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International Affairs Bulletin

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Smuts House Notes

These notes to the first issue of the *International Affairs Bulletin* for 1985 serve to record some recent changes at Jan Smuts House, affecting the Institute's publications programme. In February we regretfully bade farewell to Michael Spicer, who was editor of the *Bulletin* and Director of Programmes. In June, Leon Kok, a former editor of the *Windhoek Advertiser*, will arrive to take up the post of Programmes Director. His main responsibilities will be the Institute's conference and seminar programmes, Branch affairs, and liaison with other organisations and the media. In terms of a reorganisation of the Institute's staff structure at the beginning of this year, the responsibility for publications has been transferred to the Research Director. Consequently I am now the *Bulletin's* editor, with Alan Begg as assistant editor.

With this change of editorship, it seems an opportune moment to refer to our objectives for the *Bulletin*. Whilst continuing to offer informed opinion and comment in the same format, we should like to stress that submitted contributions from professional sources would be welcomed—in addition to authoritative articles commissioned both from inside South Africa and beyond its borders. Our aim will be to continue to provide scholarly material which is of value and interest to our members and other readers, with perhaps more emphasis on anticipatory research, focusing on issues lying below the surface of international relationships.

We should like to invite written comment on articles which have appeared in the *Bulletin* and also on other matters which might properly be deemed to fall within the Institute's scope. Response from readers can be of considerable value in assessing the impact of the *Bulletin's* content and also in determining what issues are of particular topical concern. There could also be some modest scope for debate, subject, of course to the usual constrictions of space and content.

In this number of the *Bulletin* we have elected to present our readers with two lengthy but significant articles. The first is the fruit of co-operation between Heribert Adam and Stanley Uys. Although new developments in relations between South Africa and Mozambique occur almost weekly, this analysis of Nkomati's effect on regional relations shows the Accord to be of more than merely short-term significance for southern Africa and perhaps for South Africa's wider international relations, too.

If "détente" was the catchword for 1984, surely that for 1985 will be "disinvestment"? Our second article, by Professor Karl Magyar, presents some arguments for and against United States' disinvestment in South Africa. We shall be publishing further articles on this issue in later numbers of the *Bulletin*, and it is perhaps appropriate now to remind our readers that part of the *Bulletin's* task is to act as a forum in which the issues of the day may freely be debated and in which informed views of many different kinds may be presented.

Our final contribution to this issue is the text of the South African government's recent report to the United Nations on its activities in Antarctica. In 1959 South Africa signed the Antarctic Treaty along with eleven other states, one of which was the Soviet Union. The text of the treaty is appended, and we hope shortly to publish a scholarly assessment of South Africa's record as signatory of that treaty together with an article on the Law of the Sea, which overlaps and complements in many aspects the Antarctic interest.

For many years now, South Africans have perceived themselves to be living in critical times. Some years have seemed to be more critical than others; 1960 and 1976 stand out in many peoples' minds. Both years do so because violent confrontation between black and white South Africans occurred. By this criterion, 1985 already promises to be another such year, characterised not only by conflict between black and white but also, most significantly, between black and black. Another new dimension to this year, and one which it is the Institute's task to observe more closely, is that of the campaign in the United States for disinvestment and sanctions. International pressures on this country are not in themselves a novelty. Ever since 1946 the South African government has faced criticism from the United Nations, first over its treatment of the Indian population, then over the South West Africa/Namibia issue and, since 1960, with increasing emphasis on this country's internal affairs and *apartheid* policies. Sanctions against this country are also not a new idea. The General Assembly has frequently voted for economic sanctions intended to force Pretoria to abandon *apartheid* (the first occasion was in April 1960, shortly after Sharpeville) or for arms embargoes. As recently as February 1985, the Security Council concerned itself with South Africa's domestic affairs, and there is every indication that it will soon do so again. The Namibian issue constantly keeps this country in the United Nations' "bad books" and South Africa's "old friends", Britain and the United States, are now less willing to compromise themselves by vetoing or even more by abstaining when anti-South African resolutions which fall short of concrete international action are debated in the Security Council.

There is also nothing inherently new in the notion of disinvestment, a policy long advocated by individuals and organisations concerned to induce Pretoria to change its policies without resorting to more direct forms of

hostility. Whether such measures would have the desired effect is debatable, and, as mentioned above, the *Bulletin* intends to publish a selection of informed views on the issue. What seems beyond doubt is that the United States Congress will this year pass legislation designed *inter alia*, to discourage American commercial involvement in this country. It is also argued in some quarters that what Washington does today, London, Bonn and Tokyo will do tomorrow.

To conclude, the novel aspect of 1985 is not the fact of violence in South Africa. It is the unprecedented scale and complexity of that violence. It is not international hostility and the call for sanctions. It is the call for significant economic withdrawal from a wide range of pressure groups in the United States, one of this country's major trading partners. 1985 will demonstrate yet again the immutable interaction between the internal and international dynamics of the South African situation.

Sara Pienaar
Editor

Corrigendum

In our previous issue, vol. 8, no. 3/1984, we omitted to identify the background of two of our authors for the benefit of those readers not present at the Conference when the original papers were delivered:

- 1 Mr TAN KAH WAH (author of *The Market Approach to Development: The Singapore Experience*) is Manager for the Monsanto Singapore Company with responsibility for the People's Republic of China, Hong Kong and Northern Pacific areas. He is also an Executive Member of the Singapore Institute of International Affairs.

and

- 2 Mr PIERRE URI (author of *World Economic Recovery: A Different Pattern from the Past*) is a Chevalier of the Légion d'Honneur and holder of the Croix de Guerre, as well as being a distinguished French economist and consultant, closely associated at various times with the development of the European Community, the Common Market and the United Nations, in addition to his activities as a business consultant.

We would also point out that references made in the texts to other speakers refer, of course, to other papers delivered at the Conference and which were either published in vol. 8, no. 2/1984 or published separately as *Occasional Papers*.

This essay results from a close collaborative effort in which Stanley Uys contributed substantive data and critiqued several drafts by the principal author, Heribert Adam. Supported by a grant from the Canadian Social Science Research Council, the analysis is based on numerous interviews in southern Africa during two research visits in 1984, in addition to discussions with officials in the US State Department, various academics, journalists and ANC representatives in North America and Europe. An initial shorter version of the paper was presented to the Durban branch of the Institute of International Affairs, 7 August 1984 and to a "Conference on Economic Development and Racial Domination" at the University of the Western Cape, Bellville, South Africa, 8-19 October 1984.

Heribert Adam & Stanley Uys

From Destabilization to Neocolonial Control: South Africa's Post-Nkomati Regional Environment

- (1) *The peace accord between Mozambique and South Africa in March 1984, the partial withdrawal of South African troops from Angola and the prospect of an internationally acceptable settlement of Namibia heralded a new constellation in the region. It amounts to a neocolonization of hostile frontline states by South Africa. This trend is comparable in importance with the political decolonization after the coup in Lisbon ten years earlier.*

Why have implacable socialist governments suddenly agreed to enter into deals with an outcast apartheid regime? Why does South Africa suddenly show itself willing to modify its aggressive and belligerent policy toward its

Prof. Heribert Adam is Chairman of the Dept. of Sociology and Anthropology at Simon Fraser University, Burnaby, British Columbia and has also visited and lectured at the University of Natal.

Stanley Uys is London Editor for the South African Morning Newspapers Group and well known to South African readers as a columnist and commentator.

black neighbours after it has engaged in economic and military destabilization for years?

Common answers to the first question have stressed the debilitating effects of South Africa's pressures, the three years of a severe drought, the depressed world market for most commodity exports in a global recession and the administrative disintegration of Mozambique and Angola as a consequence. Indeed, Angola, and even more so, Mozambique, having been hopelessly underdeveloped by the most negligent colonial power from the start, never had the chance to recover after most of the non-African entrepreneurial and professional intelligentsia had left the strife-torn area. Eastern bloc assistance proved no substitute. Tied in to the South African economy by manifold historical links (electricity supplies, railway and harbour connections, migrant labour remittances), Mozambique was worn out when it decided in favour of pragmatic survival rather than ideological martyrdom. Internal peace, accompanied by South African trade and tourists will, at least, so it is hoped, fill the empty shops with food and the bankrupt state coffers with hard currency. For South Africa, the long-term benefits of a Southern African Economic Market promise to be considerable.

First, formal economic hegemony is far cheaper than costly military dominance. There are clear limits to the aggressiveness that an inflation-ridden economy with severe skilled manpower problems can sustain without eroding the affluence of the ruling minority. To replace coercion with development assistance amounts to much more elegant and efficient control.

Secondly, formalized economic collaboration with Mozambique, an independent Namibia and Zimbabwe re-establishes the lost "cordon sanitaire". While the importance of this buffer zone for strategic purposes generally has been overrated, it constitutes nevertheless a severe setback for the military activity of the ANC.

Thirdly, the Nkomati Accord, together with the partial withdrawal from Angola and the establishment of a joint MPLA/South African monitoring force, have cast Pretoria in the role of regional peacemaker. The accompanying renewed international legitimacy of the South African government was a much needed ideological boost to counter black militant sentiments at home.

Fourthly, the economic incorporation of frontline states into the South African orbit inhibits potential sanctions. Insofar as the frontline economies become dependent on South Africa, any damage to the Republic will have a ripple effect on the clients. The South Africans, therefore, rightly can argue that punitive actions against them will be counterproductive. Moreover, the frontline governments now have a vested interest in stalling sanctions. It is this alibi that will provide an additional argument for Western governments and multinationals against economic boycotts.

Fifthly, the detente between the two extreme ideological adversaries has

both exposed the failure of socialist development economics and demonstrated the weakness of the Eastern bloc which could not or would not come to the assistance of its allies. This "de-Marxification" will not be lost on black opinion inside South Africa. Pragmatic stances rather than ideological postures on the question of linkages with multinationals and free market recipes to economic exigencies have carried the day.

Sixthly, the rapprochement runs counter to the goals of the Southern African Development Co-ordination Conference (SADCC). Set up in 1980 by nine Southern African black governments and assisted by Western aid, its main purpose is to lessen the dependence of the black economies upon the Republic. The bloc represents an economic response to a political problem. Yet only a political reconciliation can be the answer to the economic disparity. The Nkomati Accord amounts to a recognition of this contradiction. On the other hand, the Accord merely ratifies what had taken place anyway in the form of increased incorporation of the Frontline economies into the South African orbit. For example, Zimbabwe's trade with its SADCC partners has fallen since its inception in 1980, and the intention of pruning long established economic linkages with the South African powerhouse for political reasons was doomed from the start. The turmoil in Mozambique has particularly increased the dependence of frontline states on South African transport links. Indeed, SADCC would mostly benefit from South African membership, provided no political strings are attached. However, South Africa's domestic policies so far, have precluded this.

In pursuing detente rather than destabilization, Pretoria banks on the governments in Maputo and Luanda loving power more than they detest apartheid, as Simon Jenkins has aptly pointed out. They have been forced into this predicament by what South Africans cynically refer to as "destructive stabilization" or "behaviour modification". It does not represent a victory of the anti-apartheid forces in the region although they display it as a triumph for internal reasons. Faced with the option of steady collapse or pragmatic capitulation to save the core, the choice for Frelimo was survival. Might, though not right, could impose its terms.

This reversal of historic trends has hardly been comprehended in the propaganda war. Instead of the predicted demise of the last colonial outpost, the relic itself begins to recolonize. Jenkins, who dismisses the idea of a southwards-rolling revolution suggests the very opposite: "If there is any revolutionary danger, it is of South African counter-revolution rolling northwards" (Sunday Times, 26 August 1984).

Despite the public pronouncement of friendship the uneven relationship rests on a barely concealed contempt by South Africa. For the paternalistic arrogance of South Africa's white inhabitants, the socialist failures at its doorstep demonstrate not only the superiority of capitalism but more

importantly, the expected chaos of majority rule at home. For most South African tourists or journalists in Mozambique or Zimbabwe, the lessons are all too obvious. Herein, not in lacking material contributions, lies the tragic failure of the strife-ridden and undemocratic Frontline States to make their mark on the solution of the South African conflict. When even a relatively blessed country, such as Zimbabwe, slides into large scale minority repression and civil rights violations without redress, how can the liberal/socialist alternative sustain a credible promise in South Africa?

- (2) *The Mozambican state ideology as well as similar versions of socialist mobilization in underdeveloped societies, amount to rhetorical socialism. Ideological shifts by the leadership can easily be accommodated without causing a backlash among followers. The economic bond, however, develops its own constraints both for Frelimo and South Africa.*

The unexpected turn by Mozambique proved correct Marx's assumption that true socialism cannot be built on hungry stomachs. The full stages of capitalist development, so Marx always implied, were a precondition for its genuine socialist transformation. Freedom from burdensome basic necessities depends on technological development and concomitant material affluence. In its absence, Leninist terror perverts the vision of liberation. But Mozambique not only lacked basic development but also sufficient means of terror to discipline the peasants into acquiescent labour, as Lenin's party achieved with the Russian Kulaks in the 1920s. Administrative disintegration followed an ideological urban mobilization that could not incorporate its vast underdeveloped hinterland. The banditry of Renamo, even with massive South African support, could not have been as paralyzing without the tacit apathy of large sections of Mozambique's rural poor.

The Mozambique National Resistance Movement (Renamo or MNR) was initially created by the former Rhodesian Central Intelligence Organization in the early 1970s to keep their own check on Frelimo and its Zimbabwean allies rather than rely on inadequate Portuguese information. The deliberately small group of less than 500 men, almost all black, had its own clandestine radio station, the "Voice of Free Africa" in Umtali. It attracted mainly disenchanted Frelimo fighters. The organization also received financial support from Jorge Jardim, one of Mozambique's wealthiest men and one time personal business representative of Salazar. Jardim's aide, Orlando Cristina (assassinated under mysterious circumstances in South Africa in 1983) became its political spokesman and Alfonso Dhlakama, a former Frelimo soldier, its military commander.

When Rhodesia became Zimbabwe in 1980 the operation was taken over by South African military intelligence, expanded, trained and co-ordinated to cripple the fledgling Mozambican economy. Together with other South African moves (decrease of migrant workers and Maputo harbour use) the

MNR campaign is said to have cost the country \$3,8 billion in direct damage. However, the movement never developed its own ideology or articulated a political alternative to the Marxist government it wanted to overthrow. (For the history and operation of the MNR see Legum [1983] and Gunn [1984]). It is therefore doubtful whether the so-called leaders of the MNR who signed ceasefire agreements in Pretoria in August 1984 have effective control over the 10–15 000 guerrillas in the bush. Supporters of Dhlakama already see the Nkomati Accord as a sellout.

Frelimo, on the other hand, underestimated the popular discontent. It fed the well organized resistance as much as South African arms did. What is now criticized as "excessive formalism" and "commandism" in Mozambique resulted in a widespread alienation so that "for the first time Mozambicans expressed the idea that the state was no longer 'theirs'," as a sympathetic left analysis put it (Da Silva, 1984). Public flogging for minor economic crimes, the attempt to remove all "unproductives" from urban areas in a period of worse rural starvation, the earlier policy of encouraging state farms at the expense of peasant family production in an atmosphere of orchestrated campaigns from above by a secretive Central Committee—all added to a fertile ground for disenchantment and scepticism towards government mobilization. In his 1984 end-of-year speech Machel himself attacked "the indiscipline, apathy, passivity and disrespect for the people that is still evident in certain sectors of the state apparatus". This showed that "we still have enemies in our midst who clearly intend to sabotage our revolution and stir up general discontent."

This state of affairs reduced Frelimo's (and many other African) versions of freedom ideology to rhetorical socialism. With an undereducated, underfed and disillusioned constituency, socialist slogans are bandied about by the urban elite but do not strike an accord with underprivileged peasants. The rhetoric placates sponsors and creates an international progressive image but is hardly taken seriously by its proponents themselves. In a crunch, the elite therefore adjusts ideological interpretations as arbitrarily as they adopted them. No conversion is involved, as is frequently assumed, because a collective ideological commitment hardly existed in the first place. Opportunistic socialism is filled with practical capitalism under a new formula that turns defeat into victory. Instead of explaining the predicament to the people, Mozambican propaganda presented the Nkomati agreement as an heroic victory by the people to whose determination the South African enemy had to yield finally. The irony of a smiling Machel, the victim, in a London-tailored marshal's uniform and a dour Botha, the destabilizer, in a rumpled civilian suit could have hardly been lost on a more sophisticated TV audience. Each side could believe it had upstaged the other.

The Frelimo leadership need not fear an ideological rebellion against the change of course as long as it can deliver the new goods. With a government

controlled media, the leadership can manipulate domestic opinion to a great degree and need only be concerned with success. This means that Frelimo cannot be merely a reluctant party to the treaty, as the ANC had hoped. The party will have to identify with the new reality since its own fate is bound to making the treaty work. As a result, the "socialist" clients of South Africa inevitably must develop a vested interest in peace and stability in the Republic. An ANC that relies on armed struggle to achieve a South African transformation becomes an objective adversary of progress and development in neighbouring states. These diverging interests are likely to lead to a further deterioration of the former ideological unity between Frontline States (FLS) and the ANC. Once locked into increased economic ties with South Africa, the FLS become more dependent on the bond and can hardly afford to cut it at will. The policy, therefore, does not amount to a tactical retreat that the signers can ultimately control. The notion that Mozambique can judiciously "use capitalism against itself" remains an illusion. As the dependent and weaker party to the deal, Maputo is not in a position to dictate the terms for business involvement. The vision of a "controlled tourism," for example, will soon fade in light of Kerzner's investment conditions and lucrative terms for casino hotels.

