

## EUROPEANS AND MILITARY SERVICE FOR APARTHEID

A SURVEY OF NATIONAL AND INTERNATIONAL MEASURES  
TO BE TAKEN AGAINST PARTICIPATION OF FOREIGN NATIONALS  
IN THE SOUTH AFRICAN DEFENCE FORCE.



Report of the Seminar on  
European citizens serving in the South African Defence Force

Anti-Apartheid Movement Netherlands, 1989







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### Report of the Seminar on European citizens serving in the South African Defence Force

held in Amsterdam, February 26 and 27, 1989

edited by Ruud Vlek

Anti-Apartheid Movement Netherlands  
Amsterdam, May 1989

# EUROPEAN AND MILITARY SERVICE FOR AFRICA

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TO BE TAKEN INTO ACCOUNT IN THE  
IN THE

Report of the  
European and Military Service for Africa

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## EUROPEANS AND MILITARY SERVICE FOR APARTHEID

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## Preface

Last year the Dutch Anti-Apartheid Movement published a report revealing the substantial involvement of European citizens in the South African Army. The Report, titled "Fighting for Apartheid, A job for life", written by Alman Metten MEP and Dr. Paul Goodison\*) showed that an increasing number of white South Africans who also hold citizenship of European countries are actually serving or obliged to serve in the South African Defence Force. *The report estimates that about one third of the South African armed forces (SADF) consists of nationals of a member state of the European Community.*

The immediate reaction to these astonishing facts by European governments was to deny or to express doubts about the figures given on the involvement of their citizens. Several European embassies in South Africa stated that according to their nationality laws serving in a foreign army would automatically lead to loss of citizenship - so those Europeans serving in the SADF could no longer be entitled to citizenship of their country of origin. However, in the European capitals most Government officials and ministers had to admit that this is no longer the case, since recent changes in nationality laws allow serving in a foreign army.

Since then most European governments have tried to belittle the problem and have persisted in their political unwillingness to do something against this apparent large-scale military involvement of their citizens in the Apartheid army. However, most political parties and parliaments of the European countries involved are aware of the political damage they may incur because it is obviously against their declared 'anti-Apartheid policy' not to collaborate militarily with South Africa (European Community Conference, Luxemburg 1985).

To discuss further action on this topic, the Dutch Anti-Apartheid Movement (AABN) in cooperation with the Committee on South African War Resisters-U.K. organised a two-day's meeting with representatives of European Anti-Apartheid movements, peace groups, organisations of war resisters and conscientious objectors, as well as members of parliament.

The present report is a summary of the discussions held at this 'Seminar on European Citizens Serving in the SADF', which took place in Amsterdam, February 26 and 27, 1989.

Ruud Vlek \*\*)

\*) Alman Metten and Paul Goodison, in cooperation with Fons Geerlings of the Anti-Apartheid Movement Netherlands (AABN) in Amsterdam and the Committee on South African War Resistance (COSAWR) in London, Fighting for Apartheid: A job for life. European Citizens in the South African Defence Force. Published by the Anti-Apartheid Movement Netherlands (AABN), Amsterdam, September 1988.

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\*\*) The editor wishes to thank Mr. Paul Kuiper for the correction of the english text of this report.



## **I. Sunday evening session.**

Opening address by Fons Geerlings, secretary-general of the Dutch Anti-Apartheid Movement.

"After the publication of our report "Fighting for Apartheid, a job for life" and the political reactions to it in several European countries, we - the Dutch Anti-Apartheid Movement (AABN) in cooperation with the Committee on South African War Resisters (COSAWR) - felt it was necessary to invite you for a consultation to discuss measures against the involvement of European citizens in the South African Army (SADF).

The AABN has for a long time conducted research on the involvement of the Dutch arms industry in supplying the military machine of Apartheid. But gradually we realised that also Dutch nationals were involved in South Africa's military structure, not only in supplying the military hardware but also with respect to manpower. This became an especially crucial issue when South Africa introduced a law, the New Citizens Amendment Act, which meant that whites in South Africa of a foreign nationality could be integrated into the South African Army. Thus the problem of the active part played by European citizens came to the foreground and became an urgent problem for us in the Netherlands. Two years earlier another law had made it possible that more men in South Africa were drawn into the military structure of the SADF, through an extension of the service period as well as through conscription of men who missed previous call-ups.

One day we got a telephone call from a Dutch grandmother who told us that her grandchild in South Africa had deserted the army, and that he was imprisoned. She asked us for help to try to get him out of prison. Thus we got very much involved in this boy's case and finally we managed to get him to the Netherlands. This was the first time we could make clear that Dutch nationals were actively involved in the South African Army. He told us that other young men of Dutch nationality like himself were actually serving in the townships. So in fact through his case we managed to put forward the whole issue. After discussions with members of the Dutch as well as the European Parliament we decided to investigate the participation of citizens of European Community countries in the SADF. The research was mainly done by Dr. Paul Goodison together with friends from COSAWR in London. For practical reasons we limited the study to the involvement of citizens of European Community countries in the SADF, and for the same reasons we have limited this consultation to those European countries most involved.

Not only in Europe there was an outcry immediately after the publication of the report, we were also quite satisfied with the international response, also in the press in Southern Africa. We succeeded in raising the issue in several European platforms, such as the European Parliament and the Joint Assembly of the European Community and ACP-countries (see the resolution in Appendix V). So in several ways we started our campaign to demand effective measures against the active military involvement of European citizens in South Africa.

But soon we were faced with the question of how to proceed with this campaign, since there are a number of complexities involved. It has been demanded from our Government to deprive those Dutch nationals serving in the SADF of their citizenship. It turned out to be a difficult demand, firstly because nationality is a fundamental right, and to deny that right to those serving in another country's Army you would have to adapt the constitution of several countries.



A central problem in this discussion is the way white immigrants in South Africa got their South African citizenship through the Citizenship Amendment Act of 1984. Did the new South Africans, who got their second nationality through this law, get their citizenship voluntarily or involuntarily? This can be debated, but it makes quite a difference with regard to legal measures such as loss of European citizenship. Therefore the debate continues. Are there possibly other measures we can think of? Some suggest a special law which would make it an offence to join certain hostile or repressive armies, especially such as the SADF. Another possibility lies in the cancellation of a treaty that some European countries have signed as well as South Africa, which arranges exemption of dual military service for persons of dual nationality. This treaty (The Protocol of The Hague of 1930; see Appendix I) allows citizens of dual nationality to fulfil military service only in the country where one actually lives, but functions in the case of South Africa as an permission to serve in the Apartheid Army. We therefore asked some experts on international law to look into the matter.

Because the legal aspects will differ for each country, it is necessary to get an overview of how the various problems are tackled, and which respective measures are feasible. In principle the European countries have the following possibilities:

- to support or strengthen the position of those youngsters who refuse to join the Army,
- to actively dissuade or prohibit their citizens from joining the Army
- to receive and grant asylum to South African war resisters
- to take legal measures against military involvement of their citizens, through cancellation of the abovementioned treaty, or measures with regard to loss of citizenship.

Another aspect which we should discuss is that some European companies in South Africa top up the payments of their employees who serve in the army. This extends the range of countries involved in contributing to the military effort of South Africa. For instance also Danish companies top up military salaries of their employees in South Africa. So we should not restrict ourselves to those 8 European countries, which are most involved in the conscription issue : Great Britain, Portugal, the Federal Republic of Germany, Italy, Holland, Belgium, France, Greece and Ireland (see for their respective extent of involvement 'Fighting for Apartheid', p. 20).

It is our experience that people react very angrily when they hear about this involvement of Europe in strengthening the military machinery of South Africa. It is all the more striking since a number of European countries speak of the 'peaceful change' that is taking place in South Africa. On that ground they reject the African National Congress, which in their view does not enhance this process of peaceful change. It is a remarkable contradiction, that at the same time large-scale military and physical violence is taking place in South Africa, which is in fact endorsed by a number of European countries. This is a bizarre situation, which we have to make very clear.

It is therefore important, that we avoid being trapped in a legal discussion while the political aspects remain out of sight.

I am glad to welcome representatives of Anti-Apartheid groups from so many different countries. I have to excuse our colleagues from the British Anti-Apartheid Movement, as well as our colleagues from Italy. I can tell you that in Italy the issue has been raised and received publicity, and that the Italian Coordinamento Nazionale Anti-Apartheid is looking very seriously into possibilities for action in Italy. Amazingly, the issue has even come up in Austria.

I am also very glad that our friends from the End Conscription Campaign (ECC) in South Africa are here. It means that we have a first-hand possibility to exchange experiences, but also to brief you about the discussion which is taking place in our countries. Of course, we are also very interested to hear what you would like us to do, and how we can gear our activities to each other."



Statement by Rob Goldman of the End Conscription Campaign, South Africa:

"The message we bring you from the War Resisters Movement in South Africa is that more and more young white men are refusing to fight for Apartheid. At the same time, more and more white mothers, sisters, girl friends and wives are saying no in support of them. As long as the South African regime denies to our black sisters and brothers the same fundamental human, political and economic rights as ourselves, we refuse to put on the uniform of the SADF. We believe the South African Government and its policy of Apartheid is the greatest threat to peace in the Southern African region, as well to the achievement of justice, non-racialism and democracy in South Africa. We refuse to collaborate and will continue our struggle against Apartheid's war and conscription until our dream of a non-racial democracy is realised.

While many of us as South African citizens are resisting conscription with a variety of consequences such as exile, detention or jail for six years, Europeans are taking the places in the SADF which we have vacated. This is clearly an unacceptable situation. We are aware that this is one of the most direct ways in which the European Community is collaborating with Apartheid. We therefore commend your efforts to undermine your countries' support of Apartheid in this way.

We would like to forge links of contact between this important work which you are doing, and the work we are doing inside South Africa. We commend to you two major areas of work and campaigning with which we are engaged and urge you to consider ways of incorporating them into your campaign:

1. The first area is the plight of conscientious objectors now in jail, and those who will be going to jail in the years to come.
2. The second is the campaign for alternative service. Our demands are that there should be a system of alternative service available for all conscripts, who for moral, religious, ethical or any conscience reasons object to serving in the SADF. Such a scheme should be of equal length to military service. This alternative service should be able to be done in welfare, church, development and other non-governmental organisations.

We appreciate all the support you are giving us in our struggle. Together, working from within and from outside the country, we will surely see the day of peace, justice and non-racialism under the African sun being born in South Africa. Together let us work to see that day dawn sooner rather than later."



Statement by a representative of the African National Congress.

Jeffrey Marishane, fellow at the University of Amsterdam, on behalf of the ANC (Dutch office):

"Please allow me to commend the Dutch AAM and COSAWR for having taken the initiative and for having invited us for this important meeting. We would like to express our gratitude to the United Nations-Center Against Apartheid for having sponsored this event, and our appreciation for the participants at this meeting for sharing ideas and views on this sad topic.

For many years the ANC has always protested against the Apartheid regime's policy of recruiting foreign immigrants to our country to occupy professional and skilled jobs at the expense of black workers. For this our people had to pay with many deaths and high infant mortality, because of a lack of adequate educational and health facilities, poverty, hunger and disease. When we protested against this situation, most West-European governments kept silent and in some cases even encouraged their citizens to participate in this act of international plunder. Today we are meeting here to discuss an issue which is just as important. Now that our people has decided to exercise the right under international law to use any means available to destroy the Apartheid system, that illegitimate and unpatriotic regime decided not only to recruit mercenaries from all over Western Europe, to assassinate ANC-leaders, but also to enact legislation requiring European citizens to involve in the South African Defence Force.

