions.
No.

13. Number of times alliance renewed, dates of renewal, and means by which alliance was renewed (Do not include automatic renewals):
Zero.

14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):

Still in effect according to SADC website (visited 5/13/04).

15. Describe what caused the alliance to terminate.

SECTION II: OBLIGATIONS

16. Type of alliance (defense pact, neutrality pact, nonaggression pact, consultation pact, offense pact): (List all that apply to any member of the alliance.)

Nonaggression Pact

Consultation Pact

Defense Pact.

17. Type of alliance as coded in COW data (if applicable): N/A.

18. Describe the obligations of the alliance partners.

The parties shall, in accordance with the UN Charter, settle any disputes in which they may be involved, by peaceful means, in such a manner that regional and international peace, security and justice are enhanced. The parties shall refrain, in their international relations, from the threat of or use of force in any manner inconsistent with the principles mentioned in paragraph 1 (Art.3)

Any party that considers its territorial integrity, political independence and security to be under threat from another state party, shall consult with such other state party first and then with the Organ. Where such consultation does not yield satisfactory results the Chairperson of the Organ may constitute a joint verification mission to investigate the reported threat or alleged threat by a state party (Art.5).

An armed attack against a state party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action. Collective action shall be mandated on the recommendation of the Organ. Each state party shall participate in such collective action in any manner it deems appropriate. Any such armed attack, and measures taken in response thereto, shall immediately be reported to the Peace and Security Council of the African Union and the Security Council of the United Nations (Art.6).

19. Are any of the obligations contingent upon any of the following: specific adversary, specific location, specific ongoing conflict, number of adversaries, noncompliance with a specific demand, attack, nonprovocation of enemy, or prior agreement among partners? (List all that apply)

No.

20. Describe the nature of the limits to obligations listed in #19.

21. Are there any additional provisions for assistance in the event of war? (e.g., promise not to participate in economic sanctions against partner, promise not to aid internal or external enemies, etc.) (Yes, No) If Yes, describe.

Yes – State parties undertake not to nurture, harbour or support any person, group of persons or institutions whose aim is to destabilize the political, military, territorial and economic or social security of a State Party (Article 8)

22. Are there any additional limits to the alliance obligations or conditions under which treaty obligations do not apply that were not listed in #19? (Yes, No) If Yes, describe.

Each state party shall participate in such collective action in any manner it deems appropriate (Art.6).

23. Is a specific target/threat mentioned as the object of the treaty? (Yes, No) (Answering Yes to this question does not necessarily mean that obligations are limited only to this adversary.) If Yes, list the target nation(s) (using COW country codes if possible) and describe the general nature of the reference to the target of the treaty.

No.

24. Are the treaty obligations symmetric? (That is, do all members commit to the same obligations?) (Yes, No) If No, describe.

Yes.

25. Does the treaty prohibit members from settling conflicts independently (no separate peace)? (Yes, No) If Yes, describe.

No.

26. Does the treaty have provisions requiring that the contracting parties consult before making commitments to third parties (excluding no separate peace provisions discussed above)? (Yes, No) If Yes, describe these provisions.

No.

27. Does the treaty specify that the contracting parties must not enter into any other alliances that are directed against the alliance in question? (Yes, No) If Yes, describe.

No. (Where an existing agreement is inconsistent with this Pact, the state parties concerned shall take steps to amend the agreement accordingly, Art.15)

28. Additional coder comments regarding treaty obligations:

SECTION III: INSTITUTIONALIZATION OF THE ALLIANCE

29. Does the treaty make reference to the potential for conflict among members of the alliance? (Yes, No) If Yes, describe.

The parties shall, in accordance with the UN Charter, settle any disputes in which they may be involved, by peaceful means, in such a manner that regional and international peace, security and justice are enhanced (Art.3).

Any party that considers its territorial integrity, political independence and security to be under threat from another state party, shall consult with such other state party first and then with the Organ. Where such consultation does not yield satisfactory results the Chairperson of the Organ may constitute a joint verification mission to investigate the reported threat or alleged threat by a state party (Art.5).

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.

Any dispute among the state parties arising from the interpretation or application of this Pact, shall be settled amicably and where there is no resolution, the matter shall be referred to the Tribunal (Art.13).

31. Does the treaty require official contact among the military forces of the participating states? (Yes, No) If Yes, describe. (Note whether official contact is required only in the event of hostilities or also during peacetime.)

The state parties shall individually and collectively, by means of continuous cooperation and assistance, maintain and develop their individual and collective self-defense capacity to maintain peace, stability and security (Art.4).

The state parties shall cooperate in defense matters and facilitate interaction among their armed forces and defense-related industries in the following areas of mutual interest: a) the training of military personnel in any field of military endeavor and, to that end, they may from time to time hold joint military exercises in one another's territory; b) exchange military intelligence and information in all relevant matters subject to any restrictions or otherwise national security; c) joint research, development and production under license or otherwise of military equipment, including weapons and munitions, and to facilitate the supply of, or the procurement of defense equipment and services among defense-related industries, defense research establishments and their respective armed forces (Art.9).

32. Does the treaty include provisions for military aid? (e.g., grants, loans, transfer of technology, training) (Yes, No) If Yes, describe these provisions.

