



SOUTH AFRICA : COMMENTARY ON THE DRAFT EUROPEAN STATEMENT OF PRINCIPLES

I. The idea of a European declaration of principles was a Dutch initiative which they first launched during the British Presidency. We were initially able to marshal a high degree of scepticism among the Twelve as to the feasibility of the exercise. But the Dutch have since pursued it with great tenacity.

II. When they circulated their first draft in February, the Dutch commented that they had in mind a "balanced and responsible EPC statement [to be] of assistance in the search for common ground between the various parties involved ... to help convince the white population that there [was] a middle way between a transfer of power to the black majority and their present policies." The Dutch draft was subsequently watered down by deletion, at the insistence of other partners, of some of the more obviously "consociational" ideas; but the final result remains unexpectedly balanced - suggesting that while there are considerable differences among the Twelve on sanctions there is nevertheless a degree of common ground on the central constitutional and political issues in South Africa.

III. One benefit of a declaration along the lines envisaged by the Dutch, therefore, is that it might set a sensible and constructive base for the Twelve's future policy. The text acknowledges the legitimate concerns of both sides - although by definition it cannot be wholly satisfactory to either. It avoids the twin traps of accepting either extreme black demands such as "one man one vote in a unitary state" or the SAG's group-based approach. It nevertheless includes a number of specific references to the need for realistic safeguards for the whites.

TEXTUAL COMMENTARY

IV. The following is a sentence-by-sentence analysis of the draft as it now stands:



Preambular Paragraphs

V. Paragraph 1

"Apartheid is unacceptable. It endangers stability both in South Africa itself and in the region as a whole. Its prolongation will only weaken the forces of moderation and diminish the prospects for a peaceful solution."

Comment: Statement of problem: the unacceptability of apartheid and its consequences for national and regional stability. A new element in public statements by the Twelve; moderately worded and uncontroversial in substance.

"The Twelve have repeatedly condemned apartheid in all its forms and continue to seek its abolition through a process of peaceful change".

Comment: Some slight amendment may be required. The Twelve have not in fact repeatedly "condemned apartheid in all its forms" in formal declarations. They have called for its "complete abolition as a whole" (Luxembourg: September 1985), and its "total abolition" (The Hague: June 1986). Standard language used by British Ministers is to say that we "totally condemn apartheid". The sentence introduces an early reference to the importance of peaceful change.

"There is an urgent need to break the present cycle of violence in South Africa and replace it by a process of national dialogue and negotiations."

Comment: A call for an end to violence is essential for the document's credibility with South African Government/whites. Rejection of violence on all sides (UK has been associated with the term cycle of violence in Commonwealth language) and calls for dialogue and negotiation are tenets of the Twelve's common policy. But in the past some Partners had balked at criticism of the use of violence by those who oppose apartheid.



"The Twelve are convinced that the vision of a new South Africa, free from racial discrimination, in which all South Africans can live in peace and harmony and enjoy equal rights and equal opportunities, is not beyond grasp."

Comment:

- i) the vision of a future South Africa provided the rationale for a declaration of principles;
- ii) "free from racial discrimination": the elimination of racial discrimination in South Africa is an uncontestable aim of the Twelve;
- iii) "equal rights": Ten stated at Luxembourg in September 1985 that "all South Africans should enjoy equal rights";
- iv) the words "all South Africans can live together in peace and harmony" are meant to offer reassurance to the whites.

"This would also be of vital importance to peace, stability, security and economic development in the region as a whole and would allow South Africa to regain its rightful place in the international community."

Comment: Important to set the South Africa problem in its regional and international context. Welcome to the FLS; gives the Twelve a locus standi; offers whites the incentive of an eventual return to international acceptability.

VI Paragraph 2

"The Twelve have identified in the past what steps they consider necessary for genuine national dialogue to begin. They remain convinced that only broad-based negotiations, involving the genuine representatives of the various components of the South African population, can bring about a lasting settlement."

Comment: Reiteration of the Twelve's position on the mechanisms



for starting dialogue: reference to (but no spelling out of) the steps which the Twelve have called upon the SAG to take in order to create a climate for dialogue. Some or all of these have been listed in all common statements since the 1986 Hague Communiqué: lifting of State of Emergency and removal of security forces from the townships; unconditional release of Nelson Mandela and all political prisoners; unbanning of ANC, PAC and other political parties.

VII Paragraph 3

11 "The aim of the negotiations should be the emergence of a free, democratic, non-racial and united South Africa which takes into account the diversity of its society."

