

Sanctioning South Africa: Obstacles and Prospects

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Apartheid in South Africa constitutes the object of dispute between the Pretoria-based minority government of Pieter Botha and the majority black South Africans. President Ronald Reagan himself, who does not favour sanctions against South Africa, admitted that "the system of apartheid means deliberate, systematic institutionalized, racial discrimination, denying the Black majority their God-given rights".

The foundation of the denial of these God-given rights can be traced to the year 1659 when the leader of the first Dutch settlement, Mr. Jan Van Riebeeck, who had come to Cape Town earlier in 1652, planted "a wild almond hedge as a boundary beyond which no hottentot was supposed to go". This policy of 'apartheid' or 'separateness' continued one way or the other until it was coined 'apartheid' in 1944 and later well-defined for all racial groups on April 20, 1948 by Dr. Daniel F. Malan, the leader of the National Party, during a campaign speech. According to Dr. Malan, apartheid is based on separation and trusteeship. In other words, a dependent autonomy of the Non-whites within South Africa.

As a matter of fact, when legislative elections came up on May 26, 1948 the United Party, opposition party mainly made up of the British, lost. Although the opposition members did accept the necessity for segregation, they still rejected the abrogation of the existing rights of non-white peoples. Even with only a slim majority of 10 in the parliament, the Nationalists immediately started to put apartheid into practice: On August 16, 1948 first class coaches on railroad trains were reserved for whites. The blacks kicked against it. This was how apartheid became the focus of increased hatred by the Black South Africans.

The Blacks were decided to fight tooth and nail until their 'God-given' rights are restored and respected. The determination of the Blacks to even employ the use of force in the face of the no-care attitude of the Pretorian Government is seen by the World Community as capable of seriously threatening world peace and security, particularly in the sub-region. But all efforts made so far by the World Community to bring about peaceful settlement have failed. The Pretorian government itself has never been prepared to change its position, to the extent that South Africa ceased to be member of the Commonwealth as far back as 1961 and to the extent that the World Community has to embark on series of sanctions against Pretoria. These sanctions have had little or no impact on the government. Why? Why has it been possible for a single country to hold more than 100 countries into ransome for so long a time?

One main reason that one can deduce from the attitude of the sanctioners is that they do not sincerely 'sanction', nor do they intend to do so sincerely in the future. Besides, there is no unanimity of purpose nor co-ordination of the measures taken. Again, the type of sanctions taken cannot bring about the desired results, why is there no consensus of purpose? Why couldn't there be international co-ordination of the sanctions? Can sanction, with this type of situation, be used as a means to effect a change of policy in South Africa? The answers to these questions constitute the concern of this article.

The first obstacle to an effective sanction against South Africa is the ambiguity of the notion of 'sanction' itself. The ambiguity does not allow someone to precisely criticise anyone for not doing the job well. If a country, A, sanctions the policy of another country, B, this may be interpreted to mean an approval of (positive sense) or disapproval of (negative sense) B's policy. In other words, if the World Community 'sanctions' South Africa's apartheid policy, are the sanctions or measures taken meant to help consolidate the policy or are they adopted as a positive measure so as to bring about a change of policy? When, for example, sanction signifies "disapproval of", its purpose is often to make the sanctionee feel the effect of one wrongful or unacceptable act the sanctioned might have committed. In this case, sanction means a sort of punishment or a means of redress. The problem here is that the usefulness of a sanction, as a punitive measure, depends on the capability of the sanctioner in effecting a compliance. This also depends on the type of sanction. Sanction can take any form: boycott; embargo; recall of diplomats; down-grading of diplomatic missions; any political, economic, cultural or military act embarked upon so as to produce effects which the sanctionee does not want. In short, a sanction can be defined as any act, attitude, or measure adopted towards making the sanctionee acknowledge or comply with certain reality. Therefore, the nature of sanction is such that one cannot easily condemn a particular measure taken by a sanctioner, since a sanction is a sanction, even though it may be categorized into weak, strong, effective, ineffective, etc. It is worthy of note that the United Nations itself only provided for sanctions against the violation of its charter without specifying a particular type. In this case, the authorized sanctioning arm of the organisation has been left with the responsibility of determining the type of sanctions to be taken when issues arise. What should be emphasized here is that when states are requested to take some specific measures, they often take to sanctions that are convenient to them and which, they are quite sure of, will not help attain the objective. This situation takes us to the second problem which is the non-preparedness to sincerely adopt meaningful sanctions. The example of the United States will suffice here.

