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E U R O P E A N   P A R L I A M E N T

POLITICAL AFFAIRS COMMITTEE

DRAFT REPORT

on

the political situation in southern Africa

Part B: EXPLANATORY STATEMENT

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EXPLANATORY STATEMENTI. Introduction

1. A report on the political situation in southern Africa will encounter a number of difficulties at the outset, the first of which is the problem of defining the geographical area covered by this term which refers to an enormous African subcontinent without precise boundaries. A satisfactory solution to the problem would be to restrict ourselves to the situation in four states which are undergoing profound political changes - Angola, Mozambique, Namibia and the Republic of South Africa - developments in these countries being decisive for the future of the entire region.

2. In Angola and Mozambique, after fifteen years of independence and fratricidal armed conflict, negotiations have started aimed at bringing about national reconciliation and peace, while the one-party, initially Marxist, regimes are making significant progress towards democracy and multi-party systems.

3. Namibia gained its independence following successful negotiations and an electoral process which was considered to be free and fair. Everything indicates that further progress will take place in an atmosphere of peace and political stability.

4. In South Africa, although the legal foundations of apartheid persist and violent clashes among the population are on the increase once again, there are clear political indications of the changes called for by organizations representing the overwhelming majority of the people and supported by the international community.

5. Another difficulty, as far as this report is concerned, is the rapid development of the political situation in the region under consideration. Any considerations and proposals set out here may be overtaken by events, in particular by the negotiations taking place between the contending parties in South Africa, Angola and Mozambique.

II. Namibia

6. The New York Accords on Namibian independence<sup>1</sup> and the events which followed were a decisive factor in the creation of a new political impetus with clear repercussions throughout southern Africa.

The problem of Namibia was not the only matter at stake in these negotiations. Much broader interests were also concerned, involving the neighbouring states, the two superpowers and Cuba. All these countries therefore took part in the negotiations and solutions were found to matters such as, on the one hand, the gradual withdrawal of Cuban troops and the dismantling of SWAPO bases in Angola and, on the other hand, the military withdrawal of South Africa to within its own borders.

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<sup>1</sup> Concluded in December 1988.

7. The special representative of the UN Secretary-General, Mr Ahtisaari, considered the elections for a constituent assembly in Namibia to have been 'free and fair', a view shared by inter alia the special delegation of the European Parliament which visited the country at the time. The South African President, Mr De Klerk, accepted the election results and emphasized his country's willingness to take part in constructive cooperation with the Namibian Government.

SWAPO won a clear absolute majority (41 of the 72 seats) but failed to gain the two-thirds of the seats needed for it to adopt the constitution on its own.<sup>2</sup>

8. These developments show that it is incorrect, indeed slanderous, to maintain that universal suffrage and multi-party systems are not appropriate for certain African cultures. It is also clear that negotiation is the only means of resolving conflicts which is compatible with the fundamental interests of the populations concerned.

9. The proceedings of the Constituent Assembly reached a satisfactory conclusion with the unanimous adoption of a text on 9 February 1990. In this connection, European Political Cooperation<sup>3</sup> issued a statement warmly welcoming the fact that the process of self-determination of the Namibian people had effectively reached its conclusion, acknowledging the manner in which the Constituent Assembly had carried out its task in a spirit of understanding and reconciliation and looking forward to welcoming Namibia officially into the community of nations on 21 March as a fully sovereign, democratic and independent state.

10. It must be recognized that the success of the Namibian independence process and the speed with which the constitution was adopted were due in large part to the spirit of cooperation shown by the parties concerned, in particular SWAPO, whose actions and words gradually proved to be moderate and realistic. An example of this is the inclusion in the Namibian Government of individuals who are neither members of nor linked to SWAPO.

11. The Strasbourg European Council<sup>4</sup> reaffirmed the willingness of the Community and its Member States to support the development of the newly-independent Namibia through aid programmes.<sup>5</sup> The European Council also stated that it was open to the idea of including Namibia in the new Lomé Convention, should it wish to join.

12. On 21 March the Namibian people celebrated their national independence. This occasion was, significantly, witnessed by inter alia the US, Soviet and West German Foreign Ministers as well as the President of South Africa. On 18 April, by unanimous decision of the Security Council, Namibia became the 160th member of the United Nations.