To our people whose only and last available possession - life- is threatened on a daily basis by the murderous acts of the SADF, its mercenaries, vigilantes and secret death squads, the issue of whether West-European citizens have enrolled voluntarily or under obligation of a law and a constitution they have no say in formulating, is irrelevant. But where it is important to discuss the different ways in which European citizens today find themselves in the South African death force ( and, by the way, in the South African police), the ANC and our fighting people would be more than happy to see concrete proposals on how to help them to choose between South African and West-European citizenship coming out of this gathering.

It is important to increase pressure on your governments to exercise their responsibility over their citizens on this issue, by either enacting laws prohibiting them enrolling into the SADF or where these exist to be enforced most vigorously. It would almost be a dereliction of duty on our part if we would allow the various West-European governments concerned to get away with a situation where as long as their citizens participate in the murder of black women and children in South Africa they keep silent, but when one or two of their citizens is carcered for committing an international crime somewhere in the frontline-states, they find it necessary to intervene, as recent events in the region show. If we fail to do this, the South African liberation movement and hopefully the frontline states will find them with no other alternative than to treat them as the Pretoria's regime's paid mercenaries, with all the consequences which flow from this under international law.

Therefore, for the sake of our embattled people and we believe the long-term interests of the peoples of Western Europe, the ANC would like to appeal for this gathering to the various West-European countries, progressive organisations and individuals, to stop the participation of their citizens in the murder, torture, rape and harassment of our people, women and children by the SADF. We wish this gathering all the success it deserves."



## Survey of initiatives in various West-European countries for national legislation prohibiting participation of European citizens in the SADF.

### I. Belgium

Inge van den Bussche (Action Committee on Southern Africa/AKZA, Belgium):

When the report "Fighting for Apartheid" was first announced in the Belgian press, the first reaction of the Government was: "There are no Belgian citizens in the SADF, because as soon as they enter the SADF they will lose their Belgian citizenship. When we pressed this, they said : " Well, perhaps there are a thousand Belgian citizens in the SADF, but no more. Certainly not 8500 as was announced in the report". And when we actually looked at this, we noticed that the number of "a thousand" was the kind of conservative estimate made in the report of people actually serving in the national service of the SADF. This confirmed to us that we were on to something, and we started doing more research on it.

We developed a close cooperation with Senator Magda Aelvoet of the Green Party of Belgium, who asked several questions on this issue to the Belgian Government. But we looked also in South Africa, whether we could find any information on Belgian involvement in the SADF. We found that, although there is no official agreement about this, the Belgian diplomatic services in Pretoria and Johannesburg are actually involved in working out an arrangement with regard to military obligations of Belgians in South Africa. Under Belgian law people with a dual Belgian and South African nationality have to serve in the Belgian Army if they wish to keep their Belgian nationality; but you also have to serve in the SADF if you want to keep your South African nationality. This means basically that people have to serve one year in the Belgian army, and two years national service in the SADF, plus all the commando service itself. Now we found, that the Belgian diplomatic services in South Africa are actually involved in working out an agreement where people would serve one year in the Belgian army and one year in the SADF-national service, apart from the commando services. Our question to the Belgian Government is: how is this possible? Firstly they support the South African Defence Force, by allowing their people to serve in the SADF. Secondly they make it possible for Belgian citizens to live a nice life in South Africa, without too many repercussions. They actually make sure that Belgian citizens have to serve less time in the SADF while they also leave them the possibility to return to Belgium if it gets too hot in South Africa. For the struggling people of South Africa this means that they find themselves in confrontation with these Europeans fighting in the SADF, who in the long term are probably not very much interested in what will happen to the country. We consider this not only a breach of the arms embargo, but it is also a violation of the sanctions imposed by the European Community in 1985, which were supposed to end any military collaboration with South Africa. However in our view this constitutes military collaboration in two respects. Because these Belgians do not only serve in the South African Army, but because they are dual nationals, they also serve as South African nationals in the Belgian Army. And these people learn how to handle Nato weapons (in violation of the arms embargo), and are informed about Nato strategies and the know-how of the Belgian Army.

Is this really where the Belgian Government stands in practice? Not only does they breach the arms embargo, not only are they not serious in applying sanctions against South Africa, but they actually allow Belgian citizens to live a life of luxury in South Africa, and as part of the SADF let them beat up and torture people over there, and who knows in what other gruesome activities they may be involved.



Now I would like to ask Senator Magda Aelvoet to explain to you what questions she asked on this issue to the Government and which answers she got, and what her assessment is of the position of the Belgian Government.

Senator Magda Aelvoet (AGALEV, Green Party of Belgium):

To begin with, our Ministry of Foreign Affairs gave rather different and contradictory information as a comment on the report. As you were just told, for one thing they said there are no Belgians in the South African Army, and secondly they said that if they would be there they would automatically lose their Belgian citizenship. However, later on they said, they won't lose it automatically. So there was a lot of confusion.

Later on they said, that the figures of 8,450 Belgians were of course completely out of the picture. A little bit later they said it could be a maximum of a thousand people. However, they didn't speak at all of the policy they were defending with respect to the problem that had been put forward. Because of this confusing information from the Ministry, I immediately asked the Minister for exact figures, and whether there had been contacts between the Belgian and South African Government and so on.

Our Minister of Foreign Affairs, L. Tindemans, replied with a very disappointing answer of only 15 lines, which contained no figures and was mainly formulated in the conditional : "It could be...", whereas I had asked for facts. The last sentence really upset me: under Belgian law, I was told, it was not forbidden for Belgians to serve in a foreign army. Not even if they do it on a voluntary basis (answer given by Mr. L. Tindemans, Minister of Foreign Affairs of Belgium, of October 28, 1988: "Even voluntary military service of Belgians on the soil of a foreign state, for instance South Africa, is at the moment not forbidden under Belgian law.").

This was upsetting, since if there is no objection to do it voluntarily, what objection could there be if you are obliged by the state in question ?

I considered this to be an outrageous answer in every sense, and I decided not to leave it there. I consulted some experts on international law at various universities in our country. Their legal inquiries produced these results:

First of all it is very clearly stated in section 2 of our coordinated conscription laws that every Belgian is obliged to do his military service, except in those cases in which the law makes exceptions. So, for instance, if you are the eldest of a family of six, you don't have to join the Army. Besides, there are exceptions which refer to international treaties. So we looked for relevant international treaties. In a treaty which Belgium ratified in 1963 in the framework of the Council of Europe\*), it is stated that if a person is a dual national, he has to do his military service in one country only; not in both countries he possesses the nationality or the citizenship of. This treaty applies, however, only to the countries of Europe and has nothing to do with South Africa. But a same kind of arrangement is made in the famous Protocol of The Hague of 1930, which was ratified by Belgium in 1939. South Africa is also a signatory to this treaty. The Protocol makes it non-obligatory for dual nationals to fulfil military service in both countries. However, it leaves the consequences of doing military service in one country only to the different member states of this Protocol. Now in our Belgian law system, section 2 of the coordinated conscription laws says that every Belgian citizen who refers to the Protocol of The Hague in order not to do his military service in Belgium but in another country will automatically lose the Belgian nationality. So as far as the Protocol of The Hague is concerned, with the Belgian application there is no problem: those who choose not to do military service in Belgium will lose their nationality. Since Belgians know this very well, they don't ask for application of the Protocol.

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\*) Convention on the reduction of cases of multiple nationality and on military obligations in cases of multiple nationality, signed 6 May 1963, Strasbourg.



The Minister of Foreign Affairs confirmed that it didn't happen very often, that Belgians applied for it. But if this is so, then the question is: if there are about 25,000 Belgians in South Africa, of which the majority have both South African and Belgian citizenship, it is clear that they do something else as they do not apply for application of the Protocol. Of course they do not want to lose their nationality, to have a safe way out when something might happen in South Africa. Therefore I looked at other legal possibilities within the Belgian law system. Another possibility is to apply to the Ministry of Defence for exemption of military service on the basis of urgency for very serious reasons. In that case you are counted as having fulfilled military service, but you don't have to serve. "In very exceptional circumstances the Minister of Defence can grant emergency leave for reasons of importance".

What does this come down to in practice? If one does not want to lose one's Belgian nationality one has to go to Belgium to fulfil military service. But the duration of military service in Belgium is just one year. However, in South Africa it is two years. The year served in Belgium is taken into account by the South African Government. So, instead of the normal two years in South Africa, one has to serve only one more year there. So on the whole they serve two years like their South African fellows, and at the same time they can retain the two citizenships. This is probably the main practice. And we found that our consulates and embassy play an active part in helping the Belgians to do so.

Now although the Belgian press as well as Belgian television had published my findings quite broadly, the issue soon slipped out of public attention. Therefore I pushed the Government to follow suit, by asking new questions in parliament. This time I addressed them not to the Minister of Foreign Affairs, but to the Prime Minister, Mr. Martens, himself. I asked him : "Now that you are informed about it, and know exactly how it works, are you going to allow this practice to continue? How can you justify this in political terms towards our people ? And how can you bring this into line with former Government statements to the effect that Belgium was going to take a firm stand towards South Africa, that Belgium would respect and enforce all the measures taken in the framework of the European Community, and, if necessary, would even go further?

The answer I got from the Prime Minister was again very disappointing and full of formalistic legal excuses. And that's how things stand today.

Abdul Minty: Do they confirm the activities of the embassy and the consulates ?

Aelvoet: They don't speak about that. But they say that it is a general principle of international law that a state cannot do anything in favour of its subjects if they are also subjects of another state. And if this other state obliges people to do certain things, then they have to respect the obligations of this other state too, and according to them international law leaves them no possibility to interfere in that process. So this was the formal answer. In it the Prime Minister also claimed that the Government is respecting on a voluntary basis the arms embargo against South Africa. As if Belgium has not a reputation of breaching it. Finally it stated that the refusal to cooperate with South Africa on a military basis had been made concrete by the expulsion of the South African Military Attaché in September 1985.

With this latest answer, I am of course not dropping the case. I will continue to discuss the issue further with different experts on international law. The main problem, however, is to make it a political issue, which cannot be avoided anymore.

Inge van den Bussche (AKZA, Belgium): Therefore I would like to add the following demands to be made towards our Government:

-that the Belgian Government will make it legally impossible for Belgian citizens to join the South African Army, and secondly



- that the Belgian Government should demand from the South African Government the immediate establishment of an alternative service for those who refuse to serve in the SADF, in the form as described by the delegate of the End Conscription Campaign.

Jeffrey Marishane (ANC): I understand that Belgian law prohibits serving in a foreign army, because if you do so you will automatically lose your Belgian citizenship. I think our demands should emphasise this particular aspect.

Aelvoet: No. Legally spoken, when a Belgian is serving in another army nothing happens to him. But if a dual national, in our case a Belgian who also has another nationality, for instance South African nationality, wants to serve only in the country where he lives, in our case South Africa, he can do so by referring to the Protocol of The Hague. But if he does so, then he loses automatically his Belgian citizenship. So only if he asks for application of the stipulations of The Protocol he will lose his Belgian citizenship.

Marishane: I think the question of European citizens being dual nationals is rather artificial at the end of the day.

Paul Goodison: Perhaps one of our South African friends can confirm this, but I believe the South African Government does not recognize dual nationality. Is that the case ?

Alastair Teeling-Smith (End Conscription Campaign): Yes, in principle. If you apply for another passport you are supposed to surrender your South African passport. But in practice the Government turns a blind eye in the case of many people.

Abdul Minty (British Anti-Apartheid Movement): I doubt if a Belgian citizen could serve in the Hungarian Army and come back and have that service credited in the same way. Even less so in the Libyan Army.

I want to voice some caution, to be honest. In my view the Belgian experience shows the dangers of going public without having worked out very clearly how to follow up the policy implications. The recent case of a South African spy imprisoned in Angola, who was released through pressure of the British Government, because this spy also had the British nationality, shows how dual nationality is used as a protection of the South Africans by the British. So there are very powerful forces involved, and just exposing these facts is not enough, we will have to work out our policies more clearly. I think we should take the Belgian experience as a case study, and anticipate likewise.

