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RHODESIA: THE OPENING OF NEGOTIATIONS

by

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RHODESIA: THE REOPENING OF NEGOTIATIONS

It began to be apparent about the middle of the week before last that some initiatives were being taken with a view to reopening discussion between the United Kingdom and Rhodesian governments. One of the first signs was a sudden change in the United Kingdom press, which had been threatening that South Africa, by her supply of oil to Rhodesia, might be drawing upon herself a demand from the Security Council to cut off all supplies to Rhodesia forthwith, under penalty of the extension of sanctions to herself. Instead, it was suggested that the British Ambassador in South Africa, Sir Hugh Stephenson, had returned to South Africa to point out to the South African government that while the continued supply of oil at what appeared to be an accelerated rate might make it difficult for the United Kingdom to oppose a resolution in the Security Council making such a demand, it would also make it more difficult for South Africa's trading partners, such as the United Kingdom, to resist subsequent pressure in the Security Council for sanctions against South Africa, if such should be demanded in connection with the judgement of the International Court on South West Africa. The distinction may appear subtle, but it was the distinction between a direct threat with U.K. backing, and regret that, if others should call for action, the U.K. might find it impossible to stop them. U.K. and other pressure on the Portuguese government, in connection with the pipeline from Beira, and on the Greek and other governments with tanker fleets, to take further action to prevent the supply of oil to Rhodesia also appeared to be decreasing. The attitude of the British press towards Rhodesia itself appeared to be that the existing sanctions were working more effectively than they had appeared to be doing a few weeks back, that the determination of the Rhodesia people to resist them was weakening, and that in such circumstances the opposition in Rhodesia to any discussion on British terms might also be diminishing.

In the course of the next day or so the British government and press, like Bottom in "A Midsummer Night's Dream", "began to roar as gently as any sucking dove." It appeared to be the new British policy to continue to cajole Dr. Verwoerd into limiting, if not reducing, the volume of South Africa's assistance to Rhodesia, but at the same time throw out feelers for direct discussion between Rhodesia and Britain. For example, in the course of the debate on the Queen's Speech in the British House of Commons on Thursday, 21st April, Mr. Wilson said that "it would be unrealistic not to realise that in the present pattern of Rhodesian politics Mr. Smith was a relative moderate and that there is a great deal which we are prepared to forgive and forget." "It was regrettable," continued Mr. Wilson, "that Mr. Smith had not taken the opportunity of Mr. Watson's visit to Rhodesia to send some message back to London" "but anyone was free to approach either the former British High Commissioner's Office in Salisbury or the Governor with any

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proposition on which a solution could be reached." Mr. Wilson, in face of criticism by the Conservatives of the whole policy of sanctions, admittedly went on to maintain that "the solution could not be one which continued the illegal or unconstitutional action" taken in Rhodesia on 11th November last, but he could hardly say less without some indication that Mr. Smith was in fact prepared to talk at all. Press reports have made it clear that Mr. Wilson's statement received a much warmer welcome from members of the Conservative Opposition than from his own Labour supporters; and the House of Commons is a barometer very sensitive to hints of a change.

During the following weekend there were a number of further indications of pressure all round for the opening of discussions. Sir Robert Menzies, until a few weeks ago the Prime Minister of Australia, wrote in an article that discussions should take place forthwith and without prior conditions. The choice of Sir Robert as the British government's own mediator with Colonel Nasser in 1956, made it natural for it to be suggested at once that he might himself be a suitable mediator or go-between with Rhodesia. Mr. Ian Smith had, before U.D.I., said that he would be acceptable to Rhodesia, but this may make him suspect to the Labour Party, and it is reported today that he has denied receiving any invitation to mediate. Sir Roy Welensky in Rhodesia called for the reopening of negotiations. And reports began to appear to the effect, for example, that all commentators on foreign affairs in the United States were agreed in criticising the action taken by the Security Council in authorising British warships to stop tankers proceeding to Beira. The interest of the United States in the welfare of the Africans in Rhodesia was emphasised but with the implication that if some guarantees could be found for their welfare and development, the United States might welcome an agreement between Britain and Rhodesia. The war in Vietnam showed every sign of requiring the employment of larger American forces, and few in the United States, outside the Negro minority, wanted a new and open-ended commitment in Central Africa.

Finally, on the 27th April, it was announced that Mr. Wilson's Senior Private Secretary from the Foreign Office, Mr. Wright, had visited Pretoria twice, and paid a visit to Salisbury in between, and that as a result of his reports, it had been agreed between Mr. Wilson and Mr. Smith that discussions should take place about the time, place and level of talks which might cover the questions at issue between the two countries. The announcement was deliberately vague but it appeared that initially the talks would be between officials and probably start in London, though they might be moved to Salisbury later on. Dr. Verwoerd had been at least partly responsible by advice which he had given to both Mr. Wilson and Mr. Smith for this development.

