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Africa Review



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14 September 1984

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*Articles have been coordinated as appropriate with other offices within CIA.
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Articles

Mozambique-South Africa: Prospects for Economic Cooperation []

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Maputo's expectation that its accord with Pretoria will bring significant short-term improvement in the Mozambican economy probably will not be met, in our judgment. Despite the attention given to trade missions and economic agreements, we estimate that Maputo will earn no more than about \$25 million during 1985 in direct economic benefits attributable to detente with Pretoria. Over the longer term, Maputo hopes to recapture the benefits it gained from relations with South Africa before Mozambican independence in 1975, including transit revenues, mining employment, tourism, and the Cahora Bassa hydroelectric project. We believe, however, that even these potentially significant long-term gains will be constrained by the uncertain security situation in Mozambique, the high cost of revitalizing Mozambique's impoverished economy, and Pretoria's misgivings about dealing with Mozambique's Marxist government. []

Trade and Investment

In an effort to encourage new investment from South Africa and the West, Maputo recently announced a comprehensive investment code that provides tax and import duty concessions for foreign investors, according to press and Embassy reports. The law also promises that nationalization will occur only in cases of national security and that there will be just compensation in foreign currency. []

We believe, however, that in the short term the Nkomati accord and the investment code will result in important new South African investment in Mozambique only in the areas of transportation and tourism. Pretoria has told US officials that it lacks the capital to finance the improvements in Mozambique's underdeveloped economic base necessary to support

significantly increased industrial or mining activity. Moreover, there appear to be few potential opportunities for new Mozambican exports to South African markets in view of stiff competition from existing trade partners. []

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Significant secondary benefits, such as increased Mozambican employment or demand for local products, are unlikely. The small size of the Mozambican manufacturing sector and the limited numbers of skilled workers in Mozambique all but guarantee that the bulk of inputs will be imported from South Africa. []

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Transport Accord. Mozambique and South Africa have signed a transport agreement which, if implemented, will gradually restore Maputo as a major port for South Africa's industrial heartland in Transvaal Province. Before Mozambique's independence in 1975, Maputo handled as much as 7 million tons of South African goods per year, third after the South African ports of Durban and Port Elizabeth. According to press reports, three-quarters of the traffic through Maputo was South African, with annual earnings of \$75 million in harbor and rail revenues during the early 1970s. Deteriorating relations with its newly independent Marxist neighbor, however, led Pretoria to expand the Durban port facilities and to modernize the port at Richard's Bay. As a consequence, the tonnage of South African goods shipped through Maputo fell to about 1 million tons in 1983. []

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A representative of a South African business conglomerate recently noted that a major increase in South African use of the port of Maputo would

State of the Mozambican Economy

The Mozambican economy has undergone a catastrophic decline since the country achieved independence in 1975. During this period from 1975 to 1978, real national income fell by roughly one-third, according to our estimates. We believe that real national income, in 1982 judged to be about \$1.5 billion, fell by a further 18 percent during 1983, largely because of Mozambique's pursuit of unrealistic socialist policies, a series of weather-related problems, and diminished economic cooperation with South Africa. [redacted]

Agriculture is the mainstay of the economy, accounting for about 84 percent of the labor force, [redacted] The major export crops are sugar, tea, cashew nuts, and cotton. By 1977, production of cashews, sugar, and cotton had dropped to half of preindependence levels. A decline in world prices for sugar and cashews since 1980 has shriveled export earnings even further and widened the current account gap. The US Embassy reports that in 1982 Mozambican merchandise exports totaled only \$197 million, while its imports amounted to approximately \$641 million. [redacted]

Alternating severe droughts and floods in almost every province in the past three years have resulted in poor harvests, unrest in the countryside, and [redacted]

migration of large numbers of people to urban areas and to neighboring Zimbabwe. Despite food aid in 1983 totaling more than 225,000 tons, all but 35,000 tons of which came from Western donors, press reports indicate that some 1.5 million people are still dependent on famine relief provided by foreign donor countries. Maputo says that nearly 5 million of the country's 13 million people are affected by drought-caused food shortages. [redacted]

Animosity between Maputo and Pretoria deprived Mozambique of its most significant source of foreign earnings and further accelerated the economic decline. Under an agreement reached in 1909 with Portugal, South Africa used the port of Maputo for almost half of the imported goods intended for its industrial heartland in return for the right to recruit miners in southern Mozambique. At independence, about 118,000 Mozambican miners worked in South African mines, and remittances from their salaries, in addition to transit fares and spending by South African tourists, represented more than half of Mozambique's external income. However, according to South African press sources, only 45,000 or so Mozambican miners are now left in South Africa, tourism has virtually ceased, and South African use of Mozambican transportation is greatly reduced. [redacted]

require expensive improvements to make it competitive with South African ports, according to press and Embassy reporting. Under the new transport accord, Pretoria will extend \$6 million in credit to Mozambique to refurbish port and rail facilities. On the basis of press reports of targeted increases in the tonnage of South African goods to be shipped through Maputo, we believe that Mozambique could earn approximately \$10 million in 1985 and \$30 million in 1986 from additional port and rail charges. [redacted]