The attitude of the United States toward apartheid can be explained by her objective in Southern Africa - that is, continuity of exclusive western (notably American) influence. The U.S. official presence in South Africa dates back to 1799 when an American consulate was opened in Cape Town. Since then and until the general period of Africa's independence, the Western World led by the United States used to have unrivalled influence in Southern Africa. With the hard-won independence of some countries like Angola and Mozambique, the United States sees, through these countries, a sort of Soviet threat in the sub region. Because the United States wants to reassert her influence in the region, she favours the extinction of apartheid and independence of Namibia but only through "constructive engagement" which "seeks to establish a relationship with South Africa that will permit effective communication between us and thereby enhance our ability to influence its policies".

Bearing this consideration in mind, the United States has never been prepared to adopt sanctions that are likely to enhance more threats to the stability of Southern Africa. She strongly believes that any form of national violence there may bring in the Soviets. Hence she has taken to the adoption of partial measures which are not designed to directly affect the root of the apartheid system. It should be mentioned here that there had been embargo on arms sales since 1962 but it was only in 1977 that the United States joined the World Community in imposing a mandatory arms embargo on Pretoria. Although she also restricted exports that could be meant for the South African law enforcement agents in February 1978 and similarly supported an embargo on imports of South African arms and ammunitions which was voted by the UN Security Council in December 1984, the non-preparedness of the United States to adopt effective sanctions was made very explicit in 1985.

Following the signing of the Executive Order on Economic Sanctions Against South Africa in September 1985, President Ronald Reagan made a clear-cut distinction between sanctions or "actions that are designed to register our (United States) view against apartheid, as distinct from actions designed to have

an effect by depriving people in South Africa of economic livelihood, particularly Blacks, of course". The President further said: "Our aim cannot be to punish South Africa with economic sanctions that would injure the very people we are trying to help. I believe we must help all those who peacefully oppose apartheid, and we must recognise that the opponents of apartheid, using terrorism and violence, will bring not freedom and salvation, but greater suffering and more opportunities for expanded Soviet influence within South Africa and in the entire region',".

From this policy statement, it can be seen that there are two types of sanctions in the mind of the President, using objective as the criterion. The first type, is basic, and has the purpose of 'hurting' the economy of South Africa so as to enable an immediate and effective change of policy. The second one is made up of weaker measures or what one can describe as peripheral sanctions and has the objective of allowing the Pretorian government to continue to exist, hoping that it will one day see more clearly the need to give Black South Africans their 'God-given' rights. By so doing, the time for change is postponed while the suffering and oppression of the Blacks are implicitly allowed to continue. In short, America's position is in favour of peaceful change and dialogue. The position of the common Market countries is not at all different.

A third obstacle is the contradiction in the attitude of the World Community and the attitude of the government of South Africa. The world body prescribes sanctions which are non-violent while the Pretorian government always respond violently. There is incompatibility here; violence and Dialogue are two different things. This contradiction can also be seen in the attitudes of some regional organizations. As a matter of fact; while it could be said that the Europeans have a common approach to the Southern African problems, - No, to violence-, the same cannot be said of Africans that are mostly concerned. That Pretoria does not want any negotiations or compromise can be proved by the recent report of the Commonwealth EPG.