It was also suggested that the South African Government might have made some response to British pressure for a reduction of the assistance which Rhodesia was receiving from South

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Africa in the way of oil and otherwise, and that it was knowledge of this which had persuaded Mr. Smith to agree to talks. Die Transvaaler, on the 29th April, however, contained a very careful statement from its Pretoria correspondent to the effect that the South African government had in no way submitted to threats or pressure, nor would it do so. The statement continued that the facts would prove the reverse, although the South African government did not say so because of its determination to maintain its correct diplomatic position of non-intervention in another country's affairs and non-participation in boycotts. It also contained a disclaimer that Dr. Verwoerd would be prepared to act as mediator: to do so would be not only to intervene, but to seek a solution in some form of multi-racial partnership contrary to basic South African policy.

The sting in the report was in the tail: Dr. Verwoerd's practice was well known to be to tackle a big problem himself with the principal on the other side. His standpoint would therefore have been that Mr. Wilson and Mr. Smith should get together personally to unravel the knot. He would, in no circumstances, have made matters more difficult by acting as go-between. The criticism is valid. If all that has been agreed is that some officials are to meet some time and somewhere to try to find a possible base for a settlement to put to their respective masters, considerable delay is likely, and frequent opportunities for ill-considered statements which can, as before the 11th November, bring all discussion to an end, and could on this occasion do so before the principals are more than remotely involved. Mr. Wilson, for example, has, within twenty-four hours, maintained that British action at the Security Council has been vindicated, and has added that sanctions will remain in full force during the talks. Since he had already stated that the British government would not compromise on the principles they had laid down as the basis of negotiation with Mr. Smith before U.D.I., it would appear that Britain's conditions for a settlement are already those which Mr. Smith had then rejected, viz.

- (1) that progress towards majority rule under the 1961 constitution would have to be guaranteed;
- (2) that there would have to be a guarantee against subsequent amendment of the Constitution in a contrary sense;
- (3) that there would have to be some immediate improvement in the political status of Africans;
- (4) that there would have to be progress towards ending racial discrimination; and
- (5) that the British government would need to be satisfied that the basis of independence was acceptable to the people of Rhodesia as a whole.

The field of possible negotiation is therefore already narrowing.

/Mr. Smith ...

Mr. Smith has been more cautious; he has said that he has agreed that the talks may be started, without conditions, and that it would be inconceivable to expect Britain to recognise Rhodesia's independence before they started (because, presumably, this would have meant that Britain would then have given away its main bargaining counter). But Mr. Smith is already reported to be under attack within his own party for having so agreed, and whatever prospect may exist of a settlement eventually being reached could easily be destroyed by a few more remarks by Mr. Wilson. Mr. Wilson's temperament can be a real handicap in a crisis: at one stage when the 1964 British general election results were coming in he is said to have been quite reconciled to conceding defeat; as others came in he suddenly became confident of victory with a good majority; in the end his majority was 3. With five months of failure of sanctions behind him, he was prepared for a desperate throw of the dice: the appeal to the Security Council while knowing that the key to success was still South Africa. The danger is that a temporary and not vital success over stopping the flow of oil from the Joanna V and the Manuela, and Mr. Smith's reasonableness at the present moment may lead him to forget that South Africa's policy is unchanged (or certainly appears to be unchanged), and to believe that complete victory is in his grasp. If so, he may find what will certainly be the last chance of an agreed settlement slipping from between his fingers.

The five conditions I have mentioned could, nevertheless, form the basis of a settlement. In November last I wrote that "none of the first four conditions seemed to be impossible of acceptance": the most difficult from Mr. Smith's point of view was the third "that there would have to be some immediate improvement in the political status of Africans," the operative word being "immediate." I have noticed in recent statements by Mr. Gaunt, the Diplomatic Representative of Rhodesia in South Africa, (including his statement in this Hall less than two weeks ago), and by various Rhodesian ministers, that great emphasis is being placed on what Rhodesia is doing to educate Africans rapidly. The argument may therefore be developed on the Rhodesian side, with some plausibility, that if the many Africans who are now qualified to register for the vote, but have not registered, will do so now, their number will be rapidly increased in the next few years by the steadily increasing flow from the schools, and the figure 30,000 has been quoted.

