

Criminal Liability in Angola: A Case For Reparations and Compensation

Windhoek, Namibia, August 27, 2001

Dedicated to the Search For Durable Peace in Angola

“If the Angolan people were not heard for the war to start, let them be heard for it to end.”

Pastoral Message
Catholic Bishops of Angola
Luanda, March 29, 2000

NSHR is an independent African human rights advocacy and monitoring non-governmental organization based in Namibia. Concerned with international human rights and humanitarian treaties, especially those adopted by the United Nations and the Organization of African Unity, Namibians founded the organization in 1989 in order to promote strict compliance.

NSHR maintains observer status in the African Commission on Human and Peoples Rights and is in consultative status with the Economic and Social Council of the United Nations.

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Foreword

The International Community in general, and the United Nations in particular, has said and done much about the violent symptoms of the ongoing Angolan conflict. However, little had been said and done to address the root causes and factors exacerbating that conflict. The time has now come to tackle the real sources of the Angolan conflict, as a disease can only be eradicated by curing it, not suppressing its symptoms.

Furthermore, the UN appears to ignore the views of the majority of the Angolan people, spearheaded by UNITA, other opposition parties, the Church and other civil society actors in that country.

The time has also come for indigenous African civil society actors and governments, such as Botswana, Malawi, Mozambique, South Africa and Zambia as well as other pro-dialogue nations in the SADC region to be heard and their views to be taken into consideration on the issue of Angola.

Consensus exists among analysts and diplomats alike that, despite massive military might and diplomatic support from especially the United Nations Security Council (UNSC) and certain Western countries, there is no military solution in Angola, and that the kleptocratic and dictatorial regime of President Eduardo dos Santos in Luanda has failed to win the hearts and minds of the majority of the oppressed indigenous population.

Military might alone - without popular support at home and within Vietnam itself - could not help the United States of America eliminate the resolve of the Vietnamese people to resist oppression. Although Vietcong forces in South Vietnam were poorly equipped militarily, they commanded popular support from their kinsmen.

Similarly, the MPLA Government in Luanda, without the political support from the impoverished and oppressed majority indigenous population, stands no chance in crushing UNITA militarily. Objective Angola watchers are also unanimous that the UNITA movement has enormous popular support from especially the Ovimbundu people - the largest ethno-linguistic group in that country - which support has enabled the movement to survive inside Angola for over 25 years, despite intensive aerial bombardments with chemical weapons and the limpezas (i.e. military, political, physical and or ideological elimination) campaigns.

Therefore there appears to be only one alternative left to secure an end to the Angolan conflict: to ensure that political power and wealth in that country is shared equitably between the privileged minority ruling class, on the one hand, and the oppressed indigenous majority, on the other. Or else the MPLA's war of extermination targeting particularly ethnic Ovimbundus—an undesirable process, which has been in full swing since 1975—is bound to continue.

The situation in Angola constitutes racism, racial discrimination and related intolerance. Hence, for the sake of ending this senseless carnage in Angola the time has now come for the international community in general and in particular the UNSC to reassess and shift its ill-conceived support for the oppressive ethnic minority dos Santos regime in favor of an all-inclusive political settlement.

*Phil ya Nangoloh, Sr
Executive Director, August 27, 2001*

I. EXECUTIVE SUMMARY

In terms of Article 71 of the Charter of the United Nations (UN), the contributions that non-governmental and other civil society organizations make for the purposes and principles of UN are recognized. As UN Secretary-General Kofi Annan told the UN on June 7, 2001, NGOs can contribute to the maintenance of peace and security by offering non-violent avenues for addressing the root causes of conflict.¹

As an organization with a keen interest in the prevention and or resolution of conflict through dialogue, NSHR remains seized with the close monitoring of the developments in Angola.

NSHR is of the view that the UN, through certain ill-conceived actions or statements emanating from especially certain members of its Security Council (UNSC), has so far failed to build - and even has undermined - mutual confidence between the two main Angolan warring parties. The absence of such confidence constitutes the biggest obstacle to durable peace in that country.

The present situation in Angola also stems from, *inter alia*, UN neglect or failure to grasp the root causes and factors exacerbating and triggering the armed conflict in that country. The unilateral imposition of punitive sanctions against UNITA has not only further undermined the confidence in the UN of Angola's oppressed majority indigenous population but has also heightened their sense of collective persecution. Consequently, this state of affairs has also exacerbated the oppressed indigenous population's perception of neo-colonialism, foreign domination, exploitation and cultural and economic deprivation and has strengthened their resolve to resist.

Furthermore, the one-sided imposition of punitive measures has seriously dented the image of especially the UNSC as a body operating strictly within the purposes and principles of non-selectivity, impartiality and objectivity as enshrined in the UN Charter.

Seen from the point of view of the racial, ethnic, national and or linguistic composition of the oppressed majority population of Angola, on the one hand, and the racial, ethnic and cultural make up of the oppressor plus that of especially the influential members of the UNSC, on the other, this state of affairs also creates a perception that racism, racial discrimination and related intolerance, as defined in international law, constitute the motive which dictates the selective approach on the part of certain members of the UNSC vis-à-vis the Angolan dispute.