Therefore I think we need a proper discussion, to discuss the strategic issues. Do we need tabling legislation in the General Assembly of the United Nations which would make it impossible for the Belgians and other countries not to vote for that. If they then do it, the legal argument arises, that you now said that to serve in the SADF is close to crime, let's say. Then you can adopt criminal procedures.

However, do you seriously believe that in the case of an 18-year-old white person in South Africa, who has had no choice over the fact that his parents have taken him there and lived there a number of years, we should now make a victim of that person and punish that person, so that when that person comes to the country of nationality he'll have to stand trial ? And if a South African comes we say you are a war resister, you are a favoured person. Do we want to encourage people to leave the country ? Because in case we make serving in the SADF a legal offence, you then can get the ridiculous situation, that if you do not hold dual nationality, you will have to escape to a country which is not of your nationality. So these are problems which we



need to think out.

Presumably it is the parents who should have legal responsibility, not the person who has been recruited against his wish by South African law.

It is precisely because of some of these problems that in the British Anti-Apartheid Movement we will not be able to go ahead with the campaign you are thinking of. Because there are special problems with regard to large numbers of British citizens who are also South African citizens for the purpose of breaking sanctions. And as I said, these are very powerful forces, which you are not able to oppose without having worked out an overall strategy. Otherwise we would tackle one national problem in a certain way, which would have negative implications in another country, because the legal norms that are different.

Aelvoet: With regard to my work in parliament, I have not as yet put forward proposals to solve the participation of Belgians in the SADF. The difficulty is not to find the laws we have to change or introduce in order to get there. The point is, if you single out South Africa, everybody can say, why just South Africa ? Are there no Belgians in other countries ? And then you have to be prepared for that debate. That's why I did not introduce a legal initiative.

So I just restricted myself to asking for exact answers about what was going on. I forgot to mention one apparent contradiction in the answers I got. The Prime Minister stated that if someone would choose to drop South African citizenship, this would provoke the loss of the stay permit in South Africa. But earlier the Minister of Foreign Affairs said that he was aware of one case of someone who didn't want to serve in the SADF and had asked for quitting the South African citizenship and had no problem whatsoever. So is it true, that say you have lived there for seven years, and you cancel or refuse South African citizenship, that subsequently you automatically lose your residence permit ?

Rob Goldman (End Conscription Campaign): It is the legal situation, but it depends on how important that person is to the economy in South Africa. In the case of persons with a key position they just will turn a blind eye. But legally they are empowered to revoke his permit as well imprison him.

Simon Dunckley (COSAWR-Netherlands): I just like to respond to the statement of victimisation against foreign nationals - the children whose parents maybe have put them in this situation. For me as a white South African, if I had been in the army and I would and had believed in it, I would stand open to trial. And if I don't want to be there I am treated as someone who works against it. But I think there should be no kind of protection for people because their parents happen to be in that situation.

What I feel is lacking in South Africa is information being given by the European governments to their own citizens. If people were clearly informed about the nature of the SADF, then they were forced to make a choice.

Abdul Minty: I have mentioned it, not as my own argument, but as an argument that will be brought up by our political adversaries, certainly in Britain. And if we raise the issue without having an answer to this argument we are going to lose it. If you want to develop a strategy to win, we have to work out all the objections ahead, because we have enough experience to know what the other side will do.

Jeffrey Marishane: There is another side of the story that we tend to overlook. If South African war resisters, whether they are South African citizens or dual nationals, are coming over to Western Europe, they are not assisted and are treated as criminals. I think we need to put pressure on the West-European governments to change this attitude and open up.



Paul Goodison: Given the situation in various countries, we should do the necessary background work to avoid possible pitfalls, and give the people who are going to raise the issues in their parliaments ammunition to overcome these pitfalls. In the countries where the political environment is favourable, we should act as quickly as possible to capitalize on that political environment. Which are the key issues that each national committee should be addressing (if we are going to work along national lines), or do we first develop a common strategy for Europe as a whole ?

## **II. Federal Republic of Germany**

Franz Nadler (Deutsche Friedensgesellschaft / Vereinigte Kriegsdienstgegner ), contributed the following written report. As most participants already got a copy, we reprint here an abridged version of his paper.

### West German nationals in the SADF.

The facts: Approximately 100,000 West German nationals live in South Africa (it is not clear if the 20,000 Germans living in Namibia are included in this figure). With the extension of conscription to foreign nationals, 30,000 West Germans become eligible for military service. Besides, over 300 West German companies are active in South Africa. They also play a part in the military defence of Apartheid, in the framework of such South African laws as the National Supplies Procurement Act, and the National Key Point Act. In addition, these companies voluntarily pay their employees a so-called "top-up salary" during the latter's 4 years' military service. Reports on this subject mention BMW and Siemens as examples; it is not known whether any companies do not follow this practice.

It is internationally accepted that the role of the SADF is the upholding of Apartheid. This is "a crime against humanity" (UN-Security Council, 1973). Out of this follows that every soldier and policeman is guilty of an internationally recognised crime and can therefore be prosecuted and sentenced.

The debate in West-Germany is, in comparison to the harshness of these facts, insignificantly small. To date only a few questions have been raised in the German parliament, coming from the SPD and the Green Party.

On 20 March 1986 the West German Government admitted that "approximately 60,000 German nationals" (i.e. persons with a German passport) live in South Africa. Furthermore, "approximately 40,000 persons with German roots" who are eligible for German passports live in South Africa. On the other hand estimations by the West German consulate in Johannesburg put the number at 20,000 who have dual citizenship (Metten & Goodison p. 20: 94,000 -ed.). Basing its viewpoint on "international common law", the West German Government admits that persons with dual citizenship "are treated as South Africans and are therefore conscripted to two years national service and possibly subsequent camps." Furthermore, it is known to the West German Government that there are also Germans who "do voluntary service in South Africa" who do not have dual citizenship. Under the West German constitution only the "recruitment" of, and not the "voluntary" reporting for mercenary services is "punishable" by law. However: "The exact number of persons with dual citizenship in active service cannot be established since they are not registered as Germans." (Nadler: "this is absolutely incorrect"). "The conscription of persons with dual citizenship is "in accordance with international law".



"There is therefore no legal basis for counter measures"(answers of the Department of Foreign Affairs, December 7,1988).

In answer to a question, the West German Government on November 7 1988 disputed the figure that almost 32,000 are serving in the SADF, because it allegedly has "no information" on the subject.

In 1978, and again, with greater emphasis, in 1980, the General Assembly of the United Nations called on all South African soldiers and policemen to refuse military service, and on all other member states to grant these persons free thoroughfare and asylum.

The West German Department of the Interior, responsible for asylum applications, on October 12, 1987 stated in answer to a question:

"It is not possible to categorically grant or refuse asylum to specific groups of persons or nationalities"(according to West German law). So South African war resisters cannot get asylum in the Federal Republic of Germany.

Furthermore, "the penalty span for conscientious objectors in South Africa would not, according to the (FRG) Department of Foreign Affairs, be in conflict with rule-of-law principles, and can therefore generally not be used to claim a politically motivated persecution by the South African state."

"South African law applies de facto in Namibia, so that the above observations apply here equally."

Conclusion: It is the opinion of the West German Government that South Africa is a state like every other. The Apartheid regime therefore has the right to maintain the SADF, to administer conscription, to force naturalisation on foreign nationals to make them eligible for military service, and to sentence war resisters to six years prison.

This is in conflict with the international community's opinion in every respect.

It is interesting to note that at first the West German Government legitimised its inactivity on the grounds of its own legal position. Since this is, however, obviously not possible, it has lately started leaning on what it calls "international common law" and "international law".

This, however, is particularly unjustifiable as the upholding of Apartheid is not a "just war cause". The fact that German nationals serve as conscripts and mercenaries in the Apartheid Army was previously known to the West German Government; now it claims to have "no information" on the figures involved.

Against this background it seems absolutely necessary to intensify the West German as well as the international campaign against European nationals in the SADF.

Therefore we are particularly interested in:

- figures (particularly official ones) concerning the number of Germans living in South Africa who are eligible for military service or who serve as mercenaries;
- cases of Germans in the SADF for example in higher ranks or in direct war situations;
- examples of persons with dual citizenship being sent to Europe for military service, who are later to be placed in higher ranks in the SADF ;
- examples of German war resisters on trial or in jail in South Africa;
- inclusion of the question of "top-up salaries" in the European Community's list of economic sanctions
- furthering the debate concerning the political and legal status of service in the SADF.

So far the information given in Franz Nadler's paper on West Germans in the SADF.



Nadler added : I think what's interesting in Germany is, that there are South Africans with German passports in the Bundeswehr. Maybe you have not heard it. There are South African persons with a German passport who serve 15-18 months in the West German Army. And when they go back to South Africa, the possibility exists that they get higher ranks in the South African Army. And the South African Government is keen on their links with Nato and the Bundeswehr.

Ruud Vlek (Dutch AAM): are there still Members of Parliament who are working on the subject?

Nadler : No. Gunther Verheugen(SPD), who asked some questions in 1986, told me that he had no new information. Uschi Eid of the Green Party said, if you write me your questions, I'll bring them in the Bundestag. But she's not working on this case. So far we have not been able either to get much publicity about it in our papers. The parliamentary questions were a reflection of the attention the issue got in the European Parliament.

### III. Ireland

Louise Asmal (Irish Anti-Apartheid Movement):

In Ireland we have a slightly different situation, because there has always been an enormous emigration all over the world. So it is not at all shocking that Irish people serve in foreign armies. You had Irish generals in America, Irish naval admirals in France, Irish battalions in the British army. On the other hand for many years we campaigned against emigration to South Africa, in which we used the fact that people would be conscripted as a strong argument why people should not emigrate to that country. Our anti-emigration campaign has created a situation where no national newspaper accepts advertisements for jobs in South Africa, and the trade-unions warn us when people are being recruited; now they don't come openly any more, only clandestinely.

It is difficult to see in the Irish situation, how one can stop people serving in the SADF, and what penalty one can propose. The Irish constitution is such that it is not really feasible to ask the Government to consider to take away from people their Irish citizenship. It would require a referendum, and it would go against all kinds of historical feelings. It would be a totally unrealistic demand.

People in South Africa who refuse to do military service are faced with the prospect of serving 6 years in jail. It is difficult to see any national Government producing a sufficiently strong penalty to outweigh that. According to our Government there are 75,000 people in South Africa, not with Irish passports, but in a position to claim Irish nationality. As the situation gets worse in South Africa, there are every year thousands of people trying to get Irish citizenship. But irrespective if there was a penalty applied, Irish citizens are not necessarily going to come back to Ireland. Within the European community they can go anywhere. So what use will a penalty have then ?

Like in Germany, we have a law in Ireland which prevents people recruiting in Ireland for foreign armies, and we did consider whether we could think of an amendment to cover our Irish serving in the SADF. Partly because of the situation that people don't go directly from Ireland to South Africa, but after residence in Britain, Northern Ireland or elsewhere, our Government cannot tell how many are serving in the SADF. For us it is more practical to concentrate on stopping people to emigrate at all to South Africa. One idea that we think of, is to propose to the trade-unions that its members who emigrate to South Africa will no longer be able to hold their



trade-union cards. It might deter some people from going. But we have as yet not been able to put this through.

These are the main issues that we are considering and the differences with other countries.

Question: Are there any figures about emigration from Ireland to South Africa ? You mentioned two thousand a year.

Louise Asmal: In one year that we asked there were supposed to be 2,000; it seems to be an enormous figure. It's guess-work, because people leave the country and don't necessarily say where they are going.

