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Revised Constitution of the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO)

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Revised Constitution of the Southern African Regional Police Chiefs Co-operation Organisation
(SARPCCO)

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Article 1 – Citation, definitions and abbreviations

- (1) This Constitution may be cited as the Constitution of the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO).

(2) **Definitions**

In this Constitution, unless the context otherwise requires:

"**Chiefs of Police Sub-Committee**" means the Sub-Committee of Chiefs of Police of SADC Member States as envisaged in Article 7(7) of the Protocol on Politics, Defence and Security Cooperation, 2001;

"**Committee of Ministers**" means the Committee of SADC Member States' Ministers responsible for Police under the ISDSC as envisaged in Article 5 (1) of the Protocol on Politics, Defence and Security Cooperation, 2001;

"**Legal Sub-sub Committee**" the Sub-sub Committee as envisaged in Article 10;

"**Member States**" the Southern African Development Community (SADC) States that are Parties to the Protocol on Politics, Defence and Security Cooperation, 2001;

"**Ministerial Committee of the Organ**" means the Ministerial Committee on Organ established by Article 10A (4) of the SADC Treaty;

"**Organ**" means the Organ on Politics, Defence and Security Cooperation established under Article 9 of the SADC Treaty;

"**Permanent Co-ordinating Sub-sub Committee**" means the Sub-sub Committee as envisaged in Article 9;

"**Protocol**" means the Protocol on Politics, Defence and Security Co-operation;

"**Region**" means SADC Region;

"**SADC Treaty**" means the Treaty Establishing the Southern African Development Community (SADC), 1992, as Amended;

"**Standard Operating Procedures**" means the Operating Procedure of SARPCCO as prescribed by the CPSC according to Article 7 (3);

"**Training Sub-sub Committee**" means the Sub-Sub Committee as envisaged in Article 11; and

"**Women's Police Network Sub-sub Committee**" means the Sub-sub Committee as envisaged in Article 12.

(3) **Abbreviations**

In this Constitution:

"**CPSC**" means Chiefs of Police Sub-Committee;

"ISDSC" means Inter State Defence and Security Committee;

"MCO" means Ministerial Committee of the Organ; and

"SARPCCO" means Southern African Regional Police Chiefs Cooperation Organisation.

Article 2 – Establishment of SARPCCO

There is hereby established a Regional Police Co-Operation Organisation which shall be known as the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) and which was recognized by the SADC Summit on the 18th August 2006.

Article 3 – Composition of SARPCCO

SARPCCO shall be composed of the Police Chiefs of Member States.

Article 4 – The Objectives of SARPCCO

The objectives of SARPCCO shall be, in support of SADC and subject to the Protocol, provisions of this Article, the domestic laws and international obligations of Member States, to:

- (a) promote, strengthen and perpetuate co-operation and foster joint strategies for the management of all forms of transnational organised and cross-border crimes;
- (b) prepare and disseminate relevant information on criminal activities as may be necessary to benefit Member States to contain crime in the Region;
- (c) carry out regular reviews of joint crime management strategies in view of changing national and regional needs and priorities;
- (d) ensure efficient operation and management of criminal records and effective joint monitoring of cross-border crime;
- (e) make relevant recommendations to governments of Member States in relation to matters affecting policing in the Region;
- (f) formulate systematic regional police training policies and strategies taking into account the needs and performance requirements of the regional police services/forces; and
- (g) carry out any such relevant and appropriate acts and strategies for purposes of promoting regional police co-operation and collaboration as regional circumstances dictate.

Article 5 – Principles of co-operation

- (1) Member States shall adhere to the following principles of co-operation:
 - (a) respect for national sovereignty;
 - (b) equality of police services/forces;
 - (c) non-political professionalism;
 - (d) mutual benefit to all Member States;
 - (e) observance of human rights;
 - (f) non-discrimination and flexibility of working methods; and
 - (g) mutual respect and goodwill.

- (2) The provisions of this Constitution shall not be construed as derogating from the rights of Member States to co-operate with one another on a bilateral or multilateral basis, provided that all matters of mutual interest to the Region shall be communicated to all Member States with, as necessary, the prior approval of the relevant national authorities involved in the bilateral or multilateral co-operation in question.

