

THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY

Review Meeting

Armed Groups: Approaches to Influencing Their Behaviour

Geneva, 24 August 1999

HOLDING ARMED OPPOSITION GROUPS ACCOUNTABLE

A COMPARATIVE STUDY OF OBSTACLES AND STRATEGIES CASE STUDY: AFRICAN NATIONAL CONGRESS OF SOUTH AFRICA SUMMARY DOCUMENT

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1. The African National Congress engaged in armed opposition to the South African state for thirty years. As a broad-based national liberation movement with bases in a number of different countries in Africa, Europe and elsewhere in the world as well as within South Africa, the ANC was subject to various influences, both philosophical and strategic, from a range of actors. In the course of the armed opposition waged by the ANC, a number of serious human rights violations were committed. At the same time, the ANC made significant strategic and moral decisions based on considerations of human rights. These two points make the South African case of armed opposition a worthwhile object of study, as one of the central concerns of this study is what influences armed opposition movements to make - or fail to make - such decisions.
2. The first section of the paper gives the historical context within which the ANC conducted its armed opposition. It is argued that the ANC had a strong human rights tradition which included the use of strategic non-violence before its banning. It outlines the human rights violations that were committed by the ANC in the course of its armed opposition, both in the course of military operations and in its treatment of suspected spies, dissidents or mutineers. It gives a brief outline of historical events leading up to the suspension of armed struggle in 1990 and the election of a democratic government in South Africa in 1994. It is noted that the ANC government has accounted for past human rights violations, and has attempted to establish a human rights culture in South Africa through a variety of constitutional and other instruments.
3. The second section of the paper deals with humanitarian concerns in the ANC's armed struggle. It outlines the debates within the ANC leading to certain significant commitments to human rights standards, such as the signing of the Geneva Conventions and Protocol 1 of 1977 by the ANC leadership in 1980. It is argued that the significance of the ANC's signing of the Geneva Conventions and Protocols in 1980 should not be underestimated. Although it was to prove

difficult to implement and monitor in practice, the commitment of the leadership to international humanitarian standards was an important guideline against which certain policy decisions and actions could be measured.

4. This section goes on to look at the training of the soldiers of the ANC's armed wing, MK, and the evolution of codes of conduct for ANC and MK members. It argues that there were significant cases where the debates around human rights were 'played out' in practice, such as in the decision not to use anti-personnel mines and the limited use of anti-tank mines; and the debates around the selection of targets for bomb attacks. In the case of landmines, it is argued that the decision to halt the use of mines was strategic rather than moral, and was influenced by an internal assessment of the military effectiveness of the strategy, rather than external pressure. In the case of bomb blasts, the ANC leadership made various attempts to clarify its policy on the avoidance of civilian casualties, and took some action to discipline those responsible when policy was not followed. It is argued that in a context in which these policy guidelines were sometimes unclear, external pressure and negative publicity did play a role in influencing the ANC to urge restraint on its military cadres. In relation to violations of human rights committed by militant youth in the course of the 'Peoples War', it is argued that the ANC leadership was unable to – and not always willing to – assert control over these youth and prevent them from committing abuses. In relation to abuses committed by its own security department against suspected spies or dissidents in exile, it is argued that the ANC put into place certain measures to prevent abuses against its own members, but that these were not always implemented.
5. The third section of the report deals with the relationship of various human rights actors to the ANC. Abuses committed by the ANC in exile, against its own members or suspected enemy agents, were primarily responded to by international human rights actors. Local actors had little knowledge of such events and were largely unable to influence them. Abuses committed by the armed opposition inside South Africa were primarily responded to by local actors, although foreign governments and church organisations sometimes had an influence in this regard as well. The section is thus logically divided into two, reflecting both type of violation and type of actor. The 'local actors' section deals mainly with MK violations and violations committed in the course of the 'Peoples War' inside South Africa. The 'international actors' section deals mainly with the violations committed by MK and the ANC security department in other African countries.
6. The influence of human rights groups on the policies and practices of MK were limited by a number of factors. Some were practical: because MK was primarily situated in remote camps in Angola, inaccessible to most monitoring groups, and because chains of command to MK units inside South Africa were shaky, it was hard for even the ANC leadership to know what was going on and to control decisions on a day-to-day basis within MK. Some were political: as the conflict in South Africa intensified in the 1980s, the society became increasingly polarised. The 'middle ground' was increasingly marginalised. Human rights NGOs, such as the Black Sash and the Human Rights Commission, primarily focussed on abuses of the apartheid security forces; while this was partly out of necessity, having no access to the ANC in exile, it was also partly out of recognition that the state was the primary perpetrator of human rights violations.
7. Although few of the organisations of 'civil society' in South Africa were explicitly human rights organisations, and most did not attempt to directly influence the ANC, the existence of an extensive network of such organisations was a crucial factor in maintaining some 'moral restraint' in an increasingly polarised and militarised society. Given the level of polarization of the society, it is argued that those organisations which had most influence on the actions of the liberation movement were not those which maintained neutrality, but those which gained the trust of the liberation movements and worked with them against apartheid. Thus it is argued with regard to church groups, trade unions and organisations such as the UDF and the ECC, that the existence of such organisations which were aligned to the liberation movement, but which were committed

to non-violence and engaged in extensive debate over the morality of struggle, played a highly significant role in preventing the total militarisation of the liberation struggle.