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<sup>2</sup> The United Democratic Front (UDF) came second with 21 seats. The remaining ten seats were shared by five other political movements.

<sup>3</sup> Dublin, 20 February 1990.

<sup>4</sup> December 1989.

<sup>5</sup> The Community's aid programme for Namibia is set at 19 m ECU this year, as compared to 12 m ECU in 1989.

13. It should not be forgotten, however, that there is still a delicate territorial dispute with South Africa, which continues to administrate the enclave of Walvis Bay<sup>6</sup>, an area claimed under the constitution of Namibia as an integral part of its national territory. UN Resolution 435, which laid down provisions governing Namibia's independence, did not solve this problem, given South Africa's refusal to give way, referring it instead to direct negotiation between the two states involved.

### III. Angola

14. After more than a decade of armed struggle against the colonial power, Angola achieved independence in 1975, shortly after the revolution which liberated Portugal from the totalitarian regime which had governed it for nearly 50 years.

The agreements concluded at the time in Alvor (Portugal) with the liberation movements which had waged the armed struggle were unable to prevent Angola from rapidly subsiding into civil war between the Government of the MPLA (People's Movement for the Liberation of Angola) - recognized by the international community and supported in particular by the USSR and Cuba - and UNITA (National Union for the Total Independence of Angola) led by Jonas Savimbi, supported principally by the USA and South Africa.

15. While negotiations on the New York Accords were taking place, the repatriation of the Cuban military contingent providing backing for the FAPLA (the Angolan armed forces) began and the South African army withdrew to within its own borders<sup>7</sup>. These developments enabled the two sides to conclude the Gbadolite Agreement with the mediation of President Mobutu of Zaire.<sup>8</sup>

16. The agreement - which was clearly dubious as far as its practical implementation was concerned - and the hand-shake between the President of Angola, José Eduardo dos Santos, and Jonas Savimbi had no lasting results in military terms.

In fact, at the end of last year the FAPLA, claiming that there had been repeated violations of the cease-fire, launched a fresh military offensive against positions held by UNITA in the south-east of the enormous territory covered by Angola. The ensuing counter offensives included the sabotaging in April 1990 of Luanda's energy supplies, which made the already extremely precarious living conditions in the capital even worse.

17. The Twelve, acting within the framework of European Political Cooperation, reiterated<sup>9</sup> their appeal for an immediate cease-fire and the holding of direct talks between the parties and undertook to grant substantial and effective aid for the economic and social reconstruction and development of Angola as soon as the peace process allowed.

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<sup>6</sup> The only deep-water sea-port on the Namibian coast.

<sup>7</sup> As a result of the agreement signed on 22 December 1988, the 50 000 Cuban troops stationed in Angola will be repatriated by July 1991.

<sup>8</sup> The agreement, signed on 23 June 1989 in the presence of eighteen African heads of state, announced that all hostilities would cease on the following day.

<sup>9</sup> Declaration of 6 April 1990.

18. The winds of democratization and institutional reform have also reached Angola - a country whose population has been decimated by nearly three decades of war, economic problems and, recently, famine throughout a large part of its territory.

For example, the MPLA Central Committee has initiated an assessment<sup>10</sup> of a number of highly significant amendments to the constitution which may make peace a viable proposition. The Central Committee completed its work in July and the conclusions - to be submitted to the Congress in December - point to the need to develop a multi-party system and state explicitly that the Party must prepare to win its place in society on merit, without resorting to authoritarianism or repression. The conclusions specifically advocate the separation of State and Party.

19. In the meantime the Tripartite Commission for the verification of the New York Accords, composed of representatives from Angola, Cuba and South Africa, together with observers from the USSR and the USA, met in Luanda<sup>11</sup> and welcomed the resumption of Cuban troop withdrawals, which had been broken off in the summer of 1989. By 1 October this year, 76% of the total should have been repatriated, with the remainder (12 000 troops) returning by 1 July 1991.