Tourism. Before independence, South African tourists spent about \$15 million annually in Mozambique, according to press reports. A South African company has now agreed to build a \$40 million luxury hotel on

Mozambique's Inhaca Island and a second hotel on the mainland. According to press reports, company officials estimate that Mozambique could accommodate 10,000 tourists per year in small groups, but that it will be years before South African tourism in Mozambique reaches its preindependence levels. [redacted]

Employment

Mozambique claims to have lost \$2.6 billion since 1978 in South African payments for Mozambican mine workers. In addition to reducing the number of Mozambican miners, South Africa terminated an earlier agreement under which it had paid Maputo in

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gold 60 percent of the wages of Mozambicans working in South African mines, using an official gold price substantially below the world rate. Maputo, in turn, would earn foreign exchange by selling the gold at the world market price and, then, paying the workers their wages in local currency when they returned to Mozambique. [redacted]

The potential for increased employment of Mozambicans in South Africa, however, is limited. Employment in the mining sector is not increasing because of mechanization, and South African employers are reluctant to hire Mozambicans at the expense of already trained workers from South Africa and other countries. High black unemployment in South Africa also will limit opportunities for the employment of Mozambican workers in other sectors. [redacted]

Cahora Bassa

Under the terms of an agreement signed in May by Mozambique, South Africa, and Portugal, Maputo may receive hard currency earnings if it can protect facilities associated with the Cahora Bassa dam, a hydroelectric project in Mozambique that is largely owned by Portugal and, until October 1983, supplied South Africa with electricity. Mozambique could realize earnings of as much as \$9 million annually, if the damaged powerlines can be rapidly repaired, protected from insurgent attacks, and made to work at capacity. [redacted]

Security Considerations

Insurgents of the National Resistance of Mozambique (RENAMO) have generally focused on economic targets in an effort to add to Mozambique's serious economic problems. The guerrillas have disrupted communication and transportation links, sabotaged rail lines, attacked trains, mined roads, and ambushed vehicles. They also have attacked power transmission lines from the Cahora Bassa dam and the pipeline that carries Zimbabwean oil from the Mozambican port of Beira. [redacted]

Mozambican officials, in our judgment, hoped that the insurgent actions would diminish soon after the signing of the nonaggression pact with South Africa. [redacted]

[redacted] both the intensity and impact of the insurgency have increased since the accord. The

number of incidents appears to have increased over previous levels and attacks have focused more on key economic targets, especially in the region around the capital. [redacted]

Insurgent activity already is proving a hindrance to economic cooperation with Pretoria. South African officials say there was a seven-day backlog in August at Komatipoort of goods to be moved by rail to the port at Maputo. They also note that, because of RENAMO sabotage against the Cahora Bassa transmission lines, no power from the dam has reached South Africa since October 1983. Repairs are proceeding at a slow pace, and South African officials indicate that the lines, which extend over 500 miles of Mozambican territory, are extremely vulnerable to further sabotage even if South Africa follows through on its offer of logistic assistance to Mozambican forces guarding them. [redacted]

Continuing high levels of insurgent activity also undermine the prospects for greater economic cooperation by heightening Mozambican suspicions of South African intentions. Although Mozambican officials have been careful, thus far, to avoid accusing the South African Government directly of continuing to provide support for RENAMO, they have alleged that other sectors in South Africa are aiding the insurgents. South African material support had been crucial to the insurgency. [redacted]

Attempts To Negotiate With the Insurgents

Maputo has responded to continued heavy RENAMO activity by attempting to negotiate an end to the insurgency. [redacted]

[redacted] Press reports indicate that several meetings between RENAMO and Mozambican officials may already have taken place, including indirect talks in Pretoria during late August in which South Africa acted as intermediary. [redacted]

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The South Africans have offered to provide economic help to facilitate Maputo's efforts to reintegrate RENAMO members into Mozambican society. Pretoria has said that it would contribute funds to projects in Mozambique that would employ former RENAMO members and that it also would provide some jobs in South Africa for former insurgents. [redacted]

Over the long term, the security situation in Mozambique is almost certain to improve, if South Africa continues to adhere to the terms of the Nkomati accord. We expect the insurgency to break down into disorganized banditry as RENAMO exhausts its stockpiles of South African-supplied arms, but even then we doubt that the government would be able to restore order in the countryside for at least two years. The prospects for ending the deleterious effects of the insurgency on Mozambique's economy, therefore, will depend on Maputo's ability to reach a rapprochement with RENAMO. [redacted]

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Despite this, we believe that any negotiations are likely to be difficult and protracted because the two sides seem far apart. RENAMO, for example, has publicly demanded a constitutional change to end one-party rule, dissolution of the national assembly, a government of national reconciliation, and key positions in the government and the leadership of the armed forces. Furthermore, President Machel will be constrained by radical elements within his regime, and we believe that divisions exist within the RENAMO leadership that will make it difficult to negotiate an agreement or to implement any that may be reached. [redacted]