8. In the late 1980s, more direct contact with the ANC leadership in exile began to occur. Human rights groups and church groups in South Africa initiated a number of meetings and conferences. This type of interaction must have been one of the many pressures which caused the ANC to maintain its policy of restraint. The ANC was held accountable to the South African public in a way that few armed opposition groups have been, and the willingness of the ANC to expose itself to this sort of pressure was important at this stage in allowing a 'political' vision to emerge over a 'military' one. Had the ANC not had to constantly justify or explain these acts to various groups of South Africans, in its attempt to maintain the 'moral high ground' in relation to the South African government, it would have been far easier for the 'militarist' solution to have predominated over the idea of a negotiated settlement.
9. Given the international scope of the ANC's operations, and the fact that it was operating under foreign governments in exile, it is clear that international actors had more influence on the ANC in exile as regards human rights violations that took place under the ANC's control in its international bases.
10. Local actors who were generally sympathetic to the liberation movement had more influence with the ANC in terms of raising debates about human rights and practices in the conduct of the struggle within South Africa.
11. In relation to international actors, it is argued that the ANC pursued a very successful strategy to obtain international legitimacy. Few international human rights actors were critical of the ANC, and few actively pursued strategies to protect victims of the ANC. In general, the organisations which had most direct influence on the ANC were those which were supportive of it (such as international church bodies and governments) rather than those which were strictly neutral and non-partisan (such as the ICRC). However, the ANC acknowledged the legitimacy of international humanitarian law, and of certain international human rights organisations and institutions.
12. Many local actors were clearly not impartial, and their main focus of human rights work was the abuses of the apartheid state and its security forces. It can be argued that they sometimes were blind to, or deliberately ignored, human rights abuses perpetrated by those on the side of the liberation struggle. International organisations which acted on an 'impartial' basis, such as the ICRC and AI, had a slightly uncomfortable relationship with such organisations; while they were recognised by the local actors as doing valuable work for political prisoners and detainees, they were understood as being 'outside of the struggle' and thus not entirely trusted. Other international anti-apartheid actors were sometimes naïve in their unquestioning support for the liberation movement, and their reluctance to believe anything bad of it. This led to the dismissal of any criticism of the liberation movement as 'apartheid propaganda', and a failure in some cases to hold the ANC accountable. This would seem to indicate the importance of respected 'neutral' human rights groups such as AI obtaining accurate information that is made available both inside the country and internationally. Most local and international actors did not have accurate information on what was going on within the ANC in exile.
13. In the conclusion, it is argued that the history of non-violent resistance and of commitment to fundamental rights within the ANC played the most significant role in its adoption of policies of restraint in the conduct of armed opposition. The ANC never saw the liberation struggle as being won solely by military means, but always in combination with other strategies. It is argued that the influences for restraint were primarily the result of tensions and debates that were internal, rather than external, to the liberation movement. There was a deep tension within the 'culture of

struggle' in South Africa which was reflected both within MK and within the broad democratic movement inside South Africa. This tension was reflected inside South Africa by the contrast between the growing militarism and political intolerance of the township youth, and the discourse of rights and democracy which was part of the democratic movement. Within MK, there were extensive debates on the consequences of using particular methods of warfare, and in particular on the issue of civilian casualties.

14. The existence of a range of organisations which used non-violent strategies to oppose the apartheid state, and which engaged with the ANC on issues of strategy and morality, was also significant in limiting the ANC's conduct in war. The growth of a vibrant civil society in South Africa played a significant role in preventing the liberation struggle from becoming an entirely military struggle. The support of Western governments and international organisations and religious bodies for the ANC also resulted in constant pressure on the ANC to uphold the 'moral high ground' and imposed pressure on the ANC to moderate its actions when they involved human rights violations.
15. There was little or no direct pressure on the ANC to conform to international humanitarian law as regards the treatment of its own prisoners, as access to the detention centres was not given to outside bodies. The ANC's contact with various international forums such as the UN and the ICRC, and the debates on humanitarian concerns within such forums, had an indirect restraining influence on the ANC's conduct of war. However, this was in combination with the ANC's own history of non-military forms of struggle and discourse of human rights. It can be argued that human rights actors could have played a greater role in influencing the ANC; the primary restraining influences were internal, rather than external to, the movement.