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SWISS – SOUTH AFRICAN RELATIONS IN THE APARTHEID ERA – CALLING ON THE SWISS GOVERNMENT TO ACCOUNT.

A memorandum will be handed over to the Ambassador Rudolf Baerfuss on the afternoon of 31 March 2009 by Ms Yasmin Sooka (Foundation for Human Rights), Ms Marj Jobson (Khulumani Support Group) and Mr Jody Kollapen (South African Human Rights Commission). As can be seen from the memorandum, the request is for the Swiss government to constructively respond to the 'Kreis Report', research that they commissioned into the nature and extent of Swiss relations with the Apartheid government. The report was subsequently released in late 2005, but the Swiss government have to date refused to respond to its findings. The attached memorandum is intended to be a call from South African civil society groups to add their voice to Swiss and other civil society groups demanding the Swiss government formally respond. What follows is some background information about the report and related process.

BACKGROUND¹

In 2000, considerable pressure from Swiss civil society and political groupings generated in the wake of public revelations around the relationship between the Swiss military and the head of South Africa's Chemical and Biological Warfare Programme, Dr Wouter Basson, resulted in a decision by the Swiss Federal Council to launch an official research process into Swiss – South African foreign and economic relations during the apartheid era.

The research for the report was conducted between 2001 and 2004. Unfortunately, access to the Swiss Federal archives were restricted by the Swiss Federal Council itself in April 2003, when it closed access to the archives and changed the rules relating to the public release of documents after 30 years, extending to to include documents from the 1960s continuing information on the export of capital and trade. The Swiss government justified its closure of the archives in relation to the apartheid reparations claims cases filed by Khulumani and others in the US courts in 2002, arguing that it did not want Swiss banks and enterprises to be disadvantaged. We can only speculate at the import of what researchers were refused access to.

In October 2005, a report entitled, '*Switzerland – South Africa 1948 – 1994*' (and also known as 'The Kreis Report') was publicly released. Despite the limitations placed on the research process, the Kreis report does began to lift the lid on detail around issues of trade, financial support, military co-operation and so on. The report sets out the official government position with respect to apartheid, namely that there was a need for major reforms, and this is what the Swiss government ostensibly promoted. This it did in the context of cold war dynamics where South Africa was regarded as ally. Switzerland remarkably avoided any reference to evolving human rights standards and commitments in the wording of its policy towards South Africa, and argued that there was no legal basis for intervention as engagement was largely in the private domain, and as such something the Swiss government would not interfere with in principle.

The Kreis Report revealed that Swiss engagement with the apartheid government had in fact provided critical support at a number of levels, especially in terms of the extension of

¹ Detail in this note is drawn from '*Collaboration with the Apartheid regime*', written by the Switzerland-South Africa Research Group, and the concluding chapter of the 'Kreis Report'.

financial credits at a time when access to these markets were being restricted in the EC, Scandinavia and the USA. Swiss support actually intensified during the 1980s, a period characterised by an intensification of repression and the perpetration of human rights violations in South Africa.

The Swiss government presented its economic engagement as apolitical, and many of the practical decisions on trade and capital export were taken at an administrative level and were ostensibly 'free of political interference', but in reality the impact of their support had profound political ramifications in a context where South Africa was increasingly isolated. The ceiling on capital exports to South Africa were effectively ignored releasing significant flows of capital. The government explained its citizens engagements were legal and justified its position on the basis of the constitutionally guaranteed freedom of trade and commerce and its policy of neutrality. The policy, however, gave no apparent recognition of human rights principles and standards and parliamentary objections to government policy remained the domain of minority parties. As economic engagement was deemed a 'private affair' (albeit facilitated by a broader context, Switzerland felt it did not have to justify or explain its engagement.

The Kreis report confirmed that Swiss policy and practice towards international economic sanctions against South Africa were largely hypocritical although not consistently so, and that its support – especially in terms of debt rescheduling was “instrumental to the survival of the apartheid regime.” (Kreis, p511). South Africa was an attractive destination and Switzerland was not inclined to support economic sanctions, but in fact sought to benefit from opportunities that sanctions generated for Swiss-South African commerce. Indeed, the report noted that “the investigations have repeatedly revealed indications of how some Swiss individuals or others operating from Switzerland benefited from other people's reservation and from the sanctions measures introduced by others.” (Kreis, p.514-5).

In terms of military co-operation, the Swiss government argued that it complied with the international arms embargo. The Kreis report, however, illustrates how the embargo was circumvented in a number of instances and Switzerland was used as a conduit for a brisk trade in sanction busting activities and its lax interpretation of the arms embargo and tolerance of arms dealing resulted in a wide range of private and state related engagement in terms of arms and military cooperation, and significant contributions to South Africa's atomic weapons programme. “Swiss science and industry were not merely involved in uranium enrichment but also to various extents in the construction of the South African atom bomb.” (Kreis, pp511-512)

The Kreis report confirmed that little attention was given by Switzerland's government towards the perceptions and criticisms generated regarding its policies towards South Africa. It was only since the 1990s that this position was reviewed to bring these more in line with international best practices and retrospectively there is a greater appreciation that previous attempts to disassociate politics from economic relations and attitudes towards sanctions would nowadays, “no longer be justifiable”.(Kreis, p.517)

Despite these developments, Switzerland's Federal Council's silence in response to the findings of the Kreis Report strongly indicates that the Council is not prepared to take responsibility for the actions of its predecessors.

The memorandum to be delivered to the Swiss Ambassador to South Africa is designed to request that they formally engage with these issues in a spirit of constructive engagement with the victims and survivors of apartheid-era violations.