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Outlook

The prospects for expanded economic cooperation over the long term are potentially significant but probably will be limited by political and security considerations and the expensive improvements necessary to refurbish Mozambique's neglected infrastructure. Heavier use of the Mozambican transport routes could have important economic benefits for both countries, but Pretoria will be reluctant to become overly dependent on its Marxist neighbor. South African tourism could become a source of foreign exchange earnings for Mozambique but will take years to return to earlier levels. Although we expect some new ventures, South African investment in Mozambique probably will be constrained by the lack of attractive investment opportunities in impoverished and violence-ridden Mozambique and by continuing reservations about the regime's Marxist makeup. [redacted]

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Ethiopia: Food Supply Problems

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Drought in northern and southern Ethiopia is aggravating an already tight domestic food situation. International donors have promised substantial quantities of food aid, but severe transportation and security problems sharply limit distribution—especially in the northern provinces. As a result, the country is suffering a food deficit, and tens of thousands are likely to die this year from starvation and related causes. Nonetheless, we do not believe conditions are yet as serious as in the early 1970s, when more than 200,000 people died, although the US Embassy reports that the situation may be approaching that point. We doubt that the Mengistu regime will be seriously threatened by the food crisis because the government apparently has made a concerted effort to ensure that the politically important urban areas do not suffer major shortages.

Background

Until the mid-1950s, Ethiopia was virtually self-sufficient in food supplies. Over the past 30 years, however, recurrent drought, deforestation, heavy soil erosion, primitive farming techniques, inappropriate pricing policies, and, since 1975, the government's collectivization efforts have sharply cut agricultural productivity. As a result, food production has fallen behind population growth, particularly in the past decade, causing food shortages in various parts of the country. Moreover, domestic transportation difficulties, an inefficient marketing system, and inadequate storage facilities frequently have prevented local food deficits from being relieved by surpluses elsewhere.

The shortages have been particularly serious in the northern region. These provinces, which traditionally consume more food than they produce, have been hard hit by drought over the past several years. Moreover, insurgencies in Eritrea, Tigray, and the northern parts of Gondar and Welo have isolated the population and hindered the movement of food to the region from government-controlled areas.

Ethiopia, therefore, has had to rely increasingly on food imports to cover consumption needs. In 1982,

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Addis Ababa imported some 273,000 metric tons of cereals, compared to 118,000 metric tons in 1974. Moreover, we believe all of the food imports were project and relief aid, not commercial purchases.

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The Picture This Year

The Crops. Despite a relatively good harvest in November and December 1983, the country's food situation at the start of this year was precarious. The strongest producing regions of central Ethiopia had a cereal and pulse crop¹ last year of 7.3 million metric tons, according to government estimates, down about 0.4 million metric tons from 1982. IMF estimates, however, are lower, suggesting harvests closer to 6.8 million metric tons. In addition, seed requirements and storage losses probably reduced the grain available for consumption by almost one-fifth. Crops were poor again in the north and in Sidamo to the south.

The situation deteriorated further earlier this year with the failure of the belg—or “small” rains—that normally begin in February. US Embassy reporting indicates that the lack of the early rain caused the midyear crop, normally about 5 to 15 percent of total grain production, to fail.

Impact on Consumption. The government estimates that about 5 million people have been affected this year by drought and “manmade” disasters—in other words, the insurgencies. Although we believe this estimate is overstated, nevertheless, about 4 million

¹ Cereals include teff, barley, wheat, maize, sorghum, millet, and oats. Pulses are horsebeans, chickpeas, haricot beans, field peas, lentils, and vetch.

people—10 to 15 percent of the country's population—face food shortages. The government estimates that about 80 percent of those affected live in the northern provinces—many in insurgent-held areas—and the remainder reside in the south. The situation is complicated by sizable refugee movements both within the country and across international boundaries.

Import Requirements. Translating this picture into an assessment of the shortfall between production and minimal consumption requirements is difficult because figures for harvests, national population, refugee movements, the number of drought-affected people, the amount of food necessary per person, and the size of reserve stocks vary widely. Most calculations of the national import requirements for 1984 have ranged from about 400,000 to 1 million metric tons.² Needs could be substantially higher if the recent census reveals a population much larger than the almost 35 million now generally used in shortfall calculations.³

Food Aid and Distribution

Lacking both large food reserves for emergency relief and the foreign exchange for substantial commercial imports, Addis Ababa has looked to bilateral and multilateral donors for help. Earlier this year, the government requested roughly 450,000 metric tons of emergency aid for April through December—about half the amount it had calculated as necessary to feed drought-affected people. The government had scaled down its appeal because it recognized that it could not distribute more even if it got the full amount. Moreover, in view of its past record of distributing less than 10,000 metric tons a month of food, the government probably is not capable of delivering even the amount requested. Some of the remaining gap, however, probably would be filled by private voluntary agencies.

Transportation probably is the major obstacle impeding distribution efforts. Once food is unloaded at Ethiopia's two ports—Massawa, recently the major receiving point, or Assab—shipment to inland

distribution centers is often delayed. The official agencies responsible for disbursing the food suffer severe shortages of trucks, funds, spare parts, tires, mechanics, and managerial expertise. An inadequate road network also contributes to the transportation morass.

Deteriorating security worsens these problems in the northern provinces. The road from Massawa to Asmara, the central distribution point in Eritrea Province, requires convoys at most times, according to US Embassy reporting, as do many roads out of Asmara. Major arteries in Gondar, Welo, and Tigray often are unsafe also. Moreover, even when convoys do arrive, food distribution frequently is limited to population centers along the main roads.