Article 6 – Structure of SARPCCO

- (1) There shall be a Committee of Ministers, comprising of Ministers responsible for Police who shall report to Ministerial Committee of the Organ, through the Inter State Defence and Security Committee (ISDSC).
- (2) The Committee of Ministers shall be responsible for SARPCCO policy related matters.
- (3) There shall be a Chiefs of Police Sub-Committee (CPSC), and shall report to the ISDSC through the Committee of Ministers.
- (4) The CPSC shall be assisted and advised by:
 - (a) SADC Secretariat;
 - (b) Permanent Co-ordinating Sub-sub Committee;
 - (c) Legal Sub-sub Committee;
 - (d) Training Sub-sub Committee;
 - (e) Women’s Network Sub-sub Committee;
 - (f) Such other Sub-sub Committees, Working groups and Task Teams which the CPSC may from time to time appoint in accordance with Article 13.
- (5) SARPCCO shall be chaired by the Member State chairing the Organ.
- (6) The Chairperson of SARPCCO may be assisted in his or her functions by the outgoing and incoming Chairpersons of the Organ in line with TROIKA mechanism as stipulated in Articles 3 (3) of the Protocol and 9A of the SADC Treaty.
- (7) In the absence of the Chairperson, the meeting will be chaired by the incoming Chairperson of the Organ or in his or her absence by the outgoing Chairperson.

Article 7 – Chiefs of Police Sub-Committee

- (1) The CPSC shall consist of Police Chiefs or their delegates from Member States.
- (2) The CPSC constitutes the highest decision-making authority of SARPCCO, where appropriate and subject to the final decision of the Committee of Ministers, in respect of operational matters and shall be responsible for:
 - (a) developing policies in preventing and combating transnational organised and cross-border crimes;
 - (b) efficient functioning of all SARPCCO structures; and
 - (c) all matters relating to regional police co-operation and the attainment of the objectives of SARPCCO.
- (3) The CPSC shall issue such directives and prescribe such Standard Operating Procedures, as it may deem necessary.
- (4) The CPSC shall convene a meeting at least once a year, which meeting shall be hosted by the Member State that is chairing the Organ or any other Member State determined by the CPSC.
- (5) Reports of the CPSC meetings shall be submitted to the ISDSC and MCO through the Committee of Ministers.

- (6) CPSC may hold extraordinary meetings as may be deemed necessary.

Article 8 – SADC Secretariat

- (1) The SADC Secretariat shall provide secretarial services to SARPCCO.
- (2) SADC may enter into agreements with other regional or international organisations, in line with the Treaty and the Protocol, to assist SADC Secretariat in discharging its functions under this Constitution.
- (3) The functions of the Secretariat shall be to:
 - (a) facilitate the timely exchange of information and intelligence between Member States.
 - (b) collect, collate and analyse information from the region and disseminate intelligence to decision makers and stakeholders;
 - (c) facilitate cooperation between Member States in preventing and combating transnational organised and cross-border crimes;
 - (d) coordinate and strengthen the implementation of agreements entered between SADC and international cooperating partners and regional and international organisations to achieve the objectives of this Constitution;
 - (e) facilitate the timely exchange of information and intelligence between SADC and other regional and international organisations that have entered into cooperation agreements with SADC;
 - (f) facilitate identification of specialized regional training needs and the delivery of relevant courses;
 - (g) mobilise resources for SARPCCO training activities, operations and meetings; and
 - (h) coordinate the implementation of the strategies and objectives of the Strategic Indicative Plan of the Organ (SIPO).

Article 9 – Permanent Co-ordinating Sub-sub Committee

- (1) The Permanent Co-ordinating Sub-sub Committee shall consist of the Heads of Criminal Investigation Services or designated officers of the police service/force of Member States, and shall be responsible for:
 - (a) assisting SARPCCO in formulating strategies to combat transnational organised and cross border crimes in the Region;
 - (b) proposing creation of operational mechanisms; and
 - (c) any matter which the CPSC may deem necessary.
- (2) The Permanent Co-ordinating Sub-sub Committee shall convene as often as may be necessary and may create such Working groups or Tasks Teams or co-opt such other heads of other police components as it deems necessary in order to fulfil its functions and obligations.
- (3) The Permanent Co-ordinating Sub-sub Committee shall be accountable and report to the CPSC.

Article 10 – Legal Sub-sub Committee

- (1) The Legal Sub-sub Committee shall consist of Heads of Legal Services or designated legal officers of the Police service/force of the Member States, and shall be responsible for providing legal support to CPSC in discharging its mandate under this Constitution.
- (2) The Legal Sub-sub Committee shall be accountable and report to the CPSC or as may otherwise be directed by CPSC.

