

A MEMORANDUM

British Policy towards South Africa

A memorandum
from the Anti-Apartheid Movement,
presented to Baroness Chalker of Wallasey,
Minister of State, Foreign and Commonwealth Office,

on Wednesday 26 May 1993.



1.0 Introduction:

This Memorandum examines British policy towards South Africa at a point in history when the future of that country is on a knife edge. The assassination of Chris Hani on 10th April 1992 has underlined the fragility of the negotiating process and therefore the need for much more rapid progress towards the transformation of South Africa from an apartheid state to a united, non-racial democracy.

As evident by the recent visits to London by ANC President Nelson Mandela and Chief Buthelezi, the British government clearly recognises that it has a role to play in influencing developments in South Africa. However, far from using its influence to accelerate the process of democratic change, the effect of British government policy since the release of Nelson Mandela in February 1990 has been to encourage those who have sought to delay and procrastinate.

Recent developments such as the growing crisis in the educational system, the revelation of an alleged plot to kill Joe Slovo and other leading members of the ANC, the attack late on Monday 17th May on the home of Sydney Mufamadi, who heads the ANC Peace Desk, and the massacre at Thokoza on 22 May, all serve to stress the need for a rapid breakthrough in the negotiating process.

This was further highlighted by the very provocative action of the regime in detaining some 50 members of the Pan Africanist Congress of Azania yesterday, 24th May, in a move which was fully reminiscent of the decades of apartheid repression.

This Memorandum therefore presents the case for a fundamental shift of British policy so that Britain's influence is brought to bear effectively in support of immediate progress towards the democratic transformation of South Africa.

2.0 Political Violence:

We appreciate that the British government is deeply conscious of the threat which political violence poses to the prospect of democratic change in South Africa. The exposure of the 'far-right' conspiracies surrounding the murder of Chris Hani and the plot to kill Joe Slovo have brought into sharp relief the fact that the violence which poses the most serious threat to the negotiating process emanates precisely from those most opposed to democratic change.

Recent developments such as the creation of the so-called "Committee of Generals" and the associated Afrikaner Volksfront could have potentially devastating consequences for South Africa, as does the threat of open revolt from members and ex-members of the state security apparatus.

We acknowledge that the British government has sought to make a contribution towards curbing political violence in South Africa.

In particular we welcomed its support for the UN Security Council Resolution 772 which provided the mandate for the establishment of the UN and other international Observer Missions in South Africa. Likewise, we have welcomed the secondment of British police officers to the European Community and Commonwealth Observer Missions as well as to the investigative units of the Goldstone Commission.

However we differ with the British government as to how it should bring its influence to bear most effectively. We see three areas for action:

Firstly, we believe that the mandates of the international observer missions, especially those of the UN and EC Missions are too restrictive. Monitors, with the authority to investigate and intervene, are required. Likewise the size of the Missions are minuscule in comparison with the threat which political violence poses and therefore there is an urgent need for agreement to be reached to expand these Missions. We would hope that the British government will use its influence to achieve this. We would particularly commend the proposals from the Liaison Group of European Community AAMs as to how the EC Observer Mission could be strengthened (1).

Secondly, we are concerned that Britain appears to be reluctant to exert pressure on to the Pretoria regime to ensure that it implements measures to curb the violence such as the recommendations of the UN Secretary-General, the Security Council and the Goldstone Commission, as well as the agreements it has entered into with the ANC (2).

In this context we are concerned by the apparent reluctance of the Security Council (or some of its members) to maintain its active involvement in this process as envisaged in UN Security Council Resolutions (Nos 765 & 772). An active engagement by the Security Council would help maintain pressure for effective action to end the violence as well as to speed up the negotiating process.

Thirdly, we believe that Britain should be actively advocating immediate joint control over the security forces. This is an essential pre-requisite if these forces are to gain popular confidence. In this context it is most disturbing that the members of the Ciskei Defence Forces responsible for the massacre at Bisho last September were recently granted clemency. This can only exacerbate the already tense situation and should be condemned.

We would hope that the British government will give active consideration to these proposals and also ensure that the necessary material and financial resources are made available for the expansion of the UN and other international Observer Missions.

3.0 Repression:

The prospect of the Pretoria regime resorting to repressive policies and actions could also seriously threaten the negotiating process. We were, therefore, most alarmed by the action of President de Klerk in threatening a new wave of repression in the aftermath of the assassination of Chris Hani. We had already been extremely concerned by the declared intention of President de Klerk to end the suspension of carrying out of death sentences contrary to agreements reached in April 1992 during the CODESA negotiations. In particular we would urge the Government to take up immediately with the South African authorities the impending execution of Frans Netshirobeni and Wilson Nelukalo which is scheduled to take place on Thursday 27 May at 10.00am local time (3).