Yes. See 31.

33. Does the treaty provide for integrated command of military forces while the alliance is in effect (peacetime as well as wartime)? (Yes, No) If Yes, describe.

No.

34. Does the treaty require subordination of the forces of one or more member states to another in the event of hostilities? (Yes, No) If Yes, describe.

No.

35. Does the treaty establish any organizations? (include provisions for regularly scheduled meetings) (Yes, No) If Yes, describe.

State parties shall receive delegations of member states for the purpose of consultation regarding implementation of any aspect of this Pact. The Secretariat of the SADC Organ shall coordinate the implementation of this Pact (Art.11).

36. Does the treaty provide for joint military bases, or for one or more states to place troops in the territory of one or more other states? (Yes, No) If Yes, describe.

No.

37. Does the treaty specify contribution levels (funds, troops, etc.)? (Yes, No) If Yes, describe.

No.

38. Does the treaty contain any provisions regarding coordinated increase of armaments, reduction of armaments, prohibition of weapons, or rules of warfare? (Yes, No) If Yes, describe such provisions.

No.

39. Does the treaty explicitly permit or prohibit the acquisition of territory not currently held by either ally? (Yes, No) If Yes, describe reference.

No.

40. Does the treaty include discussion of the division of gains from any future conflict? (Yes, No) If Yes, describe.
No.
41. Does the treaty include discussion of demobilization/withdrawal following conflict? (Yes, No) If Yes, describe.
No.
42. Are there any other provisions in the treaty that describe the means through which the states will coordinate their military efforts and policies? (Yes, No) If Yes, describe.
No.
43. Additional coder comments regarding references to alliance institutionalization:

SECTION IV: TREATY CONTEXT

44. Does the treaty state that it nullifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are nullified and describe the treaty reference.
No.
45. Does the treaty state that it modifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are modified and describe the treaty reference.
Where an existing agreement is inconsistent with this Pact, the state parties concerned shall take steps to amend the agreement accordingly (Art.15).
46. Does the treaty state that it includes any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are included and describe the treaty reference.
Yes. SADC treaty and protocol.
47. Does the treaty make any references to international organizations? (Yes, No) If Yes, list the international organization and describe the nature of the reference.
Preamble: reaffirm commitment to UN Charter, Constitutive Act of SADC, Protocol establishing the Peace and Security Council of the African Union and the SADC Treaty. Resolve disputes in accordance with UN Charter (Art.3). Armed attacks and measures taken into response to them shall be reported to the UN Security Council (Art.6). The Pact shall not derogate from the parties rights and obligations under the UN Charter and the Constitutive Act of the African Union. Various instances where the SADC organ is mentioned (coordinate implementation, submit withdrawal amendments to organ, investigation of breach of agreement, recommends collective action, consultation in face of threat).
48. Does the treaty make any references to other existing alliances? (Yes, No) If Yes, list the alliance and describe the nature of the reference.
Preamble: reaffirm commitment to Protocol establishing the Peace and Security Council of the African Union, SADC Treaty and Protocol on Politics, Defense and Security Cooperation. In accordance with this latter protocol the state parties respect territorial integrity and sovereignty and pledge noninterference (Art.7). The Pact remains open for members of this protocol (Art.18).
49. Are there any companion agreements referenced in the treaty? (Yes, No) If Yes, describe the agreements.
No.
50. Does the treaty include statements regarding non-military cooperation (e.g., economic, cultural, scientific exchange)? (Yes, No) If Yes, describe.
No.
51. Does the treaty resolve other conflicts among the parties to the alliance? (Yes, No) If Yes, describe.
No.
52. Does the treaty propose/enforce settlement of a conflict not involving parties to the alliance? (Yes, No) If Yes, describe.
No.
53. Does the treaty propose other agreements among the contracting parties? (Yes, No) If Yes, describe.
State parties may, in respect to any particular issue covered by the provisions of this Pact, make such subsequent agreements, of a specific or general nature, as would, in their opinion, enhance the effective implementation of this Pact (Art.10).
54. Does the treaty mention unresolved conflicts among the contracting parties? (Yes, No) If Yes, describe.

55. Does the treaty include provisions for economic aid or other enticements (include trade concessions, post war recovery, etc.)? (Yes, No) If Yes, describe these provisions.
No.

56. Does the treaty describe circumstances under which one party may intervene in the internal politics of another party or specifically commit the states to non-intervention? (Yes, No) If Yes, describe.

The state parties shall undertake to respect one another's territorial integrity and sovereignty and, in particular, observe the principle of non-interference in the internal affairs of one another. No action shall be taken to assist any state party in terms of this pact, save at the state party's own request or with its consent, except where the Summit decides that action needs to be taken in accordance with the protocol. State parties undertake not to nurture, harbor or support any person, group of persons or institutions whose aim is to destabilize the political, military, territorial and economic or social security of a state party (Art.8).

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty:

The treaty contains provisions for amending it if a member proposes to do so (Art.19). It also contains provisions about how to deal with a breach of the agreement (Art.22).

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.):
Treaty.

59. Treaty citation: www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/sadc/defpact.pdf

60. Date of last revision of this coding sheet: August 17, 2004

61. Coder: Michaela Mattes and Ashley Leeds.