

# The Liaison Group of National Anti-Apartheid Movements in the Countries of the European Community

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## **BELGIUM**

Aktie Komitee Zuidelijk Afrika  
Comité Contre Le Colonialisme et  
L'Apartheid

## **BRITAIN**

Anti-Apartheid Movement

## **DENMARK**

Landskomiteen Sydafrika-Aktion

## **FRANCE**

Mouvement Anti-Apartheid  
Rencontre National Contre  
L'Apartheid

## **GERMANY**

(FEDERAL REPUBLIC)  
Anti-Apartheid Bewegung

## **GREECE**

Ελληνική Επιτροπή Διεθνούς  
Δημοκρατικής Αλληλεγγύης

## **IRELAND**

Anti-Apartheid Movement

## **ITALY**

Coordinamento Nazionale  
Anti-Apartheid

## **NETHERLANDS**

Anti-Apartheids Beweging  
Komitee Zuidelijk Afrika

## **SPAIN**

Movimiento Anti-Apartheid

## **PORTUGAL**

Movimento Contra o Apartheid

## MEMORANDUM TO THE COUNCIL OF MINISTERS OF THE EUROPEAN COMMUNITY

FROM THE LIAISON GROUP  
OF THE ANTI-APARTHEID MOVEMENTS OF THE EC

MARCH 1990

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## INTRODUCTION

The Liaison Group of the national Anti-Apartheid Movements in the countries of the European Community, meeting in Dublin on 10-11 March 1990, welcomes the stand taken by the President of the Council of Ministers of the European Community at its meeting in Dublin on 20th February 1990, in insisting on the maintenance of the Community's ban on new investment in South Africa. We congratulate the Minister on his forthright words in support of the decision of the meeting and his criticism of the unilateral action taken on this matter by the United Kingdom.

It is clear that a new and decisive stage has been reached in the struggle to overthrow apartheid. The freeing of Mr. Mandela, and the other measures which preceded this, the partial lifting of the State of Emergency, the lifting of the bans on the ANC and other organisations, and the release of a number of political prisoners, represent significant moves towards creating a climate conducive to negotiations. Mr. de Klerk must now be induced to complete the process of dismantling the regime's instruments of repression in order to facilitate the start of negotiations.

Racial discrimination is still enshrined in the laws and constitution of the land. The pillars of apartheid, including the Population Registration Act, the Group Areas Act, the Land Act, and the racist voting system, are still in place.

The removal of these, and the complete dismantling of apartheid, must be the purpose of negotiations, which must result in the building of a unitary, non-racial democratic state with one person one vote.

The Liaison Group is convinced that the European Community can play an important role in ensuring that the apartheid regime takes the necessary steps to create a climate conducive to negotiations and that any such process of negotiations leads to the creation of a united non-racial and democratic South Africa.

## CREATING A CLIMATE CONDUCTIVE TO NEGOTIATIONS IN SOUTH AFRICA

In South Africa, President de Klerk's statement of 2nd February announcing the unbanning of the ANC and other organisations, and a number of other steps, as well as the subsequent release of Nelson Mandela, are of significance in that for the first time the apartheid regime has begun to address the immediate demands of the people to end repression.

However these moves fall far short of those set out in the Declarations of the Organisation of African Unity and the United Nations as the minimum steps which the Pretoria regime has to take in order to create a climate conducive to negotiations.

The UN Declaration adopted by consensus at the 16th Special Session of the General Assembly in December 1989 was drawn up with the active involvement of the European Community and secured the Community's full support.

The minimum conditions set out in the UN Declaration for the South African regime to fulfil have been only partially addressed, as follows:

\* Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them: Whilst Nelson Mandela and his fellow Rivonia trialists, as well as some 70 other prisoners, have now been freed, over 3,000 political prisoners remain incarcerated.

Mr de Klerk's statement of 2nd February limited the release of political prisoners to those sentenced because they were members of a banned organisation, or because their offence would not have been an offence had it not been for a prohibition on one of the organisations. President de Klerk did appear to acknowledge subsequently that there were other people who had committed what he called "politically motivated crimes" and that their position might be a matter for future discussion; but he did not acknowledge that their release was essential to the creation of the climate for negotiations.

Consequently some 346 political prisoners on Robben Island had to embark on a hunger strike on 26 February, to demand immediate release.

The true number of political prisoners in South Africa is impossible to establish. The International Defence and Aid Fund has records of 753 people, but emphasises that this list is very incomplete due to the various censorship laws and restrictions which have prevented such information being public knowledge. Monitoring groups in South Africa estimate that there must be some 3,000 political prisoners, and are presently working to establish an accurate figure.