We are also concerned that despite the concerted efforts of the international community a significant number of political prisoners have yet to be released. This situation led a group of political prisoners being held at Leeuwkop prison to embark on a hunger strike. Although our understanding is that they have suspended their hunger strike we would urge the Government to take up their case and to liaise with human rights organisations within South Africa to ensure that all political prisoners are released.

We have also been concerned by the repressive policies being pursued in a number of the so-called bantustans. The situation in the Bophuthatswana appears to be particularly serious as was highlighted in the joint statement issued by the four international observer missions in South Africa on 16 March 1993 (4). We would hope that the British government will impress upon the South African authorities the need for action as envisaged in this statement.

Finally, we are alarmed by the current news of further arrests of some 50 people associated with the Pan Africanist Congress of Azania including several of its leaders. Such moves can only prejudice the negotiating process. Those detained should be released immediately.

4.0 Support for the Negotiating Process.

We are most concerned about the British government's stance over the negotiating process. Instead of a clear commitment to the democratic transformation of South Africa, we find repeated ambiguities. As a result, the signals which Britain sends to the key parties in South Africa are such that they can only serve to encourage delay and procrastination.

To illustrate our concerns we have identified the following key points:

Firstly, in recent statements and correspondence, the British government now avoids declaring that the stated goal of British policy is a "united, non-racial and democratic South Africa". In

particular, the commitment to a "united" South Africa is now absent from British statements (5).

Yet the term "united" South Africa means the re-incorporation of the bantustans and opposition to any form of secession. It is therefore of great significance that this commitment to a "united" South Africa should have been down played at precisely the time when Chief Buthelezi and others in the Concerned South Africa Group are raising the prospect of secession.

Secondly, we are deeply concerned by the current 'hands-off' attitude of the British government to the negotiations themselves. For example the Foreign Secretary wrote recently that "the decision on the constitutional future of South Africa must rest with the South Africans themselves (6)".

This also represents a disturbing shift in British policy. For Britain played a most active role in the drawing up and adoption of the United Nations Declaration on South Africa which was agreed by consensus at the 16th Special Session of the UN General Assembly on 14th December 1989. This represents the basis for an internationally acceptable political settlement in South Africa.

That UN Declaration laid down fundamental principles upon which a new constitutional order had to be based in South Africa if it was to represent a genuine end to apartheid. Significantly the first fundamental principle was that "South Africa shall become a united, non-racial and democratic state".

The British government, therefore, as a minimum has a duty to ensure that any new constitutional order is consistent with these internationally agreed principles. By taking the view that it is for South Africans alone to decide on their constitutional future, Britain is simply strengthening the position of those in the negotiations who are resisting the new united, non-racial, and democratic South Africa envisaged by the United Nations.

Indeed, the British government should be aligning itself much more explicitly with those who are advocating a genuine democratic transformation of South Africa, of which the African National Congress is by far the most important formation. The ANC's proposals for the transition, as set out by its National Executive Committee in February 1993, provide a well thought out and constructive basis for agreement in the negotiations. They are the only proposals on the table which would ensure that the objectives set out in the UN Declaration are realised. Given the British government's commitment to that Declaration, the logic now would be for it to insist on rapid agreement in the negotiations on the basis of the ANC's proposals.

Thirdly, we are extremely conscious of the grave consequences which may result from the support which is still emanating from the British government for the positions being adopted by Chief Buthelezi and the Inkatha Freedom Party.

In the wake of the 'Inkathagate scandal' and the IFP's political

re-alignment with the forces of the far-right as well as its intransigent position over the negotiations, there appeared to be a re-evaluation of Inkatha's role by many of those within the international community who had projected it as a major expression of Black aspirations during the 1980s.

However Britain appears unable to break away from its past support for Buthelezi. There are many examples, not least the insensitive decision of the British Ambassador in South Africa to accompany Chief Buthelezi last month to meet Prime Minister John Major in London instead of representing Britain at the funeral of Oliver Tambo in South Africa (7). Most disturbing, however, are the reported views of the British government that it regarded the proposal that any party gaining more than 5% of the votes should be entitled to a position in an Interim Government as unsatisfactory since 'this would give Inkatha a lower level of representation than it would be happy with' (8). If this is indeed British policy it will simply serve to encourage Buthelezi's intransigence.