20. In recent months, the political situation appears to have improved, despite the continuation of military activity. Thus, on 7 April UNITA agreed to recognize the State of Angola on the basis of the Alvor Accords and announced it was prepared to cease all hostilities. Subsequently, it recognized José Eduardo dos Santos as President of the People's Republic of Angola and indicated that it was not interested in joining a transitional government until elections were held.

On 24 and 25 April, official representatives of the MPLA and UNITA established direct formal links in Évora (Portugal) following lengthy and delicate moves by Portugal's diplomatic services. A second round of direct talks, with the participation of the Portuguese Secretary of State for Cooperation, took place in Oeiras (Portugal) on 16 and 17 June.<sup>12</sup> These contacts were resumed in August and were continuing at the end of September, still in Portugal.

21. In the current negotiations, UNITA is calling for recognition by the Angolan Government, the setting of a date for free, multi-party elections and the creation of a unified army. It will accept a cease-fire only on these conditions.

The government, for its part, is unwilling to recognize UNITA, claiming that this is impossible under the present constitution. It wishes to negotiate a cease-fire first. It is hoped that the current impasse can be resolved at the next round of negotiations, which will be attended by observers from the USA and the USSR (at the suggestion of the Portuguese mediator).

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<sup>10</sup> March 1990.

<sup>11</sup> 5 March.

<sup>12</sup> The Dublin European Council (26 June) included in its final communiqué a positive reference to these talks, which were held under the auspices of Portugal.

#### IV. Mozambique

22. The State of Mozambique came into being through a political process which was simultaneous to and in many respects similar to the case of Angola, except for the fact that the armed struggle against the colonial power was waged essentially by a single movement, FRELIMO (Mozambique Liberation Front), which assumed power as a matter of course upon independence in 1975.

23. However, in Mozambique, too, armed strife sprang up shortly afterwards with the emergence in 1977 of RENAMO (Mozambique National Resistance), whose nature and origin were unclear and which until then had been virtually unknown. This movement, which was supported by South Africa in the initial stages,<sup>13</sup> carried out widespread guerilla strikes against military and economic targets<sup>14</sup> as well as civilians.

24. As the civil war spread, political, economic and social problems became more acute. Today, Mozambique is in a crisis with widespread famine and an estimated figure of more than three million refugees as a result of the conflict, of whom around 1.2 million are in Malawi, Zimbabwe and South Africa.

25. As in Angola, following domestic pressure as well as pressure from the international community, indirect negotiations have started between the two sides with a view to seeking a cease-fire and a peaceful settlement.<sup>15</sup>

Since then, a number of high-level diplomatic contacts have taken place, involving in particular senior officials of the State Department and the South African Ministry of Foreign Affairs. In addition, the President of the People's Republic of Mozambique, Joaquim Chissano, has held talks in Nairobi with President Arap Moi of Kenya and President Mugabe of Zimbabwe, who have taken on a mediating role in the peace process.

26. There was a long break in negotiations, owing to the difficulty of reconciling the negotiating positions of the two sides, during which military hostilities continued.

Initially, the essential differences were said to be caused by RENAMO's refusal to recognize 'the established order' (which apparently meant observing and recognizing the present constitution and the institutions based on it).

27. FRELIMO, while prepared to accept a revision of the constitution, will only agree to change the existing order through the present state bodies and using machinery established by law. It accepts the participation of individuals, groups or organizations in the political transformation process, provided that they comply with these principles from the outset.

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<sup>13</sup> Following a meeting held last December with President Chissano of Mozambique, President De Klerk reaffirmed that South Africa was giving no official support to RENAMO and promised to take measures to prevent illegal aid being provided by private South African bodies.

<sup>14</sup> It practically paralysed the production and distribution of energy produced by the major hydro-electric project at Cahora Bassa.

<sup>15</sup> Nairobi, July 1989.

RENAMO advocates a global agreement on national reconciliation - including the formation of a transitional government and the holding of elections to a constituent assembly - with a cease fire to take place afterwards.

28. The preliminary draft revision of the constitution adopted in early September by the Central Committee of FRELIMO<sup>16</sup> points to far-reaching reforms and the abandonment of programmes and doctrines based on the model of the 'people's democracies'. In particular, it advocates a multi-party system, the abolition of the leading role of the Party and freedom of expression and freedom of the press.

