

The Nkomati Talks

Agreement on Non-Aggression and Good Neighbourliness Between the Government of the People's Republic of Mozambique and the Government of the Republic of South Africa

The Government of the People's Republic of Mozambique and the Government of the Republic of South Africa, herinafter referred to as the High Contracting Parties;

RECOGNISING the principles of strict respect for sovereignty and territorial integrity, sovereign equality, political independence and the inviolability of the borders of all states;

REAFFIRMING the principle of non-interference in the internal affairs of other states;

CONSIDERING the internationally recognised principle of the right of people to self-determination and independence and the principle of equal rights of all peoples;

CONSIDERING the obligation of all states to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any state;

CONSIDERING the obligation of all states to settle conflicts by peaceful means, and thus safeguard international peace and security and justice;

RECOGNISING the responsibility of states not to allow their territory to be used for acts of war, aggression or violence against other states;

CONSCIOUS of the need to promote relations of good neighbourliness based on the principles of equality of rights and mutual advantage;

CONVINCED that relations of good neighbourliness between the High Contracting Parties will contribute to peace, security, stability and progress in Southern Africa, the Continent and the World;

Have Solemnly agreed to the following:

Article one

The High Contracting Parties undertake to respect each other's sovereignty and independence and, in fulfilment of this fundamental obligation, to refrain from interfering in the internal affairs of the other.

Article two

1. The High Contracting Parties shall resolve differences and disputes that may arise between them and that may or are likely to endanger mutual peace and security or peace and security in the region, by means of negotiation, enquiry, mediation, conciliation, arbitration or other peaceful means, and undertake not to resort, individually or collectively, to the threat or use of force against each other's sovereignty, territorial integrity or political independence.

2. For the purposes of this article, the use of force shall include inter alia -

a) attacks by land, air or sea forces;

b) sabotage;

c) unwarranted concentration of such forces at or near the international boundaries of the High Contracting Parties;

d) violation of the international land, air or sea boundaries of either of the High Contracting Parties.

3. The High Contracting Parties shall not in any way assist the armed forces of any state or group of states deployed against the territorial sovereignty or political independence of the other.

Article three

1. The High Contracting Parties shall not allow their respective territories, territorial waters or air space to be used as a base, thoroughfare, or in any other way by another state, government, foreign military forces, organisations or individuals which plan or prepare to commit acts of violence, terrorism or aggression against the territorial integrity or political independence of the other or may threaten the security of its inhabitants.

2. The High Contracting Parties, in order to prevent or eliminate the acts or the preparation of acts mentioned in paragraph (1) of this article, undertake in particular to-

a) forbid and prevent in their respective territories the organisation of irregular forces or armed bands, including mercenaries, whose objective is to carry out the acts contemplated in paragraph (1) of this article;

b) eliminate from their respective territories bases, training centres, places of shelter, accommodation and transit for elements who intend to carry out acts contemplated in paragraph (1) of this article;

c) eliminate from their respective territories centres or depots containing armaments of whatever nature, destined to be used by the elements contemplated in paragraph (1) of this article;

d) eliminate from their respective territories command posts or other places for the command, direction and co-ordination of the elements contemplated in paragraph (1) of this article;

e) eliminate from their respective territories communication and telecommunication facilities between the command and the elements contemplated in paragraph (1) of this article;

f) eliminate and prohibit the installation in their respective territories of radio broadcasting stations, including unofficial or clandestine broadcasts, for the elements that carry out the acts contemplated in paragraph (1) of this article;

g) exercise strict control, in their respective territories, over elements which intend to carry out or plan the acts contemplated in paragraph (1) of this article;

h) prevent the transit of elements who intend to plan to commit the acts contemplated in paragraph (1) of this article, from a place in the territory of either to a place in the territory of the other or to a place in the territory of any third state which has a common boundary with the High Contracting Party against which such elements intend or plan to commit the said acts;

i) take appropriate steps in their respective territories to prevent the recruitment of elements of whatever nationality for the purpose of carrying out the acts contemplated in paragraph (1) of this article;

j) prevent the elements contemplated in paragraph (1) of this article from carrying out from their respective territories by any means acts of abduction or other acts, aimed at taking citizens of any nationality hostage in the territory of the other High Contracting Party; and

k) prohibit the provision on their respective territories of any logistic facilities for carrying out the acts contemplated in paragraph (1) of this article;

3. The High Contracting Parties will not use the territory of third states to carry out or support the acts contemplated in paragraphs (1) and (2) of this article.

Article four

The High Contracting Parties shall take steps, individually and collectively, to ensure that the international boundary between their respective territories is effectively patrolled and that the border posts are efficiently administered to prevent illegal crossings from the territory of a High Contracting Party to the territory of the other, and in particular, by elements contemplated in Article Three of this Agreement.

Article five

The High Contracting Parties shall prohibit within their territory acts of propaganda that incite a war of aggression against the other High Contracting Party and shall also prohibit acts of propaganda aimed at inciting acts of terrorism and civil war in the territory of the other High Contracting Party.

Article six

The High Contracting Parties declare that there is no conflict between their commitments in treaties and international obligations and the commitment undertaken in this Agreement.

Article seven

The High Contracting Parties are committed to interpreting this Agreement in good faith and will maintain periodic contact to ensure the effective application of what has been agreed.

Article eight

Nothing in this Agreement shall be construed as detracting from the High Contracting Parties' right to self-defence in the event of armed attacks, as provided for in the Charter of the United Nations.

Article nine

1. Each of the High Contracting Parties shall appoint high-ranking representatives to serve on a Joint Security Commission with the aim of supervising and monitoring the application of this Agreement.
2. The Commission shall determine its own working procedure.
3. The Commission shall meet on a regular basis and may be specially convened whenever circumstances require.
4. The Commission shall-
 - a) Consider all allegations of infringements of the provisions of this Agreement;
 - b) advise the High Contracting Parties of its conclusions; and
 - c) make recommendations to the High Contracting Parties concerning measures for the effective application of this Agreement and the settlement of disputes over infringements or alleged infringements.
5. The High Contracting Parties shall determine the mandate of their respective representatives in order to enable interim measures to be taken in cases of duly recognised emergency. 6) The High Contracting Parties shall make available all the facilities necessary for the effective functioning of the Commission and will jointly consider its conclusions and recommendations.

Article ten

This Agreement will also be known as "The Accord of Nkomati."

Article eleven

1. This agreement shall enter force on the date of the signature thereof.
2. Any amendment to this Agreement agreed to by the High Contracting Parties shall be affected by the Exchange of Notes between them.

IN Witness WHEREOF, the signatories, in the name of their respective governments, have signed and sealed this Agreement, in quadruplicate in the Portuguese and English languages, both texts being equally authentic.

THUS DONE AND SIGNED AT the common border on the banks of the Nkomati River, on this the sixteenth day of March 1984.

Samora Moisés Machel
Marshal of the People's Republic of Mozambique
President of the Council of Ministers for the Government of the People's Republic of Mozambique

Pieter Willem Botha
Prime Minister of the Republic of South Africa for the Government of the Republic of South Africa

Source: <http://www.c-r.org/accord/moz/accord3/nkomati.shtml>