Yet it would be wrong to perceive the Frontline States as extended Bantustans. They are not South African creations but sovereign entities whose population, unlike that of the Bantustans, identifies with the political leadership. Their greater manoeuvrability, therefore, cannot be compared with the total dependence on Pretoria of the Matanzimas and Sebes. It is for this reason that, contrary to accusations, an overthrow of Frelimo was not in Pretoria's interest. Likewise, it is wrong to assume that South Africa would benefit from replacing (if it were possible) the MPLA in Luanda with a UNITA regime. Were such designs carried through, South Africa would have to prop up another unpopular government. Dealing with several Namibian situations exceeds Pretoria's financial and military capacities. In short, South Africa proves to be a regional powerbloc of considerable influence but cannot afford political and military colonization beyond economic hegemony.

In this respect, the anti-South African lobby abroad has shown little grasp of the contradictions of South African aggressiveness. For example, Basil Davidson (1984), the noted British Africanist and vice-president of the Anti-Apartheid Movement has also hailed the "gains" of the anti-South African forces because Pretoria has "failed to overthrow the independent regimes and governments of Mozambique and of Angola." According to Davidson South Africa's plan was not only "to destabilize and undermine and eventually overthrow" these governments but "to install a racist South African hegemony over all the countries of the subcontinent." Such ascriptions, however, vastly overestimate Pretoria's capacities and

aggressive calculations. Pretoria cannot afford the "Bantustanization" of its periphery. It wants to shed administrative responsibility rather than acquire new ones. South Africa even tries to cede black territory to neighbouring states, as the failed Ingwavuma deal with Swaziland has shown. The adventurism of some military megalomaniacs notwithstanding, Afrikaner nationalism is a defensive not an expansionist one. Vorster and his General Van den Bergh, it must be remembered, were reluctant to become involved in Angolan affairs in the first place in 1975. It was US encouragement that initially entangled the military under P. W. Botha in the Angolan civil war as Washington's proxy. However, unlike fascism, Afrikanerdom never perceived its problem to be a "*Volk ohne Raum*" (people without space). To be sure, it aims at stemming the tide as far as possible away from the Transvaal by surrounding itself, with dependent hostage states. But, apart from the propaganda use to which it can be put, Pretoria is little concerned about the rhetorical ideology of its neighbours, as long as they do not provide bases for ANC guerrillas. If friendly contact and trading relationships can be secured with exotic Marxists (Machel, Mugabe) or black dictators (Banda), Afrikaner technocrats would be the last ones to object to grabbing the opportunity by demonstrating their pragmatism.

At the same time, South Africa has no qualms in using auxiliaries to pressure neighbours to fall in line. By supporting UNITA, Pretoria hopes to force the MPLA to control SWAPO. Dissident groups in Lesotho and Zimbabwe also received South African support. This allows Pretoria to set itself up as arbitrator, peacemaker or enforcer whenever it suits its purpose. In the case of Renamo though, the counterforce created could not be turned off at will. It assumed a life of its own for the time being, independent of the control of its masters. This may lead the South Africans to become the Cubans of Mozambique: an outside force invited by the host government to stabilize it against its own unpopularity.

However, so far South Africa has insisted that it will not heed Frelimo's invitation to send troops (beyond a few military advisers) into the country to protect the Cahora Bassa power lines or other areas. Pretoria seems to have a clear understanding that it cannot afford a Vietnam on its doorstep. The SADF learnt its lesson over Rhodesia where the demands for South African assistance in both equipment and personnel simply escalated. Renamo continues therefore to operate over a wide area of Mozambique and even in close proximity to the capital.

The Nkomati Accord itself does not oblige the contracting parties to assist each other militarily. It merely states the mutual intention not to engage in hostile acts. For once, the state-controlled South African Broadcasting Corporation is correct in stressing that South Africa has a very real interest in ensuring that the Accord works and is properly implemented: "It would appear to be the height of foolishness for South Africa to assist Renamo in any

efforts to continue guerrilla activity in Mozambique" (SABC, Commentary, 19 October 1984). Despite these intentions it is another question whether the Pretoria government has full control over the activities of its right-wing opponents in its own security establishment. The Financial Mail (26 October 1984) reported "a surprising statement" by a senior South African military intelligence officer, Major General H. Roux as "a possible indication, that not everybody in the SADF is happy with South Africa's peace moves in Mozambique and Angola." The general insisted that the MNR has at least 60 per cent to 80 per cent popular support in Mozambique. "We are not just saying this — we're very sure of our facts. Whatever they are called, they are a factor. I can't tell you that they are angels, but war is war. In the propaganda they may be called bandits, but that is not correct." The general also confirmed that the MNR had been able to increase its confrontations with the Frelimo government after the Nkomati Accord, with 30 per cent of all incidents taking place in the Maputo province. The South African extreme right considers the pact a communist trap and sellout to an ideological enemy whose removal by any means possible remains a worthy goal despite opportunistic deals.

The Lisbon-based MNR does not only have a South African father who wavers on his alimonies but a Portuguese mother who continues to nourish the unacknowledged offspring. This does not only include privately arranged supplies by embittered former residents of Mozambique within the large and generally conservative Portuguese community in South Africa. According to reports (Gunn, 1985) some influential industrialists (Manuel Bulhose) and cabinet ministers (Mota Pinto, Almeida Santos) in Portugal itself hope for a success of the MNR that would restore their confiscated property rights. Because Prime Minister Soares needs their support, Portugal has not acted against the MNR despite the havoc done to Portuguese interests in Mozambique by the banditry. Gillian Gunn (1985) describes the calculations of this support group: "Rather than move forward to a new economic relationship, they want to move back to an old one. They want to 'recolonize' rather than 'neocolonize.' They believe that the MNR is on the verge of military victory, and believe it is worth a considerable gamble to replace the South Africans as the backer of the movement's operations." While the South African government tried to intervene in this connection, regarding rumoured supplies from Malawi, Saudi Arabia and Morocco, via the Comores Islands, the new reactionary coalition may well be outside Pretoria's or even Lisbon's influence.

The result of all this manoeuvring has been that the MNR has become much more deeply entrenched and Machel has turned out to be much weaker than anyone suspected. South African and Western intelligence failed to anticipate that Renamo, to a considerable extent, has become uncontrollable.

Portugal demonstrated all too clearly the irrelevance of ideological

barriers when potential multinational business opportunities are in the offing. It was the socialist Portuguese Prime Minister who arranged David Rockefeller's visit to Mozambique. Earlier a leading member of the Portuguese Socialist Party, Almeida Santos, had lent a hand in a meeting between Samora Machel and Harry Oppenheimer in London. A country that had been written off by Henry Kissinger as a West European Cuba after the 1974 revolution in Lisbon, but had been nurtured by the European social democrats along the democratic path, proved to be the most sensitive ally in a similar reorientation of its former colonies. Portuguese interest in a Mozambican-South African reconciliation resulted above all from Portugal's need to have payments against her Cahora Bassa loan resumed. With the transmission lines to South Africa interrupted by insurgents, Mozambique's foreign exchange earnings from the sale of electricity to the dam's main consumer, South Africa's Eskom, had dwindled almost to disappearance.

There has even been speculation that Frelimo would be forced to include four members of Renamo in a government of "national unity" as a consequence of the worsening economic and security situation. While such a grand coalition represents an obvious compromise in Angola where UNITA commands widespread loyalty as a cohesive movement, this is not the case in Mozambique with its scattered anarchy and ideologically unfocused dissent. At the most, a general amnesty but no formal recognition of what has indeed developed into mere rebellious banditry, can be expected from Frelimo. In the meantime, a protracted civil war will continue. The vital security for economic development and outside investment will be absent, except in some isolated sectors such as off-shore oil drilling, harbour and transport upgrading and perhaps pockets of well protected tourist development. In David Rockefeller's assessment, "Mozambique has a long way to go before foreign investors are going to find it an attractive place to put their money or before bankers are going to make substantial loans" (Leadership SA, 3 February 1984, p. 13).

Above all, Rockefeller suggested a linkage of the Mozambican currency to the Rand as a pre-condition for large foreign investments, to which Maputo has agreed. Moreover, whether the underlying expectations of great benefits through closer economic ties with South Africa will materialize, as envisaged by Frelimo, remains doubtful. South Africa itself is in one of her deepest recessions. If South Africa is unable to turn its own homelands into showpieces, it is unlikely to turn a much larger and rudimentarily developed Mozambique into a success story. Apart from some trade agreements and South African outlay in tourism, agriculture, fishing and harbour development, South Africa lacks the personnel and resources to tackle vast underdevelopment in a high risk area. Even if South Africa accepts substantially more Mozambican mine workers, re-directs freight through Maputo and buys more electricity from the Cahora Bassa complex, this will

hardly affect the overall poverty.

In the meantime, Mozambique has also joined the previously much maligned International Monetary Fund, which entitles the country to membership in the World Bank and International Finance Corporation. Rescheduling of the \$1,3 billion debt has already taken place under stringent conditions. Membership in the Lomé convention and EEC aid is expected for 1985. An investment code providing guarantees and incentives for foreign companies has been introduced in September 1984. The law excludes nationalization or expropriation that "will only occur in exceptional circumstances" with the "guarantee of a just and equitable transfer in freely convertible currency." Generous tax exemptions for foreign investments and free transfer abroad of profits and re-exportable capital may well attract some adventure capital from outside South Africa, if the security situation improves. On the whole, however, the country will have to rely on foreign aid, particularly from the Scandinavian countries, for a considerable time. As a charity case and client state, its political dependency on the new donors will increase as long as the East European sponsors are unwilling to pick up the tab.

- (3) *Despite the Mozambican forced new policy towards South Africa, the Accord dramatically legitimized the Pretoria regime and implicitly redefines the South African conflict from liberation to civil right reforms within the existing capitalist order. Neocolonial co-operation is also reflected in an ideological re-orientation.*

Whatever combination of factors may have prompted the Mozambican changed stance, it also had to be justified by more than the necessity of survival. It is in this ideological legitimization of the Accord that the most fundamental change towards white South Africa can be found. Its key lies in the Mozambican definition of the South African conflict as "a civil rights struggle." This implies abandonment of revolutionary aims in favour of reformist expectations. Civil rights can be restored without altering the structure of domination. In other words, a civil rights perspective concedes that blacks can be incorporated into a non-racial capitalism. The possibility of such a reformed racial capitalism flies in the face of the Marxist assumption that apartheid and capitalism are inseparable in South Africa.

Simultaneously jettisoned was the cherished notion of liberation. Its clarion call derived from the definition of South Africa as a colonial situation. Although the legitimate residence rights of Whites were always acknowledged, the ANC, in commenting on the Accord, explicitly referred to the hitherto unanimously endorsed African challenge to defeat a colonial power structure of a minority settler regime. In contrast, Machel made explicit reference to the anti-colonial struggles of the Afrikaners in the Boer war and welcomed Afrikaners as Africans. This refutation of temporary settler status in favour of permanent residence rights of fellow anti-

colonialists by an African leader with the most impeccable anti-colonial and socialist credentials constituted the most far reaching legitimization of white South Africa. While the much ignored Lusaka-Manifesto of 1968 conceded a similar legitimate status on Pretoria, provided it abandoned apartheid, the Machel recognition came without conditions attached. The Mozambican stance, of course, does not imply approval or indifference towards apartheid. However, it signals the realization that the Frontline States neither feel in a position to force change on Pretoria nor, more importantly, do they expect a major transformation of an historical enemy to come from within South Africa in the foreseeable future. Indeed, this realistic assessment for the first time marks a decisive departure from the sacred position of OAU and UN resolutions of three decades.

While there is a substantive difference between the positions of Mozambique and Tanzania or even Zimbabwe, the potential disengagement of the Frontline States from the problems of apartheid is not confined to Mozambique. In an interview with Jim Hoagland, Angolan President Dos Santos is reported to be prepared to live "in an atmosphere of tolerance" with South Africa once Namibia is independent. Apartheid and white minority rule should be condemned by all nations, Dos Santos said, but he suggested that they should be treated as internal problems when "South Africa, which is far away from Angola," returns to its borders (Washington Post, 14 October 1984). Once more, the hope of South African blacks for liberation from outside has been dampened. The rhetoric notwithstanding, blacks in South Africa are on their own. In the words of Julius Nyerere: "However militant we may sound, we are not likely to go and fight on behalf of the people of South Africa" (Africa, 161, January 1985, p. 11). The continuous township unrest seems to indicate that black South Africans have finally grasped this message.

- (4) *While the dependence of southern Africa on Western economic ties fosters an internationalization of southern African issues, and a recognized Namibian independence, recent South African policy aims at regional conflict solution. South Africa hopes to minimize UN involvement in Namibia's independence.*

When, after the November 1983 referendum resulting in the clear defeat of the ultra-right, technocratic considerations won out on the Namibian issue, Pretoria envisaged a different agenda from Washington's.

The ideologues within the Reagan administration could not care less about Namibian independence. They are even suspicious of any compromise solution worked out by intense State Department diplomatic activity in Angola. Indeed, a socialist SWAPO government in place of Pretoria's colonial control would be perceived as a defeat by neo-conservatives. The only "victory" capable of being marketed to the American electorate would be a Cuban departure from Angola. This, however, depends on the stability

of the MPLA regime and factional infighting within it. These factors are largely outside American influence. The American linkage between Cuban withdrawal and a Namibian settlement has thus proved paralyzing for any quick movement on the issue.

It is not American diplomacy that normally causes change in Pretoria. Pressure from Washington is usually overestimated. Afrikanerdom has rarely yielded to vaguely-worded sticks but merely consumed the many carrots of "constructive engagement." But contrary to left propaganda, Western capitals became increasingly concerned about the potential instability in the region, created by Pretoria's military aggression. Disintegration of Mozambique could have paved the way to a "Lebanon-style fragmentation" of southern Africa. In a political vacuum, the various guerrilla armies would have operated outside governmental control and opened an avenue for Eastern bloc interference. The regional settlement has reduced this potential instability in the interest of all three parties: South Africa, the Frontline States and Western capitals. American policy can now claim that it has given the South African destabilization moves a purpose (non-aggression treaties), while before it was an end in itself.

In South Africa, the National Party no longer had to fear as much as before, right-wing critics of Namibian independence. It was the clear demise of the right-wing ideologues, as evidenced in the November 1983 constitutional referendum, that gave the ruling technocrats the confidence to pursue a pragmatic policy of neocolonization rather than military destabilization. As long as the present regime was threatened by its conservative ideologues, it could not entertain Namibian independence and controversial constitutional reforms simultaneously. A SWAPO red flag over Windhoek would have caused a backlash in the Republic, fanned by returning Afrikaner civil servants in the same way as Rhodesian expatriates backed the conservative racist parties in South Africa. The unexpectedly high victory in the constitutional referendum in which 66 per cent of white voters supported the government alleviated this fear, particularly since the Nationalist Party can now count on approximately thirty to forty percent support in the white English community. For a while, the Nkomati treaty served as a convincing model for dealing with a potentially hostile Namibian satellite on the Atlantic. In this sense, the highly developed self-confidence of South Africa's technocrats is not a "massive obstacle" (S. Jenkins, 1983) to accommodation but its pre-condition. Because the present ruling group has long overcome its earlier isolationist mentality and feeling of inferiority it can now make deals and venture into alternative policies that would have been taboo a few years ago.

Pretoria's decision-making machinery over its regional policy is neither as monolithic nor as streamlined as the newly introduced "scientific management charts" since Botha's ascendancy suggest. The academic

debates about the role of the military and the State Security Council (SSC) obscure the simple fact that there is no masterplan for southern Africa. Interbureaucratic rivalries and personality idiosyncracies influence decisions, as do career and status considerations of the few dozen persons involved. Thus, only a few senior military officers support the efforts of an internationally sensitive Foreign Affairs Department to reach a neocolonial disengagement in Angola and Mozambique and an internationally acceptable settlement in Namibia. The Department of Military Intelligence (DMI) in contrast to the less influential National Intelligence Service (NIS) views the presently practised détente as premature. The police, on the other hand, support the Nkomati Accord because of its impact on the ANC. This stands in marked contrast to the perception of the upper military echelons as enlightened technocrats and the police as heavy-handed traditionalists. One sympathetic American analyst concludes about the South African military: "The influence of the men in the brown uniforms consists, by and large, in their professional proficiency at arms and rather less in their 'ideas,' the exception being Malan" (Rohertz, 1984). In this respect, the role of the South African military in the administrative disunity of a government merely resembles its counterparts elsewhere. However, because half a dozen senior officers hold such informal influence that it amounts to a virtual veto power, the Namibia negotiations or the proposed talks with the ANC founder at present on military perceptions of how to subdue an enemy by covert and open force rather than by political incorporation.

Because there is such a diversity of opinion in Pretoria, the US is able to exercise more informal influence over South Africa's policies than it would be if there were a monolithic decision-making process. On the other hand, given the Reagan Administration's limited leverage, the policy of "constructive engagement" has been oversold; it is not nearly as influential as the Reagan supporters and critics claim it is. It would be political suicide for any Afrikaner politician to be perceived as "in the American pocket." The insistence on homespun solutions is proffered not only for vote catching by anti-Americanism. Unlike Americans, the South African whites cannot expect to keep political control through a universal franchise. The US civil rights analogy overlooks that American whites never had to relinquish political control by granting blacks formal equal rights.

Generally speaking, there are three schools of thought in Pretoria over an Angolan-Namibian settlement now: (1) One school (SADF) does not want a Namibian settlement that would lead to SWAPO taking over in Windhoek at any price. (2) Another school, which includes some SADF men and politicians, would accept a settlement if the terms were right. (3) A third school for a mixture of reasons, mainly costs and international legitimacy, has adopted a positive attitude towards a settlement and is pushing for one. The official view of the Department of Foreign Affairs appears to be to delay.