The fifth condition may prove the crux of the negotiations. If there were to be a free vote by all Africans in a referendum the result could not be assumed, even by the Rhodesian Front Party, to be likely to favour immediate independence: it would, moreover, surely be difficult to maintain that all Africans should vote on the vital question of independence, but only a relatively small number at subsequent elections. I can therefore see no chance of a referendum being accepted by Rhodesia. If it is not to be, then some face-saving formula must be found which Mr. Wilson can accept but which will not result in the rejection of whatever agreement may have been reached.

/The only ...

The only suggestion which I have seen is a repetition of the one which Mr. Wilson and Mr. Smith had been discussing just before U.D.I.: the idea that instead of a referendum a Royal Commission should satisfy itself that the terms of settlement were acceptable to the people of Rhodesia as a whole. It was, however, Mr. Wilson's idea of a Commission free, roughly, to do what it liked, which the Rhodesian Government found completely unacceptable. Whether Mr. Wilson would now be prepared to accept a Commission, either with its personnel chosen to produce the desired result, even, if need be, in face of the evidence, or a Commission with its terms of reference so limited that a similar result would be achieved, is one which only time can answer, but if I may be permitted an understatement, it is perhaps improbable.

It is, however, fear of some agreement without the consent of the Africans in Rhodesia which, I believe, has been at the back of Zambia's reaction, and of the invasion last week, of Rhodesia, from Zambia, by Chinese-trained terrorists, in a desperate bid to rouse the Africans in Rhodesia from what appears to be their determination to take no part in the present dispute. If those shot or captured at Sinoia represent all who crossed the border, the bid may backfire by convincing Rhodesian Africans that they were wise in deciding not to take any active part. The raid may also backfire in London. In November I drew attention to Mr. Wilson's obvious annoyance with the intransigence of Mr. Sithole and Mr. Nkomo; he may be equally annoyed now with Mr. Kaunda's actions in letting the Sinoia group leave Zambia, and in fixing a time-limit of seven days before demanding military action against Rhodesia, whether at the Security Council, the O.A.U. or elsewhere, a limit which is clearly nonsensical since the earliest date for the arrival of the Rhodesian team in London has been rumoured to be this Wednesday, 4th May, which seems to be premature. Indeed, by pressing too hard, Zambia and the other African States could prove Mr. Smith's best argument in persuading Mr. Wilson to make the concessions which will be necessary to reach agreement.

Meanwhile there have been continuing discussions in the press and on the radio in South Africa and outside, about the legality of the Security Council's decision forbidding the transportation of oil through Beira, and authorising the United Kingdom to use force to prevent the arrival there of tankers carrying oil to Rhodesia, and of the United Kingdom's action in boarding the ships of other countries. Before and after the passage of the Security Council's resolution, both have been the subject of a good deal of legal argument.

On the British side it has been claimed that the President of the Security Council was correct in declaring the resolution before the Council to have been carried although two of the permanent members of the Council, France and Russia, abstained. Briefly, the argument is that the organs of the United Nations are responsible for their own procedure and that the Council had itself established precedents for its recent decision. On the other side, it has been pointed out that the

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Council's procedure was certainly not the intention of the framers of the Charter, that no question of mandatory sanctions has previously been before the Council, and that, since this is the most important decision which the Council can take, the precedents are not relevant. I remember Field-Marshal Smuts saying at San Francisco that but for Article 2(7), and the operation of the veto on sanctions, South Africa could not accept the Charter. At that time English had not become so debased that anyone could believe that "concurring" meant "abstaining". It is also relevant that with the extension of the membership of the Council, it would be possible in future to obtain sufficient votes without the concurrence of any of the permanent members. Portugal, last week, asked the Secretary-General to obtain the opinion of his legal advisers. It is unlikely that the Secretary-General did not do so at the time, or that the opinion of his legal advisers could be held to invalidate a decision of the Council, points of which the Portuguese government must be well aware. I can only think, therefore, that they must have information that the advice given to the Secretary-General by his advisers was critical of the legality of the course being followed, and that they wish to bring this out. The Portuguese government may stop there, or decide then to ask for an advisory opinion from the International Court. This would not be binding; it would not, in itself, invalidate the Council's action, but it would greatly reduce the risk of its being used as a precedent, possibly against Portugal itself.