Near-Term Prospects

We believe deaths from starvation and related causes will accelerate over the next several weeks as domestic food stocks dwindle and government and private voluntary organizations are unable to distribute enough aid. By the end of the year, starvation-related deaths could total in the tens of thousands, somewhat higher than the probable number of such deaths last year.

A good harvest in November and December, however, would ease the situation. National Oceanic and Atmospheric Administration assessments indicate that normal to above-normal rains have fallen since May in the main growing areas of central Ethiopia. This suggests that the harvest in these regions may be fairly good, providing the rains did not disrupt planting activities. Seed shortages and drought, however, continue to plague the northern and southern regions, and some areas have experienced pest infestations. Consequently, Ethiopia almost certainly will need substantial food imports next year even with a good harvest.

Nevertheless, we do not believe the current food problems seriously threaten the Mengistu regime. Most of the affected people live in areas in the north under insurgent control. Food supplies reportedly are tight in the cities, as is usual at this time of year, but

² In comparison, the World Food Program estimated last year that Ethiopia would need over 600,000 metric tons of cereal imports and other food aid in 1983, according to US Embassy reporting.

³ Each 1 million people require about 180,000 metric tons a year of food to maintain subsistence nutrition (500 grams per day).

we do not believe the regime will allow major shortages to develop. Instead, the government probably will draw down stocks specifically reserved for urban consumers at the expense of relief programs in rural areas.

Over the Longer Term

Food production problems are likely to continue for at least several years. Government efforts to collectivize the agricultural sector and the insurgencies in the northern provinces will continue to limit agricultural output. Moreover, severe soil erosion and depletion impair the prospects for a long-term recovery, leaving the country susceptible to short-term food crises whenever drought reoccurs.

Despite some signs of a more flexible approach toward the small farmer, Addis Ababa is not likely to provide enough incentives to increase production substantially. An adequate incentive program probably would require some combination of greatly increased credit to the private farmer, sharply higher producer prices, enlarged access to agricultural inputs, improved technology, or expanded individual holdings—an unlikely approach from the ideologically driven Ethiopian Government already strapped by large military expenses.

Ethiopia, therefore, will continue to need imported food, even in years of favorable weather. Moreover, it probably will not be able to afford commercial imports and will remain dependent on food aid, largely from Western governments, private voluntary organizations, and multilateral institutions.



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**South Africa:
The Conservative Party** [redacted]

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The Conservative Party is the strongest rightwing political party in South Africa. Since its formation in 1982, it has developed a base of support in all four of the country's provinces, and, while it is more popular among Afrikaners, it is gaining support among English-speaking South Africans as well. In 12 byelections during the past two years, the Conservatives have won approximately the same number of popular votes as the ruling National Party. The Conservatives recently entered into an electoral agreement with the ultraright Herstigte Nasionale Party, and plan to contest several byelections this fall as part of a united right wing. While the party at present is not a danger to the Nationalists, a series of byelection victories combined with a severe economic depression or a major foreign policy failure could cause massive defections from the Nationalists to the right. [redacted]

opened in all four provinces, and an effort was made to attract English-speaking voters. Three small parties decided to cast their lots with the Conservatives:

- The National Conservative Party of Dr. Connie Mulder, which had attracted approximately 20,000 votes in the 1981 general election. Mulder, a former National Party official who held a senior cabinet post and—until 1978—the expected successor of Prime Minister B. J. Vorster, was named to the executive committee of the new party.

- Aksies Eie Toekom (Actions Own Future), a small conservative party, that had contested several constituencies unsuccessfully in the 1981 election. Founded in the late 1970s by Afrikaner intellectuals disenchanted with the National Party, its leaders included Bessie Verwoerd, widow of former Prime Minister H. F. Verwoerd.

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The Conservative Party was formed in March 1982, when Dr. Andries Treurnicht, leader of the National Party in the Transvaal and Minister of State Administration, left the party with 15 other members of parliament. Treurnicht and his colleagues rejected any "power sharing" with Coloreds and Indians, arguing that the Nationalists had sold out the white people. A newspaper survey taken immediately after the split found that the new party had the support of 18 percent of the white electorate, as opposed to 43 percent for the National Party and 21.7 percent for the Progressive Federal Party, the official opposition. The same poll showed that in the Transvaal, which as the most populous province has 76 of the 165 seats in parliament, Nationalist support dropped from 63 to 48 percent, while the Conservatives stood at 38 percent. [redacted]

- The South Africa First Party, which represented several thousand English speakers in Natal and the eastern Cape. Although this party had not previously contested national or provincial elections, its union with the Conservative Party provided Treurnicht with a tenuous base outside the Afrikaner community. [redacted]

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The Conservatives were unable in 1982 to forge an alliance with the ultraright Herstigte Nasionale Party,² which received 20 to 25 percent of the Afrikaner vote in the 1981 election. The leaders of the Herstigtters rejected the Conservatives' claim that they had a right to lead the opposition to the Nationalists, and were angered by the desertion of thousands of their members to the new party. One