Namibian independence until conditions are more favourable and in the meantime, to support UNITA as far as possible. P.W. Botha and Pik Botha are believed to be prepared eventually to see SWAPO become the majority party, because they are confident that they could neutralize Namibia if necessary.

However, the South Africans also face various dilemmas. Unlike the situation in Mozambique, Angola is too distant and too heavily supported to be throttled as easily. With no common border with South Africa, John Marcum (1984) has concluded, Angola has no "need to enter into close economic association" or even break off ties with the ANC. Despite an overall success of the South Africans against SWAPO and FAPLA forces, military considerations too impose limits on South African aggressiveness. Against the Angolans Mig 23s and Mi 24 helicopter gunships, the SADF's 1960s aircraft would be a poor match, should fighting escalate. During their Askari operation in Angola the South Africans were surprised by the resistance they encountered from FAPLA forces and by the sophistication of the Soviet weaponry. The FAPLA forces were found to be well equipped and experienced while the SA draftees were mainly inexperienced. The South Africans were jolted by FAPLA's readiness to engage in direct combat and to spring surprises, such as night attacks and systematic mine laying. Despite Afghanistan, South Africa faces the prospect of ever escalating levels of Soviet involvement in the provision of equipment and even of aircraft. The USSR has sufficiently heavily invested in support and prestige in Angola not to allow an easy loss of face, without a potentially dangerous escalation of hostilities through more outside involvement. The question also arises as to whether the SADF, with its limited professional army, could cope with widespread unrest in South Africa's black townships and at the same time slide into a neocolonial war in Angola. The war on "the border" is not popular with South African Whites either, although most of their opposition is muted. Particularly during a deep recession, the optimal use of limited resources becomes imperative.

Therefore, in Spring 1984 Pretoria played for a while with the idea to "de-link" the Angolan-Cuban question from a Namibian settlement—a device that previously had been used to thwart independence. Despite its stated adherence to UN resolution 435, Pretoria's regional blueprint aimed at circumventing the planned UN role in supervising a disengagement of troops and free elections in the territory. If Namibian independence could be legitimized by frontline troops and internal acceptance, Pretoria would have a greater influence than would be the case with UN involvement. If the joint monitoring of South African and Angolan forces could control SWAPO's military activity, no outside peace corps would be necessary, especially if SWAPO would shift from military to political activity in anticipation of Namibian independence.

Paradoxically, this regional scenario would also phase out the American broker role. Washington thus found itself in competition with Pretoria and informally warned against "overloading the circuit." South Africa, on the other hand, would have benefited from being seen as having initiated Namibian independence rather than having had it imposed upon itself by outside interference. Being seen in control of events would neutralize any moral victory that South African Blacks might have flaunted from another independent black state on their doorstep.

At the time of writing (February 1984), however, Pretoria still seems to hope that Angola could be pressured (through UNITA) to force SWAPO into a ceasefire and into a provisional "government of national unity" in Namibia. The continuous township unrest inside South Africa also contributed to a renewed reluctance to be seen as handing over Namibia to a liberation movement whose method of success would be all too apparent to Soweto blacks. On the other hand, the deepening fiscal crisis of the South African state makes it ever more imperative to shed the costly burden of maintaining militarily a useless colony when the resources are urgently needed at home.

According to some estimates (R.H. Green of the Institute of Development Studies at Sussex University) South African now spends as much as nine per cent of its total government expenditure on Namibia. Green calculates the figure to be almost twice that of the officially quoted R1 143 million. While Namibia was an economic asset to South Africa until 1979, the war, the recession and the drought have turned it into a significant burden. By the end of 1984, the territory's foreign debt is assessed as R700 million with gross borrowing of R200 million, suggesting a debt service of R175 million — 20 per cent of its export earning and over a quarter of its probable local revenue for 1985. With a declining agricultural output since 1977, a ruined fishing industry and a stagnating mining sector, only uranium mining by Rio Tinto's Roessing group continues to be profitable. In this situation any independent Namibian government regardless of ideological outlook will start with a heavy dependency on the regional superpower.

- (5) *The intensified South African diplomacy in Western Europe aims at negotiating a division of payment between the Western powers to encourage the economic incorporation of Mozambique, an independent Namibia and, later, Angola into the Western orbit. This inter-imperial deal, however, will carry the price of more than symbolic internal South African reform.*

The historic Botha tour of Western Europe in June 1984 has been variously portrayed as a breakthrough in South Africa's diplomatic isolation, a reward for Nkomati and the abandonment of destabilization policies, concessions on Namibian independence, and as an attempt to gain international legitimacy for Pretoria's constitutional reforms. However, these implications of an

unprecedented political rehabilitation miss the main purpose of South Africa's diplomatic quest. Pretoria alone cannot foot the bill for a successful neocolonization. In Botha's own words, the government is not in a position to play Father Christmas. For the sake of domestic stability, its first priority lies in internal job creation in its own impoverished hinterland. The development capital of R1 500 million which the Republic has guaranteed to its own "Development Bank of Southern Africa" exhausts Pretoria's financial capabilities in the light of recessionary trends and a depressed gold price. In short, serious domestic employment creation and simultaneous external development aid negate each other.

On the other hand, South Africa would be the main beneficiary of an extended regional Common Market. With the underdeveloped purchasing power of the domestic market, South African capital is dependent on outlets abroad in order to utilize economies of scale. Ever since Vorster's ill-fated outward policy in the late 1960s, it was the main thrust of the newly developing government and private sector alliance to overcome the political (apartheid) barriers to the underdeveloped markets of black Africa.¹ Despite the rhetoric of isolation and boycotts, South African firms have gradually succeeded in gaining access to independent Africa, even though largely clandestinely.

What impedes accelerated private sector expansion now is (a) the lack of infrastructure and security in countries such as Mozambique and (b) political uncertainty, particularly in Namibia and Angola. Private investment needs both long term commitments and predictability of risks. Therefore, it depends heavily on Western development aid as well as international legitimacy to create those stable trade and investment conditions. If, for example, West Germany would adopt Namibia as a client in the same way as it rescued a bankrupt Turkey for the Western alliance, or France looks after its African territories, much of South Africa's costs could be cut, although the Republic, as the direct neighbour, would remain the main beneficiary of such development aid. The same applies if US-British interests could concentrate on Mozambique in the Western division of neocolonial relations.

The unfolding closer economic co-operation, however, does not occur without obstacles and contradictions. For example, the South African media have played up the Botha travels as having taken place "at the invitation" of the West European governments. In South African press reports from Bonn, Botha "walked from the plane through a Luftwaffe guard of honour" (Daily News, 4 June 1984). In contrast, the German conservative Press (Frankfurter Allgemeine, 5 June 1984; Rheinischer Merkur, 8 June 1984) castigated the Kohl government for its "minimal diplomatic politeness" by sending only one civil servant of the protocol section to the airport, for not showing any military honours, and, above all, announcing beforehand that the guest had invited himself. The episode underlines the political sensitivity that visible

contact with a white minority regime still arouses even among its conservative allies abroad. For those reasons of domestic politics, Washington probably could not afford to have Botha visiting the White House before the November presidential election, although the US would have been the natural sponsor.

Even conservatives in the West now increasingly begin to question the wisdom of apartheid. Racial kith and kin sentiment takes a back seat to the new vision of exporting free enterprise to the Third World. In this combative zeal to confront socialist solutions with a superior capitalist performance, South Africa is an embarrassing ally that does not even allow its own blacks to make a profit according to market principles. The outspoken distancing and genuine moral reservations of the more sophisticated conservative opinionmakers towards South Africa is a new phenomenon. But beyond tactical political considerations, his own cool reception and public condemnation of apartheid by Botha's sceptical hosts in Europe indicate a reluctance to assume Pretoria's development role. Western states would rather see South Africa acting as their regional agent without themselves assuming major financial responsibilities. In their inflated image of their importance, South Africans often forget that they compete with other more attractive areas for the global cash flow.

It remains an open question whether and how Western Governments will utilize the political leverage flowing from South Africa's new interest in their regional involvement. Could a trade-off between concessions on apartheid and increased Western financing of southern African 'common market' projects be envisaged? For certain, a return to previous repression and hardline policies by Pretoria would strengthen the support of boycotts and continued isolation. Conversely, any reformist trends inside South Africa would be greatly welcomed by powerful outside forces that are as yet inhibited by dealing openly with a racial state hitherto obsessed by concepts of race. Beyond the politics of imagery there is also the lingering fear that any widespread unrest inside South Africa could spill over into client states and affect the growth potential of the entire region. Greater interdependence between the Western 'metropolis' and peripheral trade and investment regions within the global economy undermines the capacity autonomy of the periphery to ignore the political sentiments of the centre.² Although the influence of Western governments on Pretoria has been generally overrated in the past, the newly sought after rehabilitation by South Africa will have its price as well. It depends very much on the political lobbies in Western capitals what concrete reform tags will be pressed for. They will certainly exceed Sullivan codes to incorporate some more credible forms of black political incorporation as well as some more symbolic scrapping of legal racial domination.

The most likely result of the unexpectedly strong boycott lobby in the US

will be an endorsement of the proposals to make continued investment in South Africa conditional on phasing out influx control and the migratory labour system by promoting housing near the work place. Together with massive investment in black education and meaningful black political incorporation under more representative leadership (yet to be worked out) this could be used by the US administration to show the long questioned "success of constructive engagement" and defuse protest against it, especially if the inclusion of Buthelezi's well organized Inkatha movement into the central political process should result in a more legitimate system that is seriously negotiated rather than imposed, as in earlier schemes, the black political landscape could change. The likely outcome of such incorporation attempts is a more intense intra-black conflict as the two strongest black forces, Inkatha and the ANC clamour for legitimacy. The ensuing infighting will not relieve the government from also negotiating with the ANC, a move which Buthelezi, contrary to widespread assumptions, has never opposed.

- (6) *The successful neocolonization has eroded the expectation of external liberation and forces South African blacks to focus more realistically on internal means for political reform.*

There can be little doubt that the ANC is justified in feeling "betrayed" by the Frontline States. Not only was the ANC not consulted before the principles of the Accord had been agreed upon, but the conditions of its future operation (and expulsion) from Mozambique proved rather "uncomradely" as one observer described it. The promised "moral, political and diplomatic support" of the ANC by Mozambique is restricted to a ten member diplomatic office for which the organization had to submit names for approval. Of the suggested ten persons, six were rejected. Only four ANC members have been granted visa privileges to visit the country at any time. It is clear that Frelimo would rather get rid of the vestiges of an embarrassing ally sooner than later. In Zimbabwe, Mugabe denies training facilities not only because of fear of reprisals but because the Moscow-linked ANC supported his rival Nkomo before Zimbabwean independence. The Angolan-South African military co-operation bodes ill for the ANC training camps in Angola which leaves Tanzania and Zambia that are Frontline States in name only. With its Ho Chi Minh trails cut and officially expelled from Swaziland and Lesotho, the level of sabotage will be more difficult to sustain in the long run. The setback may diminish levels of sabotage but will not erase the ANC from the South African map. It is wishful thinking of the SABC to state: "The ANC now is probably a spent force in South African politics" (SABC Commentary, 4 April 1984).

The new strategic situation may well force the ANC to rethink its military preference. Under this dubious strategy the ANC attacked where the opponent was strongest and itself the weakest. A more political opposition,

using unions and other legitimate organizations, may concentrate on areas where the apartheid defences are weakest and the democratic opponents prove strongest. The journalistic focus on security considerations notwithstanding, so far Pretoria was only moderately concerned about the occasional ANC incursions emanating from Maputo. In fact, South African propaganda exaggerated and utilized the ANC threat or the Cuban presence in Angola to mobilize white support at home. When the South African army bombed ANC shelters in Maputo or Lesotho its prime motive aimed at placating domestic right-wing opinion. "Going soft" on the enemy would have undermined P.W. Botha's constituency where eighty per cent of the white voters approved of an aggressive policy of retaliation.³

Both the ANC and the South African government are interested in exaggerating the impending threat to white rule. For Pretoria, the ANC bomb blasts lend themselves as timely reminders that the disintegrating *volk* had better rally behind the wisdom of the government. Like the rockets fired by the authorities of Oceania on its own people in Orwell's 1984, the rage against the enemy cannot be fuelled by abstractions alone. The repetitious "adapt or die" admonitions are only credible if the dying is a demonstrable alternative, not merely a vague prophecy. When government leaders now plead for consensus, inveigh against confrontation and warn of the costs of revolutionary turmoil, they repeat a theme on which the liberal opposition has based its apartheid condemnations for decades. But by co-opting the reasoning of doom, the government at the same time implies that it has the foresight to avert disaster. It can lead the way out of the pending apocalypse if it has the unquestioned support for racial reforms of a racist constituency.

The peace pact, on the other hand, undermined one of the propagated reasons for the reluctant reforms — the threat from an all pervasive outside enemy. It rendered obsolete the ideology of the "total onslaught" and similar myths like "the border," manufactured for domestic militarization. Anti-communism is still being peddled as a unifying menace but is increasingly difficult to sustain in the light of the record. The Soviet Union's ally in southern Africa, Mozambique, in contrast to Angola is not even considered a genuine Marxist state by Moscow itself but merely "socialist-oriented." The Soviet Union remains the major arms supplier for the ANC and SWAPO but has not acquired naval bases in the region, despite treaties of friendship and co-operation with Angola and Mozambique. Indeed, it is much more prudent for Moscow to let South Africa fester as the obvious racial sore of capitalism than seek an escalating confrontation with the West in this distant arena. With little cost in military hardware and diplomatic assistance the Soviet Union reaps huge ideological benefits from a Western colonial racist association. For all these reasons, South Africa therefore ranks low in terms of Moscow's global priorities (Kitchen and Clough, 1984, pp. 27-31). The Kremlin would be the last source to assist actively in disturbing the status quo

in apartheid land. It is indicative that a government as aware of Soviet expansionism as the Reagan administration, nevertheless, does not share the common South African perception of the Soviet Union as being intent to lay its hands on the sub-continents' treasures: "Southern Africa is, practically speaking, well outside the Soviet Union's zone of primary interest, indeed of its secondary interests. We believe that Moscow is aware of this fact and, in reality, spends little time thinking about the area," diagnoses Frank Wisner (1984:474) the US Deputy Assistant Secretary for African Affairs.

(7) *The likely fragmentation of the anti-apartheid resistance in the wake of détente could backfire when Pretoria needs a cohesive negotiating partner.*

If sanctions against South Africa are no longer in the interest of some of the Frontline States which themselves are participating now in ending the isolation of the apartheid state, then the international anti-apartheid movement will also have to rethink its politics. The likely outcome in the long run is a split between those committed to military confrontation and those willing to participate in internal reform. What shape such a division will take and who will align themselves where, depends on what channels of legitimate political participation are open to radical apartheid opponents.

The present tricameral system constitutes a dead-end road as far as the vital African political element is concerned. The racist logic of the tricameral parliament does not lend itself to black African inclusion without scrapping the whole constitution. No internal ANC, if it were legalized, could participate in the system without committing political suicide. Even if the government were to release Mandela (likely), were to welcome back exiles committed to peace and start to consult with the ANC/UDF about a new deal, there is nothing to negotiate about under the present terms. Despite all the admonitions about an internal peace accord the government is at a loss about how to accommodate black demands for direct and meaningful political participation in central decision-making. This forces political activists to work clandestinely in legal bodies and to politicize unions, church and student groups. While authorities thus may succeed in prying away individuals from a specific historical resistance movement, the same people are then also no longer bound by the organizational discipline of a political movement. Such fragmentation of an opponent may be celebrated as a victory by the power-holders but it can backfire at the same time. It takes only a few atomized and alienated individuals to cause havoc in an industrial society as the terrorism of fringe groups in the capitals of the world proves almost daily. Lucky is the authority that can legitimately bind such attempts into cohesive organizations and institutions, in which radical commitment can find a peaceful expression.

Despite the car bombs in South African cities, the ANC leadership, including the Communist Party element, has so far successfully resisted

pressure to resort to "terrorist" activities, i.e., killing of white civilians. This has been reiterated by the ANC's president Oliver Tambo and its secretary-general, Alfred Nzo. The deepening of the gap between external and internal militants who are no longer under the control of a tight authoritarian organization may well turn out to be a pyrrhic victory. The strategic planners in the State Security Council may yet regret having achieved the weakening of a movement of great symbolic value for the mass of victims. They may yet long for the day when they could pinpoint a politically predictable and reliable opponent for negotiations instead of having to deal with unmanageable anarchism.

Such difficulties do not arise in negotiations between states. It is, therefore, comparatively easy to conclude an external accord between two hostile but sovereign states than to achieve the same results between diverse domestic parties. The question for South Africa remains: how can the pending peaceful co-existence between the states of the region be extended to South Africa's more fundamental internal conflicts? A unified, cohesive movement that can legitimately represent and bargain for the underdog may indeed be in the interest of those who fear most about their security. On the other hand, a likely black pluralism of opposition groups with different ideologies and interests could also strengthen the chances of a democratic system.