#### **IV. Greece**

Annika Cornarou (Greek Committee for International Democratic Solidarity):

In Greece we have not yet touched on the subject. because we do not exactly know how to proceed on this issue. We just have started to make a research into some legal aspects of it. Up to now we know that there are about 80,000 Greeks in South Africa, but we don't know how many young men among them do hold two nationalities. There seems to be an official agreement between Greece and South Africa, but the Government says it has no military terms. As far as the Government knows, there are no Greek people who have refused to join the South African Army. We also don't know of Greeks who were obliged to leave the country for not joining the army, so if you have such information, please let us know.

When we asked the Government to facilitate Greek people not to serve in the South African army, they answered that there is a new law which allows Greeks with a dual nationality to serve in the Greek Army only six months instead of twenty-two. In this way they hope that Greek people would prefer the Greek Army instead of the South African Army. And that is all we know up to now.

We consider giving a press conference about the booklet on foreign nationals in the SADF, and to tell the press about developments on this issue in other countries. We are, however, not yet ready to put forward proposals with respect to measures against the involvement of Greeks in the South African Army. Maybe we just have to raise this question, and see what comes out of that.

Paul Goodison: Do you have the text of what Minister Pangalos said in the Dutch tv. program on foreign nationals in the SADF ? No ? He said some interesting things :



Insertion: Statements by Mr. Theodore G. Pangalos, Greek Minister of Foreign Affairs, at the time chairman of the Council of Ministers of the European Community.

In: 'Serving Apartheid', a Dutch VPRO-television documentary on European nationals in the SADF, October 1988.

Question : One out of every three South African soldiers is a European citizen or is entitled to citizenship of a European country. Are you aware of these figures ?

Minister Pangalos : I am not aware of the figures. I have read this report. I am not exactly sure of the figures, it is an appreciation.

But the situation exists as you describe it and it is something that sounds quite revolting.

Question : Is that not in contradiction with European Community policy to stop military collaboration with South Africa ?

Pangalos : This has been decided, yes. If what the report says is correct, then this can be considered a European contribution to the military efforts of South Africa, certainly. The problem is, that while you can prohibit Philips from selling military material to South African authorities - can you prohibit people from going into an army? It is a question I cannot answer.

Question : Even not in the case of South Africa ?

Pangalos : Even not in the case of South Africa. Every European country has fascists among its citizens, we ourselves, as does Holland. Can you stop somebody to be a fascist ? It is impossible.

Question : People in Southern Africa complain about the hypocrisy of the European Community. They say you can talk very nice words but do nothing. Do you understand their argument ?

Pangalos : I can feel their comment.

Question : They also say that you must have been aware in the past that European citizens are serving in the South African Army.

Pangalos : It is no hypocrisy. It is really new to me.

Question : But your embassy must have known.

Pangalos : But these citizens are not in contact with the embassy. They are living there sometimes for generations. They can have their passport for many years. This is the policy of the Greek state, we do not want to lose these people.

Question : You do not want to lose them even when they are serving in the South African army ?

Pangalos : It is a question I cannot answer now. I have to discuss it. But I think you should ask more questions in the places where the real tolerance exists.

Question : Which are that. London ?

Pangalos : For instance.



## V. Portugal

Manuela Cunha (Movimento contra o Apartheid -Portugal):

As you know Portugal is a small country, and we also have a very small army. Emigrants in general do not perform any military service in Portugal. So the problem is of a different kind than we have been talking about. Our problem is that we are with too many in South Africa. In a Portuguese paper we recently learned to our surprise that 22% of the South African Army is Portuguese. The main problem to us in Portugal is getting to know the Portuguese community in South Africa. How can we talk to them and make them understand the problems of their role in upholding Apartheid.

Of course we have sent the booklet to the deputies in our parliament, and to our President, and others involved. But nothing happened, not even in the papers. The problem was just ignored. Of course there is an explanation for that. Our country cannot receive Portuguese people if they have to leave South Africa. In this respect we have recent experiences after the independence of Angola and Mozambique. Therefore the Portuguese authorities decided to ignore the problem, and to allow Portuguese in South Africa to join the Army.

Most of the Portuguese that join the Army, when they are asked why, the answer is usually: we are fighting against the Mozambican regime. They consider joining the South African Army the right way to go back to Mozambique, and that's their goal. Some of them even consider it an act of humanitarianism. They told me: "When we are sent to the Mozambican border, what we do there is not war, we just give food, we just give assistance to people who are starving. We help them survive." They consider themselves non-racialists. The relationship between the colonial and the black communities in the former Portuguese colonies was not one of racism, but rather one characterized by paternalism.

So our problem in Portugal is trying to find the right way to get in touch with the Portuguese community inside South Africa and explain to them, that they can go on living there, in a different situation, under a different regime, and then motivate them to refuse to uphold Apartheid. We can convince them that even when the South African Government threatens to send them back to their country, they will never do it because they need these communities for their own reasons.

Yet we don't really know what is the best way to communicate with them. We wonder if we can do it through the churches over there, because they consider themselves also discriminated by some religious movements in South Africa, who are talking to black communities but not to them.

In Angola in 1975 our big problem was to give the Portuguese white community some hope about what the future could be. What they could expect after independence. Because it is a rather uninformed poor community, they know nothing about it. Only very few of them were in positions of power, while most of them were in small jobs. Now they of course make better money than when they were in Portugal. We think we should know the different communities and find a way to talk to some of them.

Inside Portugal I don't see how you can do something about it, through what laws. All we can do is try to work through the European Community, because this is the only boss that is respected now in Portugal.

Jeffrey Marishane (ANC): The Portuguese Government, which is now most insensitive for the problems resulting from the fact that there are so many Portuguese in South Africa, should in its own self-interest discourage Portuguese citizens becoming involved in the SADF. If they can not absorb them when they are forced to leave South Africa or when they have to run away, it would be wise to prepare them for a new South Africa, when there is still time. For the Portuguese Government it is the only way to avoid a situation where they leave South Africa in



numbers. Eventually nobody will benefit from a situation where large numbers of people are going to run from South Africa. So it is necessary for the progressive movement to pressure the Portuguese Government to take action, for its own self-interest.

One way to prepare them, is to allow the ANC to have an information office in Portugal. Secondly the ANC has been trying to reach the Portuguese community through its many broadcasts in Portuguese. But they are very irregular, and the quality of our Portuguese is understandably poor. It would be better to address them in their own mother tongue. It would be most welcome if progressive Portuguese could train our journalists to learn the Portuguese language. We also have started a direct dialogue with the South African Catholic Bishops Conference, which is important, since most Portuguese are Catholics, and the Bishops conference is very active.

Alastair Teeling-Smith (End Conscription Campaign):

People coming from the former colonies Angola and Mozambique tend to be among the most reactionary people in the white community in South Africa. Actually they have very good links to groups like RENAMO. They are most resistant to a group like the End Conscription Campaign. So it will be very difficult to get a dialogue with them.

Manuela Cunha : Maybe now as the war between Angola and South Africa comes to an end, it is the right moment to talk to them. Maybe if they could be informed about the future, we should do it quick. They don't know Apartheid. Therefore this broadcast is very important. We should show them the alternatives, and give them hope for the future.

## **VI Great Britain**

Roger Field (Committee on South African war resisters - U.K.):

In 1986 some questions were put in the House of Commons to Linda Chalker (Under Secretary of State for African Affairs -ed.), asking about the question of legislation towards dual nationality of U.K.-citizens who serve in the SADF and the South African police; and also about the Citizens Amendment Act. I think you can imagine the sort of answers which were forthcoming from the Conservative officials. In 1988 after the publication of the booklet, there was some debate among Anti-Apartheid groups. In part some student groups had taken the issue up, and at the end of the year it was incorporated in the Anti-Apartheid movement's resolutions. But so far we have taken no concrete steps. The booklet has been ordered by the Foreign Office. We have raised the issue in our journal Resister and in other occasional publications. Through it we hope that the issue will permeate to a lot of interested groups.

Abdul Minty (British Anti-Apartheid Movement):

In the SADF, certainly in the Permanent Force, there are British citizens untouched by regulations. The British Government says it will not act against individuals who have the free right to move. We have a long history from the Rhodesian war, in the battles in Mozambique, where British citizens have been found dead, some recruited out of British forces in Northern Ireland. Their experience is vital for South Africa, because of the city counter-insurgency that is practised in Northern Ireland, as in Israel. Five thousand West-European, Australian and other mercenaries have disappeared into the SADF. British citizens who served in the British defence force, the nuclear establishment or intelligence organs and who have signed the official secrets provisions, have been found operating in South Africa. The British Government then states that they are retired, or have been given permission to do that. They do not wish the freedom of the individual to be affected, because there is no security threat to Britain. We have



got a case in Britain now of workers working in a South African aircraft factory. It is a clear violation of the arms embargo in the sense that these people are directly serving the arms industry of South Africa. And the British Government says it is not an offence, and the company says: We don't know if they come from a western enterprise. So there is no row. That is the atmosphere we are facing.

If we are not able to do something about these things, to start a debate on people of dual British/South African nationality serving in the SADF is a difficult one. Especially in the context of the traditional military links that Britain has with South Africa. The different military forces of the SADF, as the Navy and the Air Force, have a high British component for various reasons. We should also not forget the police. Is it an 'offence' to serve in the South African police, especially because one joins it voluntarily?

Now the South African regime is in such a crisis. It is also a military crisis. In my view there is a re-armament program going on and a reconsolidation of the military machine. It has to be to survive. Therefore I expect in the next year or months a higher level of military intervention on the part of the western governments and the United States to consolidate that power structure.

In order to move forward with this campaign we have to resolve some problems and contradictions.

What do we want to do with the nationalities link? What we seem to be saying is, if you are a white South African, and have no other nationality and if you leave the SADF, that is very good, we will encourage you. But if you happen to be a national of say the Netherlands and South Africa and you come back, then you are entitled to some punishment whatever it is. How are you going to handle that practically? Governments will come up first with this objection.

However, if we want to see larger numbers of people inside to say we are not going to serve in the SADF, and help the End Conscription Campaign we should work to create a climate of political opinion where people inside have confidence and can make an appeal on their foreign citizenship. Or do you want the British Government or the United Nations to create a legal mechanism, which makes it easier for whites in South Africa to rely on their foreign links to use it in the South African courts. If that is your strategy we should forget the idea of punishing foreign nationals for serving in the SADF.

If the purpose is to say to the Western governments, your nationals are used as a killing machine of Apartheid, how are you punishing South Africa for that?; that is another possibility. Then these governments hand out a note in their capitals to the South African ambassadors, that they are not allowed to recruit European nationals. Then South Africa is to be punished, because it has no right to take any of our nationals into their military machine. They will be reluctant to do that, but with pressure from African and other countries they can be encouraged to take these steps. Then the campaign for an alternative service is not the first priority.

We have to make a clear distinction between the two campaigns. So we need to have some comprehensive context in which we can stop the military machine, and make it easier for the people who object, but we need to define which is the priority. To run an effective campaign, which also can raise the morale of South Africans who have no foreign citizenship link, we have to prepare thoroughly. Maybe we should have bilateral discussions in not such a wide group, and work out and tune our individual strategies, because in each country conditions will be different. We should avoid to slide into only small and nationally restricted debates on this issue, where you do not get a second chance at raising this issue in the same prominent way.