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² The Herstigte Nasionale Party (reconstituted National Party) was formed in 1969. [redacted]

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Building a New Party

Treurnicht and his chief lieutenants moved quickly to absorb small rightwing movements opposed to the government. Within three months, chapters were

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Andries Treurnicht**Leader of the Conservative Party**

Dr. Andries Treurnicht has been an intellectual leader of conservative Afrikanerdom since the early 1960s. As a Dutch Reformed Church clergyman, newspaper editor, head of the semisecret Broederbond and Cabinet minister, Treurnicht has been an uncompromising advocate of apartheid. [redacted]

Treurnicht, who was born in 1920 in Cape Province, received his education at the University of Cape Town and the Dutch Reformed seminary at Stellenbosch. After serving as a clergyman in Cape Province, Treurnicht was elected head of the Cape provincial synod of the church. In 1960, apparently at the behest of then Prime Minister Verwoerd, Treurnicht acted to stifle opposition in the Dutch Reformed Church to the government's apartheid policy. [redacted]

As an editor of the conservative Hoofstad, Treurnicht became a leader of the right in the National Party. According to Embassy reporting, Treurnicht first encouraged four Nationalist parliamentarians to leave the party and form the Herstigte Nasionale Party, and then refused to join the new organization. As the chief of the Afrikaner Broederbond in the 1970s, Treurnicht purged those "Broeders" who joined the rightwing party. [redacted]

In 1971, Treurnicht entered parliament representing Waterberg, an extremely conservative constituency in the northern Transvaal. As the intellectual leader of the Nationalist right wing and deputy head of the Party in the Transvaal, Treurnicht entered the Cabinet in 1976, and two years later was elected head of the Transvaal caucus of the National Party. [redacted]

In the early 1980s, Treurnicht became Prime Minister Botha's most persistent critic in the Cabinet. While avoiding public confrontations with the Prime Minister, Treurnicht struggled against any reforms in South Africa's racial laws. Because of his opposition to racial reform, Treurnicht was given the name "Dr. No" by the English press. Treurnicht left the National Party in March 1982 following an ill-advised decision to challenge Botha publicly on National Party's policy on constitutional reform. [redacted]

Treurnicht is highly respected in Afrikanerdom. A poll taken in 1983 showed that 40 percent of Afrikaners rated him as a "true Afrikaner." In our opinion, he is the only Afrikaner with the public stature and political experience to lead a united rightwing opposition to Prime Minister Botha. [redacted]

survey showed that Herstigters lost as much as 55 percent of their strength nationwide to the Conservatives in the first month following the formation of the new party. [redacted]

Immediately following the Conservatives' formation, Treurnicht established a program to define the party's opposition to the Nationalists. The party stressed domestic issues, arguing that the Nationalists' policies represented the "thin edge of the wedge"—the first steps toward black majority rule. The program:

- Denounced constitutional reform, arguing that Coloreds and Indians should be given their own "heartland" and not allowed to sit in parliament with whites.
- Called for strict segregation, arguing that racial mixing degraded whites.

- Claimed that the government's agricultural policies had forced farmers to abandon their land. [redacted]

Growing Electoral Strength

The Conservatives' organizational effort showed marked successes, especially in the conservative Transvaal. In 12 byelections countrywide during the past two years, the Conservatives won only 7,000 fewer votes than the Nationalists out of a total of more than 121,000 (see table). In the four byelections contested by all three parties, Conservatives finished first or second to the Nationalists and Herstigters. [redacted]

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**Parliamentary/Provincial Council
Byelections 1982-84^a**

	Entered	Won	Popular Vote	Percent
National Party	12	8	54,903	45.2
Conservative Party	12	4	47,416	39.9
Herstigte Nasionale	4	0	7,695	6.2
New Republic	1	0	2,105	1.6
Progressive Federal	2	0	8,993	7.1
Total			121,112	

^a 1982—Walvis Bay, Stellenbosch, Parys, Germiston (Provincial Council).

1983—Waterberg, Waterkloof, Soutpansberg, Carltonville (Provincial Council).

1984—Soutpansberg, and Soutpansberg, Potgietersrus, Rosettenville (Provincial Council).

In the constitutional referendum last November, approximately one-third of the country's Afrikaners voted against the National Party's proposed constitutional reforms, according to a US Embassy analysis. Following the election, Treurnicht claimed in parliamentary debates with National Party ministers that in a general election the Conservatives would win at least 40 seats. [redacted]

The Conservatives' strength is not limited to a few rural districts. The strong showing in an English working-class suburb of Johannesburg in a byelection in July indicates to US diplomats that the new party has drawing power in urban and English-speaking districts. The recent electoral agreement between the Herstigte Nasionale Party and the Conservatives will further strengthen the right in the byelections scheduled for November. [redacted]

Outlook

The Conservative Party is not an immediate danger to Prime Minister P. W. Botha's National Party. Botha's foreign policies are popular—a recent survey by the Center for Applied Social Science in South Africa showed over 92 percent white approval—and have helped forge a political alliance between Afrikaans and English speakers. Furthermore, Treurnicht's party lacks support to finance a daily newspaper—a major hindrance in a country where the government controls the broadcast media. While many Nationalist members of parliament—between 15 and 20, including two ministers, according to recent press reporting—sympathize with the aims and strategy of the new party, National Party patronage and discipline make it unlikely that they will leave at this time. [redacted]