\* Lifting all bans and restrictions on all proscribed and restricted organisations and persons: All bans on organisations and individuals have apparently been lifted; however restrictions remain in force in relation to both organisations and individuals. For example the Affected Organisations Act prohibits foreign funding of the UDF and NUSAS. Moreover, the legislation under which bans can be imposed still remains on the statute books.

In this context it should be noted that the Disclosure of Foreign Funding Act is still in force in South Africa, and its implementation is currently threatening the Wilgespruit Community Centre, which is partly financed by the EC.

\* Remove all troops from the townships: This has not been implemented; indeed there has been further deployment of South African troops to quash unrest in the homelands. This is a matter of special concern to the European Community in view of the presence of significant numbers of EC nationals in the South African Defence Forces.

\* End the State of Emergency and repeal all legislation, such as the Internal Security Act, designed to circumscribe political activity: The State of Emergency has only been partially relaxed - in relation to reporting in the press - and no repressive legislation has been repealed.

The key elements of the State of Emergency remain in force as does the legislation under which it was imposed; and even if the State of Emergency is lifted, other acts such as the Internal Security Act provide for similar repressive powers. Security forces are still allowed to apply such force as they deem necessary; to arrest, detain and interrogate without warrant or charge; to impose curfews, cordon off areas, and restrict the holding of political meetings. Even though press censorship has been eased there still exists a battery of laws which can be used to restrict freedom of information, and Mr. de Klerk has stated specifically that the ban on pictures of "visual material on unrest situations" will remain.

\* Cease all political trials and political executions Political trials continue except in cases where individuals were charged with furthering the aims of banned organisations, since these bans have now been lifted. A moratorium has been imposed on all executions whilst a review is carried out into the application of the death penalty. However this does not necessarily mean that political executions have ceased permanently.

From the above it will be seen that the South African regime is obliged to take further steps if it is to create the climate conducive to negotiations which the European Community recognized was necessary when it supported the adoption of the UN Declaration.

#### A UNITED, NON-RACIAL AND DEMOCRATIC SOUTH AFRICA

The purpose of any process of negotiations must be to draw up a constitution for a non-racial democracy in a united and non-fragmented South Africa.

The fundamental principles for such a Constitution were elaborated in paragraph 3 of the UN Declaration and therefore provide the basis for European Community policy.

The Community in developing its policy towards South Africa must not only press for the regime to take the necessary steps to create a climate conducive to negotiations but must also make explicit that any negotiating process will only receive the Community's approval if it results in the adoption of a new constitution for South Africa based on the fundamental principles set out in the UN Declaration.

#### THE ROLE OF SANCTIONS

The Anti-Apartheid Movements of the European Community have campaigned persistently for the application of comprehensive and mandatory sanctions against South Africa in order to contribute towards the elimination of apartheid.

The Community's contribution towards international sanctions has been the most modest of all inter-governmental groupings and its refusal to join with the US, the Nordic countries and the Commonwealth in adopting an effective programme of sanctions has seriously undermined international pressures. Given the role of the Community as the principal source of foreign investment in the South African economy and major trading partner, there is no doubt that much greater progress would have been made towards the ending of apartheid if the Community

had adopted a tough programme of sanctions.

Even though sanctions have been far from comprehensive, and those sanctions that were agreed were patchily applied, they have had a very significant effect on the apartheid regime. The National Party manifesto for the white elections in September 1989 made this plain when it stated that "boycotts, sanctions and disinvestment have strained the economy of the country and of every business and household".

The purpose of sanctions, as the Council of Ministers laid down in 1985, is to secure "the complete abolition of apartheid as a whole and not just of certain components of the system". Only last December, the European Council in Strasbourg agreed that "profound and irreversible change" had to be achieved before the Community would consider relaxing sanctions.

As the Liaison Group pointed out in its open letter to the Foreign Ministers of the European Community in February 1990, apartheid in South Africa is still virtually intact. There have been no profound changes in the pillars of apartheid. The changes that have been made lie in the areas of freedom of speech and freedom to organise; they are dramatic but they are not irreversible as the legislation which imposed the bans and restrictions is still on the statute books.

We are therefore extremely concerned by the proposal that the Council of Ministers should look again at the measures it applies against South Africa should the State of Emergency be lifted and political prisoners released. We totally reject the proposition that any sanctions should be lifted until agreement has been reached on a new constitutional dispensation for South Africa involving the elimination of apartheid and the creation of a united non-racial and democratic South Africa.