## VII The Netherlands

Fons Geerlings (Dutch Anti-Apartheid Movement -AABN):

Very briefly I will tell you about developments in Holland. The whole issue came up in parliament in 1977, in a debate not about Dutchmen serving in the SADF, but about what to do with Dutch citizens anyhow serving in the South African bureaucracy. That discussion died down, but it came up again around 1984 when a new Dutch law on citizenship was introduced. This new law made even the voluntary joining of a foreign army no longer an offence. This was done to solve at the same time the problem of dual nationality and that of statelessness. So the Dutch Government did not want people to lose their Dutch citizenship for joining a foreign army. But already then some political parties raised the problem what to do with our Dutch nationals serving in the South African Defence Force. To solve this, it was proposed to add to this new nationality law a negative list of countries, for which the joining of a foreign army remains prohibited, and which you can adapt in certain years. This proposal did not materialize into law. The issue was raised again with the new Citizens Amendment Act in South Africa, which directly aimed at involving foreign nationals into the SADF; and again after publication of the booklet. However, every time we face the fact that hardly any political party wants to change the decisions taken early in the eighties, e.c. to make the joining of a foreign army no longer liable to punishment.

Now a number of political parties - among them the Christian-Democratic Party, the Labour Party and the smaller Progressive Liberal Party have stated either in their party manifesto or in party resolutions that the Dutch Government should take effective steps to prevent Dutch nationals from being engaged in the SADF. Some parties proposed to enact a law to take away citizenship of those doing so. However, it is very complicated to effectuate, so this debate has not yet ended. So this is one line that we are following. But there are other variations we can think of.

Another line is to work out a way to help Dutch nationals in South Africa refuse conscription. We have asked a few lawyers to look into the possibility, that the Government says to Dutch nationals in South Africa: We do not want you to go into the army, we suspend your obligation to serve at all. So that would give a legal basis for them to refuse serving in the SADF.

Ruud Vlek (AABN): that implies the cancellation of this Protocol of the Hague of 1930, which arranges for persons with two nationalities to fulfil military service in the country of residence, as well exemption from military service in the country of origin.

Geerlings (AABN): A third line to work along came up when the Government was not willing to do something on the basis of legal arguments. Then we demanded that they inform the Dutch nationals in South Africa that the Dutch Government objects to their joining the SADF. The Government promised to inform them through a pamphlet, but such a pamphlet never appeared. Also our Minister of Foreign Affairs never has made any statement to confront the South African Government with the fact that the Dutch Government does not want our nationals to serve in the SADF. We will put pressure on the Government to take such a stand.

So various lines are coming together. However we have not yet finally decided, which line we should give priority to, and how to link together the various lines. This will be one of our immediate tasks.



Inge van den Bussche( AKZA, Belgium): I would like to add this. The Belgian Government and the European Community have continuously condemned what is going on in South Africa. Therefore some sanctions have been imposed, one of which is no military collaboration. In fact all we have to do is point to the fact that the involvement of Belgians in the SADF is in contradiction with a stated policy line of the Government, and demand that they correct this. So it is not really our problem which measures should be taken, but the Government's problem. They should work it out themselves.

Fons Geerlings : No. Our Government supports the idea, that persons with a dual nationality can make the choice themselves, and can leave South Africa. In a way you have to respond and pick up arguments, and decide yourself in what direction you seek a solution.

Anyhow we concluded our round of national reports. Some complications came to the foreground, as very pointedly argued by Abdul Minty. A second interesting point was mentioned by the representative of the Portuguese Anti-Apartheid Movement as well by our friends of the End Conscription Campaign, to develop links of information to convince the immigrant communities in South Africa itself.



## II. Monday morning session.

### Survey of actions to be undertaken at various international levels.

Chairman : This morning we would like to spend most of our time on what is happening in the international field and the possibilities of raising the issue in the various international institutions. After that we will come back to the discussion we had last night about the approaches we can follow and how we can cooperate in the future.

Alman Metten, member of the European Parliament and co-author of the report "Fighting for Apartheid" will now elaborate a little bit on the international debate and the possibilities at the European level.

Address by Alman Metten (Dutch Labour Party, European Parliament):

What can be done in the European Parliament and what should be done at this and other levels ? We have been doing already a lot on this issue in the European Parliament and it seems there is not much left to be done. In February 1986 a resolution was adopted that asked for the immediate ending of the conscription of European Community citizens into the SADF. The effect of this resolution was not impressive. The reason, of course, is that in the field of political cooperation the role of the European Parliament is only an advisory one. The member states cannot be forced by the European Commission to do something. Effectively the European political cooperation is an inter-governmental affair, not arranged in the European treaty. It means that the role of the European Parliament is therefore mostly a moral one; especially towards the outside world, to a lesser degree within the European Community.

Since the adoption of this resolution we have asked the Council of Ministers time and again: What have you done with it? Did you implement it, and if not why not ?

Because the situation in South Africa was so unknown after the introduction of the new Citizens Amendment Act, we conducted a research to get exact figures on the involvement of European citizens in the SADF. Because in the beginning what we stated sounded completely incredible. The most common reaction was and still is: "this cannot be true!". People just don't believe it. That is why we wrote our report. I must say that until now our figures have not seriously been contested.

So the problem is not the European Parliament, but the national governments. The European Parliament can start the discussion, and stimulate the national parliaments to take up the issue and start asking questions to their governments. In some countries it had that effect.

We should build up pressure from inside and outside the European Community. Pressure from inside can be increased. There has been publicity about the issue in Portugal, Italy, Great Britain, West Germany and Denmark. On the political level, however, I know of debates only in Belgium, Holland and West Germany. The most important countries where questions should be posed to governments are of course Great Britain and Portugal, because they have most nationals in South Africa and in the SADF. We have asked some parliamentary colleagues there to do something about it, but it seems to be very difficult to raise the issue in their national situation. Some politicians of the left are afraid that big numbers of British South Africans will come back to their constituencies and change the balance there. And in Portugal one has the traumatic experience that after the independence of Angola and Mozambique almost a million Portuguese returned to their country. That changed the political balance completely. However, to illustrate that the international campaign is gaining momentum we have two examples. In the Joint Assembly of the European Community and ACP-countries



(The Lomé-conference), which met in Barbados last January, a resolution was adopted, which "deplores the continued participation of European Community member states' nationals in the SADF and exhorts the European Community Council of Ministers to urgently formulate policies aimed at making it prohibitive for EC-citizens to be involved in the SADF". It was adopted by the left and the right alike, which is also an important political indication. (See for full text Appendix V).

On 16th February of this year a resolution in the European Parliament was adopted which supports the call for an alternative civilian service in South Africa. And this is one of the two important goals of this campaign. One is to make it impossible for European citizens to go into the South African army and keep their nationality, and the second is to create an alternative service for them. The End Conscription Campaign in South Africa is also supported by the Catholic Bishops' Conference of South Africa.

You can use these resolutions to raise the subject in your own national parliaments. It is very important to keep national parliaments under pressure on this issue. Every opportunity to raise it again and again in the European Parliament I will use. But the pressure must come from below also. If there is no indignation in the member states, politicians don't move.

What are possible political measures to be taken ? At the moment there are three alternatives that can be advocated:

1. *Make generally the joining of a foreign army for dual nationals conditional on explicit political consent of the respective European Government.*

In most of the member states you have to have a change of law for that.

For example Dutch nationals being enlisted in the South African army should have explicit permission from the Dutch Government. If they do not ask for that permission or if they don't get it and join anyway, then as a sanction they will lose their Dutch nationality.

2. *Introduce the automatic loss of European nationality (for European immigrants in South Africa - ed.) at the age of 25, and for those males that have done their military service so much sooner after they have fulfilled their service.*

This solution was suggested last week by Professor of Law Jessurun d'Oliveira of the University of Amsterdam. He argues that it is not only by joining the army that you support the Apartheid system. The situation is actually that when you live there, you have the choice either to support the system or to oppose it, there is no middle road. Just living and functioning there as a white person you profit from the Apartheid system and you support it. So he says: Everyone who reaches the age of 25 has had enough time to think about it, to decide if he wants to continue to live there and to be engaged in the system. If they prefer to do that they will lose their second European nationality.

3. *Introduce penal sanctions for people who serve or have served in the South African army.*

This solution is prepared at the moment by socialist party representatives in the Dutch parliament. You do not have to change the law on nationality for that, you just can introduce in the criminal code a paragraph to the effect that supporting the Apartheid system is a criminal offence and will be served by a certain period of imprisonment when they return. The idea behind it is that people will not return then, so it will have the same effect of taking away citizenship.

These are three options discussed in the Netherlands.

Jeffrey Marishane (ANC): How do you arrive at the 25-years limit ? Do you take into consideration the fact that participation in the SADF does not necessarily start with military service ? Already in primary schools young white children are trained in some of these military things. By the time they reach twenty-five they will be totally conditioned in the whole thing. Therefore I think this 25 years limit is just too far, it should be more down. At the best it



should be at the age of 20.

Alman Metten : The proposal of this Dutch professor of law is very fresh, it can be discussed if this is an effective solution. Some people question also if it would be an effective sanction for joining the army if people know that they will lose their nationality anyway when they reach 25. That is a very relevant question. Perhaps one should look at other solutions.

End Conscription Campaign representative : I think it is not too late. In my experience a lot of young whites only after they have attended university become aware of the situation. A lot of people who are conditioned only break out of their condition around the age of 20/21. Someone of 18 probably doesn't care about whether he will lose nationality or not. Maybe by the time he is 23 he starts worrying about it and he might take a decision.

Jeffrey Marishane : I am afraid he would be late.

Roger Field (COSAWR -U.K.): It's possible. But if you want to bring down the age, it really requires a lot more input on the part of our embassies to educate their nationals. The 25-year cut has to do with the legislation on nationality in South Africa. If you have spent a certain number of years in South Africa you become automatically a South African citizen. Therefore I think 25 is a good age, which makes the argument stronger, because it introduces a kind of parity with the legislation in South Africa.

Manuela Cunha : I understand this 25-years limit would mean that young people can join the army and get a period to consider the situation and to decide if they want to quit. But do you know that many at an early age commit suicide ? For instance in 1986 there were 429 suicides. They of course could have made the political decision to leave the army, but they just couldn't bear the situation anymore and committed suicide.

Howard Clark (War Resisters International): The thing to see is what gets people in the army in the first place is the white educational system. After having gone through that, very few will make a rational choice. The most important thing apart from the legal aspects is therefore to try to inform people as to the nature of the SADF. One question about the jailing of people who have served in the SADF: a lot of war resisters actually have served and through their service have become aware of their situation. You have to take into consideration that people change their mind at a certain point.

Alman Metten : this proposal that will come from the Labour Party in the Dutch parliament will certainly take that into account. Because the goal is to stimulate people either not to join the South African army, or to leave it. After two years of initial service people have to serve another two years spread over a period of 12 years. Of course it would be better if people do not join at all, but it also counts when they refuse when already enlisted. It contributes to the main political goal of reducing the military options of the South African regime. The fewer soldiers are at the disposal of the South African Government, the fewer possibilities do they have to interfere in the surrounding countries or to use the army to oppress the blacks in the townships etc. Then they are forced to seek political solutions instead of military solutions.

Adrienne van Heteren (Dutch AAM): the political parties in Holland are advised by lawyers, who by nature are not very inclined to use nationality as an instrument in a political strategy. The whole debate whether to use the penal code has at this point more to do with trying to avoid the nationality issue than that it is presented as a real alternative. Because you hardly can imagine



that there are going to be mass trials in Europe of South Africans with European citizenship arrested at our borders for having served in the SADF. Lawyers also do not see that as a feasible perspective. So the penal code is not a real option.

Fons Geerlings (Dutch AAM): the problem is that such a measure would intervene at the end of the process. And only a limited number of those having served will come back to Europe. How to check their involvement is another problem. So we face the need to try to prevent the totality of the people of that age to serve in the army.

But I would like to concentrate the discussion on which possibilities there are within the framework of the European Community and the general international level.

Paul Goodison : one of the ways to keep the issue in the public eye at the European level is to focus on the international security aspects which emerged in the case of Belgium and West Germany. The fact that German South Africans are serving in the Bundeswehr or Belgian South African citizens who currently are serving in the Belgian army and the implications of this. This will keep the Ministers of Defence and Foreign Affairs on their toes.

