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REPORT OF THE SECRETARY-GENERAL ON THE
SITUATION IN SOUTHERN AFRICA



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**REPORT OF THE SECRETARY-GENERAL ON THE
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The last report of the Secretary-General on the situation in Southern Africa, submitted to the Council of Ministers was in February 1991. The limited period of coverage and the absence of any major development make it necessary that the Report be brief.

2. *Two issues have, in recent times come to dominate the discussion on the situation in South Africa and may continue to occupy the centre stage for sometime to come. The two issues are the efforts being made by President de Klerk to meet the conditions stipulated in both the Harare and the UN Consensus Declarations on Apartheid which have had the effect of eroding global sanctions against South Africa. The second issue relates to the most regrettable incidence of violence among the oppressed people. This Report, attempts to examine the two issues in light of new developments. The peace processes in Angola and Mozambique, as well as the negotiations on Walvis Bay are also covered in the report.*

SOUTH AFRICA

3. *It will be recalled that the announcement in Pretoria in the Parliament on February 2, 1991, by President de Klerk of his intention to repeal the Land Acts, the Group Areas Act and the Population Registration Act, has heightened the debate on whether or not sanctions should be maintained. Some countries promptly gave notice of their intention to lift sanctions as soon as measures were taken to implement the decision. The Council accepted the recommendation of the Ad-hoc Committee of Heads of State and Government on Southern Africa which met on February 7, 1991, specifically to consider the Policy Statement of President de Klerk referred to above. It decided that sanctions and all pressures should be maintained.*

4. *By mid-March, the Pretoria Government had introduced Bills in Parliament to give effect to its Policy Statement of February 2. The Bills are still being considered in Parliament. In the meantime, the ANC has vehemently denounced the Government White Paper on Land Reform on the grounds that the so-called reform was a ploy to perpetuate the present iniquities because it rejected land redistribution and restoration or compensation to victims of forced removals.*

5. *The second action taken by the Government is the decision to allow the UNHCR to participate in the repatriation of exiles to South Africa. Measures were accordingly taken to expedite the procedures involved in the repatriation exercise. So far, more than a hundred exiles returned home during the month of March. It is estimated that there are about 40,000 exiles to be repatriated.*

6. *The introduction of the Bills in Parliament in particular and the measures to accelerate the return of the exiles have once again revived the debate on sanctions. In the Report to the last Session of the Council the following was stated:*

"President de Klerk and his Foreign Minister have been received in some African capitals, trade and commercial links have been restored, air links have been established and, some (states) are seriously considering establishment of diplomatic relations".

7. *In March alone, South Africa opened missions in four countries, one in Eastern Europe, two in West Africa and one in the Indian Ocean. Contacts are on the increase and trade with Africa is reported to be growing in leaps and bounds, almost - R10bn (US\$4 bn.) a year. The United Kingdom has intensified its campaign for the lifting of sanctions, mainly with European Community, the Commonwealth and with the US Administration. The International Olympic Committee (IOC) is actively courting South Africa and the rest of the international community is patiently waiting for the repeal of those three Acts to decide whether or not to lift the sanctions.*



8. *The arguments for and against sanctions continue to be trade. Those who want to lift sanctions argue that de Klerk has done so well that he deserves to be rewarded in order to encourage him to do more. Those who want to maintain sanctions concede that de Klerk has done well but there is still more to be done and that it would be dangerous to remove the only incentive to act when there are still a lot more to be done. In sum, the difference comes to this; whether sanctions encourage or discourage further action to dismantle Apartheid. But to answer, that would require a restatement of what is required to be done and what has been done. The conditions stipulated in both the Harare and UN Consensus Declarations, are conditions to be met before negotiations on the political future of South Africa can take place. The record shows the following:-*

CONDITIONS	MEASURES TAKEN	COMMENT
<i>Release of all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them.</i>	<i>About 300 out of a total of about 3,000 have been released.</i>	<i>Partial implementation. Restrictions continue to be imposed on some of the returnees.</i>
<i>Lift all bans and restrictions on all prescribed and restricted organizations and persons.</i>	<i>Almost all organizations have been unbanned.</i>	<i>Full implementation.</i>
<i>Remove all troops from the townships.</i>	<i>All troops have been removed. Presence of troops now is the result of widespread violence.</i>	<i>Full implementation.</i>
<i>End the State of Emergency and repeal all Legislation such as the Internal Security Act, designed to circumscribe political activity.</i>	<i>State of Emergency has been terminated. Internal Security Act and scores of other restrictive and discriminatory laws that inhibit free political activity still do exist. It must also be pointed out that a host of discriminatory laws such as the Separate Amenities Act have been</i>	<i>Good performance but not complete.</i>



*repealed. Most of the pillars of
Apartheid are in the process of being
repealed.*

*Cease all political
trials and political
executions.*

*Political trials and suspended
execution.*

*Full implementation.
But the regime has
indicated its desire to
lift the
moratorium.*