The second question, whether Britain's action against foreign countries, both before and after the Council's decision, was legal has also been disputed. On the one hand it is argued that the Security Council can take a decision, on a matter of such importance, temporarily and in a single particular overriding normal international law. On the other hand the argument is that a 1958 Convention expressly forbade such action as that taken by the United Kingdom, that such action was taken before the decision of the Council, and that the Convention itself provided that, if its provisions were to be amended, such amendment should be by the Assembly (i.e. not the Security Council) of the United Nations. Any signatory of the Convention whose ships have been stopped by British warships, or buzzed by British aircraft, can complain to the International Court; or any non-signatory whose ships have been interfered with can do so on the basis of international customary law; or presumably any signatory whose ships had not been stopped but which felt that its rights under the Convention were being adversely affected by the precedent being established. The Court would then have to take a decision on the legality of the British action, since this would be an action between states, and not give an advisory opinion as when a state questions the action of an international organisation. In an editorial the "London Times" has expressed the view that before the Security Council's resolution was passed, Britain had no case under any of the four arguments which had been put forward to justify stopping the ships of other countries. I am not a lawyer and I can only hope that I have summarised the position correctly. If I have, I believe that one or more countries will sooner or later, and probably sooner than later, take steps to test the legality of the British action, and that the United Kingdom, if the finding of the Court is against it, will be liable to have to compensate /the complainant ..

the complainant government for any damage suffered by its nationals.

Apart, however, from the effect of any decisions which may be reached during the period of negotiation on which the parties are now entering, what could be the results of their failure to agree?

So far as Mr. Wilson is concerned, he has played nearly all his cards. There are no economic or financial sanctions left to impose. He has twice recently repeated that the British government will not take military action, and the recent report of the Institute of Strategic Studies predicates a force which Britain could not provide except by removing half the military and part of the air forces committed to NATO. After the French withdrawal, any such action would have a devastating effect on the alliance which is the main guarantee of Britain's own security. He could let otherstry to take military action, but a military defeat of Zambia and other African States with possible counter-invasion of Zambia by Rhodesian forces could only see the overthrow of Mr. Kaunda, the possible loss of Britain's investments and supplies of copper from the Copper-belt (Katanga fashion) and the certain loss of all Britain's remaining prestige among African countries. It would be a second Suez. Any escalation of sanctions also threatens Britain's chances of saving the pound in 1966. Britain might hold out longer than Rhodesia, because Rhodesian trade is not large enough to be vital to the United Kingdom, and the tobacco and minerals Britain has bought from Rhodesia could be replaced, as they are now being, more expensively from other sources, but escalation of sanctions to include South Africa would be disastrous for Britain, while the only result, so far as Rhodesia is concerned, might be to see Rhodesia tied so tightly to South Africa that Rhodesian internal policy would develop in the direction of apartheid rather than towards an eventual African majority in the Rhodesian Parliament. Even on a non-decisive level Britain is finding that sanctions are being increasingly costly, and can be very serious handicaps to her own economic recovery. The direct cost of sanctions to the beginning of April has been over £7m, and the Zambia air lift has cost a further £2m. The loss of the export trade to Rhodesia, is, as I have mentioned on previous occasions, estimated at £35m a year. The rise in the price of Zambiancopper, while other factors than sanctions have perhaps been the major causes, has been estimated by a British Minister to be likely to cost £17m this year, while Sir William McFadyean has said that it could reach £70m. The American tobacco needed to replace the Rhodesia is costing nearly double, and, when existing stocks of Rhodesian are exhausted, could therefore add perhaps £10m to Britain's annual bill. The hopeful suggestion from London that Mr. Smith might himself call in British troops to defend Rhodesia from African infiltration scarcely merits serious consideration.

So far as Mr. Smith is concerned, he was able to say on 29th April that Rhodesia, in spite of sanctions, was maintaining a favourable balance of trade with the world, although