If international sanctions were to be relaxed significantly the wrong signal would be sent to the South African government. There is a very real danger that Mr de Klerk would conclude that he has no need to hasten progress towards negotiations, and that he can therefore procrastinate at length, as his predecessors did for ten years over Namibia.

The Community therefore has a duty to ensure that there is no relaxation of existing sanctions measures; to work for the strengthening and strict application of such measures; and to expand its programme so that as a minimum it is consistent with those of the Nordic countries and the Commonwealth.

#### EC TROIKA VISIT TO SOUTH AFRICA

The Liaison Group has already outlined its concerns over the proposal to send an EC mission to South Africa. We have seen no explanation that in our view fully justifies the decision to send a fact-finding mission of the Troika at Ministerial level to South Africa at this stage, given that its very presence in South Africa may convey an exaggerated impression as to the extent to which change has so far taken place.

We appreciate the fact that the President of the Council of Ministers has stated that the purpose of the mission is to bring further pressure

to bear to bring about the end of apartheid and to assist in the promotion of a dialogue. However, for the Troika to play such a role it needs to have clear terms of reference and to have the confidence of the key parties to the conflict in particular the African National Congress. It will be recalled that the last Troika mission to South Africa went in circumstances where it did not enjoy such confidence and as a result it was unable to meet many involved in the leadership of the mass democratic movement.

We would therefore urge the Irish Presidency to consult immediately with the ANC in order to clarify the latter's view on the initiative. If there is a consensus that the Mission should proceed we would welcome the opportunity of meeting officials of the Presidency to offer advice as to whom the Mission should meet whilst in South Africa. Moreover if following such consultations it is decided to proceed with the mission in our view it should have the following terms of reference:

Firstly, it should seek to promote a climate conducive to negotiations by insisting that the South African authorities meet fully and immediately the conditions necessary to create such a climate as set out in the UN Declaration. The Troika should ensure that the South African authorities are convinced that the Community is united in its belief that these are the minimal measures required for a negotiating process to start and that it will recommend an immediate intensification of Community measures against South Africa to assist in creating such a climate. In this context it should seek reliable and accurate information from monitoring groups both prior to and whilst in South Africa as to the extent to which South Africa has taken the steps set out in the UN Declaration.

Secondly the Troika should communicate to the South African authorities the Community's commitment to the fundamental principles set out in the UN Declaration for a non-racial democracy in South Africa. The purpose of creating conditions conducive to negotiations is not simply to promote a dialogue for its own sake. Any process of negotiations must result in a new constitution for a united, non-racial and democratic South Africa.

Thirdly the Troika should ensure that the South African authorities are aware that the Community is committed to the UN Declaration as a whole which inter alia states that member states will maintain "international pressure against the system of apartheid until that system is ended and South Africa is transformed into a united, democratic and non-racial country with justice and security for all its citizens." Those who currently enjoy power and privilege as a result of the apartheid system need a powerful incentive to abandon their support for the system; we believe that the knowledge that South Africa will only flourish economically with the adoption of a democratic constitution and the consequent lifting of sanctions provides just such an incentive.

In this context we are gravely concerned by reports that the United Kingdom intends to undertake visits both at Foreign Minister and Head of Government level to South Africa. Especially in view of the United Kingdom's unilateral action in lifting the Community's ban on new investment we believe that any such visits can only further undermine Community efforts to help end apartheid; they will undoubtedly be construed as bringing aid and comfort to the apartheid regime.

## SUPPORT FOR THE ANC AND THE MASS DEMOCRATIC MOVEMENT

We believe that the Community can play a positive role in South Africa both through applying effective pressure against the apartheid regime and through direct support to those struggling for freedom and democracy. With the lifting of the ban on the ANC the way is now open for the Community to give direct assistance to the African National Congress's work within South Africa. We therefore earnestly urge support for the international appeal announced by Mr. Mandela in Lusaka this month, on behalf of the African National Congress. Only a generous response will enable the ANC to re-establish its former presence in South Africa and start building open internal structures to enable it to act as a counterweight to the apartheid structures of repression and exploitation. The EC programme of support for the victims of apartheid must be maintained within the framework agreed by its partners within South Africa.

We would vigorously oppose any moves by the Community to take advantage of recent developments to fund any organisation which works within the bantustan structures.

## NAMIBIA AND THE FRONT LINE STATES

1990 has proved already to be a dramatic year for Southern Africa. Agreement has been reached on an independence constitution for Namibia; Sam Nujoma has been elected unanimously as President-designate of Namibia and independence is scheduled for 21 March.