9. *Out of the five conditions, three have been fully met while two have been partially met. It is obvious from the table that the Government still has a long way to go in the release of political prisoners and detainees. It would seem that until that is done and a corresponding measure is taken to repeal the rest of the restrictive and discriminatory laws, it would be difficult if not impossible to proceed to the next phase of the process. A full compliance with the conditions, only means that the Pretoria regime has created the necessary climate conducive to the commencement of negotiations. Very often, an impression is created that the conditions are tied to sanctions. It would be erroneous for any one to view the measures being taken by the Pretoria regime in terms of future policy on sanctions. Those who are impressed by what has been done should rather talk of moving to the next phase of the process, that is, the commencement of the negotiations. How can any one talk of lifting international pressure and sanctions when the negotiations have not even started?*

10. *Those who clamour for the lifting of sanctions are those who are obviously dazed by the fact, that Nelson Mandela has been released from prison and that the ban on the organizations have been lifted. They are less concerned whether or not Mandela has the vote, thousands still remain in prison, and whether or not the activities of the organizations that have just been unbanned are hindered and restricted by existing legislation. Obviously, those wanting to lift sanctions never thought for one moment that what has happened in South Africa was possible. They never wanted or believed in sanctions in the first place but were compelled by pressure to join the sanctions train. At the slightest sound of progress, they are naturally the first to jump into the bandwagon. One can now understand the energetic role being played by the United Kingdom and other European countries in the campaign to lift sanctions.*

11. *Unless both the Harare and the UN Consensus Declarations are fully implemented, there should be no doubt about when sanctions should be lifted. On the Programme of Action to be undertaken by the international community, the UN Consensus Declaration states as follows:*

"(d) To ensure that the international community does not relax existing measures aimed at encouraging the South African regime to eradicate Apartheid, until there is clear evidence of profound and irreversible changes, bearing in mind the objective of this declaration.

12. *Taken in isolation, this provision lends itself to various interpretations as to what constitutes "profound and irreversible changes". But if this provision of the Declaration is read in conjunction with the last but one paragraph of the preamble, then the seeming ambiguity becomes resolved. It states as follows:*



"Consequently, we shall continue to do everything in our power to increase support for the legitimate struggle of the South African people, including maintaining international pressure against the system of Apartheid until that system is ended and South Africa is transformed into a united, democratic and non-racial country, with justice and security for all its citizens";

13. *The Harare Declaration puts it differently but meaning the same. It states that after the adoption of the new Constitution, "..... the international community would lift the sanctions that have been imposed against Apartheid South Africa".*

14. *The provisions of the two Declarations put the issue beyond doubt. No one can say that Apartheid has been eliminated, not even with the repeal of what has come to be regarded in OAU parlance as pillars of Apartheid because the more fundamental law of the land, the Constitution, from which the pillars of Apartheid derive their origin and authority, still remain intact. The negotiation to adopt a new Constitution has not yet even started. Apartheid can be said to have been eliminated only when a new Constitution comes into force in South Africa. To those who may want to use the line of least resistance by sticking to the phrase "profound and irreversible changes", let it also be stated that the profound changes can only be irreversible when those responsible for the changes, are no longer in a position, even if it is so desired, to legally reverse the democratic process.*

15. *In terms of the two declarations, the time for the lifting of sanctions has not yet arrived. It will be recalled that during the Lancaster House Negotiations and also during the implementation of UN Security Council Resolution 435 (1978), nobody talked about removing sanctions until Zimbabwe and Namibia became independent. Why then the strident and persistent campaign for the lifting of sanctions halfway through the process leading to the establishment of a united, democratic and non-*



racial society in South Africa? Whatever the private motivations may be, which are anybody's guess, one thing though is very clear; the move is not designed to encourage more reforms as being claimed because without the pressure from the international community the regime might simply sit on its laurels without proceeding further in order to accommodate the pressure coming from the right-wing elements within the country. To lift sanctions therefore will be to abort or to undermine the peace process in South Africa.

16. *The argument to maintain sanctions cannot be faulted, it is solid. That is why the Ad-hoc Committee of Heads of State and Government on Southern Africa has insisted on maintaining all pressures and sanctions. But the call for the lifting of sanctions grows stronger and stronger. It is doubtful whether Africa's collective position and appeal can any longer stem the tide. But Africa's collective position has been so seriously eroded that it is doubtful whether that collective position exists. Even if Africa manages to come up with a collective position which may not be difficult to achieve, the credibility gap will render that position rather tenuous. In that circumstances, it is doubtful whether anyone will pay heed to the appeal of the OAU. Furthermore, the OAU's position has further been weakened by the double signals that keep coming from the ranks of the ANC. Must the OAU stick to its faith and principles only to be swept aside by the tidal wave and rendered irrelevant or make some adjustments in order to take control over the situation?*