Comment:

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- a) Formulation points towards principles of a new South African society but avoids setting a constitutional blueprint. Leaves ground for interpretation and compromise. Does not imply support for "one man one vote in a unitary state";
- b) Hague Communiqué: "national dialogue with the authentic leaders of the black populations is essential to halt a further escalation of violence and allow negotiations leading to a truly democratic and non-racial South Africa";
- c) "United" not the same as "unitary". It is designed to reassure blacks that we do not support the SAG policy of "bantustanisation";
- d) UK associated with stronger wording in Commonwealth at New Delhi and Nassau: "only the eradication of apartheid and the establishment of majority rule on the basis of free and fair exercise of universal suffrage by all the people in a united and non-fragmented South Africa".



e) P W Botha in a speech on 30 September 1985: "My Party and I are firmly committed to the principle of a united South Africa, one citizenship and a universal franchise within structures chosen by South Africans;

f) Dakar Communiqué of ANC and IDASA Afrikaner moderates: 12 July 1987: "building of a united, democratic and non-racial South Africa."

g) Clear reassurance to whites in the words "which takes into account the diversity of its society".

"The legitimate political aspirations of the majority must be met. At the same time arrangements should be devised to ensure that every South African is able to look at the future with confidence and a feeling that he will have a say in decisions which affect him."

Comment: Intended to steer the debate on future political structures towards compromise. Legitimate political aspiration of the majority acknowledged but not defined: again, therefore, not an endorsement of "one man one vote in a unitary state", or "majority rule" (Delhi/Nassau). "Arrangements": hints at the need for political safeguards for whites, without endorsing the SAG concept of group rights, which is unacceptable to blacks or moderate whites.

VIII The Six Principles

The principles are prefaced with a clear statement that the Twelve are not setting blue prints:

"It is up to the South Africans themselves to define - together - the exact shape of new constitutional arrangements, but the Twelve consider that the following basic principles have general validity:"



(1) "The inherent dignity and equality of all human persons before the law."

Comment: A concept fundamental to human rights as embodied in relevant UN documents. Article 7 of the Universal Declaration of Human Rights: "all are equal before the law".

(2) "Respect for and protection of human rights and fundamental freedoms set out in the basic documents of the United Nations, including the freedom of expression, the right to liberty and security of persons and the right of property for all, without distinction as to colour, race, sex or creed."

Comment: Self-explanatory. One of the fundamental objections to apartheid is the abuse of commonly acknowledged human rights which it entails. Right for the Twelve to call for basic rights to be granted to all South Africans in a post-apartheid system. The reference to the right of property for all is a reassuring element for whites (and one which P W Botha has called on western leaders to subscribe to).

(3) "A geographically united South Africa with single citizenship."

Comment:

a) Geographically united is consistent with wording we have used before in the Commonwealth, designed to signal opposition to "bantustanisation".

b) Single citizenship is a concept we have long espoused. It does not imply any particular political or constitutional structure.

c) P W Botha in a speech on 31 January 1986: "We accept one citizenship for all South Africans, implying equal treatment and opportunities".



(4) "A democratic and pluralistic political system based on universal suffrage, with adequate minority participation."

Comment:

a) again deliberately intended to leave scope for interpretation and compromise;

b) pluralistic is designed to reassure whites: excludes one party rule;

c) similarly, protection of minority interests is specifically acknowledged in the words "adequate minority participation".

d) universal suffrage was used at Delhi and Nassau; does not imply a "unitary state". The minimum acceptable formula from the black viewpoint: but the phrase does not necessarily mean that each vote will mathematically translate into the same measure of political influence; "one citizenship and a universal franchise" (PW Botha: 30 September 1985).

(5) "Protection of minority rights in the fields of culture, language and religion."

Comment: A further important signal of reassurance to whites, and a new departure in common language of the Twelve. Intended in particular to meet white fears about the future of education. Does not extend to cover minority political rights, which would be seen on the black side as unacceptably near to a declaration of support for the SAG's group-based approach to political reform.

(6) "Rule of law, safeguarded by an independent judiciary."

Comment: Self-explanatory. Preservation of an independent judiciary an essential constitutional safeguard for any future political structure in South Africa. P W Botha has called on western leaders to endorse this principle.

IX Conclusion

"The Twelve consider the above principles to be closely inter-related and mutually supportive."

Comment : self-explanatory.

X Peroration

"The Twelve express that the hope the above principles can be a source of inspiration for a just and lasting settlement. In this spirit the Twelve remain ready to assist the parties in initiating the national dialogue which is so urgently needed in South Africa to achieve peaceful change."

Comment: Self-explanatory.

Southern African Department
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