Notes

1. Ironically, the same P.W. Botha, as Minister of Defence, supported the 1975 aborted invasion of Angola that led to the collapse of détente. Combined with the covert support of the United States, against a Marxist government in Luanda, this action gave the Soviet Union and Cuba a pretence to establish themselves in the region. The same forces that facilitated this internationalization of the conflict now aim at a *regionalization of the issue*.
2. It is not argued here that large foreign investment in the Republic itself makes South Africa more vulnerable and sensitive to outside pressures. This vision amounts to a fiction in practice. Hypothetical repatriation of fixed assets, if possible at all, would mean local sales that would depreciate the investment in the case of wholesale withdrawal. Far from increasing outside influence, larger foreign investments tie the outsider more closely to South African developments. The point stressed here is that South Africa is expected to reciprocate and to make open ties with herself less vulnerable to liberal criticism, if she wishes to involve foreign public bodies in a southern Africa under her dominance.
3. After the massive bomb blast in the centre of Pretoria in May 1983, for example, there was an immediate upsurge of feelings of retaliation. Ordinary Whites came close to assaulting any Blacks in Pretoria streets that night. Newspapers published special editorials, imploring readers not to take the law into their own hands. The subsequent military raid against targets in Maputo aimed as much at pacifying potential vigilante sentiments at home as it was directed at deterring support for the ANC in host countries. A similar fear of an upsurge in extreme right-wing activities expressed itself in the active persecution of members of the Afrikaner "Weerstandsbeweging," including its leader, Terreblanche, several weeks

afterwards. The state prosecutor changed his charge from illegal possession of firearms to terrorism, and several "ware Afrikaners" for the first time were sentenced to suspended jail terms.

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Professor Karl P. Magyar

The American Disinvestment in South Africa Debate: Short-term Morality vs Long-term Economic Development

I The Issues

Virtually all nations of the world have been applying some form of political and economic pressures on South Africa in order to bring about the elimination of apartheid — the politics of separation of races — and to replace it with a system based on the world-wide evolving perception of social equality, human dignity and pluralistic integration.

These are morally-inspired goals which emanate as much from the Declaration of Human Rights of the United Nations as from the technology-facilitated international communications network which is presently in the infant stage of developing cross-cultural and global attitudes on fundamental questions concerning the relationship between the rulers and the ruled — traditionally the concern of strictly internal philosophical debate.

South Africa's officially-inspired defence demands that the principle of national sovereignty be respected, as the United Nations Charter also requires — Is apartheid the only offensive doctrine in a world replete with offences against human rights? Besides, South Africa maintains it is embarked upon the path of reform, albeit at its own pace and its self-determined direction.

Most of the world's nations (however many have dubious claims to expertise on matters of social justice) respond that if left to her own devices, fundamental positive reforms in South Africa will never be attained and that during the intervening time, the minority white elite will only entrench itself further to assure its survival and its continually-accelerating prosperity. Short of declaring and waging war on South Africa in order to right these wrongs, it is postulated that external pressures can and must be applied to the extent that South Africa will calculate continued intransigence to be so costly that it will exceed the benefits to be derived by maintaining this antiquated historical system.

II The Tactics

The arsenal of non-belligerent weapons is very extensive. Tony Koenderman in reviewing such economic, political and cultural sanctions

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includes: the UN arms embargo, the Arab oil embargo, investment bans, trade restrictions, loans or investment capital restrictions, bans on sporting ties, visa restrictions, diplomatic isolation, transportation restrictions on flights or shipping, expulsion from international organizations, bans on the sale of strategic weapons and other strategic commodities, the enforcement of labour practice codes by MNCs (multi-national corporations) and a host of cultural boycotts.¹

Of these multifarious tactics, which are the most effective is open to question, but undoubtedly the many forms of economic sanctions are the most visible and they can also be to some extent quantified and measured.²

While most of the non-OECD countries would not be significant investors in South Africa under any circumstances, their concern lies mostly in trade restrictions of which the oil embargo is the most effective. But the leading Western powers *are* investors, hence the continued debate concerning restrictions on such capital movements is of great consequence as South Africa's own internal financial resources remain limited.

South Africa's economy is indeed highly internationalized. And it is very vulnerable. Mining and agriculture together account for over 90 per cent of foreign sales. Gold alone earns half the foreign earnings.³ On the other hand, agriculture has been adversely affected recently by severe weather conditions, while gold earnings have not fared well in the last few years. South Africa ranks 15th among world trading nations. Imports and exports constitute over 53 per cent of the South African GDP and this figure has not changed significantly for twenty years.⁴ Foreign investments exceed R30 billion. Major economic partners are the Western European nations, Japan and the United States—countries whose imposition of economic sanctions could hurt South Africa severely.

Technically speaking, disinvestment, divestment, boycotts and embargoes all have specific connotations but collectively, the international focus of such activities has popularly come to be known as "disinvestment".⁵ To promote trade restrictions by a foreign government is to interfere with the market mechanism and hence in effect, a deliberate decision is made to cut into one's own profitability. This strategy has its limits, even with the most vocal proponents of trade restrictions: the Sub-Saharan African states, carrying on a quite active but mostly clandestine trading relationship.⁶ But disinvestment can win official backing more easily overseas, as many governments are not enthusiastic about the export of their capital, which they see in effect as being the export of jobs.

Regardless of the technical subtlety of the terminology, proponents of such measures link economic sanctions to political change. Private individuals make no distinction between the various forms of punitive economic measures, while governments must calculate and moderate the effects of those tactics which will produce a negative result in matters

concerning their own interests. Hence in Western democracies, the resort to *extra-parliamentary tactics* will always be a viable option for non-governmental bodies and especially by organized pressure groups. As they are motivated by *fundamentally political objectives*, scant attention is paid by such private groups to the calculation of the economic costs of disinvestment measures.

The assumption of disinvestors is that a large economy such as that of the United States will not be as adversely affected, as the relatively small size of South Africa's economy and the price to be paid in order to stamp out this blatant affront to human dignity is but a small one, in view of perceived gains. The first can be to some extent assessed, but not the second. The effect of sanctions could be counterproductive, in that (one) the aggrieved section of the community may suffer more in consequence and, (two) what of other political systems, equally repulsive, but ignored by the international community? Both arguments offer plausible validity. But this could be an inadvertent call for no action. What is needed is a comprehensively formulated principle to universalize the invocation of sanctions. In the absence of such universal principles, South Africa may almost be excused for accusing the rest of the world of reverse discrimination.

Nevertheless, the world has advanced beyond the United Nations principle of non-interference in the internal affairs of member states although *organized world-wide political consensus mechanisms* to deal with perceived moral attitudes are in their infancy. Resorting to legal and historical defensive arguments will hardly suffice to ward off such pressures. The accusing countries base their arguments on moral foundations, derived mostly from their own social and religious ethics. In effect, these list apartheid, along with a number of other offences, in the realm of human rights, but the identification of apartheid as requiring more pressing attention than, for example, limb amputations in some Muslim countries, or incarcerations in mental hospitals in the Soviet Union, or using children as combatants in Iran, derives from a purely emotional base. Perhaps South Africa is singled out precisely because of its substantial European population and consequent embarrassment to the West. The plethora of other offences occurring routinely in other distant Third World and Asian lands are to be "expected", due to the assumed but unmentioned general lack of civilisation as understood in the terms of the Judaeo-Christian ethos.

Economic boycotts and other forms of restrictions will remain as tools of change short of war. South Africa is merely a precedent for such policies to be universalized in future. Short of retaliation via war, an aggrieved country will have but two options available as responses: one, by fending off economic pressure by a demonstration of invulnerability or two, by succumbing to such demands and responding with fundamental reforms. The mounting cost of defending the economy will at some point reach a ceiling and will be

exacerbated by the additional cost of developing a garrison state to ward off escalating internal pressures. Succumbing to pressures for fundamental reform will require a more economically acceptable response but at a very high political cost.

III *The Economic Stakes*

South Africa's economy, which has become the focus of those advocating punitive sanctions, has traditionally had a built-in shock absorber which moderated the effects of world-wide recession via a corresponding increase in gold prices. But in 1984, South Africa experienced a rapidly-declining exchange rate between the Rand as against the US Dollar and European currencies, coupled with a steady drop in the price of gold, rising inflation and unemployment, and a host of other corresponding negative economic developments. For once, South Africa's vulnerability to external economic pressures was convincingly demonstrated.

Over half of South Africa's GDP derives from import and export activities. The country relies on a very narrow range of exports, mainly primary products, while importing a very wide range of capital and consumer goods.⁷ As of 1982, Germany, the US, UK, and Japan together provided 72 per cent of South Africa's imports while taking 56 per cent of her exports.⁸ With reference to potential trade sanctions, a recently published account sympathetic to South Africa estimates that "an effective embargo would rapidly reduce the capacity of the economy to expand", and "after a time-lag, even the maintenance of the current level of output could become impossible".⁹

While the focus of those advocating sanctions against South Africa is on disinvestment, the effects of such measures have sometimes been over-estimated by proponents. Little attention has been paid to the actual importance of foreign capital inflow into South Africa, the effects of substantial disinvestment on the South African economy and on the Black sector, and from the foreign shareholders' point of view the unfavourable economic costs of the sale of these portfolios to South African investors, who would almost certainly be able to acquire them at a fraction of the true asset values.

Direct and indirect foreign investments in South Africa doubled between 1975 and 1981 to R32 490 million. The growth of these investments has been slower than that of the GDP. And in 1983, over R1 300 million was disinvested—although not necessarily because of political reasons.¹⁰ Jill Nattrass notes that only about 17 per cent of investment came from abroad during the 1966–75 period.¹¹ Of this figure, 55 per cent came from the EEC countries, 13 per cent from other Europeans, 23 per cent from North and South America, and 4 per cent from Asia. Altogether, Europeans—led by the United Kingdom—hold over two-thirds of all foreign investment in

South Africa. Besides capital, foreign investment also encourages technological advances and helps to stabilize the balance of payments, both valuable concomitant benefits.¹² The impact of disinvestment would be felt, on the one hand, in terms of reduced growth rates and living standards but, on the other hand, would also stimulate domestic investment, production and technology—as the economic boycotts of Biafra and Rhodesia demonstrated.

Although the United States is neither the most important trading partner nor the major investor in South Africa, America's official response to private disinvestment pressures is most closely monitored by South Africa as a harbinger of trends that could soon spill over into her relations with Europe. Sweden has taken the most radical steps by prohibiting any new investments in South Africa but the miniscule commercial involvement by Sweden all but obscures the impact in South Africa.¹³

The most evident observation concerning South Africa's relations with the United States is the fact that within the context of America's overall economy, the commercial relationship with South Africa is very limited. South Africa's entire GNP is less than two per cent of that of the United States. America's direct foreign investment in South Africa hovers around 3 billion dollars, which is close to 20 per cent of foreign investment in South Africa. This figure constitutes about one per cent of US investment abroad. The United Kingdom by contrast provides close to half of the total foreign investment in South Africa and this represents 10 per cent of United Kingdom investment overseas. About 20 per cent of South Africa's imports come from the United States, which in turn absorbs 14 per cent of South Africa's exports. For the United States, this represents about one per cent of its world-wide trade.

America's investment in South Africa has been increasing by about 100 million dollars annually but most of it actually comes from reinvested profits of established firms in South Africa. Returns on investment have been considerably above average, with South Africa being ranked very favourably in terms of investment risk. Four companies alone account for over half of American investment in South Africa.¹⁴ About 350 American companies operate in South Africa and they employ some 150 000 workers, about one per cent of the work force.

American critics of investment in South Africa, however, point out that US investment in South Africa has increased five-fold from 1966 to 1981.¹⁵ Within the first year and a half of the Reagan Administration, it was also noted that US direct investment increased 31 per cent and that US bank loans increased 246 per cent.¹⁶ Others maintain that the true figures of US direct and indirect (mostly loans) investment in South Africa are perhaps distorted, with the total sum being considerably larger than the generally accepted figure.¹⁷ Another contrasting estimate, attributed unofficially to the US

Consulate in Johannesburg, reported that US assets in South Africa totalled R26 500 million.¹⁸ These latter data have not yet been sufficiently clarified but the assumption is made that, whatever the ultimate figure, they would not substantially alter the direction of the investment controversy.

Another aspect of the investment analysis must be referred to, although no attempt will be made to portray a definitive assessment of the validity of the arguments presented by the proponents. Briefly, it is conceded by many that America's commercial relationship with South Africa may not add up sufficiently to be of substantial consequence to the US economy overall. However, it is argued, America's imports from South Africa represent very vital minerals required for strategic purposes. The data here are well known. South Africa has well over half of the non-communist world's reserves of vanadium, platinum, chrome, manganese and gold and has over half of the world's total reserves of the last three mentioned minerals.¹⁹ These data were highlighted in the now famous "Santini Report" of the US House of Representatives. Congressman Santini, Chairman of the Sub-committee on Mines and Mining, reported that the United States is dependent on foreign sources to an amount in excess of 50 per cent for 24 of the 32 minerals needed for security and the maintenance of the US economy. Noting South Africa's only effective alternative supplier being the Soviet Union, he concluded, "America thus has a vital interest in the survival of South Africa as a Western ally".²⁰

This argument does introduce an important dimension into the sanctions debate, in that it diminishes in effect the size of the commercial ties but focuses instead on the quality of those ties. The anti-sanction forces seized upon this information with glee, while those favouring disinvestment immediately set about to negate the importance of these minerals by pointing to the possibility of alternative sources, substitution, recycling and stockpiling, they also noted that South Africa's reliance on minerals exports would ensure their continued availability, no matter which regime was in power.

Much commitment — as well as money — has gone into the formulation of the arguments of the pro- and the anti-investor groups. Except for the strategic dimension of the need to maintain ready access to certain minerals, one could easily argue for the simple abandonment of commercial ties with South Africa, in view of the relatively small size of the total amount involved and the substantial boost which human rights would receive. At issue is the inescapable requirement to weigh moral against economic and security interests and this debate will not be resolved easily.

IV Arguments in Favour of Disinvestment

Those advocating disinvestment, a term which is taken to represent a wide variety of economic sanctions, are divided into two broad groups: first,

private individuals and interest groups and secondly, public bodies and officials. No attempt will be made to present a comprehensive list of participants or of their history of active involvement in these campaigns. Their efforts have seen a very large number of participants but no single leadership has emerged to serve as a centralized co-ordinating body. Liberal whites are involved at the church and university levels and as mostly, but not exclusively, Democratic Party members of the US House of Representatives and the Senate and at all lesser levels of government. American Blacks have been playing an increasingly important role via various organizations and in their political capacities at the municipal level—which includes several of the largest cities—and in the House of Representatives in which they are represented by about 20 Congressmen.

Both private and public groups utilize a variety of tactics to maximise their impact. Initially, various White-led groups formed study committees (comprising mainly political and religious activists in the human rights and black advancement sectors of US domestic politics) and sought to bring pressure upon America's corporations and banks to decrease or to sever altogether their ties with South Africa. Success was minimal, with Polaroid Corporation having become the most significant company to opt out altogether. Then, organizational efforts focused on applying pressure at all governmental levels—in the true tradition of democratic politics. This latter phase has accounted for more visible success in terms of publicity, attitudinal changes, and legal requirements to impose official sanctions on South Africa. A striking example is the case of the Massachusetts legislature which in 1982 enacted the nation's most comprehensive disinvestment programme. Michael Maren noted that "Mass Divest" joined in a national coalition entitled "Campaign Against Investment in South Africa". Affiliated bodies included the American Committee on Africa, the American Friends Service Committee (Quaker), Clergy and Laity Concerned, the Connecticut Anti-Apartheid Committee, the Interfaith Center on Corporate Responsibility, the United Methodist Church office for the UN, the Washington Office on Africa, and TransAfrica.²¹

The latter group, TransAfrica, has emerged since its founding in 1977, as the chief Black lobby group in the US concerned exclusively with foreign affairs. And of this concern, South Africa receives the lion's share of attention. The group pursues support from a number of sectors of the black community but has had notable success in attracting well-known black entertainment and sport stars. Realizing that the Reagan Administration and the Republican-controlled Senate will resist forceful measures aimed at South Africa, TransAfrica embarked upon a risky but apparently successful effort at the end of 1984 to engage in daily protests at the South African Embassy in Washington. The immediate goal was publicity for significant legislative changes which, however, must face Reagan's veto powers. That President

Reagan's Africa policy was vulnerable was quickly demonstrated when, after a first round of demonstrations, he somewhat uncharacteristically said in a speech on South Africa: "Quiet diplomacy is not enough. We feel a moral responsibility to speak out on this matter".²²

The House of Representatives, controlled by the Democrats, has been pushing actively for sanctions against South Africa. The tactic, although to date unsuccessful in terms of passage into law, concerns the Solarz Amendment of banning the sale in the US of Krugerrands and US loans to the South African Government and requiring that all US companies operating in South Africa adhere to the Sullivan principles. The Gray amendment (long sessional hearings in 1981 and 1982) would have banned all new investments in South Africa. The Berman amendment would ensure controls on sales to the military and to the police, and the Wolpe amendment sought to control the export of nuclear technology and items to South Africa.²³ However, even if passage of these measures could have been secured through the House and the Senate in 1984, President Reagan would have been expected to veto the bills. But he would prefer not to face being identified so prominently on the side of South Africa. Reagan escaped having to resort to his veto powers in 1984 by the narrow voting margin of a single liberal Republican Senator.²⁴ Indications are that 1985 will only increase such pressures. During the first few days of 1985, Senator Kennedy made a highly publicized tour to South Africa in which he publicly distanced himself from the Reagan Administration's policy of "constructive engagement" in South Africa. He may be setting the stage for 1988 and his potential Presidential candidacy in that year.

The neo-conservative mood in the Senate and in the White House at the national level is, however, not matched in the House of Representatives to the same extent or at the state and municipal levels. One recent study of state legislative responses clearly demonstrates the multifarious efforts to introduce anti-South African proposals. Although the resolutions and bills are impressive in their frequency and scope, very few have been passed to date.