Fourthly, we are concerned by the failure of the British government to appreciate the need for an immediate breakthrough in the negotiating process. The absence of a clear statement to this effect by the British government is most disturbing. In particular Britain should be pressing for immediate agreement on the date for elections to the Constituent Assembly, on the establishment of a Transitional Executive Council (and its related Commissions), and on joint control of the security forces.

The negotiating process is now at a most critical stage. Crucial decisions may be taken within the next few days. We are convinced that Britain must make its considerable influence felt immediately so that a real breakthrough can be achieved which will represent meaningful progress towards a genuine end to apartheid and the creation of a united, non-racial and democratic South Africa.

5.0 The need for 'Free and fair' Elections:

As we have stressed, the process of change in South Africa is on a knife edge. If, the breakthrough we are seeking is achieved, then the international community will have the responsibility to ensure that the elections to the Constituent Assembly are genuinely 'free and fair'. At present such conditions clearly do not exist in South Africa.

These elections will represent the first fundamental step towards transforming South Africa from an apartheid state to a united, non-racial and democratic society. The United Nations and other international bodies will therefore have an essential function to perform. They will need to determine the conditions which will have to be created in order to ensure that the electoral process is genuinely 'free and fair' and then ensure that they can play an effective role in supervising, monitoring and verifying the elections.

Following consultation with a range of South African organisations, and in co-operation with other Anti-Apartheid Movements, we have sought to identify the conditions which will have to be created for the elections to be 'free and fair'(9). These include:

- the enactment of a democratic electoral law;
- the creation of a climate of free political activity by ending political repression and violence;
- impartial behaviour of all state and other official organs, and in particular the impartial control of the military and other security forces and the police;
- unimpeded access and easy formalities for the purpose of voter registration;
- effective programmes of voter education especially aimed at those sections of the population which have previously been disenfranchised;
- the right of all political organisations to campaign freely throughout the country including the so-called bantustans;
- impartiality by the printed and electronic media including equitable access for all political organisations;
- prohibiting the covert funding of political organisations by the state;
- ensuring equitable financial resources are available to all parties contesting the elections, especially those whose main constituencies are those which have been disadvantaged by apartheid;
- an electoral process which is free of manipulation, fraud and ballot rigging, with a secret vote and unimpeded and easy access to the polling booth.

We would hope that the British Government will play a major role in ensuring that the relevant international bodies begin making preparations so that a sizeable international presence can be deployed within South Africa to help ensure 'free and fair' elections. Such an operation will entail considerable cost, and we would hope that the British Government will ensure that sufficient funds are made available as required.

6.0 The Role of Sanctions in Promoting Democratic Change:

Developments since February 1990 have underlined the importance of the maintenance of international pressure, including sanctions, in order to ensure that there is a genuine end to apartheid and the creation of a united, non-racial and democratic South Africa. As we have warned repeatedly the premature relaxation of economic sanctions, far from encouraging the process of democratic change, has resulted in the Pretoria regime taking more intransigent positions. This was particularly the case following the whites-only referendum in March 1992, when the EC lifted the oil embargo against South Africa and there were similar moves by others internationally. Yet within two months CODESA was deadlocked due to the insistence of the Pretoria regime that it should be able to maintain a white veto over change.

Now that the ANC has signalled that agreement on the date for elections; the establishment of the Transitional Executive Council together with independent electoral and media commissions; and the enactment of legislation to put into effect the transition, would be the point at which economic and diplomatic sanctions should be relaxed, we would hope that the British government will look carefully as to how it responds to such developments (10). A copy of the AAM's policy statement on the Role of Sanctions in Promoting Democratic Change in South Africa which was published last month is attached.

We have a number of specific concerns as follows:

Firstly, we would strongly urge the Government to await the installation of a democratic government before seeking the lifting of nuclear sanctions. The existing EC restrictions on nuclear relations with South Africa are amongst the measures which the ANC has indicated that it would wish to stay in place until that stage has been reached. However there are wider reasons for maintaining this ban, not least the recent admission by South Africa that it had developed nuclear weapons.

Instead of pressing for the relaxation of this ban we believe it would be much more appropriate for the British government to insist on a full investigation by the IAEA and the UN so that all the facts are made known as to how South Africa was able to become a nuclear weapons state as well as ensuring that the destruction of all such weapons and related facilities takes place.