If these constitutional amendments are implemented, the peace process is likely to be given an extremely valuable fresh impulse. If RENAMO's main demands are accepted, which would signify a clear commitment by FRELIMO to the democratization of Mozambican society, its negotiating position will be weakened and it will lose international credibility if it does not give ground on certain other claims.

29. Clearly, this initiative by FRELIMO is likely to encourage the West to give more support to the Mozambique Government during the peace process and the economic reconstruction of the country. This emerged recently in Washington<sup>17</sup>: at a meeting with President Bush, President Chissano is said to have reiterated his wish to open direct negotiations with RENAMO as soon as possible and to implement the political reforms already announced. US assistance for Mozambique, both humanitarian aid and aid for modernizing and developing the economy, has been growing as the country has gradually moved out of the sphere of influence of the USSR.

30. Meanwhile, direct contacts were planned to take place between the two sides on 12 June in Blantyre (Malawi) but RENAMO failed to attend, for reasons which have not been fully explained. Everything indicates that RENAMO demanded the prior withdrawal from the 'Beira and Nacala corridors'<sup>18</sup> of military forces from Zimbabwe and Malawi and that this condition was not accepted.

31. Lastly, from 8 to 10 June, direct negotiations between the two sides opened in Rome under the auspices of the Catholic Church (Community of Santo Egídio)<sup>19</sup>. The talks were attended by the Archbishop of Beira, D. Jaime Gonçalves.

This first meeting achieved no spectacular results but the final communiqué shows the commitment of the two sides to 'finding common ground in order to put an end to the conflict and create political, economic and social conditions which will help bring about peace and normalize the lives of all Mozambicans'. A second round of negotiations was held in same place in August but was equally inconclusive.

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<sup>16</sup> To be submitted to the People's Assembly in October 1990.

<sup>17</sup> 13 March 1990.

<sup>18</sup> These 'corridors' provide access to the Indian Ocean for these countries.

<sup>19</sup> This Community has carried out important relief work in Africa, in particular amongst the people of Mozambique.

32. RENAMO refused to attend the third round of negotiations, planned for the second half of September, until the Mozambique army, acting in conjunction with the Zimbabwean army, halted the major military offensives said to be under way in the centre and north of the country.

#### V. The Republic of South Africa

33. With the election of President De Klerk on 14 September 1989, the final months of last year and the first few months of this year have produced a number of political developments which may lead to a decisive turning point in the situation in South Africa towards the full democratization of the regime and the complete abolition of apartheid, although this crucial objective, to which the overwhelming majority of the South African population aspires, is still some way off.

In yielding to popular pressure, international diplomatic pressure and economic sanctions, the new South African Government has adopted a highly courageous stance in favour of democracy and has clearly paved the way for political reform.

34. Thus, on 15 October, eight political prisoners, including seven ANC leaders, some of whom had been convicted in the Rivonia Case along with Nelson Mandela, were released.

On 16 November, De Klerk announced he was requesting Parliament to abolish the Separate Amenities Act and had decided to abolish racial restrictions governing access to beaches. On 23 November, he signed a declaration stating that various areas were declared free trading areas. On the following day he announced the first four residential areas to be opened to all races, following the adoption of a law on free establishment areas.

35. However, it was in a speech given on 2 February that President De Klerk announced far-reaching measures of exceptional political significance:

- the imminent unconditional release of Nelson Mandela, the historic leader of the ANC;
- the immediate legalization of the ANC, the PAC and the South African Communist Party and the abolition of restrictions on 33 organizations, including the UDF (United Democratic Front);
- the liberation of political prisoners held as a result of membership of or involvement in the above organizations, except those convicted of crimes such as murder, arson or terrorism;
- the suspension of executions of prisoners on death-row, until Parliament had considered a Bill abolishing the rule which makes the death penalty compulsory for certain crimes and guaranteeing the right of appeal;
- the immediate lifting of all restrictions on the media;
- the lifting of restrictions imposed on 374 citizens released conditionally under the state of emergency;
- the abolition of the law on the separation of certain public amenities;

- the lifting of the state of emergency 'as soon as circumstances justify it'.