The most prominent and active states in this regard are Massachusetts, Connecticut, and Michigan. Measures include the withdrawal of state pension fund investments in companies doing business in South Africa which do not adhere to the Sullivan Code; simple divestment of funds which are invested in corporations and in banks doing business with South Africa, and the prohibition of state-supported university endowment funds being invested in any companies with operations in South Africa. Most other states also introduced various restrictive measures but they were not passed into law for various reasons. These efforts concerned mostly the divestment of certain state funds from corporations or banks operating in South Africa.²⁵ But, the fact that states have undertaken direct measures which impinge on foreign

relations, is held by some analysts to be unconstitutional. The SA Foundation's John Chettle argues that the "... Commerce Clause of the US Constitution entrusts that body with the power to 'regulate commerce with foreign nations' ".²⁶

Activities at the municipal level are just as intense. This is especially because of the fact that many of America's largest cities are run by black mayors and city councils, or, as in the case of New York City, Blacks and liberal Whites combine to utilize their public economic power to pressure those companies and banks against doing business with South Africa. As of mid-1984, 20 cities had passed various ordinances in this regard. New York's Employees' Pension Fund alone is larger than the GNP of many middle-ranked countries, and equals about half of South Africa's entire GNP. As the funds are invested in corporate securities, this places that city's administration in a very powerful bargaining position indeed.²⁷ Other prominent cities which have enacted restrictive measures include Washington DC, Dallas, St Paul, Minneapolis, Seattle, Philadelphia, Boston, Newark, Berkeley, Hartford, Davis, and many more. As in the case of the state governments, the authority of these sub-national bodies to involve themselves in foreign affairs directly is expected to be challenged on constitutional grounds. Also, should these various public funds be invested in anything but the most profitable portfolios, the public, as beneficiaries of these funds, may begin to question why their consent in such decisions has not been solicited.

Analyzing at least the public media controversy concerning these disinvestment-related activities, one is struck on the one hand by the extensive action being contemplated or generated in the attempt to restrict mostly economic relations with South Africa, and on the other hand, how sparse the debate is in terms of a comprehensive elucidation of the goals, appropriate methods, and the consequences of the means employed. Economic sanctions precedents are few and scarcely serve as models for studying the potential effects on South Africa. It is merely assumed that somehow such direct punitive action will pressure the South African Government to relent on its apartheid policies and to yield equality and political power to the Blacks — much in the historical mould of the US civil rights campaign during the 1950s and 1960s.

Where the anti-South African groups present specific demands, such as for the release of currently-incarcerated labour leaders and Mandela, the South African Government hypothesizes that succumbing to such external pressures would only lead to a host of new and greater demands. By acceptance of one or only a few specific demands which, if met, would promise South Africa ensuing peace, the anti-South African activists should realize that South Africa would demonstrate her vulnerability to escalating

demands for change which could in the end devour the very structure of the existing order.

Yielding equal political rights is not only a question of morality and a constitutional debate on equality, as it was in the American civil rights campaign. In South Africa, it means that the ruling minority White elite would yield the authority to determine their own economic and social welfare. Where overseas critics see the problem primarily in terms of race, for White South Africans the problem only starts with race but ends with their perceived potential elimination as a presently-constituted society. Race is the ultimate criterion for determining the defence of the existing order or the change of authority. But race implies much more than simply a question of ethnic origins, language or colour as is the case in the United States, where classic racism prevailed until at least the legal dimension was rectified to ensure *de jure* equality. In this regard, South Africa has failed to demonstrate the non-racial basis of the existing dilemma, hence her defence against primarily morally-based charges will never be refuted by reason alone. By the same token, no justification of the present system will ever be accepted overseas, as it amounts to either the perpetuation of a racially-based social system, or the maintenance of restricted social and economic elite classes. Both of these characteristics are simply outdated, when judged by evolving international ideological norms.

The disinvestors then do not see why a comprehensive articulation of their rationale is required, as theirs is fundamentally a moral concern which will never allow for any compromise—such as greater devolution to local authority, limited unionization, the new tri-chamber constitution, elimination of the Mixed-Marriages Act, or even the release of Mandela. Ultimately, the issue is political voting equality which will simply never be yielded voluntarily by the Whites, not because of any racist notions of Blacks being inferior, but because of the perceived fundamental disruption of their attained social welfare level. Could this welfare hypothetically be ensured, yielding political control to the majority would be more easily facilitated. The disinvestors, however, do not articulate plausible scenarios or models of a system which could ensure such reasonable expectations of all sectors of society. Here, foreign governments are just as guilty, as they too fail to respect the non-racial dimension of the South African question or to make specific demands, beyond the usual nebulous requirement for “change” which in its simplest presentation, ultimately is reduced to “one-man, one-vote”. Few foreign public officials have elaborated on their countries’ potential response to such eventualities. Few also admit that under such circumstances, there would be both increased and also spontaneous disinvestment far exceeding all that the present frenetic attempts have generated.

V. *In Defence of Investment*

The striking feature about the pro-investor position is the fact that there are many prominent individuals and groups in South Africa and in the United States who are very much in favour of continued or even increased investment — albeit for different reasons. However, their failure to mount a substantial public awareness effort on behalf of investment is just as striking. At the heart of this failure are the radically opposed reasons for supporting such investment. On the right, arguments have the effect of favouring the retention of the existing political system because of the resulting economic stability. Yet among moderates, the argument is offered that continued investments will fuel the fabled black middle-class aspirations, which will lead to fundamental change in the system. These two divergent arguments hardly encourage a united effort, which in turn facilitates the predominance of the arguments in favour of disinvestment.

The wide range of pro-investors include the US Reagan Administration and of course the South African Government — including the opposition Progressive Federal Party; the Indian and Coloured parties represented in the new Tri-chamber Parliament; all homeland leaders; many South African black business organizations; most major American businesses; the US Chamber of commerce; prominent American politicians, academics and even some US black leaders; many prominent South African Blacks; and three-fourths of South Africa's black population according to one recent survey.²⁷

The most prominent arguments in favour of investment maintain that disinvestment will hurt primarily those it is intended to benefit: the Blacks. Other arguments maintain that the South African economy will survive disinvestment and indeed, may be stimulated by it; American-owned shares will quickly be bought up at bargain prices by South Africans or by Europeans; that it is a two-way street and hence it will also hurt Americans (an effective argument especially in the case of pension schemes which seek to divest from any company doing business with South Africa); that it is illegal for anyone other than the national government to regulate foreign commerce;²⁸ that rapid economic growth will do more to engender positive or "desirable" political changes than would a revolution; and that American companies in South Africa provide a very positive image for the Black worker. Finally, others take into account the actual figures involved and conclude, as did Helen Kitchen and Michael Clough: "... in the absence of parallel moves by Japan and Western European states, ... US disinvestment would precipitate no fundamental changes in the South African economy or political power structure".²⁹ This is echoed by James Barber who observes that sanctions "... are inherently unworkable: the economic interdependence between South Africa and the West, coupled with the great

uncertainty about their effects on all concerned, renders such a policy inappropriate".³⁰

Within South Africa, many prominent Blacks have argued on behalf of investment. Individuals include Lucy Mvubelo of the National Union of Clothing Workers,³¹ Nthato Motlana,³² Percy Qoboza,³³ Sam Motsuenyane and the National African Chambers of Commerce, and Chief Buthelezi who has been quite emphatic on this issue: "Whatever is said about investment in overseas lobbies should be tested against what the people in South Africa themselves say".³⁵ The Chief also clashed on this issue with Ted Kennedy during the Senator's trip through South Africa in January 1985: "No one has proved to us that the suffering which will ensue within the black community as a result of disinvestment will actually force the regime to effect the fundamental changes which all of us are clamouring for".³⁶

These and other Black leaders suffer a perplexing problem which they have not been able to surmount. Their credibility to speak on behalf of the Black masses is questioned because they operate openly in institutions tolerated or formed by the Government, hence giving them the appearance of being "collaborators". Most foreigners have only a guarded respect for such prominent Blacks or reject them outright. Yet domestically these leaders have attained a greater degree of legitimacy than is perceived overseas. Certainly few question Chief Buthelezi's political acceptance by a substantial portion of the Zulu population — the largest Black tribal grouping in South Africa.

Another problem the pro-investors encountered is the lack of a quantified base for determining the support each side receives. To fill this void, a study was commissioned by the US Department of State and conducted by Professor Lawrence Schlemmer of the Centre for Applied Social Sciences of the University of Natal.³⁷ The study went beyond the question of attitudes towards foreign investments in South Africa and it surveyed only the black employees in the major industrial centres in which multi-national investment is concentrated. The results of the survey produced sufficient data and offered little reason for challenging the conclusions. About 75 per cent of those workers surveyed support foreign investment in South Africa; 60 per cent support capitalism as a preferred economic structure for Black-ruled countries; South African employers specifically are seen in a negative light; American-owned companies generate a very favourable impression at the public image level (although slightly less so by workers at these concerns); and workers prefer to separate political issues from the industrial sphere.

In the political realm, the survey did not uncover equally encouraging evidence. The workers express support for more activist policies such as armed confrontation. This is the case especially among the better educated Blacks and residents of Soweto and Pretoria. Workers at US-owned

companies and Inkatha supporters in Natal are significant exceptions to this. Can this seeming contradiction of greater political militancy with support for foreign investment be squared? In a previous analysis of Schlemmer's survey, I concluded:

... South Africans would be mistaken if they were to conclude that the preference for investment and for moral radical political measures are *contradictory sentiments*...

... Pretoria should take a cue and realize that the only true base for a final settlement with the majority of the population rests not on constitutions, laws, concessions, or even on elite consensus...

... Rather, this survey corroborates the view that Whites (and their Coloured and Indian allies) have little in common with Blacks ... except, mutual reliance on predominantly economic issues.³⁸

While this long-awaited study was enthusiastically received by the media and official bodies, its immediate impact is hardly discernible. The American disinvestment movement either shrugs off the study or it simply takes the view that proper political analysis and tactical change is not being perceived sufficiently by the workers and that this must remain the prerogative of the "politically-conscious" elite—domestic or foreign. The immediate intellectual progenitor of this line of thinking is neo-Marxism with its mandatory requirement of a "vanguard of the revolution". This should not be seen to imply that critics of continued investment are revolutionaries. Most are morally-motivated and are no doubt genuinely convinced that their disinvestment tactics are an efficient and peaceful means for attaining total human justice for all people in South Africa. But in view of such survey data and calls for investment by Black leaders who have attained a degree of legitimacy among the Black community, the responsibility for rejecting such evidence rests on the shoulders of those advocating disinvestment. The Schlemmer survey, however valid, remains without consequence unless the US Government undertakes a deliberate effort to validate such pro-investment arguments by incorporating them in the policy-making process. While the White House finds this compatible with its established policy, the House of Representatives has rejected such evidence and the Senate has managed to avert punitive action by only the narrowest of margins.

VI *The Sullivan Principles as Compromise*

Between the two diametrically-opposed positions of pro- and anti-investors lies an argument which has been given life in the form of the "Sullivan Principles". Seized upon by many pro-investors as at least a viable—and costly—alternative to simple disinvestment, the principles have also been incorporated in the proposals for policy-changes towards

South Africa at the official level. Private anti-investor groups however, place less credence on this attempt at compromise because of its basic call for voluntary adherence and its potential as only window dressing, while the more radical arguments see it as only another method of perpetuating the fundamental base of racism and capitalism.

Richard E. Bissell points out that the influence and antecedents to this code came from the British, the European Economic Community and from the South African private sector itself—in the form of the work of the Urban Foundation.³⁹ In essence, the Sullivan Code suggested that for American companies to continue operations in South Africa, they should introduce and adhere to certain principles aimed at non-racial labour practices. These principles include the racial integration of all facilities, equal pay and employment practices, supervisory and managerial training for Blacks, increased promotion of Blacks to supervisory and managerial positions, and the pursuit of active policies to improve the workers' lives. In 1978, these principles were detailed and expanded and provisions were introduced to monitor the progress of implementing these principles by the signatories.

As a code to be adhered to voluntarily, the inevitable happened. Not all American companies in South Africa joined; of those which did, not all complied with the increasingly demanding provisions; monitoring became more difficult; and there were no provisions for enforcement.⁴⁰ After six years of this well-publicized code, less than half of the 350 American companies in South Africa had signed and even among the signatories, there was neither complete nor enthusiastic compliance.⁴¹ The Reverend Sullivan himself perceived that the code was having a positive effect, by demonstrating that US companies could operate in South Africa profitably without furthering the interests of apartheid. But by 1984, Sullivan lobbied Congress in order to make adherence to the principles mandatory by US law—a position opposed by the Reagan Administration.⁴² Estimates are that American firms have spent up to R200 million on various projects to improve their Sullivan ratings to date.⁴³

American companies in South Africa are of course sceptical. They employ less than one per cent of South Africa's labour force but they are expected to serve as the catalyst for reversing the apartheid system. Several critics have pointed out that the actual effect of their being forced out of South Africa would have only a limited impact on the country. South Africa's defensive weapons against such economic sanctions would allow for the survival of the economy although the pressure and pain would be felt. Sanctions hurt economic growth, which is required for the urgent creation of jobs.⁴⁴ But excessive pressure on American companies to pay for the cost of complying with the Sullivan principles could exacerbate the entire process if the cost, of what to them is essentially an expensive public relations function, exceeds the margin of profit they initially calculated when they established themselves in

South Africa in the first place.

At the heart of the problem is the question of interference with the free enterprise system. A company's moral and humane attitudes towards its workers must nevertheless be judged against its expected rate of profitability and its competitiveness against others. For the shareholder, the goal concerns economic objectives, but for the disinvestor, the objective concerns morals. While they are not necessarily incompatible, the cost must be calculated and it has its limits.⁴⁵ From the perspective of a worker who may lose his job due to the closure of an American-owned company in South Africa, it matters little if that company closed because of the cost of complying with the Sullivan code, disinvestment pressure, or the loss of profitability. These companies, however sympathetic they may be towards the plight of the victims of apartheid, would prefer that politics be sorted out in a political forum rather than to engage the private sector in a dubious process of social change which amounts to a possibly inefficient re-allocation of diminishing profits for public relations purposes. An example is the recommended provision of low-cost housing (purchase or rental) to workers, supplied by the employer. The cost of providing this will hardly be justified if the profitability of the entire enterprise is threatened. Any additional costs will have to be calculated against the competition's position. To expand on an old economic maxim: "there's no such thing as a free lunch" — anymore than there is free housing. Indeed, a motor manufacturer who gets into the housing business, is not allocating his established economic advantage efficiently — a cardinal sin to adherents of the free market system.

These American adherents to such restrictive codes are forced into a position of serving political objectives, which no more guarantee long-range prospects of continued profitability than they guarantee immunity from total loss in the eventuality of a breakdown of the peaceful social order or the assumption of power by a radical regime. Any new adherents to the Sullivan principles or any American company wishing to establish in South Africa will be confronted with the need to calculate risk under increasingly uncertain conditions. From a political point of view, the utilization of restrictive investment codes may be expedient because of their appearance of compromise — the essence of democratic political bargaining. But such compromise in the world of economic competition — the essence of the free enterprise system which has built the West — is not possible. What matters there is the bottom line. Corporate shareholders will hardly tolerate losses due to political or moral reasons.

VII *Disinvestment: The Analytic Context*

In a broader perspective, the two major adversaries in the disinvestment debate are not addressing themselves to each other's implicit assumptions. The disinvestors focus on racism, morality and the short-term situation,

which requires immediate rectification—with virtually any political price being acceptable. Those advocating continued investment are split among two broad lines of thinking: those who seek fundamental political changes but not at the expense of undermining the established economic structure, and those White elitists who see continued investment as a method to buttress their political domination with a strong economy which can dispense rewards in terms of jobs and material welfare. It is the latter group which does not see the debate as fundamentally a question of morality or racism, but one of power. The progressive elimination of apartheid measures, to them, will not stop until Blacks attain full and equal voting rights and this would reverse the power equation. Merely to lessen the inhuman dimension of apartheid will never suffice and indeed, such efforts will only produce demands for quicker and further changes. Both groups of pro-investors place long-term economic development above the question of short-term morality. Given these divergent perceptions and assumptions in the debate, it is hardly to be expected that the debate will be resolved easily—or at all, at the intellectual level.⁴⁶

The debate has also been dangerously over-simplified. As in most long-standing political confrontations, sides are taken along diametrically opposite and fundamentally irreconcilable lines. The issues, despite their immense complexity and the plausibility of both sides' arguments, get reduced to essentially "yes/no" propositions. This creates some rather unlikely alliances which rarely survive the resolution of the central conflict. For example, should the disinvestors succeed in their objective of eliminating every vestige of apartheid, the inheritors of power could quite possibly be of a sufficiently militant and authoritarian disposition to dominate the entire southern African region in a way many present-day disinvestors would hardly find attractive. Preferably, the disinvestment issue should be viewed in its full complexity and the resolution of the conflict, which in essence concerns the distribution of political power in South Africa, should not have to rely on the tool of disinvestment as the primary means available to engender change. Such punitive measures reflect the failure of political persuasions and such grossly-oversimplified political tactics may easily introduce as much long-range harm as is already experienced in the present system.

In calling for a reassessment of the entire South African situation, a broader geographic dimension needs to be introduced, in addition to a broader political context. South Africa's domination of the southern Africa region is an established fact and will remain the case into the future. Hence, any reshaping of the power structure occurring in South Africa will affect her neighbours from Namibia, through Zimbabwe and Malawi to Mozambique, including Botswana, Lesotho and Swaziland. Yet an alternative political structure could be introduced into South Africa which would facilitate economic confederal integration centering on the established

economic core of South Africa. The destruction of this core will simply preclude any such development. Such a system would expand and build on the Whites' continued management of that economic core with the progressive introduction of trained and competent Blacks from the entire southern African region into the ranks of economic management. Nor would the Whites necessarily continue political domination over Blacks or Blacks over Whites.