Within the wider European framework we have to see that there is consistency in the different proposals that have to be adopted in the individual member states. So to not give governments the opportunity to ridicule our demands by contrasting the different approaches in the various countries.

Fons Geerlings : in the framework of the European Community we should find ways to put it on the table of either the European Commission or at the European Political Cooperation level.

Goodison : a working group within the European Political Cooperation could draw up a report, on the basis of which the Council of Ministers would reach some decision, or individual Ministers of Foreign Affairs would take positions. But before we press them to undertake such a report, we have to develop appropriate arguments to counter difficulties and contradictions that will come up.

Ruud Vlek (Dutch AAM): therefore we have to make a complete inventory of legal possibilities in the various member states, the various political strategies which we can follow and get it on paper.

Chairman : before discussing how to organise this, I would like to conclude with some possibilities at the general international level.

At the international level we have to work out an information campaign, through which we can alarm the various international fora that this issue should be raised and dealt with.

At the level of the United Nations we have noticed a great interest in the matter. We should see if there are chances to bring it in in one of the platforms of the U.N. We can think of a kind of hearing of the United Nations Special Committee on Apartheid, to introduce the issue on that level and to bring it to the attention of ambassadors of a number of states.

We have had a discussion with the President of the Organisation of African Unity and he was aghast that this was a problem. So there too we have to inform the Frontline states or the OAU member states through their platforms. We have to ask them what their possibilities are to raise this issue, for instance in meetings with European countries. They can support us by publicly stating that this is a serious problem and that they would like to see Europe act on it.

We have also discussed the possibility to raise it at the Commonwealth meeting later this year.

Because not only European countries are involved but also New Zealand and a number of other



countries.

So at the international level we basically have to organize an information campaign, through which we ask countries and organizations to take up the issue.

Louise Asmal (Irish AAM): The fact that the OAU countries are aghast by the thought that anybody else's nationals are serving in the South African Army, is just a measure of the gulf that we face in Europe, where it seems Government circles are in the least aghast. As you say publicity is absolutely essential. When our aim is to put the fear of God into young white South Africans, to put them off serving, one of the ways of doing that is also to try to get publicity in South Africa. In South Africa I think the alternative press would be quite interested. Although they are very restricted in what they can say, they probably can report about international resolutions and discussions in our national parliaments. I think we should send them all the information on developments in this respect. I wouldn't rely on our embassies.

Howard Clark : With respect to the white Commonwealth countries we do not have information on Canada, Australia and New Zealand. This is certainly after the Eminent Persons Group initiative an area of work where information gathering is quite important. There are obviously links between Australia, New Zealand, Canada and South African whites. The Commonwealth is a place where you do get a direct confrontation between outraged black opinion and defensive white opinion. And you do get splits.

I am not sure what we are thinking of how we can match our short-term and our long-term goals. We can easily agree on non-controversial things like campaigning against top-up payments and expose firms who are doing that. The longer-term things, that require changes in legislation, are obviously fraught. For the moment we can actually start using the nationality issue within South Africa, as a way to encourage war resisters, while preparing the longer-term question on nationality and thinking in terms of sanctions against military collaboration in a long-term way.

Alman Metten : I find this separation between short-term and long-term goals a useful one. In the short term, campaigning against the topping up of military payments by companies has the side effect that it can support the disinvestment campaign when companies do not react. Another short-term goal can be to put pressure on the South African Government to make an alternative civilian service possible. Without much cost the West-European governments can ask for it. Themselves they should support those people who refuse to do their military service, especially their own nationals. We can broaden consciousness in our own countries for this, starting with those conscientious objectors who face a six-years prison sentence. If this works it will contribute to the longer-term goal of making it impossible for Europeans to serve in the SADF.

Jeffrey Marishane : There is no law in South Africa nor in West European countries which obliges transnational corporations to subsidize the SADF by top-up payments. At the same time these companies stop payment of salaries of their black employees, when they are detained by the Apartheid regime. The longer they are detained they can even lose their jobs. So it is necessary to put pressure on these transnational corporations through their governments to immediately stop both these practices.

Manuela Cunha : it is a more general climate in which war resisters also lose their jobs or their study facilities at the university, when not immediately joining the army. So I still believe we should try to influence the communities involved in South Africa. Since we cannot do much in my own country I believe the main goal is education inside South Africa, and dialogue with our communities there.



Paul Goodison : I think we should be very careful here, because making this kind of distinction of in the short term educating the communities in South Africa and the longer-term goal of perhaps introducing punitive sanctions, you could be actually be undermining your longer-term strategy by the way you are implementing your short term strategy. Because certain European governments will seize on anything which smacks of dialogue and greater European engagement in South Africa in the process of eradicating Apartheid. They will then try to work against the wider goals we may have, such as reducing the military options of the South African regime. We have to carefully think through these implications.

Magda Aelvoet (Belgian Green Party): it will be difficult to link the raising of the nationality question on the one hand with promoting the cause of conscientious objectors on the other hand, as Howard Clark proposes. For instance, if we want to put more pressure on our governments so that they support people that refuse to do military service, we can ask this only as far as their nationals are concerned. How then do we include South Africans refusing to do military service ? If that pressure is especially directed in support of dual nationals, do we best approach them through an information campaign, led by our embassies and consulates ? Our experience is that our nationals in South Africa are the first to protest before our embassy when Belgium takes measures against South Africa.

How then are we concretely going to support those dual nationals that refuse to do military service ?

What kind of punishments are we going to propose for those who don't follow up our advice ?

If we don't want to punish, what concrete instruments do we have to support the others ?

Such a strategy of information and advice not to join the SADF and support for those who refuse is of course a strategy completely different from countering military service in the SADF with the loss of nationality.

Chairman : I think it is time to sum up and discuss what can come out of this meeting. The minutes secretary will now summarize and try to formulate some aims we hopefully all agree on to work to in the next months.



**Summary: some conclusions, considerations and suggestions for further action.**

We can distinguish several aims we should start working on :

Our main objective is to reduce the military options of South Africa. For the sake of war resisters and conscientious objectors we work on creating a positive climate in Europe, advocating asylum facilities. By further working on how to use the nationality question as an instrument to reduce the participation of European nationals in the SADF, we pursue by that way also the limitation of military options for South Africa.

*We can already start pressurizing European governments to raise the issue of alternative service inside South Africa, support for conscientious objectors and pressurizing multinational corporations to stop topping up payments.* These items could help gain momentum around the issue. It could help gain public support and would have a direct feed-back in the South African campaign.

*We should try to to enlarge the possibilities of getting asylum as a war resister in the various European countries.* Enlargement of asylum possibilities should be combined with positive measures from European institutions, since the whole refugee policy of the member states of the European Community is more and more going to be harmonized. We therefore need a concerted effort at the European level, to deal with this asylum issue. It could be one of the positive measures of the European Community towards people that fight Apartheid inside South Africa.

*It should be stimulated, that embassies inform their nationals about the role of the SADF.* As the situation with regard to legal aspects differs so much in the various countries involved, the national movements should specify what they want from their embassies as information to their nationals in South Africa.

Where embassies fail to do so we should try to find ways to have communication with the communities in South Africa.

*We think the nationality issue is a possible instrument in our long -term political strategy, but its implications should be thought over more carefully.*

Since it is not our aim and task to intervene in national debates, the debate on this issue should be raised by the people in the various countries itself.

That will take some time, because a number of the points raised here are relatively new in terms of how to deal with them in their legal aspects.

For some countries, like Belgium and the Netherlands, these have already been studied in detail much more than in the case of other countries. Therefore we propose to create a very informal coordination point to collect the detailed information on the legal and political situations in the various European countries. We can send everybody a checklist with key questions with regard to specific national circumstances, to improve the information that we have at the moment, to see how the campaign can be run and where possible be harmonized, and to use it for further publicity on this issue (see Appendix VII).

Through this informal coordination point we will be able to keep track of the developments in the different countries that participated here.

We think it is necessary that there is one office to whom we can send our informations, and therefore the Dutch AAM -office can function as an adress for that.

The Dutch AAM will distribute a list of adresses, so you are free to send the relevant material to those involved. Where we can inform each other bilaterally please do. The Dutch AAM can act as a



point for gathering material.

For distribution of information, we suggest The Resister Magazine will inform us regularly on the various political developments. The coordination point can bring together that information, to distribute it to other levels as well.

The Dutch AAM will organise a survey of legal aspects in the various countries through a checklist, and distribute its results. And it will make a report of this meeting to memorise the points we stressed here.

One additional point on the checklist. In Holland the Dutch AAM has performed a small statistical survey of the data present in the Dutch Bureau for Statistics, to reconstruct the Dutch population in South Africa and the stream of emigrants going to South Africa (see Appendix IV). We would like to ask other groups to perform a similar survey in their own country, to see if they can get figures about the composition of their population in South Africa, in order to get more detailed and updated figures on every country's involvement in the SADF.

It won't be easy to involve the embassies and consulates in such a campaign. Of course it will not depend on the ambassadors to take such an initiative, but on a national decision to do so. In countries that have many residents in South Africa the resistance to such a policy will be the greatest. However, we should not exclude them when we work on this idea, but realize that the possibilities of getting them involved are limited.

Where it might work, it will be an expression of a political decision made in the Western capitals that they are in line with our concerns.

One of the things we can suggest is that the European embassies, or the President of the European Commission, send representatives to trials of South African war resisters.

We can also press governments to make financial contributions to anti-militarisation campaigns amongst their citizens in South Africa. But we prefer to work through existing international organizations who have the capacity to run such campaigns.

However, we will not place too much hope on the European ambassadors. For instance, the German ambassador works very closely with the German firms in South Africa, and the Dutch embassy advises Dutch nationals to go into the army. And we heard what is happening in the case of the Belgian diplomatic services in South Africa.

So at the moment embassies play a negative role, and that has to be established and changed because it is going against their own governments' stated policy.

Therefore we think we need other structures and we should not expect from the ambassadors that they will advise their citizens not to join the South African Army.

Instead of embassies, it would be more effective for people inside South Africa to be directed to a group like the Conscription Advice Service, which provides advice for conscripts. We can at least ask embassies to advertise very clearly the existence of that organization.

The End Conscription Campaign will approach embassies to send people to the Conscription Advice Service. If the ECC is not successful, the Anti-Apartheid Movements in Europe can ask the European governments to instruct their embassies to do that.

We need to find other ways as well to reach the communities because for some countries the embassy is not the way to do anything inside the country. For building up links of communication, we need to know which are the organizations and groups inside South Africa that we can talk to, give information to and work with. This problem will be included in the checklist that we will send round. For instance we can try to inform Portuguese nationals through Portuguese papers that are sold in South Africa. Broadcasting in Portuguese by the Radio-station of the ANC could be a way. There are other ways, but we don't have addresses or contacts in these



communities. With regard to these communities, we need not only statistics, but all sociological information concerning their situation, their professions and qualifications because we have to find the right language to talk to them.

Given the positions raised by the British and the Irish AAM, we ought to give great consideration to other possibilities which may exist to heighten the moral dilemma for European citizens facing conscription in the SADF. One small step that could be taken in countries which have conscription is to make sure that Ministries of Defence send out call-up papers to their citizens in South Africa, before or at the same time when those citizens receive their South African call-up papers, just to aggravate the dilemma.

Finally we will continue our consultations with our friends from inside South Africa. They will have to reflect on it and consult each other, how we can take up and cooperate on these issues.

Chairman: Then I think we have come to the end of this meeting. I wish to thank everybody for participating in this first meeting on this issue. We will now try to find a solution to a number of questions which were discussed, especially those problems that were debated last night. The main relevance of this meeting was that we have informed each other and know what we are doing. Now we should try to find a way to join forces to work out a campaign on both the national and international level to continue our work.