The SWAPO government designate has already decided in principle to join the Lomé Convention which provides a specific framework for the Community to assist in the development of this new nation. It is of vital importance that Namibia enjoys all possible aid and developmental assistance from the Community.

Yet despite these developments in Namibia and those within South Africa itself, South Africa is continuing to support both UNITA in Angola and the MNR in Mozambique. The MNR's destructive activities prejudice the development of at least four of the SADCC countries. At the same time South Africa is expanding its offensive capacity against independent states in the region.

It is crucial therefore that there should be no relaxation of the arms embargo. Indeed it needs to be strengthened and strictly implemented. It is important that any changes in the COCOM regulations which are in force in Community countries do not result in a relaxation in the controls regulating the export of arms and related materials to South Africa.

The Liaison Group is convinced that the EC has an obligation to develop an effective programme of aid for an independent Namibia and to expand its support for the SADCC and the Front Line States.

In addition we urge the European Community actively to support the Republic of Namibia in its efforts to secure the reintegration of Walvis Bay and to assert the territorial integrity of Namibia as a whole.

## THE COMMUNITY WITHIN A WIDER EUROPEAN FRAMEWORK

It is important that the rapidly developing situation in eastern Europe does not lead to any relaxation of existing sanctions against South Africa by the countries concerned.

At the UN Special Session, the EC countries committed themselves to ensuring that "the international community does not relax existing measures .... until there is clear evidence of profound and irreversible changes". In view of this commitment, we would urge the forthcoming April Summit dealing with the new situation in eastern Europe to endeavour to obtain commitments from the governments of the countries concerned to honour the UN Declaration, in particular by maintaining existing sanctions, by discouraging the emigration to South Africa of their nationals, and by fully participating in the efforts of the international community to eradicate apartheid.

## CONCLUSION AND RECOMMENDATIONS

Southern Africa is now at a watershed in its history. Critical decisions will have to be taken in the weeks and months ahead which will determine whether a process of negotiations starts and whether such negotiations lead to the creation of a united democratic and non-racial South Africa.

The action which the European Community takes during this period could have a profound effect on the course of history in southern Africa and thus a significant impact on the Community's future relations with Africa.

The position adopted by the Community at the 16th Special Session of the UN General Assembly was a source of great encouragement to the Anti-Apartheid Movements in the European Community. It demonstrated a willingness on the part of the Community to participate in collective international efforts to end apartheid.

Through the adoption of the UN Declaration, which contained the measures set out in the OAU Harare Declaration as being necessary to create a climate conducive to negotiations, as well as the fundamental principles on which a constitution for a united non-racial and democratic South Africa should be based, the European Community is now fully associated with universally agreed positions on the way forward.

We therefore urge the Presidency and the Council of Ministers to:

- 1) publicly affirm their continued support for the UN Declaration of 14th December 1989 adopted by the 16th Special Session of the UN General Assembly;
- 2) exert intensified pressure on the South African authorities to take the steps necessary to create a climate conducive to negotiations as set out in the UN Declaration. The Community should intervene immediately to secure the release of all South African political prisoners and the complete lifting of the State of Emergency;
- 3) undertake to sustain sanctions and other pressures until agreement is reached on a new constitutional order for a non-racial democracy in



a unitary and non-fragmented South Africa based on the fundamental principles enshrined in the UN Declaration of December 1989, including a non-racial voters roll.

In this context we would urge the Presidency to give the most careful consideration to the proposals made in this memorandum concerning the planned visit of the Troika at ministerial level to South Africa.

We believe that the new circumstances existing in South Africa since the lifting of the ban on the African National Congress provide the opportunity for the Community to render material assistance to the activities of the ANC within South Africa as outlined in this memorandum, an opportunity which it is essential to take up.

In relation to Namibia we ask the EC to draw up an effective aid programme in consultation with the Namibian Government. One form of immediate assistance to the new Namibian Government would be to ensure favourable import quotas for Namibian products into the EC countries, especially for beef.

We also ask the EC to support independent Namibia in its efforts to recover the territory of Walvis Bay, and to assert the territorial integrity of Namibia as a whole.

In relation to the southern African region, we call upon the EC to enlarge its aid programmes to the SADCC countries. Furthermore in view of continuing concern over South Africa's present and potential military threat in the area, we call upon the European Community to declare its full and unqualified commitment to maintaining and strictly enforcing the UN Security Council arms embargo against South Africa; individual countries should tighten their regulations to make the embargo more effective.

11 March 1990