The essential problem derives from the fact that in South Africa, there exists a somewhat unique historical situation in that a substantial number of people from the First and the Third Worlds occupy the same geographic space. Yielding power to the majority, who are economically members of the Third World, is a plausible solution based on traditional patterns of democratic thought, notions of majority government, and concepts of human rights which prevail in the First World. However, if it is accepted that a simple power shift from the First to the Third World may needlessly harm one or both of these societies, then another strategy ought to be introduced. One alternative is the physical division of the country into two but more likely is the concept of several units and the introduction of appropriate governmental institutions to tie the newly-created units together federally or confederally, along largely coincident lines of economic interest, as is the case in the European Economic Community. Such a fundamental political change within South Africa would recognize the political and economic requirements of all communities, while at the same time ensuring that at least confederal association could become an attractive proposition to neighbouring countries in southern Africa. The entire region could in this way be stabilized politically, the established economic core could be expanded to serve a greater southern Africa community, and foreign investments could quickly flow into the entire area in unprecedented volume. This is of course a matter which goes considerably beyond only the parochial and short-term debate on disinvestment, but it is a dimension that has neither been debated nor calculated.⁴⁷ And, it would be a positive solution to a problem that has been approached to date with a generally negative philosophy.

Any official US Government backing of sanctions against South Africa has a built-in self-defeating mechanism. Measures which succeed in reversing the power position of Whites and Blacks in South Africa as the result of economic pressure will probably result in a devastated economy and the prospect of a bitter and protracted struggle for power which will only exacerbate the economic disruption. Should this lead to a radicalization of the entire southern Africa region, America's original concerns will hardly have been advanced. Neither the means nor the end would serve American interests — nor those of the Black and White populations of Southern Africa,

if the objective is universal economic development in a mostly free enterprise environment.

While disinvestors in the US resort to perfectly legitimate tactics in furthering their own political programmes, the response by the American Government has been inadequate in one important respect: beyond only voicing the desire to lessen the odious nature of apartheid and to end racial discrimination in South Africa, no specific proposals, requirements, timetables and long-range objectives have been offered. This, of course, is understandable as it is commensurate with traditional diplomatic practices of avoiding interference in internal affairs. Yet, any official US Government sanctioning of disinvestment moves would have the effect of interfering in internal affairs — which is enthusiastically demanded by disinvestors, public or private.

Interference in South African affairs being unavoidable, a policy of making specific demands within a workable timeframe, based on positive measures relevant to the economic and political stabilization of the entire southern Africa region, should be contemplated. Such proposals, if accepted, could reshape the seemingly paradoxical relationship developing between the US and South Africa, with liberal tactics being employed to further conservative ends. If it can be demonstrated that the economic and social interest of Whites (as well as of Indian and Coloureds) can be guaranteed by engineering a fundamentally new political order in South Africa, which allows Blacks to gain their fair share of geographic resources, a new diplomatic offensive would be facilitated. And no country in the world has the economic and managerial capability to extend partnership in such an enterprise as does the United States. But repeated diplomatic platitudes of the desire for a just society, without specific and detailed plans, will be matched by lack of fundamental changes in South Africa of sufficient calibre to meet the challenges of the future. America ought to extend to South Africa her full arsenal of intellectual resources to arrive at an agenda of actions which will serve the interests of all of South Africa's communities, as well as the interests of southern Africa and those of the United States and Europe.

Finally, a call for urgency must be stressed. The foreign disinvestor and the American Government, as well as the South African Government and its radical and even moderate opposition, all focus predominantly on the requirement for change. The disinvestors have introduced the economic factor as a means of leverage to the attainment of their political objective. This too may reflect a dangerous misperception by all concerned in the dispute.

Instituting evolutionary political change or adjusting to the effects of revolutionary change is a protracted process. Yet both sides may in the end be defeated by economic realities. Even without further disinvestment, the

economy of South Africa already shows such a degree of weakness that it is conceivable an economic collapse of the country could precede any attempt at revolutionary overthrow or any other moderate constitutional reformulation. The origins of this recent weakening of the economy are debatable but the increasing cost of maintaining the apartheid structure should not be discounted as perhaps the most important contributor. Influx control, separate amenities, resettlement, homeland administration, governmental overbureaucratization, three parliamentary bodies and attendant offices—amongst the latter being one for a racial group which constitutes only 2,8 per cent of the population—industrial decentralization, disproportionate military and police costs, etc—all these command a price which may account for the economic malaise which became evident in 1984.

South Africa is also very reliant on foreign economic ties in the form of trade, technology, labour influx, gold sales, and investments. In this regard, the proper question is perhaps not what will be the effects of disinvestment on South Africa's economy but what damage has already been done by the investments which have shied away from South Africa in the last twenty years. 350 American companies employing one per cent of the labour force is hardly the maximum carrying capacity of South Africa's economic potential to absorb such investments. In an ideal solution reflecting everyone's political satisfaction, the potential for economic reconstruction, growth, stabilization, regional integration, and foreign investment from the OECD, could be so encouraging as to suggest that a serious calculation of this greater geographic and political perspective of the South African problem should be undertaken. Treating the problem in only its Black/White dimension will remain an insufficient response and will only facilitate the extension of Africa's economic plight besetting the rest of this continent, to the entire southern African region.

Notes

1. "Sanctions: Real threat or myth?" *Leadership SA*, vol. 2, no. 1, 1983.
2. Arnt Spandau has subjected the policy of apartheid to scrutiny in order to determine its cost in economic terms. A fifty per cent effective boycott (as of 1976) would result in a 13 per cent decline in personal income and a tripling of unemployment in South Africa. *Economic Boycott Against South Africa*, Kensyn, SA, Jutta and Company, Ltd., 1979.
3. *Sunday Tribune* (Durban), 19 August 1984.
4. Theo Malan, "South African and economic sanctions". *Africa Insight*, vol. 11, no. 1, 1981. This figure is expanded in the estimate by J. de L. Sorour who notes that between 60 and 70 per cent of South Africa's gross national product stems from trade and investment. "Director General's Report", *South Africa Foundation News*, April 1984.
5. See Rolf Hasse, "Boycotts and Embargoes as a Tool of Politics". *South Africa Forum*, Position Paper, vol. 7, no. 4, 1984.
6. Deputy Minister of Foreign Affairs D.J. Louis Nel revealed that all but four African

nations trade with South Africa with the four exceptions being insignificant. *SA Digest*, 31 August 1984.

7. Four commodities, gold, diamonds, coal and platinum comprise nearly 70 per cent of South Africa's exports. "The Rex Column" *Sunday Times*, 12 June 1983.
8. Adapted from data originated by Commissioner of Customs and Excise. Institute of Race Relations, *Survey of Race Relations in South Africa 1983*, Johannesburg, 1984, p. 116.
9. James Barber, Jesmond Blumenfeld and Christopher R. Hill, *The West and South Africa*. London: Routledge and Kegan Paul, 1982, p. 53.
10. *Survey of Race Relations*, op. cit., pp. 108-115.
11. *The South African Economy*. Cape Town: Oxford University Press, 1981, p. 85.
12. James Barber, et. al., op. cit., pp. 57-59.
13. Robert M. Godsell, "Investing in Apartheid or Investing in Reforms", *Indicator, South Africa: Industrial Monitor*, vol. 1, no. 2, 1983.
14. See the balanced presentation in *South Africa: Time Running Out, The Report of a Study Commission on US Policy Toward South Africa*, Foreign Policy Study Foundation, Inc. Berkeley: University of California Press, 1981, pp. 133-146.
15. Quoted by David Hauck of the Washington-based Investor Responsibility Research Center, in *The Star* (Johannesburg), 17 August 1983.
16. Elizabeth Schmidt, "Marching to Pretoria: Reagan's South Africa Policy on the Move". *TransAfrica Forum*, vol. 2, no. 2, 1983.
17. Reported in *The Star*, 25 August 1983.
18. Barry Streek, "The Disinvestment Campaign", *Natal Mercury*, 21 November 1984.
19. See the discussion of this by Richard E. Bissell, *South Africa and the United States*, New York: Praeger, 1982, chapter 4.
20. "Sub-Sahara Africa: Its Role in Critical Mineral Needs of the Western World". US House of Representatives, 96th Congress, second session, Subcommittee on Mines and Mining, July 1980.
21. "Building a Constituency Against Apartheid: *Africa Report* (US) May-June 1984.
22. *Natal Mercury*, 13 December 1984.
23. *Sunday Times*, 13 November 1983.
24. *The Star* (Johannesburg), 2 January 1985.
25. States Information Center, The Council of State Governments, *CSG Backgrounder*, Lexington, Kentucky, June 1984.
26. Reported in "USA. A Survey", supplement to *Financial Mail*, 7 October 1983.
27. *Financial Mail*, 17 August 1984.
28. See John Chettle, "The View from Washington", *South Africa International*, vol. 14, no. 4, April 1984.
29. *The United States and South Africa: Realities and Red Herrings*. Center for Strategic and International Studies, Georgetown University, Washington, DC, 1984.
30. James Barber, et. al., op. cit., p. 51.
31. Cited by Allen C. Brownfeld, "The Voices We Never Hear", *Fiat Lux*, March 1984.
32. Quoted from a speech in Sweden in the *Sowetan*, 24 April 1984.
33. Quoted in *The disinvestment in South Africa campaign in America*. Sandton: Southern African Editorial Service, (Pty) Ltd., 1979.
34. Reported in *Natal Mercury*, 9 January 1985.
35. From a speech in Durban, 28 September 1983. Reprinted as "Investment in South Africa", *South Africa International*, vol. 14, no. 4, April 1984.
36. *Natal Mercury*, 11 January 1985.
37. *Black Worker Attitudes: Political Options, Capitalism and Investment in South Africa*. Durban: Indicator Project. University of Natal, 1984.

38. Karl P. Magyar, "The disinvestment survey: a matter mainly of economics—not morality", *Natal Mercury*, 2 October 1984.
39. Bissell, op. cit., p. 86. See also Bernard Simon, "Looking at the Codes", *Leadership SA*, "Human Resources, 1984-85".
40. See Reinald Hofmeyr, "The Sullivan Principles (and other codes), are they relevant?" *Leadership SA*, vol. 1, no. 1.
41. The American Chamber of Commerce in South Africa reported that by 1983, 147 of the 350 American companies had endorsed the code. However, these companies employ 71 per cent of the workforce of American companies in South Africa. *US Business Involvement in South Africa*, Johannesburg, 1984.
42. Reverend Leon H. Sullivan, "The Sullivan Principles and Change in South Africa", *Africa Report (USA)* May-June 1984.
43. Bernard Simon, "Looking at the Codes", op. cit.
44. A.B. Lumby estimates that South Africa must achieve a 7 to 8 per cent economic growth rate in order to merely absorb new job seekers. "Sanctions: the real threat", *Financial Mail*, 25 January 1985.
45. The increased pressures of the Sullivan Code have been characterized as "low-grade blackmail". *The Star*, 17 September 1984.
46. I discussed this question of morality vs. power in an article "US investments do help blacks in South Africa". *The Star*, 17 August 1983.
47. I have dealt with the structural details of such a system in an article "Confederal Integration: An economic base for a new dispensation", *Africa Insight*, vol. 14, no. 1, 1984.

The following report on South Africa's involvement in Antarctica, prepared by the Department of Foreign Affairs for the Secretary-General to the United Nations, is followed by an Appendix containing the wording of the (1959) Antarctic Treaty itself, to which South Africa was one of the twelve original signatories. With increasing interest being focused both domestically and internationally on the Treaty and also on the concomitant and comprehensive body of legislation known as the Law of the Sea, the SAIIA intends to publish further material relating to both these topics in subsequent issues of the "Bulletin".

Introductory Report on South Africa and The Antarctic Treaty System to The Secretary-General of the United Nations

I. Introduction

1. On 15 December 1983, a resolution (38/77) entitled "Question of Antarctica" was adopted by the General Assembly. The resolution requests the Secretary-General to prepare a comprehensive, factual and objective study on all aspects of Antarctica, taking fully into account the Antarctic Treaty system and other relevant factors. It requests those States conducting scientific research in the region, among others, to lend the Secretary-General whatever assistance he may request for the purpose of carrying out the study.
2. As a founding member of the Antarctic Treaty and as one of the countries conducting scientific research in Antarctica referred to in the above-mentioned resolution, South Africa is able to contribute substantially and significantly to the Secretary-General's study.
3. This initial response takes the form of an introductory report of a general nature on South Africa's perception of Antarctica and the Antarctic Treaty system. It includes reference to the historical background in general, and specifically, South African interest in Antarctica, the development of the Antarctic Treaty system, the functioning of the system, scientific research and the benefits of the Antarctic Treaty.

4. A more comprehensive report, which is at present being prepared, will be submitted to the Secretary-General at a later date. It will contain scientific and technical information relevant to South African involvement in Antarctica.

II. Background

5. The Antarctic continent covers an area of ± 14 million square kilometres and is approximately 12 times the size of the Republic of South Africa. The continent lies almost completely within the Antarctic circle ($66^{\circ}33'S$), and 98 per cent of its surface is covered by a thick layer of ice, averaging 2 000 metres and at times exceeding 4 000 metres. Antarctica is the highest, coldest, driest and windiest continent of the world. These factors combine to limit human activity there.

6. Scientific research is the predominant human activity in Antarctica. The scientific and exploratory efforts of the first half of the twentieth century culminated in the International Geophysical Year (IGY), held in 1957-1958, which focused world attention on scientific research on the frozen continent. The IGY marked the beginning of South African scientific research in Antarctica. South African meteorologist, J.J. la Grange, participated in the Commonwealth Trans-Antarctic Expedition led by Sir Vivian Fuchs, which formed part of the IGY. South African meteorologists working on some of the sub-Antarctic islands also contributed to the IGY. La Grange was the first South African to reach the South Pole. The IGY was promoted, planned and co-ordinated by the International Council of Scientific Unions (ICSU) which, after the IGY, created the Scientific Committee on Antarctic Research (SCAR).

III. The Antarctic Treaty

7. After the Second World War, the United States of America took the lead in attempts to determine the legal status of Antarctica as scientific interest in the continent grew and, in view of the increasing strain in East/West relations and of the conflicting territorial claims of the United Kingdom of Great Britain and Northern Ireland, Chile and Argentina. The United States worked on the premise of international control of Antarctica, rather than individual national sovereignty. Their initiatives in 1948 did not find a positive response among all the interested nations because the claimant States refused to relinquish their sovereignty. Furthermore, in 1950, the Union of Soviet Socialist Republics indicated that no decisions on Antarctica could be taken without its participation.

8. The increased activity caused by the IGY clearly demonstrated the need for some form of international control in Antarctica. The position of the claimant countries required clarification as did the relationship between non-claimant and claimant States.

9. In May 1958, the United States delivered a note to the Governments of Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union and the United Kingdom, in which it suggested a treaty to solve the problems of Antarctica. Apart from describing the situation as "characterized by diverse legal, political and administrative concepts, which render friendly co-operation difficult in the absence of an understanding among the countries involved", the note emphasized the need for co-ordinated scientific research in Antarctica. The note was addressed to countries which had participated in Antarctic activities during the IGY.

10. The United States initiative led to a series of meetings between June 1958 and October 1959, and on 1 December 1959 the Antarctic Treaty was signed in Washington by the 12 countries mentioned above. The Treaty entered into force on 23 June 1961 after all the signatory States had ratified it. It was hailed as a unique triumph; for the first time, the two superpowers had worked together to declare an area of the world as a zone of peace.

11. The preamble to the Antarctic Treaty emphasizes its main objective by recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord. Based on the conviction that the establishment of a firm foundation for the continuation and development of co-operation on the basis of freedom of scientific investigation accords with the interest of science and the progress of mankind, the Treaty establishes the following principles:

(a) Antarctica may be used for peaceful purposes only and all military activities, including weapons testing, are prohibited. Military equipment and personnel may, however, be used in support of scientific activities. Furthermore, nuclear explosions and the disposal of nuclear waste are forbidden in the Treaty area;

(b) Freedom of scientific research and co-operation is assured and scientific programme plans, personnel and results shall be freely exchanged;

(c) The Treaty does not recognize, dispute or establish territorial claims and no new claims or enlargement of existing claims shall be asserted while the Treaty remains in force;

(d) Observers from Treaty States may freely inspect all stations, installations and equipment in Antarctica, and advance notice must be given of all activities and the introduction of military personnel. All observers and personnel fall under the jurisdiction of their own Governments;

(e) Representatives of Treaty States shall meet periodically to exchange information and to adopt recommendations in furtherance of the principles and objectives of the Treaty. These objectives include the preservation and conservation of living resources;

(f) Any State that is a member of the United Nations or is invited by all the

other Treaty States may accede to the Antarctic Treaty. The meetings of the Antarctic Treaty are open to Consultative Parties, i.e., those States conducting substantial scientific research in Antarctica;

(g) Thirty years after the entry into force of the Treaty, any Consultative Party may request a conference to review the operation of the Treaty.

12. Probably the most significant feature of the Treaty is the fact that Antarctica is reserved as an international zone of peace. The demilitarization of the area by the prohibition of any activities of a military nature has succeeded and there is no evidence to suggest that these provisions of the Treaty have in any way been ignored. The system of inspection provides a satisfactory guarantee that military activity will not pass unnoticed.

13. Not only does the Treaty effectively demilitarize and denuclearize Antarctica, but it has also frozen the whole sovereignty claims issue and the inter-state friction arising therefrom, a major and significant achievement which has served to replace the sovereignty problems which threatened to erupt in the years after the Second World War with a peaceful political regime which has existed for 23 years. It has created a framework for international co-operation which has not been achieved in many other areas.

14. The foregoing demonstrates the uniqueness of the Antarctic Treaty and provides a key to understanding the achievements and success of the Treaty and its system which has evolved since its inception in 1959. South Africa recognizes this success and shares the view that the Treaty provides a model of international co-operation which has not been paralleled.

15. South Africa is an active Consultative Party and fills its role in the Antarctic Treaty system with a commitment and enthusiasm welcomed by the other Consultative Parties.