17. *That is a question that must exercise the minds of all so that the best decision is made in full awareness of the facts. In this connection, some have suggested the easing of sanctions in phases. The problem with this suggestion is that once the lid is off, control of the flow becomes extremely difficult; one might as well have lifted the sanctions altogether. But since comprehensive lifting of sanctions must not be allowed to happen, the proposal for phased-lifting of sanctions or any such proposals should be looked into.*

VIOLENCE

18. *Following the historic meeting between the Deputy President of the ANC, Comrade Nelson Mandela and the President of the Inkatha Freedom Party, Chief Mangosothu Buthelezi, a wave of optimism swept through South Africa and beyond that the senseless violence was coming to an end. It will be recalled that the endemic violence in Natal that rapidly spread to other townships in South Africa between September 1990 till the meeting between Mandela and Buthelezi on 29 January, had been a major source of concern to Africa and the international community. The carnage and mayhem left in its wake several thousand people dead and considerable damage done to property.*

19. *The press and prominent people in South Africa including President de Klerk repeatedly insisted that a meeting between Dr. Mandela and Dr. Buthelezi was necessary for the violence to end. This explains the high hopes generated after the meeting between Mandela and Buthelezi. The agreement they reached and the determination to work together to end the violence was generally hailed throughout the world. But the hopes have since worn thin.*

20. *It is not certain whether there was a reduction in the scale and intensity of the violence after the joint appeals by the two leaders. What is certain however is that the violence did not end. It has bounced back with much ferocity that all well-wishers and supporters of the oppressed people in South Africa are left wondering as to why and how such a tragedy should befall the people at a time of great expectations. People attending rallies have been shot and killed just as innocent mourners were mercilessly hacked and shot to death. The Inkatha supporters have gone after ANC supporters just as ANC supporters have attacked Inkatha supporters. The police on occasions attacked ANC supporters and also denied them protection. The spiral violence continues.*

21. *In the meantime, Dr. Mandela and Dr. Buthelezi, have met again to try to salvage the situation. Once again, they have agreed to mount joint operations to bring their message to the people. They deserve the support and encouragement of all. It would however seem that they have a herculean task ahead whose successful accomplishment would stretch their capacities and capabilities to the hilt.*

CONCLUSION

22. *The two pressing issues of sanctions and violence are again brought to the attention of the Council in the hope that the Council would, this time, address the issues squarely;*

- (i) On sanctions, after taking into account all aspects of the problem, the Council may wish to pronounce itself clearly on whether or not sanctions should continue. If sanctions should continue, then what happens to the trade and air-links that have been established with Pretoria by some Member States. If there should be a gradual lifting of sanctions, then a table of the phased reduction should be established.*

- (ii) The violence is a threat to the political process. In addition to encouraging the leadership of the ANC and the Inkatha Freedom Party to intensify their efforts to curb the violence, perhaps the time has come for the OAU to bridge the gap between it and the organizations in South Africa through a Round Table Conference to adopt a Code of Conduct or a Memorandum of Understanding.*



FRONTLINE STATES

23. *The consequences of South Africa's acts of destabilization against the Frontline States make it necessary for the Secretariat to continue to monitor the peace process in Angola and Mozambique. In Angola and Mozambique the search for durable solution have continued, despite occasional outbreak of hostilities and acts of banditry by UNITA and MNR (RENAMO).*

24. *In Angola as in Mozambique hopes generated during the second half of 1990 for speedy resolution of the internecine conflicts have begun to recede within the first few months of 1991. In Angola the negotiations stalemated over dates for a cease-fire and elections. Immediately after the breakdown of the talks UNITA launched attacks on economic targets. In Mozambique the partial cease-fire signed in Rome on 1 December, 1990, has been and continues to be repeatedly breached by the MNR (Renamo) thus putting the entire peace process in grave jeopardy.*

25. *It would seem a deliberate attempt on the part of both UNITA and MNR to wreck the negotiations inspite of the major concessions that have been made by the Governments of Angola and Mozambique. It is believed that the intransigent attitude of the two organizations is the result of continuing international support to the two organizations. The US is reported to have contributed a hefty sum of US\$65 million in military hardware to UNITA last year. MNR also continues to receive generous military and financial support from South Africa. The MNR is reported not to be keen about establishing itself as a political party to contest elections, their only interest is to negotiate places in government for themselves.*



26. *In spite of the provocations, the governments of Angola and Mozambique have continued to pursue the peace process. The Government of Angola and UNITA were meeting in Lisbon, at the time of writing this report. The Government of Angola has expressed optimism that a breakthrough in the stalemate was possible which would then pave the way for the signing of a cease-fire agreement. It is reported that the Government of Mozambique and MNR would be having their next talks on 15 April, in Rome.*

NAMIBIA

27. *The Government of Namibia has entered into preliminary negotiations with the Pretoria regime over the question of Walvis Bay. It is to be expected that the negotiations would continue for sometime. The fact that the negotiations have commenced is in itself a significant development. The Government of Namibia deserves the support and encouragement of the Member States of the OAU.*



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