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trade with the United Kingdom was practically at a standstill. He did not say at what level trade was being maintained, but six months' experience of sanctions has shown that Rhodesia can maintain a viable economy, even if at a lower level than in the past, and the possibility is that with the lapse of time, Rhodesia's exports will slowly mount towards their former level. Germany and Japan are continuing to import tobacco, chrome, iron ore and asbestos. Everything, of course, depends upon the continuance of assistance from South Africa and Portugal. I have heard it said that the publicity which has been given to the doings of the tankers may have been intended as a smokescreen to cover the sales of tobacco to countries whose breaches of the United Nations call for a boycott would otherwise have received much more publicity. This is probably going too far, for Rhodesia would hardly have gone to the expense of hiring the five or six tankers which Mr. Wilson has said are waiting to break the blockade, and buying cargoes of oil for them, merely as a smokescreen. But that Rhodesia has had the currency available for an operation on this scale is perhaps the best evidence of the extent of her resources, since, while oil is coming from South Africa or Lourenco Marques, the oil cargoes of the tankers can only have been a highly desirable addition to Rhodesian supplies, but not vital to the continuing functioning of the economy. There has not, so far, been much evidence of any weakening of Rhodesian will to resist, and the main effect of the Sinoia incident may well prove to be to consolidate it even further. A number of psychological studies have recently been made of the effect of military threats upon the will to resist change, the conclusions of which have been that while the successful use of external power to overcome resistance can lead to acceptance of the inevitability of change, ineffective use produces the opposite result: a strengthening of the will to resist. The Kenya settlers in the end bowed to the joint will of the United Kingdom and the Kenya Africans because they had come to admit that they could not fight both, although they might have resisted for some time. In Rhodesia the situation is very different. The military and air forces are controlled by the Rhodesian Government; there is no British base (while in Kenya there was both a base and the reserve forces kept for use in the Middle East); Rhodesia has a ready source of all modern weapons, equipment and ammunition in South Africa; and the report of the Institute of Strategic Studies in London, to which I have referred, published on the day of the date of the Queen's Speech, concluded that not 6,000 men, which had been suggested as likely to be a large enough force to break Rhodesian resistance, would be necessary, but a force of between 20,000 and 30,000, fully equipped, with all necessary arms, with full air-support, and an established base, presumably in Zambia, although no such base exists at present. The report continued that such a force could not be supplied by the African countries, even with some outside support, and it might have added that, as I have already said, Britain could only supply it by sending out half the army of the Rhine, which, following de Gaulle's withdrawal of the French forces, would almost certainly lead to the end of NATO.

One is apt to overlook the effect of sanctions on Zambia, I have referred to the risks to Mr. Kaunda inherent in the Sinoia escapade, and its repercussions in rioting and pressure for military sanctions. The cost of the special measures

taken to reduce Zambia's economic dependence on Rhodesia must have been one of the factors leading the Zambian government to attempt to get an additional £25m. a year out of the copper-mining companies, with the higher speculative price which this has involved, and with the almost-certainty of further demands for the increase of the wages paid to African miners. American transport planes based on the Congo are soon due to drop out of the oil airlift, and there have been recent reports that less than half the former amount is now being carried by air from Nairobi, while the wet season is playing havoc not only with dirt roads already cut to pieces by the heavy truck traffic from the railhead in Tanzania to Lusaka, but with the trucks which are still trying to get through. Any further threats to Portugal by the United Nations, or by Zambia itself, could result in a Portuguese refusal to carry Zambian copper by the Benguela Railway. Yet the risk to any African leader of appearing to soft-pedal on anti-white action has been repeatedly shown in other parts of Africa. Mr. Kaunda's position appears, if anything, to be less secure than that of the late Sir Abubakar Talewa in Nigeria. Mr. Macdonald has been sent from Nairobi to Lusaka by Mr. Wilson to use his moderating influence on Mr. Kaunda, and if Mr. Kaunda were to fall he would inevitably be replaced by a much more extreme regime in Zambia, which would certainly try to take military action against Rhodesia. In the present situation Mr. Kaunda will try to ride the storm, by talking of action, by using Mr. Macdonald and others to emphasise his difficulties to Mr. Wilson, and by pressing Mr. Wilson to force Mr. Smith to his knees. But Mr. Wilson, for his part, must know by now that to let violence erupt in Central Africa would be to see sanctions collapse. On the whole, therefore, I see the Zambian situation as a factor in practice pushing Mr. Wilson to reach agreement with Mr. Smith rather than the reverse.

Perhaps the best hope of agreement is that for both Mr. Wilson and Mr. Smith time is running out. Continuation of sanctions and counter-sanctions, with no hope of agreement, can only be to play, all too successfully, the game of the communist countries, and it is to be hoped that the friends of either, and particularly the friends of both, will do everything possible to compel them to reach agreement at the forthcoming discussions, whether or not it may accord with their beliefs, ideological or otherwise, or their normal practice, to do so. So far as South Africa is concerned, Dr. Verwoerd, if I may presume to say so, has not put a foot wrong: his influence has steadily increased, and South Africans can hope, with reason, that he will choose the right moment to exercise all of it.

It is impossible to say the same of Mr. U Thant. His statement that it would be appropriate to invoke sanctions against South Africa because there are 30 African States which have an interest in South Africa's domestic policies, is an interpretation of "being a threat to the peace" which no Secretary-General of the U.N. should ever have voiced, whatever his personal feelings may be. It shows a terrifying degree of irresponsibility, but it will probably increase rather than reduce his chances of being re-elected to his post later this year.

I have said nothing about the dispute at the University of Rhodesia. I am told that Professor Birley's report has just been issued, and we can leave it to him to comment on it on his return from Salisbury if he thinks it desirable to do so.