16. As one of the littoral States, South Africa appreciates the political stability in Antarctica effected by the Treaty. The conservation of the Antarctic environment and its ecosystems is of cardinal importance to South Africa whose own ecosystems are influenced by the Antarctic environment. *Scientific research conducted in Antarctica is of benefit to South Africa as it is to the other littoral States of the southern hemisphere and indeed to the entire world.*

17. Results of these investigations are analysed and utilized by scientists internationally, and the relationships of Antarctica's physical character, life and phenomena in relation to the rest of the world are providing a continuous source of significant information for the understanding of the natural sciences of our planet. Meteorological information is fed daily into the meteorological data networks of the world and contributes to the understanding of global weather patterns. The Treaty has succeeded in its aim of conducting scientific research in Antarctica for the benefit of all mankind.

18. The Antarctic Treaty provides for accession by all States. Apart from the original 12 signatories, 13 countries have acceded to the Treaty, namely:

Czechoslovakia, Denmark, German Democratic Republic, Netherlands, Romania, Bulgaria, Italy, Peru, Uruguay, Papua New Guinea, Spain, People's Republic of China and Sweden. Since 1961, four other countries have acquired consultative status by undertaking substantial scientific research in Antarctica. They are Poland (1977), Federal Republic of Germany (1981), Brazil (1983) and India (1983). There are indications that a number of other countries are considering accession to the Treaty and that certain Contracting Parties are intensifying their research activities in order to qualify for consultative status.

19. Since it has been argued that only limited information is available on the Treaty and the activities of the Consultative Parties, that the proceedings at consultative meetings are confidential and that the non-consultative Contracting Parties have no role to play in the Treaty, the Consultative Parties have decided to open the doors for more meaningful participation by the Contracting Parties.

20. The latter are now invited to attend consultative meetings of the Antarctic Treaty and, although (in accordance with the provisions of the Treaty) they do not take part in the final decision-making, they have the right of full participation up to that stage, i.e., to speak, to submit documents and discussion papers and to attend working group meetings. It would also appear that a decision on participation by the Contracting Parties in special consultative meetings (e.g., the present special meeting on Antarctic minerals) will be taken in the near future. As participants in the consultative meetings, Contracting Parties have not only gained access to further information on the activities of the Consultative Parties, but are also in a position to contribute to these activities and to further the aims and objectives of the Treaty.

21. These developments show that the Treaty is a dynamic political instrument which can be adapted to changing circumstances as well as to accommodate the interests of others and the world community in general. The Consultative Parties have also agreed to wide-ranging distribution of information on the Antarctic Treaty, such as scientific investigation results and measures adopted by the Consultative Parties in furthering the aims of the Treaty. This includes, for example, a report to be submitted to the United Nations on all future consultative meetings. Treaty parties are in all respects willing to share their knowledge and experience on Antarctica with the outside world.

22. The South African Government is of the opinion that the Treaty should remain in force indefinitely and that it provides a means of accommodating the interest of those concerned with the conservation of Antarctica as a zone of peace and an area of international co-operation. Other States should feel encouraged to join so that they too may share in its success by contributing to the achievement of its aims and objectives. Recent accessions to the Treaty

have proved that many countries share these objectives and aims and are willing to recognize the validity and relevance of the Treaty.

IV. The Antarctic Treaty System

23. Antarctica has never had a permanent population. It is only since the IGY, when the necessary equipment and technology became available, that scientists have faced the extremely bad weather and darkness of the Antarctic winter on a regular basis. At present, there are 39 bases occupied at all times, with between 400 and 600 persons on the continent during the winters.

24. With the coming into force of the Treaty, a form of management for Antarctica, i.e., by meetings of representatives of Consultative Parties, was for the first time brought into being. The meetings are held biennially in the capitals of Consultative Parties. All matters falling within the ambit of the Antarctic Treaty are discussed and recommendations are adopted for reference to and acceptance by governments. All recommendations and other decisions of consultative meetings are adopted by consensus.

25. The Treaty provides that recommendations only become legally binding once they have been approved by all member governments. The consensus procedure effectively gives every Consultative Party the right of veto and this has led to a sense of tolerance and compromise which makes the accommodation of all viewpoints and continued co-operation a reality. By meeting regularly to discuss and adopt recommendations, the Consultative Parties keep the Treaty under review.

26. The Treaty does not provide for a permanent secretariat, and it is the task of the host country of the preceding and following consultative meetings to provide guidance and secretarial services between meetings.

27. Since its inception, the Antarctic Treaty System has developed a distinct conservationist character. Although the Treaty itself refers only briefly thereto, the Consultative Parties at an early stage realized the importance of the protection of the fragile and unique Antarctic environment and a host of recommendations have been adopted on, for example, conservation of flora and fauna, man's impact on the environment, specially protected areas, sites of special scientific interest, guidelines for tourists and private expeditions, the disposal of radioactive waste, etc. In 1972 a Convention for the Conservation of Antarctic Seals was adopted. This Convention was established in advance of possible renewed seal exploitation. It came into force in 1978 and, apart from prohibiting the taking of Ross, Southern Elephant and Southern Fur seals and setting quotas for Crabeater, Leopard and Weddell seals, it provides for an inspection system if and when commercial sealing should be resumed.

28. Special consultative meetings have taken place since 1978 to give attention to specific matters. The conservation of marine living resources was dealt with by a special meeting and resulted in the establishment of the

Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) in 1981. A series of meetings is being held at present where Antarctic mineral resources are the topic of discussion.

29. The Consultative Parties concluded the Agreed Measures for the Conservation of Antarctic Fauna and Flora in 1964. These measures include, *inter alia*, the prohibition of the killing of any native mammal or bird, alleviation of pollution, establishment of specially protected areas and the prohibition of the introduction of non-indigenous species in Antarctica.

30. Although both the above-mentioned two Conventions exist in their own right, the Antarctic Treaty, its recommendations, the two Conventions and the Agreed Measures are informally referred to as the Antarctic Treaty System.

31. In the light of developments since the adoption of the Antarctic Treaty in 1959, as well as the interrelated provisions of the Treaty, CCAMLR, the Convention on Seals and the Agreed Measures adopted under the Treaty, any attempt to re-negotiate the Treaty or to extend or limit its provisions, would be an impossible task.

V. Other Related Scientific Bodies

32. Consultative meetings are not concerned with purely scientific matters. They rely to a large extent for scientific advice on the Scientific Committee on Antarctic Research (SCAR). SCAR was created in 1958 (after the IGY) by ICSU, in order to co-ordinate scientific research and activity in Antarctica and the sub-Antarctic islands and sea areas. SCAR is the only formally constituted international body concerned with the promotion of collaborative scientific research in the region. Its advice has formed the basis for the effective and extensive measures for the conservation and protection of the Antarctic environment adopted by the Treaty Governments.

33. SCAR has permanent working groups in various disciplines, i.e., biology, geodesy and cartography, geology, glaciology, human biology and medicine, logistics, meteorology, oceanography, solid earth geophysics and upper atmosphere physics.

34. Contact between SCAR member countries is maintained by national committees, which, in the case of South Africa, is the South African Scientific Committee for Antarctic Research (SASCAR) of the Council of Scientific and Industrial Research (CSIR). SASCAR is chaired by a deputy-president of the CSIR and includes representatives of departments and institutions with an active interest in Antarctic research and activities. South Africa is represented on eight of the SCAR working groups and on certain of the groups of specialists and sub-groups. A South African scientist, J.P. de Wit, of the CSIR, is at present one of the two vice-presidents of SCAR.

35. Other scientific organizations and committees which have an interest in Antarctica are the Scientific Committee for Oceanic Research (SCOR), the

International Whaling Commission, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and the Fisheries Department of the Food and Agriculture Organization of the United Nations.

VI. Marine Living Resources

36. When the Antarctic Treaty was drafted, it concentrated primarily on peace in the area and on scientific co-operation. The Consultative Parties soon realized, however, that the seas of the Treaty area contained significant marine resources and that urgent attention was needed for the protection and conservation of these resources. It was feared that the unregulated fishing of krill, which occupies a key position in the Antarctic food chain might endanger the entire marine ecosystem.

37. The importance of the conservation of marine living resources was formally recognized at the 1975 Antarctic Treaty Consultative Meeting, at Oslo, and the parties began negotiations in this regard in the form of a special Consultative Meeting. This special meeting ended at Canberra in 1981 when the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) was signed. The Convention applies to all species of living organisms in the area to the south of the Antarctic Convergence (including the South African sub-Antarctic islands Marion and Prince Edward). It requires that harvesting and exploitation be conducted in accordance with the "principles of conservation". It strongly favours the ecosystem approach which represents a new trend in fish stocks management, as other fisheries agreements have concentrated on single fish species.

38. The Convention entered into force in May 1982 and provided for a commission which is based in Hobart, Australia. The function of the Commission for the Conservation of Antarctic Marine Living Resources is primarily to co-ordinate scientific research and to collect data needed to ensure the scientifically sound and reliable management and exploitation of Antarctic marine living resources. The protection of krill, in spite of its abundance, is seen as the primary goal of the CCAMLR member States. While South Africa does not exploit krill at the present time, it does conduct research on the economic application of the resource. Research on krill is a major component of the investigations by SCAR's Biological Investigation of Marine Antarctic Systems and Stocks (BIOMASS) programme, in which South Africa plays an important part.

39. Accession is open to any State interested in research or harvesting activities in relation to the marine living resources to which CCAMLR applies.

VII. Mineral Resources

40. In 1973, at the Seventh Antarctic Treaty Consultative Meeting held at Wellington, New Zealand, the Consultative Parties adopted a

recommendation in which the question of mineral exploitation and the effect thereof on the Antarctic environment was recognized as a subject which required the attention of the Consultative Parties. Against the background of the increased interest in the mineral resources of Antarctica, especially after the advent of the oil crises, the Consultative Parties turned their attention to the question of Antarctic minerals as soon as the negotiations for CCAMLR were concluded. The objective was to formulate a set of rules and regulations to determine whether mineral resource activities will be acceptable from an environmental point of view and, if found acceptable, to regulate and control such activities. Such a set of rules would therefore need to ensure the protection of the Antarctic Treaty and be acceptable to both claimant and non-claimant States.

41. In 1981 the Consultative Parties adopted a recommendation at the Eleventh Antarctic Treaty Consultative Meeting, held at Buenos Aires, which paved the way for a special meeting to be convened in order to address the issue and to elaborate a régime for the regulation of mineral exploitation in Antarctica. The recommendation recorded the agreement of Consultative Parties that the Antarctic Treaty be maintained in its entirety, that the protection of the unique Antarctic environment and of its dependent ecosystems should be a basic consideration, and that the régime should allow for environmental impact assessment and the determination of whether mineral resources exploitation activities will be acceptable. Other important provisions of the recommendation include the fact that *all* activities, i.e., exploration, development and production should be covered, and the important aspect of negotiating a satisfactory régime acceptable to both the claimant and non-claimants should be achieved.

42. Another important aspect of the recommendation was that a régime should be open in the sense that it should include provisions for adherence by States other than the Consultative Parties, providing that they are bound by the provisions of the Antarctic Treaty. In dealing with the question of mineral resources, the Consultative Parties should not prejudice the interests of all mankind in Antarctica.

43. It is clear, therefore, that the Consultative Parties, while accepting the fact that the exploitation of minerals in Antarctica might become a reality in the future, are very much concerned that any such exploitation should take place in an orderly and regulated way and that the protection of the environment should be one of the basic considerations in the elaboration of a régime. That the Consultative Parties are aware and appreciate the interest of the rest of the world in the issue is illustrated clearly by the inclusion of a reference to the non-prejudice of the interests of all mankind and the provision for adherence by States other than Consultative Parties.

44. The Special Consultative Meeting (on mineral resources) met for the first time at Wellington, New Zealand, in June 1982, and subsequently at Wellington (January 1983), Bonn (June 1983), Washington (January 1984),

and further meetings are scheduled at Tokyo and Rio de Janeiro. It is clear that the Consultative Parties do not have an easy task, but with the protection of the environment as the basic consideration, progress is being made and there is much hope that the negotiations will come to a timely and satisfactory conclusion in an instrument which will satisfy the interests of the Consultative Parties, the rest of the world and above all those of the Antarctic continent. South Africa is firmly committed to the achievement of this goal, is taking an active part in the negotiations and will continue to do so in the spirit of co-operation which has so far existed.

45. It is common cause that mineral resources exist in Antarctica and its continental shelf. Scientific research has indicated the possible existence of deposits of hydro-carbons, iron ore, coal, copper, nickel, chrome, gold, cobalt, silver, zinc, platinum, tin, uranium, etc. Whether the exploitation of these resources will ever be economically viable and practically possible has yet to be proved, but this underlines the need and urgency for a régime to regulate such activities to be concluded before any such exploitation takes place. The Consultative Parties, in the mean time, follow a policy of voluntary restraint and only geo-scientific research of a strictly scientific nature is allowed at this stage.

46. Antarctica contains approximately 90 per cent of the world's fresh water in the form of ice. This has become a topic of discussion at consultative meetings and a number of feasibility studies have been undertaken to investigate it as a source of freshwater supplies for arid regions.

VIII. Scientific Research

47. Scientific research in Antarctica intensified greatly after the IGY and is conducted chiefly in the 10 main fields of science, as co-ordinated by the previously-mentioned SCAR working groups. As Antarctica is relatively untouched by human activity, it can be described as a natural laboratory. The exploratory work of earlier years has been largely concluded and more attention is now paid to continued international programmes for the study of natural phenomena which are easier to study in Antarctica than elsewhere. The results are freely exchanged.

48. Research is conducted at established bases, as well as from research vessels, and is organized by national programmes or on an international co-operative basis. Scientists are exchanged for participation in national expeditions and results are analysed collectively and published in scientific publications or at international conferences and symposia. Aspects of Antarctica such as the nature of the continent and the adjacent oceans, its high latitude and the fact that it formed part of the earlier Gondwana super-continent, its remoteness and its ecosystems have global relevance which cannot be studied elsewhere.

IX. South Africa's Role in Antarctica

A. General

49. When the Commonwealth countries of the southern hemisphere were encouraged by the United Kingdom to claim areas in Antarctica, South Africa, as opposed to New Zealand and Australia, declined to do so. As claims of the southern hemisphere states are based on the sector principle and geographic proximity, South Africa could have applied this principle, but has not claimed a part of the continent.

50. South African Antarctic research began in earnest during the IGY of 1957-1958 with the already mentioned participation by South African scientists. When Norway advised in 1959 that it would be vacating its station in Queen Maud Land (Norway Station) established for the IGY at the end of that year, the South African Weather Bureau requested that it be taken over by South Africa. This was done and the first South African Antarctic expedition came into being in 1960. Initially, meteorological observations were the main South African activity in Antarctica. With the passage of time, however, other disciplines began to play a greater role and the base developed from a weather station into a scientific research station of wider scope. The original base (Norway Station) was in due course replaced by a South African-built base named SANAE (from South African National Antarctic Expedition). The present SANAE Base, built in 1978-1979, is the third station, replacement having taken place approximately every eight years. All these bases, including Norway Station, have been situated on the Fimbul Ice Shelf off Queen Maud Land. The present base is situated at position 70°18'S and 02°24'W.

51. Scientific research is co-ordinated by SASCAR and takes place at SANAE and at a geological field base (in summer) at Grunehogna, inland from SANAE, on the supply and research vessel *SA Agulhas*, and at Gough Island (British) and Marion Island.

52. The Department of Transport is responsible for the administrative control and logistic support of South Africa's Antarctic activities. Administration of the scientific programme is handled by the CSIR, while the Department of Foreign Affairs is concerned with Treaty matters. Responsibility for CCAMLR lies jointly with the Department of Environment Affairs (Marine Development Branch) and the Department of Foreign Affairs, while the Department of Mineral and Energy Affairs is involved with the negotiations on a mineral resource régime. Support is also given by the Department of Community Development (the provision and building of bases) and the South African Air Force (helicopter crews).

53. As a Consultative Party, South Africa maintains active and continued participation in Treaty affairs; the achievements of South African scientists in

Antarctica are recognized internationally. South African scientists undertake research equal in scientific merit to that of any country involved in the Antarctic and are involved in the management and planning of the global Antarctic effort. South Africans have in many cases played leading roles.

B. South Africa's scientific research in Antarctica

54. The present-day South African Antarctic Research Programme encompasses not only the activities at SANAE, but also those at the Prince Edward Islands (where the base is situated on Marion Island, the larger of the two-island group) and Gough Island. South African activities at these islands in fact predate those at SANAE, with stations having been established on Marion Island in 1948 and on Gough Island in 1956. The current research programme comprises studies in four broad groups of disciplines— atmospheric sciences, biological sciences, earth sciences and, as from 1982, ocean sciences.

1. Atmospheric sciences

55. Originally, atmospheric sciences comprised only meteorological observations at SANAE, Marion and Gough. This continues today, using modern equipment to gather data and to transmit them regularly each day to the South African Weather Bureau, where the data are used to assist with forecasting of the type television viewers are familiar with. They also have a wider and more specialized application, for example, special forecasts are provided for shipping, aviation, agricultural and industrial purposes. Of the three stations under consideration here, Gough is the most important followed by Marion and SANAE in order of priority with respect to the forecasting service.

56. Great use is today being made of satellite-tracked drifting weather buoys. The concept was pioneered during the last 10 years, with the CSIR and the Weather Bureau taking the lead in 1974 with the first full-scale feasibility study. Today buoys are regularly deployed in the south Atlantic Ocean, southwest of Gough, and use is also made of an automatic weather station deployed on Tristan da Cunha (British). These transmit data which are received by the Weather Bureau. The network of automatic weather stations and drifting buoys is likely to become a permanent feature of the future, enabling provision of the increasingly more accurate forecasts being demanded in South Africa and the southern African sub-continent. These more sophisticated services required locally and in the global context are critically dependent on an adequate distribution of data points worldwide. Until these initiatives were taken, the area to the south of the African continent was notoriously empty of such data points.