So again I thank all the participants, especially our friends from inside the country. We wish you well with your activities and we hope to be able to consult you regularly on the issues we have discussed.



## APPENDICES:

- I. Reprint of the Protocol of The Hague of April 12, 1930, relating to military obligations in certain cases of double nationality (articles 1-7).
- II. Report on "the Belgians in the SADF" campaign.
- III. Short note of actions undertaken in the Netherlands.
- IV. Statistics with regard to the Dutch population group in South Africa.
- V. Resolutions of international organisations on foreign nationals in the SADF:
  - A. Resolution 43/50C of the General Assembly of the United Nations "Comprehensive and mandatory sanctions against the racist regime of South Africa", adopted December 5, 1988.
  - B. Resolution of the Joint Assembly of African-Caribbean-Pacific and European Economic Community countries, adopted in Barbados, January 26, 1989.
- VI. List of participants.
- VII. Checklist.



Appendix I.

Reprint of The Protocol of the Hague of 1930, relating to military obligations in certain cases of double nationality (articles 1-7).

No. 4117. — PROTOCOL<sup>1</sup> RELATING TO MILITARY OBLIGATIONS IN CERTAIN CASES OF DOUBLE NATIONALITY. SIGNED AT THE HAGUE, APRIL 12TH, 1930.

*Official texts in French and English. This Protocol was registered with the Secretariat on May 25th, 1937, following its entry into force.*

The undersigned Plenipotentiaries, on behalf of their respective Governments,  
With a view to determining in certain cases the position as regards their military obligations of persons possessing two or more nationalities,  
Have agreed as follows :

*Article 1.*

A person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other country or countries.

This exemption may involve the loss of the nationality of the other country or countries.

*<sup>1</sup> Ratifications :*

GREAT BRITAIN AND NORTHERN IRELAND AND ALL PARTS OF THE BRITISH EMPIRE WHICH ARE NOT SEPARATE MEMBERS OF THE LEAGUE OF NATIONS . . . . .	January 14th, 1932.
UNITED-STATES OF AMERICA . . . . .	August 3rd, 1932.
INDIA . . . . .	September 28th, 1932.
SWEDEN . . . . .	July 6th, 1933.
SALVADOR . . . . .	October 14th, 1935.
CUBA . . . . .	October 22nd, 1936.

« El Gobierno de Cuba, declara no asumir la obligación impuesta por el artículo 2 del Protocolo, cuando el individuo menor de edad de que trata dicho artículo, aunque tuviere el derecho llegada la mayoría de edad, de repudiar o rehusar la nacionalidad cubana, residiere habitualmente en el territorio del Estado, teniendo de hecho con él mayor lazo de unión que con cualquier otro Estado cuya nacionalidad también poseyere. » \*

COLOMBIA . . . . .	February 24th, 1937.
THE NETHERLANDS (including the Netherlands Indies, Surinam and Curaçao) . . . . .	April 2nd, 1937.

*Accessions :*

BRAZIL . . . . .	September 19th, 1931.
COMMONWEALTH OF AUSTRALIA (including the territories of Papua and Norfolk Island and the mandated territories of New Guinea and Nauru). . . . .	July 8th, 1935.
UNION OF SOUTH AFRICA . . . . .	October 9th, 1935.

Subject to reservation as regards Article 2.

*\* Translation by the Secretariat of the League of Nations:*

“ The Government of Cuba declares that it does not accept the obligation, imposed by Article 2 of the Protocol when the minor referred to in that Article, although he has the right, on attaining his majority, to renounce or decline Cuban nationality, habitually resides in the territory of the State and is in fact more closely connected with the latter than with any other State whose nationality he may also possess. ”

\*) On February 1, 1985, also the following other countries were party in the Protocol:  
Belgium, Cyprus, Fiji, Kirabati, Lesotho, Malawi, Malta, Mauretania, Mauritius, Niger, Nigeria, Austria and Swaziland,



*Article 2.*

Without prejudice to the provisions of Article 1 of the present Protocol, if a person possesses the nationality of two or more States and, under the law of any one of such States, has the right, on attaining his majority, to renounce or decline the nationality of that State, he shall be exempt from military service in such State during his minority.

*Article 3.*

A person who has lost the nationality of a State under the law of that State and has acquired another nationality, shall be exempt from military obligations in the State of which he has lost the nationality.

*Article 4.*

The High Contracting Parties agree to apply the principles and rules contained in the preceding articles in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said articles shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding articles, the existing principles and rules of international law shall remain in force.

*Article 5.*

Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

*Article 6.*

Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 to 3 and 7.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

*Article 7.*

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol<sup>1</sup> of the 16th December, 1920, relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention<sup>2</sup> of the 18th October, 1907, for the Pacific Settlement of International Conflicts.

<sup>1</sup> Vol. VI, page 379 ; Vol. XI, page 405 ; Vol. XV, page 305 ; Vol. XXIV, page 153 ; Vol. XXVII, page 417 ; Vol. XXXIX, page 165 ; Vol. XLV, page 96 ; Vol. L, page 159 ; Vol. LIV, page 387 ; Vol. LXIX, page 70 ; Vol. LXXII, page 452 ; Vol. LXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; Vol. XCVI, page 180 ; Vol. C, page 153 ; Vol. CIV, page 492 ; Vol. CVII, page 461 ; Vol. CXI, page 402 ; Vol. CXVII, page 46 ; Vol. CXXVI, page 430 ; Vol. CXXX, page 440 ; Vol. CXXXIV, page 392 ; Vol. CXLVII, page 318 ; Vol. CLII, page 282 ; Vol. CLVI, page 176 ; Vol. CLX, page 325 ; Vol. CLXIV, page 352 ; Vol. CLXVIII, page 228 ; Vol. CLXXII, page 388 ; and Vol. CLXXVII, page 382, of this Series.

<sup>2</sup> *British and Foreign State Papers*, Vol. 100, page 298.



## Appendix II.

### Report on the "Belgians in the SADF" campaign.

Since the South African Citizenship Amendment Act became law in 1984, which increased pressure on foreign nationals to take out South African citizenship, the increased participation of Belgian citizens in the SADF has become of growing concern to ant-apartheid movements in Belgium.

The study on European citizens in the SADF (Metten & Goodison, October 1988) stated that over 8000 Belgian citizens (there are about 25,000 Belgians in South Africa) are eligible for service in the various structures of the SADF. The publication of these figures provoked contradictory statements from the Belgian Ministry of Foreign Affairs on the involvement of Belgian citizens in the SADF.

These statements left unclear how many Belgian citizens were involved and whether service in the SADF resulted in automatic loss of Belgian citizenship. Nor did the statements give an indication of the Belgian policy concerning this matter.

Seeking clarity on these issues, two members of Parliament, Senator Paul Pataer (Socialist Party) and Senator Magda Aelvoet (Green Party), addressed detailed Parliamentary questions to the Minister of Foreign Affairs. In his answer, Minister Tindemans omitted any figures on the number of Belgian citizens serving in the SADF, but acknowledged that "Belgians resident in South Africa five years before the age of 25, would automatically receive South African nationality and are called up for service in the SADF". It was further acknowledged that this would occur in "numerous cases". "However", the Minister continued "military service performed in Belgium would be taken into consideration by the South African authorities."

Contrary to earlier statements to the Press by Foreign Office officials, Minister Tindemans added to the confusion by concluding that "Even voluntary service of Belgian citizens in a foreign army is not prohibited by law."

In order to clarify Tindemans' statements, Senator Magda Aelvoet called in experts in international and military law, and did some field work amongst the Belgian community in South Africa.

The results of her investigation show that only a request for exemption from service in the Belgian Army by the individual who faces conscription can involve loss of Belgian citizenship. This way one or two Belgian/South Africans a year lose their Belgian citizenship.

For those willing to serve in both armies, apparently the majority of those eligible for military service, there is no loss of either Belgian or South African citizenship. In fact it would seem that they receive a helping hand.

Flemish anti-Apartheid forces found evidence that shows that the Belgian diplomatic corps in South Africa are intermediaries in setting up an arrangement in which the Belgian/South African conscript serves one year in the Belgian Army and one year in the SADF.

Following these findings the Belgian Government was again asked for its position on this matter. This was done in a parliamentary question by Senator Magda Aelvoet to Prime Minister Martens.



In his answer Martens merely said that it is not up to the Belgian Government to forbid its citizens to obey the rules and regulations of other states.

The demands of the campaign on Belgian citizens in the SADF were recently voiced at a press conference on war resisters in South Africa organised by the Belgian Anti-Apartheid movements (AKZA and CCCA) and several Christian organisations. Summarised the demands are :

- the Belgian Government should clearly state its position on the service of Belgian citizens in the SADF and inform the South African Government of this position.
- the Belgian embassy should inform those Belgians eligible for service in the SADF on the position of their Government, and refer them to the "conscription advice bureaus";
- as an absolute minimum the Belgian Government should press Pretoria to extend "alternative service" provisions to accommodate those Belgians and other war resisters who feel a moral repugnance at serving in the SADF;
- the Belgian Government should take all necessary steps to prohibit, by law, the service of Belgian citizens in the SADF.

At present Senator Magda Aelvoet and the Flemish Anti-Apartheid movement (AKZA) are continuing research into the possible legal options.

Inge Van Den Bussche  
Belgian Action Committee on Southern Africa (AKZA)  
April 1989.



### Appendix III.

#### Short note of actions undertaken in the Netherlands.

On March 12, 1989 a small group of professors and other specialists in international and constitutional law met at the request of the Dutch Anti-Apartheid Movement, to discuss the possibilities of legal action against Dutch nationals serving in the SADF. This meeting became all the more necessary in the light of a recent discussion in Dutch Parliament.

In the past, the Minister of Foreign Affairs rejected legal action since it was "too much ad hoc decision-making". On the 28th of April, the matter was again raised in Parliament during the debate on the Foreign Policy White Paper.

Mrs. van Es (M.P. of the Pacifist Socialist Party) stated that she expected the Government at least to think seriously on how to end the contribution of Dutch passport holders to the violent way Apartheid is maintained by the South African Defence Force. She argued that also on the basis of the Anti-Discrimination Treaty the Government has to act. She requested the Minister to write a Memorandum about the legal and political implications of this issue.

The minister replied positively.

The legal experts decided to assist the Minister and to stimulate the debate by writing a draft law themselves which will be presented to the Dutch Parliament. Later this month the proposed bill will be ready.

Roughly the draft law aims at:

- a) adding a list to the Law on Dutch Nationality which stipulates in which countries Dutch nationals are not allowed to join the army.
- b) to punish those Dutch/South African passport holders living in South Africa who do join the SADF or South African police by - under certain regulations and conditions - depriving them of their Dutch citizenship.

Fons Geerlings  
(Anti Apartheid Movement Netherlands).



## Appendix IV.

### Statistics with regard to the Dutch population group in South Africa.

#### A. Figures on emigration and remigration between The Netherlands and South Africa:

total movements in decades:			of which were males:				
	emigration	remigration	balance		emigration	remigration	balance
1948-1949:	5,284	884	4,400	1949:	1,095	200	895
1950-1959:	28,067	7,306	20,761	1950-1959:	12,873	3,580	9293
1960-1969:	13,202	11,408	1,794	1960-1969:	6,937	5,752	1185
1970-1979:	11,740	14,624	-2,884	1970-1979:	6,164	7,554	-1390
1980-1987:	5,568	5,086	284	1980-1986:	2,720	2,227	493
total	63,861	39,308	+24,553	total	29,789	19,313	+10.476

Sources: Centraal Bureau voor de Statistiek: Statistische Zakboeken 1950-1960,1964, 1966-1988; Statistiek van de Buitenlandse migratie 1979-1981; Maandstatistiek van de Bevolking mei 1987.