The Commonwealth set up a small group of eminent commonwealth persons known as the Eminent People's Group (EPG) during the October 1985 Nassau Summit in Bahamas. The EPG, made up of seven members and cochairmaned by Australia's former Prime Minister, Mr. Malcolm Fraser and Nigeria's former Head of State, General Olusegun Obasanjo, in accordance with the Commonwealth Accord on Southern Africa, was to "initiate, in the context of a suspension of violence on all sides, a process of dialogue across lines of colour, politics and religion, with a view to establishing a non-racial and representative government" and should leave nothing undone that might contribute to peaceful change ... ". Accordingly, the EPG, after six months of meetings, exchange of ideas and enquiries in South Africa, concluded in its official report, that at present the South African government is 'not ready to and has no intention of negotiating in good faith. Its concept of negotiating is not one that can meet the escalating problems of South Africa. The EPG's report further said that Pretoria is "not yet prepared to negotiate fundamental change, nor to countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the foreseeable future", In fact, the EPG said it "reached this conclusion on the basis of the government's own communications and discussions with it", The question one should ask here is this: how do we expect sanctions, uncoordinated and weak for that matter, to have serious effects on a very determined government which is not prepared to listen and which employs brutality in its government? Sir Geoffrey Howe's recent tour of Southern Africa on behalf of the European Community is also relevant here. Pieter Botha told the world, during this visit, that the world should "leave South Africa to the South Africans" alone and that in the case of sanctions, he would "have no alternative but to preserve the national interest", Put differently, the continuity of Pretoria's obnoxious policy has not been in the interest of South Africa alone. Perhaps one should ask here: to whose interest again? Without doubt, it has been in the interest of the Westerners. This may be the main reason why the Westerners tend to support weak sanctions, and attitude which only encourages Pieter Botha's intransigence and the perpetuation of apartheid. Nothing could be clearer, challenging and insulting than

what the Foreign Minister's (Pik Botha) said in an address to the National Party in July 1986: "The sooner sanctions come the better - we will show the world that we will not be made soft" (Vide the wall street Journal of Friday, July 25, 1986). In other words, there is nothing the World can do.

Africans themselves haven't the wherewithal to sanction. Nonetheless, nothing prevents them from having a common stand beyond collectively and verbally condemning apartheid. As far back as 1963, President Modibo Keita of Mali proposed an African Army of Volunteers for this purpose. Other heads of States preferred moderation or dialogue, to the extent that from 1963 to 1968, the OAU did not go beyond rhetorics. Even with the Lusaka manifesto in 1969, military option was to be at its last resort, that is, after negotiations have failed. Again, 1969 was the year the OAU declared as the International year of fight against racism and racial discrimination. Now in 1986, that is, eighteen years after, and which is the International year of Peace, racism and racial discrimination have been intensified, institutionalised the more and have made nonsense of the idea of sanction. In fact, the world is moving fastly away from peace. This then raises the prospects of sanctions in the future.

Before examining the prospects, there will be need to briefly analyse the types of sanctions taken so far.

On the level of the UN, the General Assembly first called on members to sever all trade links with South Africa in 1962. A year after, the security Council called for an immediate end to the sale and shipment of all strategic equipments to South Africa: Arms, ammunitions, vehicles etc. All these resolutions were to no avail especially that many countries like Britain and France, which abstained from voting the August 1963 UN Security Council Resolution, defied it and went ahead to collaborate with Pretoria. With the continuation of this type of situation, the UN kept adopting series of sanctions to no avail; for example, in the light of the deepening crisis in South Africa in 1985, the Security Council called on all UN members to take the following sanctions against South Africa. Thus:

Suspension of all new investments,

- prohibition of the sale of krugerrands and all other coins
- minted in South Africa,
- restrictions on Sporting and Cultural relations,
- suspension of guaranteed export loans,
- prohibition of all sales of computer equipments that
- may be used by Pretoria's Army or Police.

These measures have loopholes and implicit assumptions.

The most interesting of it all is that the Security Council resolution was adopted by 13 members favouring it, no one was against but 2 members abstained from the Vote: United States and United Kingdom. This means that when others take sanctionary measures, they will not do so, hence room for manoeuvre and failure.