Secondly, we would hope that Britain will use its influence within the European Community so that it refrains from upgrading its representation in South Africa until the Transitional Executive Council (TEC) is in place. Moreover consideration of the possible appointment of an EC Delegate should then take place only if such a proposition is acceptable to the ANC and other democratic forces and provided that the Delegate is accredited to the multi-party TEC and not to the white-minority regime.

Thirdly, we were encouraged by the decision in September 1992 to maintain the EC Code of Conduct for companies operating in South Africa and the existing reporting procedures, and we would very much hope that the Code and the procedures will remain in place until a democratic government is installed.

Finally, we obviously appreciate that the ANC's position on sanctions could open the way to access to IMF and World Bank facilities in the near future. However we would like to draw the Government's attention to the ANC's insistence that agreements with international bodies such as the IMF should be with the Transitional Executive Council and not with the white minority regime (11). We very much support this view, and would hope that British representatives in the IMF and World Bank would be supportive of such an approach.

We would like to take this opportunity of re-affirming our

support for the position which the British government has adopted concerning military and strategic relations with South Africa, namely that there should be no relaxation of such measures until a democratic constitution is in place.

We would in particular like to place on record our appreciation for the position the British government has taken over the supply of Martin Baker ejector seats for the Swiss Pilatus PC-7 military trainer aircraft which are due to be exported to South Africa in breach of the UN mandatory arms embargo. We hope that Britain will continue to use its influence to persuade the Swiss authorities to ban the export of these aircraft as well as to encourage other countries to follow its example by prohibiting the inclusion of components in the Pilatus.

7.0 Conclusions and Recommendations:

We remain hopeful that the process now underway in South Africa can lead to rapid progress towards the democratic transformation of South Africa. However, much will depend on the influence which the international community can bring to bear in the period ahead. Given the key role which Britain can play in shaping international policy towards Southern Africa, we very much hope that it will respond positively to the approach set out in this Memorandum and in particular to the following specific recommendations:

A) **Political Violence:** we would urge the British Government to give active consideration to the specific proposals set out in Section 2.0 of this Memorandum;

B) **The threat of increased repression:** we would urge the British government to send an appeal immediately to President de Klerk warning of the serious consequences which will result from the regime resorting to blanket repression of anti-apartheid forces. In addition the British government should take up the specific issues of the death penalty and political prisoners referred to in the Memorandum;

C) **Support for the negotiating process:** we would urge the British Government to take a major initiative immediately to promote and encourage the negotiating process by:

i) re-affirming that its goal is a united, non-racial and democratic South Africa, that it supports the re-incorporation of the bantustans into a united South Africa, and that it is opposed to any secessionist moves;

ii) stressing the need for a rapid breakthrough in the negotiations on the basis of the proposals put forward by the ANC in February 1993;

iii) bringing the maximum possible influence to bear on all those resisting democratic change;

iv) proposing that unless a breakthrough is achieved in the negotiations by the European Summit in Copenhagen on 21/22 June, Britain will insist that South Africa is a major item on the agenda of the summit and ensure that it adopts appropriate and

effective measures against South Africa in order to promote democratic change.

D) The need for 'free and fair' elections: we look forward to the British government playing a full role in ensuring the international supervision, monitoring and verification of the election process in South Africa on the basis of the proposals set out in Section 5.0 of this Memorandum.

E) Maintaining international pressure: we would ask the British government to give the most careful consideration to the specific proposals set out in Section 6.0 of the Memorandum in relation to the role of sanctions and other measures in promoting democratic change.

References

1. Memorandum on the Role of the European Community Observer Mission in South Africa, presented to Mr Niels Helveg Petersen, Copenhagen, 17th May 1993.
2. For example see UNSCR 765 & 772, UN Secretary General's Reports of 7th August 1992 and 22nd December 1992, and the Record of Understanding between Nelson Mandela and President De Klerk, September 1992.
3. Human Rights Commission Special Alert, 25th May 1993.
4. UOMSA/1993/PR/24, 16 March 1993.
5. Letter from Rt Hon Douglas Hurd MP to Robert Hughes MP, Chair AAM, 25th September 1992, and subsequent correspondence from the British government to the AAM and others.
6. Letter from Rt Hon Douglas Hurd MP to Archbishop Huddleston, President AAM, 27th April 1993.
7. Observer, 9th May 1993.
8. Independent, 27th February 1993.
9. International Appeal for international supervision, monitoring and verification to ensure 'free and fair' elections in South Africa.
10. Resolution on Sanctions of the National Executive Committee of the ANC adopted at its meeting on 16-18 February 1993.
11. Ibid