57. Soon after the establishment of SANAE, a small group of physicists in South Africa, with interests in upper atmospheric and geo-magnetic

phenomena related to solar activity, began to use this base as an observatory. Today this programme of solar terrestrial physics research has developed into a scientifically and technologically sophisticated research programme of international repute. The effort now comprises ionospheric, magnetospheric, cosmic ray, geo-magnetic, airglow and auroral investigations. Many leader contributions to the global understanding of how the Earth's atmosphere and magnetic field are influenced by solar radiation have been made by the scientists involved.

58. Since the early 1970s, studies were extended from SANAÉ to now include similar but less intensive investigations conducted at Marion Island and also from aboard the *SA Agulhas*. Interest includes a strong focus on the south Atlantic anomaly region, lying approximately between 30–50° S and 0–50° W, where the magnetic field of the Earth is weaker than anywhere else. A special multi-national research cruise by the *SA Agulhas* into this area, which included research groups in the Republic of South Africa, United States of America, France, Brazil, the Federal Republic of Germany and Argentina took place in June–July 1983.

59. Since Antarctica exerts strong influences on weather in the southern hemisphere, work on the relationships between upper and lower atmosphere in and over Antarctica is as appropriate to southern Africa as similar work conducted from the sub-continent itself.

2. *Biological sciences*

60. The biological sciences component is and has been focused largely on Marion and Prince Edward Islands. It developed from a series of biological/geological expeditions to these islands in 1965–1966, 1971 and 1972.

61. These islands are South African possessions, which lie in the sub-Antarctic region and have voluntarily been included by South Africa in the area of concern to SCAR. They are listed in the SCAR Manual under the heading "SCAR area of interest", which includes the Treaty area plus certain sub-Antarctic islands outside this area. As already mentioned, they have also been included in the area of CCAMLR.

62. The biological research conducted at these islands has two main goals: to obtain an understanding of the terrestrial and local oceanic ecosystems and the inter-relationships between them and to obtain knowledge which will enable rational biological conservation and management of these territories in the spirit of the Antarctic Treaty and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). Since approximately 1978, about half the research effort has been directed to tie in with the international BIOMASS research programme, in the sense that the populations of seals and sea-birds that use these islands as breeding platforms in the summer months and then move off to live pelagically and feed in the

southern ocean during the winter months (non-breeding season) can be monitored only when they are gathered at the islands in summer. If ecological changes in the southern ocean are brought about by the activities of man (e.g., krill fishing pollution, etc.), it is expected that such changes will be reflected by the trends of these "indicator" populations and these can be used to monitor the state of biological health of the southern ocean. South Africa has played and continues to play an important role in this BIOMASS programme.

63. At present, very little is known about the ocean surrounding Prince Edward Island, but a new research effort known as MOES (Marion Offshore Ecological Study) of the region was planned to commence in 1983-1984. From this research effort, information on the nature and abundance of living resources within about 200 kilometres of the islands should start becoming available over the next few years.

3. *Earth sciences*

64. The history of South African earth science research in Antarctica has been both illustrious and intermittent. The first phase of the research programme commenced in 1960 and ended in 1975. Initially (1960-1969), the geologists and surveyors wintered-over at SANAE and proceeded inland to the mountains when the coming of spring made fieldwork possible. Because of the great distances involved and the unpredictable weather to contend with during these first nine years, an average of only 15-20 man-days annually were spent on productive fieldwork each summer. In 1969, a small field base known as Borge Base was established in the Borgamassivet range, some 300 kilometres south of SANAE. In 1971, a second field base at Grunehogna, 200 kilometres south of SANAE, was established. With these bases available, earth scientists were able to winter-over in the field and therefore start their fieldwork earlier the following spring. The amount of time spent conducting useful fieldwork increased to a maximum of 45 days per annum.

65. By 1975, virtually all the exposed rock reasonably accessible from SANAE, Grunehogna and Borge bases by over-snow transport had been geologically studied and mapped. It was therefore decided by SASCAR to halt further work until air support became available. In the mean time, the knowledge gained during this phase was synthesized and has been published.

66. Air support, in the form of two long-range helicopters, became available in 1980 and therefore the second phase of the earth sciences programme was initiated. Far less time was needed now to travel over-snow to the target areas and it therefore became possible for geologists and surveyors to complete much more fieldwork than was previously possible and in much less time. The scientists can now spend the summer season in Antarctica very effectively without the need to winter-over there. In addition to the more efficient use of time, it is also possible for senior geologists, who normally could not consider spending a whole year in the Antarctic, to work

there. The new field base at Grunehogna, constructed in the 1982-1983 summer season, has further improved the efficiency with which time in Antarctica can be utilized for fieldwork.

67. The current research programme comprises activities in three main fields: geology (including geochemistry and geochronology), geodesy/cartography and marine geoscience. There are three diverse geological domains found in western Queen Maud Land and these in general provide opportunities for the study of a wide spectrum of phenomena that have relevance to the broader problems of Antarctic and global geology.

68. Geological activities are aimed primarily at the Ahlmannryggen-Borgamassivet-Kirwanveggen-Jutulstraumen regions in western Queen Maud Land south of SANAE. The purpose of current work is in the main part related to the better understanding of the Africa-Antarctica break-up, as that part of Antarctica (western Queen Maud Land), in which South African earth science research is concentrated, is postulated to have lain adjacent to the east coast of southern Africa prior to the break-up of Gondwanaland. In addition, attention is being focused on the flat-lying platform sediments found in this region, where some of the sequences are thought to be time-equivalents of the Waterberg Group in the Transvaal.

69. Geological investigations at Marion Island have also recently been resumed, with the focus on the island's past and present vulcanology. New lava flows in 1980 have provided unique opportunities to examine the evolution of the island, as well as the activity of the fracture zone upon which Marion and Prince Edward Islands are situated.

70. The geodesy/cartography activity is primarily a support effort, designed to provide accurate base maps for the earth scientists working in western Queen Maud Land and on Marion Island, as well as for navigational purposes.

71. The marine geoscience activity, which is conducted from the SA *Agulhas*, is aimed at studying the evolution of the lithosphere in the oceanic regions south of southern Africa and at understanding the manner in which the Africa and Antarctica plates are being rifted apart with the accretion of new sea floor. It is, therefore, closely related to the land-based geology effort focused on western Queen Maud Land and at Marion Island, both efforts complementing each other in terms of the reconstruction of Gondwanaland.

72. South African Antarctic land and marine earth scientists have made and continue to make major contributions to the global understanding of sea-floor spreading, the break-up of Gondwanaland and the present relationship between Antarctica and Africa.

4. *Ocean science*

73. South African oceanographers have been working in the southern ocean for many years, but due to various factors the work was largely based on "ships-of-opportunity".

74. It was only during the latter half of the 1970s that the increasing awareness of the unexploited living resources of the region (mainly krill) led to a concerted South African effort within the framework of the internationally developed BIOMASS programme.

75. South African scientists have been actively involved in the development of this programme and their participation in it has so far led to the successful completion of the two preparatory BIOMASS research cruises and two operational cruises into the southern ocean.

76. During the preparatory cruises in February–April 1978 with the *SAS Protea* and in February–March 1980 with the *SA Agulhas*, the application of the acoustic techniques used for fish detection was pioneered for use to detect krill. These two cruises, in which scientists from a number of countries participated, were largely instrumental in these techniques being accepted as the major emphasis of the First International BIOMASS Experiment (FIBEX).

77. During FIBEX in March–April 1981, scientists from the Republic of South Africa and the United States of America aboard the *SA Agulhas* participated in a multi-national effort, comprising ships and scientists from the Republic of South Africa, France, Japan and Australia, focusing on the Indian Ocean sector of the southern ocean. Another multinational group of ships and scientists were focusing on the Atlantic sector at the same time, making FIBEX the largest multi-ship (11 ships from 10 nations) experiment in biological oceanography ever undertaken and the largest collaborative undertaking in the Antarctic since the IGY. The primary object of this cruise was to study the distribution and abundance of krill in sectors of the southern ocean using hydro-acoustic and other techniques. In April 1983, the *SA Agulhas* again participated in a BIOMASS exercise in the southern Indian Ocean (SIBEX I).

78. The sub-programme does not, however, comprise biological oceanography alone—physical and chemical oceanography are also included. Routine relief voyages as well as special research cruises by the *SA Agulhas*, such as FIBEX and SIBEX, are used by physical and chemical oceanographers to investigate the physical nature (temperature profiles, currents, tidal patterns) and chemistry (salinity, trace elements, chlorophyll concentrations), both vertically and horizontally, of the southern ocean south of southern Africa.

79. There is also an overlap with weather and climate research, in the sense that the oceanic frontal systems south and south-west of South Africa lie in the path of and influence incoming weather systems generated in Antarctica and over the southern ocean.

C. Administration of research

80. The research programmes are funded by the Department of Transport on the advice of the South African Scientific Committee for Antarctic

Research (SASCAR) of the CSIR. The CSIR, through SASCAR, represents the South African National Antarctic Programme on SCAR. SASCAR has a number of sub-committees which advise it on the allocation of funds to research projects and on the scientific progress being made by ongoing projects. Participation in the research programmes is now confined to particular research groups only. Individuals or groups of scientists at any research organization in South Africa are free to submit appropriate project proposals.

81. Proposals for new and ongoing research projects, along with motivations and budgets, are submitted in June each year to the Foundation for Research Development group of the CSIR. Proposals for new projects are sent out for review by appropriate experts. All proposals received in June are then placed before meetings of the relevant SASCAR sub-committees, which consider whether or not the proposals should be supported. These recommendations are submitted to SASCAR where final decisions are taken. Successful applicants are then notified about the funds they have been awarded for the next financial year. Projects are funded for fixed periods—usually three to four years—provided satisfactory progress is maintained.

82. There are currently 35 projects in South Africa's Antarctic Research Programme and these are conducted from 19 home base centres. Of these, 14 are carried out mainly at or from SANAE, 13 mainly at Marion Island and 8 from the *SA Agulhas*. Five of the 35 have an interest in Gough Island and one is focused on the French possessions of Kerguelen and Amsterdam Islands as well as the Prince Edward Islands. The cost of these in the 1982–1983 financial year was R1 123 000 (or approximately R24 000 per project).

D. *Logistic support*

83. The Department of Transport is responsible for administrative control and logistic support for the Antarctic and sub-Antarctic research expeditions. This includes budgeting for clothing, food supplies, communication equipment, ships-time for relief voyages, financial support of research institutes, etc. Logistic support also includes matters such as the operation of the research vessel *SA Agulhas* and the design, construction and maintenance of all building and power supply requirements of the three bases. Provision is also made for the operation and maintenance of helicopters, over-snow transport facilities and budgeting for salaries of expedition members.

Book Reviews

THE KARP REPORT—An Israeli Government Inquiry Into Settler Violence Against Palestinians On the West Bank (Institute for Palestine Studies, Washington DC 1984).

This is a highly interesting and illuminating report. It arises from the establishment on 29 April 1981, by the Israeli Attorney General Yitzhaq Zamir, of a commission of inquiry to examine the enforcement of law in the territories occupied/liberated (the choice of the adjective will depend upon one's political philosophy) by Israel—that is, the West Bank or Judea and Samaria. The formation of the commission was in response to a letter submitted to the Attorney General's office in July 1980 by fourteen law professors from the University of Tel Aviv and the Hebrew University of Jerusalem. The letter expressed concern about alleged irregularities in law enforcement in the territories and cited numerous cases in which violence allegedly committed by Israeli settlers against the local Arab populace had allegedly not been thoroughly investigated. The letter stated:

"When there is suspicion that an offence was committed, government authorities must investigate the case, take actions to locate the offenders, and prosecute them, with complete disregard for their identity, their nationality, or the motivation behind their actions. In the complex of facts described here there is suspicion that the investigation of the offences committed by settlers in the territories against Arabs was not conducted properly. There is suspicion of discrimination between one offence and another, and between one offender and another. This suspicion calls for thorough examination" (at 2).

On 25 May 1982 the chairman of the commission—Judith Karp, the Israeli Deputy Attorney General—submitted the commission's report (the Karp Report) to the Attorney General and to the Ministers of Justice, Interior, Defence and Police. Twenty months passed, however, before the combined effects of public pressure, media coverage and Knesset requests finally compelled the Israeli Government, in February 1984, initially to publish an edited Hebrew version of the Karp Report and thereafter an edited English version. It might be noted that in the interim Ms Karp, frustrated by the alleged failure of the Israeli Government to act on the commission's findings, resigned from her post as chairman of the commission. As a result, the commission ceased to function and thus failed to meet one of its terms of reference—the drafting of recommendations for determining the means of co-ordinating the various agencies involved in law enforcement in the territories in order to ensure the fair application of law.

The Report is a concise and well-written document consisting of some 49 pages. In addition, it contains a rebuttal memorandum (4 pages) addressed by the Commander of the Israel police criminal investigation branch to the

Commissioner of Israel Police in which the Commander analyses the status and functioning of the Israeli police in the territories administered by Israel.

The Report claims that while the commission did not investigate "to the full" some 70 alleged occurrences of unlawful behaviour, "random checks yielded 15 files in which the [commission] thought that [the] investigation was either poor or contained substantive defects" (at 11). Wisely, the commission cautioned that its findings should be read subject to the qualifications (a) that the methods and quality of the investigation of alleged unlawful acts in the administered territories may be subject to reliable ethical evaluation only by comparing the investigating authorities' operations in the rest of Israel (a comparison which was beyond the commission's ability) and (b) by noting that the quality of the investigating authorities operations cannot be evaluated without taking into account common constraints such as manpower shortages, the "level" of the investigators, orders of priority, language difficulties and a hostile Arab population.

However, even taking these reservations into account, the Report concludes "with reasonable certainty" that the commission's findings point to a situation "which can neither be justified nor accounted for only by general constraints, and which clearly reveals special background characteristics, and a seriously problematic situation which stems from those characteristics" (at 12).

The Report then proceeds to analyse the activities of the Israeli investigating authorities in thirteen different cases. This makes for compelling, disquieting and, at the same time, questioning reading. It is disquieting because if the thirteen different cases analysed represent a true and accurate picture of the Israeli investigating authorities' activities in the territories then there is no doubt that there is much room for improvement in these activities. The overall impression gained is one of complacency and an apparent reluctance on the part of the Israeli police and military authorities to pursue vigorously the perpetrators of acts of violence committed against the local Arab population in the territories.

On the other hand, the objective reader will question the commission's generalities and findings especially in the light of the commission's own statement that "[a] feeling of lack of thoroughness in its work accompanied the [commission] throughout" (at 47). This is so, as there is obviously more than some merit in the rebuttal statement of the Israeli police authorities that "[t]here is no mention of the prodigious activity, the substantial efforts that were invested, or all the investigations that did yield positive results and resulted in the trial and punishment of the offenders" (at 52).

There are three useful appendices to the Report. They are (1) the Geneva Convention Relative to the Protection of Civilian Persons in times of War, 12 August 1949, (2) the British Mandate Government's Defence (Emergency) Regulations 1945 which Israel has adopted for the administration of the

territories and (3) the United Nations Universal Declaration of Human Rights 1948.

Probably the most important fact to arise from the Karp Report is its very existence. It says much for the independence and integrity of the Israeli judicial and legal system as well as for the robust nature of the Israeli democracy for the Deputy Attorney General for the State of Israel to present a report so highly critical of the activities of the various Israeli authorities in the administered territories.

In the end, the activities of the Israeli authorities in the territories administered by Israel will be justified or condemned by the view that each individual holds of the morality of the very fact of its administration of these territories. From the Arab point of view the administration of the territories is simply an unwelcome occupation by a foreign power. From the Israeli point of view its administration of the territory is probably as humane as is possible bearing in mind Israel's security needs and the hostility of the Arab populace.

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The Antarctic Treaty*

The Governments of Argentina, Australia, Belgium, Chile, The French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

Article I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons.
2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

Article II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

Article III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the

* 12 UST 794, TIAS No. 4780, 402 UNTS 71. State Parties: Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, Czechoslovakia, Denmark, France, German Democratic Rep. (with declaration), Japan, Netherlands (including Netherlands Antilles), New Zealand, Norway, Poland, Romania (with a statement); South Africa, Union of Soviet Socialist Rep., United Kingdom, United States.

Contracting Parties agree that, to the greatest extent feasible and practicable:

- (a) information regarding plans for scientific programmes in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;
 - (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;
 - (c) scientific observations and results from Antarctica shall be exchanged and made freely available.
2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

Article IV

1. Nothing contained in the present Treaty shall be interpreted as:
 - (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
 - (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
 - (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.
2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

Article V

1. Any nuclear explosions in Antarctica and the disposal there of radiocative waste material shall be prohibited.
2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

Article VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty

shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

Article VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

- (a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;
- (b) all stations in Antarctica occupied by its nationals; and
- (c) any military personnel or equipment intended to be introduced by it into Antarctica

subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

Article VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel

Text supplied by the South African Department of Foreign Affairs.

exchanged under subparagraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1(e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

Article IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

- (a) use of Antarctica for peaceful purposes only;
- (b) *facilitation of scientific research in Antarctica;*
- (c) *facilitation of international scientific cooperation in Antarctica;*
- (d) *facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;*
- (e) *questions relating to the exercise of jurisdiction in Antarctica;*
- (f) *preservation and conservation of living resources in Antarctica.*

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the dispatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

Article X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

Article XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be

communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for the States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

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