Article 11 – Training Sub-sub Committee

- (1) The Training Sub-sub Committee shall consist of the Heads of the Training Services or designated officers responsible for training of the Police service/force of the Member States and shall be responsible for assisting the CPSC in developing training policies and programs as well as monitoring their implementation.
- (2) The Training Sub-sub Committee shall be accountable and report to the CPSC or as may otherwise be directed by CPSC.
- (3) The Training Sub-sub Committee shall deal with any other training matters that may be referred to it by the CPSC.

Article 12 – Women’s Police Network Sub-sub Committee

- (1) The Women’s Police Network Sub-sub Committee shall consist of the designated officers in police forces/services of the Member States, and shall be responsible for advising the CPSC on monitoring and evaluation of the SADC Protocol on Gender and Development, mainstreaming of gender issues into police operations as well as other international obligations.
- (2) The Women’s Police Network Sub-sub Committee shall be accountable and report to the CPSC or as may otherwise be directed by CPSC.
- (3) The Women’s Police Network Sub-Committee shall deal with any other gender related matters that may be referred to it by the CPSC.

Article 13 – Establishment of Sub-sub Committees, Working Groups and Task Teams

- (1) The CPSC may establish or appoint such Sub-sub Committees, Working Groups and Task Teams to perform any task or to carry out any instruction, which it may deem necessary.
- (2) Sub-sub committees and Working Groups may appoint Task Teams to perform any task or to carry out any instruction or function, which it may deem necessary.
- (3) The Sub-sub Committee, Working Group or Task Team shall be accountable to and report back to the CPSC on its progress as and when required.
- (4) Save in as far as the CPSC may otherwise direct, the Chairperson/leader of the Sub-sub Committee, Working Group or Task Team shall come from the same Member State that is chairing the Organ.
- (5) The Sub-sub Committee, Working Group or Task Team may co-opt any such expert as may be necessary.
- (6) Save as far as the CPSC may otherwise direct, a Sub-sub Committee, Working Group or Task Team shall adopt its own procedures in line with the established SADC rules and procedures.

Article 14 – Decision making

All decisions of SARPCCO shall be reached at by consensus.

Article 15 – Quorum

The quorum for all meetings of SARPCCO shall be two-thirds of the Member States.

Article 16 – Dispute resolution

- (1) All disputes arising out of, or in relating to the application or interpretation of this Constitution shall, as far as possible, be resolved by negotiation.
- (2) All disputes referred to in paragraph 1 shall be resolved in the structure within which it has arisen and may be referred to the Committee of Ministers in circumstances where the chairperson of the structure is of the opinion that:
 - (a) the dispute cannot be resolved within the structure alone; or
 - (b) the dispute is of significant importance to warrant the attention of the Committee of Ministers.
- (3) When referring a dispute to the Committee of Ministers, the chairperson mentioned above shall reduce the dispute to writing and place sufficient information before the Chairperson of Committee of Ministers to enable the Committee of Ministers to take a decision.
- (4) Where a dispute cannot be settled amicably it shall be referred to the Tribunal.

Article 17 – Communication

Member States undertake to ensure that:

- (a) all requests and enquiries sent on behalf of their Police Service/Force to another Member State's Police Service/Force are sufficiently clear and contain adequate information to ascertain exactly what is required;
- (b) all such requests and enquiries shall contain an indication of any time constraints which may be applicable in order that the request may be prioritised if necessary;
- (c) on receipt of such a request or enquiry, an acknowledgement of receipt shall be supplied together with an estimate of the time needed to attend to it;
- (d) prompt replies or, when necessary, progress reports in respect of the enquiry or request shall be furnished; and
- (e) both requesting and requested Member States shall meet the service standards directed by the CPSC.

Article 18 – Relationship between SARPCCO, Member States and international organisations

The provisions of this Constitution shall, in no way, be construed as derogating from or in any way affecting the relationship between Member States, existing co-operation, their international obligations relationships with other countries or their membership to international organisations.

Article 19 – Termination of membership

Membership of SARPCCO may be terminated in accordance with Article 14 of the Protocol.

Article 20 – Amendment of the Constitution

This Constitution may be amended in accordance with Article 19 of the Protocol.

Article 21 – Interpretation of the Constitution

This Constitution shall, at all times, be interpreted with due regard to:

- (a) the principles and objectives embodied in the SADC Treaty;

- (b) the objectives of the Organ embodied in the Protocol on Politics, Defence and Security;
- (c) the objectives of SARPCCO, as set out in Article 4; and
- (d) the principles of co-operation as set out in Article 5.

Article 22 – Languages

The working language of SARPCCO shall be English, French and Portuguese.