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The Conservatives do, however, pose a longer term threat to the Nationalists. P. W. Botha is 68, and, following his death or retirement, an alliance between the Conservatives and dissident Nationalists could hold the political balance in the parliament. This scenario could become a distinct possibility should the Prime Minister die or resign during a major domestic crisis or foreign policy setback. [redacted]

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Zimbabwe: Judiciary Under Pressure

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The prospects for an independent judiciary in Zimbabwe are dim. Although court decisions probably will continue to uphold the letter of the law, we anticipate that the executive branch will take advantage of constitutional provisions that allow it to override the court whenever it believes "vital interests" of the country are at stake. Prime Minister Mugabe's government is most likely to interfere only in major political/security cases, but any significant judicial meddling is likely to produce strong reactions from Western critics who view the legal system as the lone protector of civil rights in Zimbabwe.

The 1980 Zimbabwe Constitution drafted in the United Kingdom during the Lancaster House talks gives the executive great power over the judiciary. Civil rights guarantees are strictly qualified and subject to abrogation when, in the government's opinion, the needs of national defense, public safety, order, morality, or health prevail. The executive also enjoys predominance because the judiciary lacks extensive powers of review. Unlike their American counterparts, Zimbabwean courts cannot directly review government actions, but are strictly limited to examining the parliament's procedure. The judiciary thus is not equipped to ensure human rights protections beyond those listed in the Constitution, and even most of these guarantees can be violated at the will of the executive.

Government's Power of Detention

The executive exploits the judiciary's constitutional weakness by enforcing security acts passed by the previous white-ruled Rhodesian Government, according to Embassy and press reporting. The Emergency Powers Act, the most important of these, empowers the police to detain any person if it appears "expedient in the interest of public safety or order." Although the Constitution says the government must obtain a ministerial detention order to jail someone more than seven days and order a review tribunal for those detained more than 30 days, the executive often is lax about complying with these restraints. The

Zimbabwe's Judiciary at a Glance

Zimbabwe's judicial system operates under two different sets of legal principles, one European and one African, that coexist in a single legal framework. On the European side, Zimbabwean common law is based on the Roman-Dutch tradition of South Africa. The British legal system also has had significant influence on the country's judicial forms and practices.

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Despite European legal predominance, customary law—the body of convention and practices regulating the relationships in the African community—continues to be recognized in civil cases when the parties agree that it should be applied. The adherence to customary law remains quite strong in the rural areas of Zimbabwe.

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The courts are organized on three levels. At the lowest level there are three sets of courts: the Village and Community courts deal with civil cases based on African customary law; the Magistrate courts have jurisdiction to hear both civil and criminal cases; and the Regional courts deal with more serious criminal cases.

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The middle level consists of a High Court. It is staffed by 10 puisne (associate) judges and has both original and appellate jurisdiction. The majority of the High Court's caseload is appeals from the Magistrate courts.

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At the highest level is the Supreme Court. This five-member court has jurisdiction over violation of the Declaration of Rights and hears limited appeals from the High Court.

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government increasingly has used the Emergency Powers Act to hold individuals after they have been acquitted by the courts. Such actions are within the powers given the government by the Lancaster House Constitution, but undermine the independence of the judiciary and call into question Zimbabwe's efforts to protect human rights. [redacted]

In addition to detention, Rhodesian-era law allows the government to suspend rights of free expression and assembly and protection from illegal search by proclaiming a public emergency. Declaration of a public emergency enables the government to require that all political meetings and speakers be approved a week in advance. According to press accounts, the act recently was amended to make it illegal to do or say anything likely to undermine the President. [redacted]

In a decision handed down on 17 August, the Supreme Court declared that certain constitutional rights cannot be abridged even by the broad powers of the Emergency Powers Act. These include protections to life and freedom of conscience and prohibitions against slavery, forced labor, torture, and the deprivation of property. The government, however, can thwart these rulings by failing to enforce them. It did this recently when the Supreme Court ordered black squatters removed from a white farmer's land. The government, through an order issued under the Emergency Powers Act by the Minister of Lands and Resettlement, simply instructed the Police Commissioner not to enforce the Supreme Court's decision. The court was powerless to uphold its ruling. [redacted]

Another security act left over from the Rhodesian government, the Unlawful Organizations Act, has yet to be used by the Mugabe government. It permits the President to declare unlawful any group "likely to endanger, disturb, or interfere with defense, public safety, or public order." [redacted]

The government has also threatened the independence of the judiciary by publicly criticizing the courts as a "system inherited from the colonial past which is not in tune with the present government." Former Home Affairs Minister Ushewokunze made several harsh

attacks on the judiciary that went unchallenged by others in the government, leading the court and the international community to believe he was voicing government policy. [redacted]

Even Mugabe on occasion has lashed out at the courts. [redacted] Mugabe was incensed about acquittals of the Thornhill Six, a group of white officers who allegedly plotted the destruction of almost one-half of Zimbabwe's operational aircraft. [redacted]

The following case studies illustrate how the government, by implementation of the Emergency Powers Act, has been able to override the court's decisions:

- *Thornhill Six*. In July 1982, the six white Air Force officers arrested for sabotaging the aircraft at Thornhill Air Base are sent to prison where they are tortured and denied access to attorneys until they agree to confess. On 31 August 1983 the officers are acquitted by Judge Enoch Dumbutshena, the first black jurist appointed by Mugabe. All six officers are immediately redetained under the Emergency Powers Act. On 22 December 1983 the last of the six is released after intense negotiations between Britain and the Mugabe government.
- *Hartleberry/Evans*. In November 1983, after 11 months in custody, Philip Hartleberry and Colin Evans, two members of Zimbabwe's secret service, are acquitted of spying for South Africa after a High Court judge finds their confessions have not been given freely. They are detained again immediately after acquittal and apparently are still in custody.
- *York Brothers*. In May 1982, after five months in detention, Noel and Alan York, brothers from a prominent farming family, are acquitted in the High Court of charges of illegal possession of weapons, but immediately detained again. They are released in July by order of the Supreme Court, but redetained hours later. They are finally released in August 1982 after a personal appeal by their family to Prime Minister Mugabe.

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• *Dabengwa/Masuku*. In April 1983, Dumiso Dabengwa, former Supreme Commander of the military wing of Joshua Nkomo's Zimbabwe African People's Union, Lt. Gen. Lookout Masuku, former Deputy Commander of the National Army, and four other codefendants are acquitted of charges of high treason and illegal possession of arms. All are redetained immediately. On 8 November 1983, the High Court declares Dabengwa's detention illegal and finds he should be released from prison, a decision later reversed by Chief Justice Georges. All but two, who were released in March 1984, remain in detention. [redacted]

The Mugabe government has made further efforts to extend its powers over the judiciary by introducing the Criminal Procedures and Evidence Act, according to Embassy reports. This bill, which was introduced in last year's parliament, would strengthen the executive and weaken the judiciary, according to former Chief Justice Georges [redacted]

The Judiciary's Reaction

In every major political/security case that has come before the court since independence, the judiciary has found against the government and has upheld the rights of individuals. These findings continue even though Mugabe has appointed many African judges to the court who, according to Embassy reporting, are reputed to be sympathetic to the government's problems. [redacted]

In addition to fighting off government pressure to find in its favor, the judiciary, in our view, has criticized the government in an effort to create international pressure to allow the court to function independently. For example, former acting Chief Justice Baron has said that he knows of no other common law country where the right to silence and related freedoms have been so coded and where "the dice are so heavily loaded against suspects and accused persons." [redacted]

The judiciary also has attempted to hold off the erosion of individual rights by turning with increasing frequency to British common law and American constitutional law. This effort was clearly demonstrated by the use of *Miranda versus Arizona* in the Thornhill Six decision. Attorney General Chidyausiku and prominent attorney Honour Mkushi foresee the continued and even increased use of British and American decisions in future cases. [redacted]

Outlook

We believe the government will continue to "Africanize" the court. In particular, Mugabe is likely to place as many University of Zimbabwe graduates as possible on the court in hopes they will be more in tune with his policies. [redacted]

We anticipate, nevertheless, that the judiciary, even as its makeup changes, will continue to follow established legal precedents. We believe, however, that the government will continue to try to circumvent decisions it perceives as running counter to government policy. [redacted]

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**Africa
Briefs**

South Africa

Miners' Strike Looms

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Black miners at eight of South Africa's 34 gold mines are threatening to stage their first legal strike beginning 17 September if their wage demands are not met. A complete stoppage at the eight mines would reduce gold production by 25 percent and potentially cut foreign exchange earnings by 10 percent at a time when the country already faces serious economic difficulties. The mineowners have stated that they will replace striking miners and that they will not change their offer of a 14-percent wage increase—slightly more than the prevailing 12-percent inflation rate. The National Union of Mineworkers is demanding an 18-percent wage increase. The union, which represents less than 20 percent of South Africa's black miners, claims that many nonunion miners will support the strike.

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Security at Oil Facilities

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African National Congress guerrillas have bombed two oil facilities since ANC representatives attended a conference of antiapartheid groups in London this spring to promote an oil embargo against South Africa. The ANC has conducted more than 30 attacks against South Africa's energy infrastructure since 1981, including well-protected facilities like the SASOL synthetic fuel installations and the Koeberg nuclear reactor

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Zambia

Debt Discussions With Soviets [redacted]

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Zambia has sent a team to Moscow to discuss rescheduling of Zambian debt to the USSR, according to US Embassy sources. These negotiations followed a recent rescheduling of nearly \$200 million in debts that Zambia owes to Western creditors. Lusaka had faced debt service payments 15 times larger than available funds. [redacted]