Secondly, the sanctions adopted are retardatory, nonviolent measures which cannot, in the immediate, lead to the dismantling of the apartheid system. For example, the suspension of new investments, guaranteed export loans or the prohibition of new nuclear contracts and sale of computer components and equipment to South Africa etc are measures designed only to *prevent* future co-operation with South Africa. These measures have little impact on what exists already in the country. Explained otherwise, if Nigeria's foreign creditors refuse to give her new credit facilities, does it mean that Nigeria will never or will not, by its own efforts, be able to devise alternative measures of survival, especially when the determination is there? Of what serious effect can the restrictions on sporting or cultural relations be on

the economy of South Africa? The European Community similarly adopted some restrictive measures during the ministerial meeting of September 10, 1985: For example, recall of military attaches, refusal to grant accreditation to South Africa's military attaches discouragement of cultural and Scientific agreements that may enhance apartheid. Let us ask again: When two countries, A and B, have no diplomatic missions, how do they enter into relations with each other? The answer is well known: they operate through intermediaries. In like manner, the refusal of accreditation in this case, can only "make the diplomatic assignments difficult, but cannot prevent its taking place. If future agreements are discouraged, what happens to the existing ones? One should mention here that France had, in the past, initially preferred to respect her trade agreement with Pretoria before taking to UN's sanctions. After having helped Pretoria in building nuclear reactor and to a stage where Pretoria can stand alone on its feet, France now buys the idea of 'sanctions'. This is one of the problems of sanction which again raises another: when should it be taken?

Another issue is that the world community designed the sanctions against the government of Pretoria. In other words, the destinee is the white minority government. But when states do take and execute their measures, they often place the oppressed Blacks in their minds. The 'code of Conduct' for employers of Black Workers or the so called Leon Sullivan Principles formulated in 1977 is a good example. If the standard of living of the Blacks has improved or, if workers Unionism has developed, it is only helping the Pretoria government because this is what a good government should have normally done. As to the idea that a strong workers Union can help destabilise the government, it is a myth. It is only possible when the government is not ruthless and discriminately oppressive. The future of sanctions as a means of effecting a change is therefore seriously in doubt.

It is well known that the UN Security Council sanctions Committee created in 1968 and that of the Commonwealth have no meaningful powers nor the means to oblige any recalcitrant country to comply. It is also apparent that many countries are only being forced to take sanctions. In the light of this, as long as the members of the World Community refuse to take basic measures which will be directly aimed at hurting Pretoria's economy, apartheid will continue to exist and sanctions will not be more than rhetorics. Strong sanctions cannot be said to have failed since they have not really been taken. The example of President Reagan, who refuses to take strong sanctions to avoid hurting South Africans, illustrates the implication well. The Israeli Prime Minister, had been quoted as saying that Israel has no reason to change relations with South Africa nor does she foresee any imposition of sanctions. Sanctions, weak or strong cannot succeed if some take them and others refuse to do so. In other words, sanction can be a good means of bringing Pretoria to its knees on the condition that it ceases to be voluntary. Although sanctions have helped in limiting the extent of oppressions, they have to be mandatory, comprehensive and taken at the same time and for the same length of period, in order to be useful as a means of not just punishing but also of dismantling apartheid. All the sanctioners should adopt the same basic measures and aim at the government. It is on this condition that sanction can succeed. All these conditions again depend on the will of all members of the World Community.

On a concluding note, since it is this 'will' that has been lacking especially as from 1948, the only alternative left is the intensification of guerilla warfare and other non-peaceful means of settlement in South Africa.

The main merits of these are many. It will help in reducing the level of South Africa's eventual hostilities toward the Frontline states, since they will not be seen as part of the sanctioners. More so that the Botswana President, Mr. Quet Masire, admitted that "we have no capacity to apply sanctions nor to stop those who want to. We leave the whole question to those who have the wherewithal". Secondly; the Blacks will not be the only losers. When there is general uprising and insecurity, Western economic interests will similarly be affected. Like Professors Gabriel Olusanya and Adekunle Ajala, once

contended, the Blacks would not suffer more than what they have already experienced. Finally, the situation after the violence will oblige the Blacks in general to learn how to develop and make progress from what they might have destroyed.