#### B. Figures on Dutch nationals, registered as living in South Africa :

x 1000:

as of January 1, 1980	41.6
as of January 1, 1981	41.2
as of January 1, 1982	41.3
as of January 1, 1983	41.1
as of January 1, 1984	39.9
as of January 1, 1985	41.0
as of January 1, 1986	39.4
as of January 1, 1987	34.1
as of January 1, 1988	34.6

Sources : Centraal Bureau voor de Statistiek: Statistische Zakboeken 1980-1988.

Data compiled by Ruud Vlek, February 1989.



## Appendix V.

### Resolutions of international organisations on foreign nationals in the SADF.

#### A. Resolution 43/50C of the General Assembly of the United Nations "Comprehensive and mandatory sanctions against the racist regime of South Africa", adopted December 5, 1988.

"The Assembly, considering that measures taken by States individually and some collectively while commendable, vary in coverage and degree of enforcement, which allows for the exploitation of existing gaps and loopholes, urges all States that have not done so, pending the imposition of comprehensive and mandatory sanctions, to adopt legislative and/or comparable measures to impose effective sanctions against South Africa and in particular:

- a) To impose embargoes on the supply of all products, technologies, skills and services that can be used for the military and nuclear industry of South Africa, including military intelligence;
- b) To impose embargoes on the supply of oil and petroleum products;
- c) To prohibit the import of coal, gold, other minerals and agricultural products from South Africa and Namibia;
- d) To induce transnational corporations, banks and financial institutions to withdraw effectively from South Africa by ceasing equity and non-equity investment, transfer of technology and know-how, and provision of credit and loans;
- e) To sever all air, sea and other transport links with South Africa;
- f) *To prevent, through appropriate measures, their citizens from serving in South Africa's armed forces and other sensitive sectors;*
- g) To take appropriate measures to ensure the effectiveness of the sports and cultural boycott of the racist regime of South Africa."

#### Record vote on Resolution 43/50C :

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Brazil, Brunei, Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauretania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, St. Kitts and Nevis, Sudan, Suriname, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Federal Republic of Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom, United States.

Abstaining: Australia, Austria, Bhutan, Botswana, Denmark, Equatorial Guinea, Finland, Greece, Honduras, Iceland, Ireland, Lesotho, Malawi, Malta, New Zealand, Norway, Spain, Swaziland, Sweden.

Absent: Chile, Dominica, Paraguay, Vanuata\* (\*later informed the Secretariat it had intended to vote in favour).



B. Resolution of the Joint Assembly of African-Caribbean-Pacific and European Economic Community countries, Barbados January 26, 1989.

ACP-EEC JOINT ASSEMBLY

26 January 1989

Doc. ACP-EEC 408/89

COMPROMISE RESOLUTION

tabled by

the ACP Group, Mrs SIMONS, on behalf of the Socialist Group,  
Mr Verger, Mrs De BACKER-VAN OCKEN, Mr O'MALLEY, Mr PRICE,  
Mrs CINCIARI RODANO, on behalf of the Communist Group

replacing motions for a resolution

AP/678, AP/690, AP/693, AP/703, AP/708, AP/713

on the situation in South and southern Africa

The ACP-EEC Joint Assembly,

- meeting in Bridgetown (Barbados) from 24 to 28 January 1989,

- A. having regard to the Convention of Lomé between the 66 ACP States, the European Community and its Member States, in particular to Art.4 of annex I relating to the eradication of apartheid,
  - B. recalling its previous resolutions on South and southern Africa, in particular those adopted at Lomé on 25 March 1988, and in Madrid on 22 September 1988,
  - C. regretting that there is still no sign in the Republic of South Africa of a political breakthrough leading to a democratic pluralism with equal rights for all citizens,
  - D. appreciating the courage and tenacity of the Anti-Apartheid Movement,
  - E. gravely concerned by the escalating pressure, restrictions and repression perpetrated against non-violent opposition groups inside South Africa;
  - F. noting that the continuing policy of aggression and destabilisation of South Africa against its neighbouring states constitutes the principal cause of tension in the region,
  - G. reaffirming that peace, economic and social progress in this region can only be achieved after the eradication of the obnoxious apartheid system,
  - H. disappointed by the lack of follow-up from the European Community Troika/ACP Ministers meeting held in Luxembourg on South and southern Africa in 1988,
  - I. noting the continuing need to consolidate support for development in the countries of southern Africa, in order to reduce the dependence of the region on goods, transport and communications facilities on South Africa and to ensure the protection of the development programmes by non-lethal military aid,
10. Calls yet again on the Council of Ministers to establish a coherent and effective policy designed to maintain and increase this international isolation of South Africa until concrete steps are taken to dismantle the apartheid system in that country;
  11. Calls, therefore, again for additional restrictive measures, combined with the maintenance of the existing programme of positive measures for the victims of apartheid and the fullest support for SADC in the face of South African destabilization, notably by the definition and the implementation of a programme of "positive sanctions" aiming at replacing the importation of "strategic minerals" from South Africa by the development of alternative sources, notably in the SADC countries and through non-South African routes;
  12. Points out that the full imposition of measures already agreed are a necessary first step in that direction and calls for the energies of all Members of the Joint Assembly and of the Members of the European Parliament to be devoted to this task;
  13. Welcomes European Community efforts made to assist the victims of apartheid and hopes that all such efforts will be intensified;
  14. Deplores the continued participation of EC Member States nationals in the South African Defence Force and exhorts the EEC Council of Ministers to urgently formulate policies aimed at making it prohibitive for European Community citizens to be involved in the South African Defence Force;
  15. Calls for complete cessation of the destabilisation war waged by the South African regime against the People's Republic of Mozambique through armed terrorist groups as well as acts of aggression against neighbouring states;
  16. Emphasises that the precondition for the success of the peace process in the region is the autonomy and economic self-sufficiency of Angola and of the other countries in the area and that a significant increase in aid to the SADC countries is therefore highly desirable;
  17. Urges the European Community to increase their assistance to SADC Member States in order to enhance their capacity to resist South Africa destabilisation and to promote their economic self-reliance;
  18. Urges the ACP-EEC Council of Ministers to ensure that the next Convention has provision to more effectively fight for the eradication of the apartheid system;
  19. Instructs its Co-Presidents to forward this resolution to the ACP-EEC Council of Ministers, the Commission and the Governments of all the signatories of the Lomé Convention.



## Appendix VI.

### List of participants.

#### **Belgium**

Inge van den Bussche  
Action Committee on Southern Africa (AKZA)

Magda Aelvoet, MP  
AGALEV ( Green Party)

Anna Pulings  
Comité contre le Colonialisme et l'Apartheid

Paul Pataer, MP  
Socialistische Partij

#### **Great Britain**

Abdul Minty  
World campaign against military and nuclear collaboration with South Africa,  
representing also:  
British Anti-Apartheid Movement

Howard Clark  
War Resisters International

Roger Field  
Committee of South African War Resisters- U.K.

Paul Goodison  
researcher

#### **Federal Republic of Germany**

Dorothea Kerschgens  
Anti-Apartheid Bewegung

Franz Nadler  
Arbeitsgruppe Südliches Afrika in der  
Deutsche Friedensgesellschaft/Vereinigte Kriegsdienstgegner (DFG-VK)  
(Working Group on Southern Africa in the German Peace Society/United War Resisters)

#### **Greece**

Annika Cornarou  
Greek Committee for International Democratic Solidarity

#### **Ireland**

Louise Asmal  
Irish Anti-Apartheid Movement



## **The Netherlands**

Greg van Druten & Simon Dunckley  
COSAWR - Netherlands

Alman Metten, MEP  
Dutch Labour Party (Partij van de Arbeid)

Kees Bals & Erik van der Molen  
Vereniging Dienstweigeraars

Cor Willemse  
Working Group Kairos

Fons Geerlings, Evelien Groenink, Adrienne van Heteren  
Bart Luirink, Ruud Vlek & Bram Zijderveld  
Dutch Anti-Apartheid Movement (AABN)

## **Portugal**

Manuela Cunha  
Movimento contra o Apartheid

## **South Africa**

Rob Goldman, Mandy Taylor,  
Alistair Teeling-Smith  
End Conscription Campaign

Jeffrey Marishane  
African National Congress  
presently fellow at the University of Amsterdam, for the Govan Mbeki Fund

## **Switzerland**

Nelly Brandl  
Anti Apartheid Bewegung der Schweiz

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Other non-attending groups active in the campaign against Europeans in the SADF:

## **Austria**

Anti-Apartheid Bewegung Österreich  
Walther Sauer

## **Italy**

MOLISV / Coordinamento Nazionale Anti-Apartheid  
Anna Foca/ Chris Gilmore



## Appendix VII.

### CHECKLIST.

One of the recommendations made during the Seminar was to make a checklist of questions to be answered in order to get a good picture of the situation and the debates in the participating countries.

We would like each national Anti-Apartheid Movement to acquire the following information and answers to the following questions:

#### I. Statistics

In order to get updated figures to reconstruct the various European population groups in South Africa, and the number of European males possibly being conscripted into the SADF, we would like you to gather statistical information on:

- a. Emigration from your country to South Africa (since  $\pm$  1950)
- b. Remigration from South Africa to your country (idem)
- c. The number of nationals living in South Africa holding exclusively nationality of your country (as registered by embassy/consulates or other institutes)
- d. The number of South African citizens being ex-nationals of your country (entitled to citizenship)
- e. The number of South African citizens who also hold your country's citizenship (dual nationals)
- f. Figures or estimations of the male composition of these categories, and their age structure.
- g. Any published figures on number of conscripted nationals, or mercenaries of your country's nationality.

#### II. Legal aspects

Which are the legal possibilities, problems and implications to prevent participation in the South African Defence Force and the South African Police or to put negative sanctions on joining the SADF (voluntarily and obligatory)

- a. in the context of the existing nationality law
- b. in the context of the Penal Code/Criminal Act
- c. in the context of existing obligations under International Law (Treaties, Conventions to which the state is a party or party-to-be).

#### III. Political possibilities

Which support can be expected from political parties or other social groups and institutions for legal measures against the involvement of your country's citizens in the SADF ?

#### IV. Actions already undertaken

Which actions has your organisation already undertaken or is intending to undertake to stop the involvement of your country's nationals in the SADF ?

- a. in terms of an information campaign (through which media, with which experiences/response)
- b. in terms of legal research/initiatives.
- c. in terms of a campaign aimed at political decision-making



## V. Informations and contacts inside South Africa

In which way, through which organisations and media can your country's population in South Africa be informed about the nature of the SADF and the implications of joining it ?

- a. through state offices, like the embassy or consulates
- b. through national or cultural/religious organisations of your country's nationals in South Africa
- c. through which media (papers, national long distance radio-broadcasts etc.) ?

Which sociological information do you have concerning your country's population group in South Africa (especially with regard to attitudes versus Apartheid, and military defence of it) ?

Which information do you have concerning your country's nationals in higher and lower ranks in the South African Army or Police? Do you have any empirical information on your nationals in direct war situations, repression in the townships, secret service activities etc ? Have any of your nationals been killed in defence of Apartheid ?

Are there examples and/or figures on war resisters on trial or in jail in South Africa who are nationals of your country ?

Are there examples of your country's nationals (such as ex-soldiers, reservists, policemen) who maintain close private or official links with South Africa ?

Do you have any information on the topping up of salaries paid by your country's companies to their employees serving in the SADF ?

We would like you to send your answers and information (documents etc.) to:

Anti-Apartheids Beweging Nederland  
P.O.Box 10.500  
1001 EM Amsterdam  
The Netherlands

Telex 33574(NL) ref. A89C  
Telefax (0)20-237335