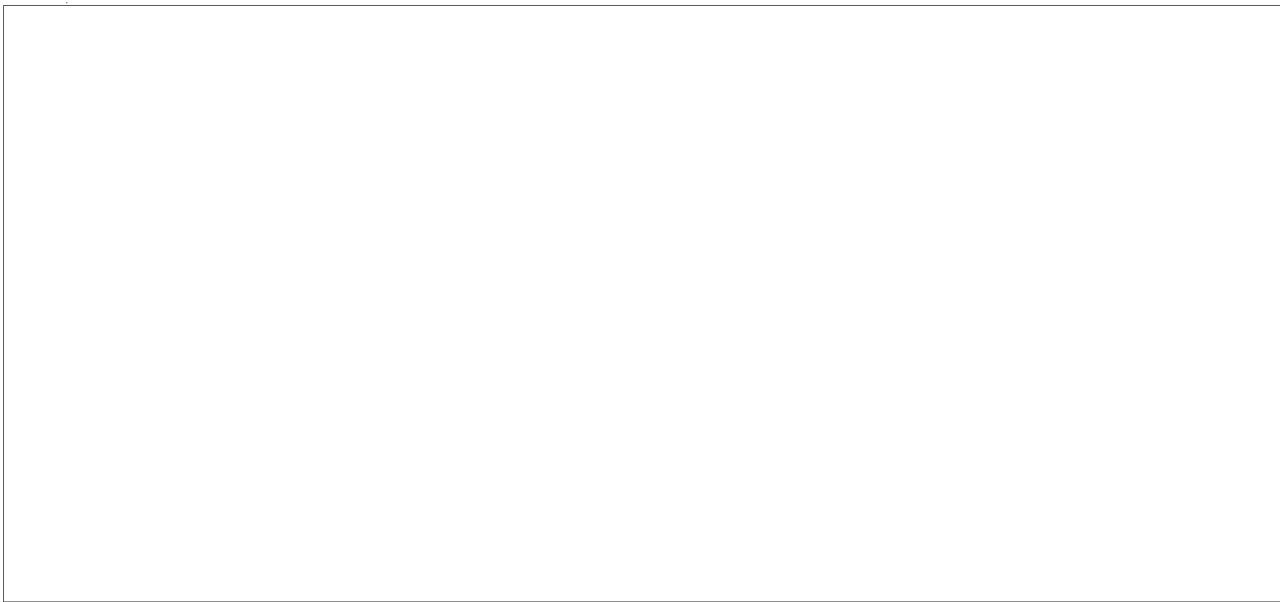
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[redacted] Lusaka's debt payments to Moscow were \$68 million in arrears at the end of 1983, and an additional \$49 million is due this year. Virtually all of this debt arose from a \$180 million arms purchase agreement signed in 1979. [redacted]

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Nigeria

Succession to Islamic Leadership [redacted]

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In our view, the imminent succession to the Sultanate of Sokoto probably will affect the stability of the largest Islamic community in Sub-Saharan Africa for years to come. [redacted]

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The Nigerian Government, Saudi Arabia, and Sudan already are lobbying on behalf of potential successors. So far all contenders are from wealthy families of the northern Nigerian elite who have ties with the West and with the country's secular administrative class. The best known outside Nigeria is the Permanent Secretary of the Federal Ministry of Finance, Alhaji Abubakar Alhaji. Unless a pro-Libyan or pro-Iranian candidate enters the field, which does not now appear likely, the successor almost certainly will be a moderate. [redacted]

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Even so, the incumbent's death would add another element of tension to Nigeria's already delicate political climate. Infighting among Islamic factions and their quarrels with federal and state authorities in recent years have led to military intervention on three occasions and cost thousands of lives. A new sultan will have to mediate the growing friction between established Islamic leaders and followers of the Muslim fundamentalist revival, a tension that increasingly affects Nigeria's overall political climate. [redacted]

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Sierra Leone

Implications of Cabinet Reshuffle [redacted]

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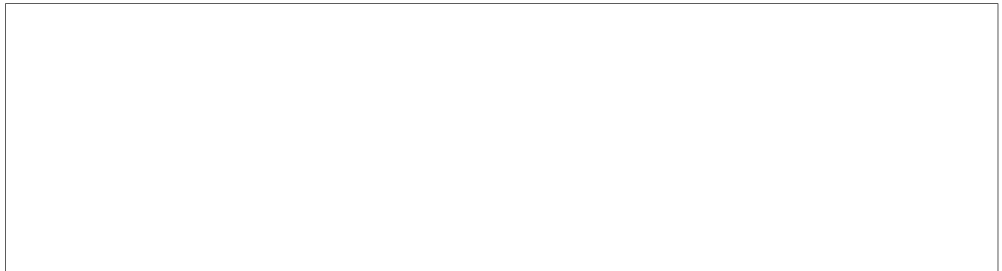
[redacted] President Siaka Stevens' recent cabinet changes do not signal a change in Sierra Leone's economic austerity policies. Despite previous opposition to IMF-imposed belt-tightening, newly appointed Finance Minister Abdulai Conteh decided immediately to keep open the dialogue with the Fund for new loans. Conteh is not well versed in economic matters, however, and he probably is less able to deal with austerity issues than was his predecessor, Salia Jusu-Sheriff, the architect of the existing IMF agreement. [redacted]

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The new Foreign Minister, Dr. Sheka Hassan Kanu, is likely to do better at articulating Stevens' Western-leaning nonalignment than did his predecessor. Kanu probably will concentrate on obtaining greatly needed foreign development aid. The US Embassy expects him to be more cooperative on UN votes. [redacted]

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