President De Klerk also announced that he was prepared to negotiate with a view to achieving objectives acceptable to all South Africans, in particular a new democratic constitution guaranteeing the protection of minorities, individual rights and equality before the law.

In the sphere of foreign policy, he stressed the thaw in relations with neighbouring countries and called for a conference of the states of Southern Africa and the adoption of a joint reconstruction programme for the sub-continent.

36. The international community and the Community institutions gave a swift, positive response to these declarations, particularly following the release of Nelson Mandela after 27 years in captivity.

From the public communiqués and the resolutions adopted by the European Parliament (February part-session), the Commission (3 February) and European Political Cooperation (12 February), the following points should be noted:

- the measures announced are an important contribution to creating the conditions needed for a major national dialogue which will make it possible to adopt irreversible reforms leading to the complete abolition of apartheid by peaceful means and the installation of a fully democratic, non-racial regime;
- if these negotiations are to be fruitful, the state of emergency must be lifted<sup>20</sup>, political prisoners amnestied and a climate of confidence established;
- aid must continue to be given to the victims of apartheid and economic, financial and diplomatic pressure on South Africa maintained, as the legal foundations of the apartheid regime are still in force.

37. In September 1985 and September 1986, the Council of Ministers of the European Communities adopted two packages of restrictive measures concerning South Africa, the express aim of which was the complete abolition of apartheid. These measures included the following:

- the withdrawal of military attachés and a suspension of military and nuclear cooperation;
- an embargo on the export of arms and paramilitary equipment;
- a ban on the sale of oil and sensitive technology;

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<sup>20</sup> A partial state of emergency was decreed in August 1985 and temporarily lifted between March and June 1986. On 12 June 1986 the authorities decreed a total state of emergency, to be renewed annually. The state of emergency was an instrument used, for example, to restrict the right of association and the right to hold demonstrations, as well as providing the basis for detentions without trial and measures to restrict freedom of residence and freedom of movement.

- moves to discourage sporting and cultural links;
- a ban on the import of Krugerrands and certain iron and steel products;
- a recommendation for a halt to new investment in South Africa.

It is difficult to quantify the direct and indirect impact of these measures on the South African economy. However, it is agreed that they had at least a political effect of undeniable importance on the South African authorities and the anti-apartheid movements.

38. The Foreign Ministers of the Twelve, meeting on 20 February, were not unanimous regarding the continuation of sanctions against South Africa, a situation which affected the credibility of European Political Cooperation.

The majority, in accordance with the resolution adopted by Parliament<sup>21</sup>, took the view that, despite the positive steps already made, the ultimate objective of the sanctions - the complete abolition of apartheid - was still some way off, the state of emergency was still in force and there were still many political prisoners, so that any softening of economic sanctions would be premature and counterproductive.

The UK Foreign Minister, however, considered that European companies should be authorized immediately to invest in South Africa, particularly in the light of Pretoria's promise to lift the state of emergency. On the same day, the Prime Minister announced in the House of Commons South Africa's unilateral decision to do this.

At all events, a consensus was reached on the adoption of positive measures to help the victims of apartheid and on relaunching cultural and scientific cooperation, on the basis that such cooperation helps achieve the fundamental objective, which has not changed: the complete abolition of apartheid.

Since then, following their visit to South Africa at the beginning of April, the 'troika' confirmed that economic sanctions would be relaxed only when it was clear that the process of dismantling apartheid was irreversible.

39. On 17 and 19 April, President de Klerk announced major new measures to Parliament:

- the abolition during the current legislative period of the Separate Amenities Act (segregation in certain public amenities);<sup>22</sup>
- the replacement next year of the Group Areas Act (segregation in residential areas) and the Land Acts (segregation as regards access to land ownership) by non-discriminatory systems.

He also promised to abolish the definition of racial groups underlying the Population Registration Act but left the amendments to this act to the negotiation process, with the aim of reaching agreement on a new

<sup>21</sup> 15 February.

<sup>22</sup> This law was abolished by a large majority in the three chambers of Parliament on 19 June.

constitution.<sup>23</sup> Lastly, he reaffirmed the principle of universal suffrage on condition that it be accompanied by constitutional protection for minorities.

40. On 17 May the 238 state-run hospitals which until then had been reserved for whites were opened up to the whole population and a restructuring of services was announced in order to ensure equality of access to health care. At the same time, it was announced that the authorities were prepared to discuss the introduction of a single national education system.

41. Finally, on 8 June the state of emergency was lifted, with the obvious exception of the province of Natal, where violence between rival black communities justified special security measures.

42. Essentially, however, all political developments in southern Africa today are dependent and focused upon the negotiations between the South African Government and the organizations representing the population, in particular the ANC, with which the first preliminary meeting was held in May. Statements made by both sides at the end of this meeting justified cautious optimism regarding the success of the negotiations to follow.

The prior conditions laid down by the ANC for the holding of negotiations on fundamental issues following the lifting of the state of emergency were the return of those in exile, the release of political prisoners<sup>24</sup> and the withdrawal of the army from certain black areas. The Government stressed the need to abandon the armed struggle and normalize the domestic political situation.

43. On 26 June the Dublin European Council adopted an important declaration on southern Africa. It repeated the call for all parties to renounce violence and to refrain from advocating violence and expressed a desire to encourage by all possible means a rapid opening of negotiations leading to the creation of a united, non-racial and democratic South Africa. It also proposed an increase in funds for the programme of positive measures to support the victims of apartheid, in particular to assist the return and rehabilitation of those in exile. As regards sanctions, it was in favour of considering a gradual relaxation of pressure when it became clear that the process of change already under way had become irreversible.

44. In August a new, highly successful round of talks was held between the Government and the ANC in Pretoria. The ANC finally announced the suspension of the armed struggle, while the Government undertook to pave the way for the return of political exiles, to start releasing political prisoners from 1 September, to review certain aspects of the Law on Internal Security<sup>25</sup> and to reconsider lifting the state of emergency in Natal.

Also of great importance were the part of the joint communiqué calling on all sectors of the population to seek a peaceful solution to their problems and

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<sup>23</sup> The text in question is a legal provision within the Constitution of South Africa.

<sup>24</sup> The Government accepted the conclusions of a working party set up during the contacts with the ANC to consider the issues of political prisoners and political exiles. Since then it has released 48 political prisoners.

<sup>25</sup> E.g. the ban on communism and the 'bannings' of individuals.

the commitment to taking steps to establishing machinery for communication at local, regional and national level.

The way was thus left open for substantive negotiations on the adoption of a new constitution, in which the issue of dismantling the remaining legislation upholding apartheid and the delicate matter of constitutional protection for the rights of minorities will certainly be raised<sup>26</sup>.

45. Given the positive developments in the political situation in South Africa, the question of whether to relax or even lift completely the sanctions imposed on the country has now become particularly acute once again.

Certain states agree with the ANC that any relaxation of sanctions would be premature so long as the legal basis of apartheid persists or at least so long as no significant progress has been made in the negotiations (which have not yet been formally opened) on the adoption of a new constitutional order.

The European Parliament, for its part, adopted a resolution on 14 June in which it maintains that the sanctions policy must not be modified before the conclusion of a constitutional agreement.

Other states believe that the process of democratization is already irreversible and that it is important to encourage President De Klerk to pursue his reforms and negotiations by bolstering his political position, in particular among the radical or sceptical sectors of the white population. They take the view that visible support from the international community, in the form of a relaxation of sanctions, could encourage the process of negotiation and accelerate the democratization of South Africa.

46. Recently, the violent clashes between sympathizers of the ANC and the Inkhata movement have intensified and, if not checked, could compromise the negotiations. There is in fact a growing movement within the ANC which favours a suspension of negotiations and a resumption of the armed struggle. Once more, however, Nelson Mandela has achieved an internal political climate enabling the negotiations to continue.

Much is expected of moves by the Government to strengthen the preventive and repressive security apparatus, and of the success of contacts at all levels, proposed by Nelson Mandela, between leaders of the two movements.

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<sup>26</sup> According to leading members of the governing party, this objective could be achieved by setting up an upper chamber in Parliament representing the various socio-cultural groups.