The UN, and especially the UNSC, has been behaving like a physician suppressing the violent symptoms, but not curing the Angolan disease.

From an African human rights point of view, this report is therefore another attempt to point out the root causes and factors exacerbating and triggering the incessant Angolan armed conflict. Hence, this report also calls upon the UNSC in particular to address the root causes and factors exacerbating the civil conflict in that country, as a matter of urgency.

In a nutshell, this report attempts to identify, expose and establish the criminal liability in Angola as the following:

- Portugal's failure to formally de-colonize Angola
- selective approaches by certain members of the UNSC

- UN inability to digest and therefore address the structural root causes of the Angolan dispute
- politicization of humanitarian aid by certain international aid agencies and their intended or unintended role in prolonging the conflict, and
- conspiracy and criminal complicity by multinational corporations, international banking institutions and multinational mercenary companies in fueling the Angolan civil war for corporate and or personal gain

All these anomalies have been taking place in Angola despite the provisions of international law to the contrary.

NSHR is of the opinion that the May 31, 1992, Peace Accords for Angola (PAA), should continue to be the framework, in accordance with which the Angolan civil war could be ended. However, the Angolan people should be the ones to have a final say in this regard.

Many other observations, conclusions and recommendations on how the Angolan conflict could best be resolved are contained in our publication, titled *Ending the Angolan Conflict: Our Time Has Come To Be Heard* of July 3,2000.

II. INTRODUCTION

There are several well established legal, moral and political grounds to establish international conspiracy and criminal liability and for the oppressed Angolan people to demand reparations and compensation from especially Portugal and certain influential members of the UNSC as well as certain multinational economic corporations, international banking institutions and multinational mercenary companies for the decisive role they have played and continue to play in aiding, abetting and prolonging the immense suffering of the Angolan people, for their narrowly-defined external economic interests, corporate profit or personal gain.

Such liability becomes even more pronounced if and when, among other things, the following economic, historical, legal, moral and political grounds about the Angolan situation were taken into account:

1. During the second open debate in the UNSC on conflict prevention on July 20, 2000, UN Secretary General Kofi Annan observed, “there is... consensus that prevention strategies must address the root causes of conflicts, not simply their violent symptoms” and that “effective prevention has to address the structural faults that predispose a society to conflict.” Annan added that “the best form of long-term conflict prevention is healthy and balanced economic development.”²
2. In his April 2001 periodic report to the UNSC (S/2001/351) on developments in Angola, Secretary-General Annan also correctly noted:

“Some opposition political parties represented in the National Assembly as well as individual UNITA Parliamentarians... agreed that... there is a need to address the root causes of the conflict.”
3. On December 10, 1999, an *International Colloquium on Peace, Social Stability and Sustainable Human Development* in the Portuguese-speaking Countries of Africa (CPLP or

PALOP) held in Praia, Cape Verde, and sponsored by, among others, UNDP and UNESCO, identified the “poor management of the de-colonization process” and the “reduced efficiency of the role of the international community in the prevention and the resolution of conflicts” as some of the root causes and factors exacerbating conflicts in PALOP countries.³

4. In his 1998 report to the UNSC on the causes of conflict and the promotion of durable peace and sustainable development in Africa, Annan brilliantly and accurately identified the root causes of conflict on the African continent as the historical legacies, internal factors, external factors and economic motives.⁴
5. On December 12, 1997, the UN General Assembly (UNGA) adopted resolution 52/131 on strengthening UN action in the field of human rights, in which the UN affirmed that such action be “based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter of the United Nations....”
6. Also, in terms of resolution 52/131, the UNGA reaffirms that “the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity, and should not be used for political ends.”

The above and below observations in this report then, firstly, strongly suggest and clearly indicate that the UN, and in particular its Security Council, has so far failed to implement its purposes and principles on the right to full self-determination for the Angolan people. Secondly, contrary to its purposes and principles, UN strategies on conflict prevention and or resolution in Angola have never been applied in an effective, balanced, objective, non-selective or impartial manner. Thirdly, the structural root causes of the Angolan conflict are either misunderstood or they are deliberately ignored for political gain, economic reasons or strategic interests of certain influential members of the UNSC.

III. ROOT CAUSES OF THE ANGOLAN CONFLICT

The perennial Angolan conflict is structurally rooted in the legacies of colonialism and rivalries, characterized by deep-rooted animosities based on class, race, politicized ethnicity and inequitable distribution of the country’s wealth and natural resources. The seeds of most of these causes were sown during Portuguese colonialism in Angola between 1550 and 1975.

It is therefore extremely important and imperative for the international community in general, and in particular the UNSC, to grasp and address the underlying causes of the Angolan civil war.

The present civil conflict is fueled by the reluctance of the privileged minority politico-military rulers of Angola to share political power, wealth and resources with the oppressed indigenous majority population. This state of affairs stems from deep-rooted ethnic rivalries and divisions among the three main Angolan liberation movements that participated in the anti-colonial war between the early 1960s and the mid-1970s.

Such divisions and rivalries are rooted in and fanned by ethnic, racial and class differences, which have most of their origins in the exclusive, exploitative and oppressive Portuguese colonialism in Angola. Political and economic power is concentrated in the hands of a few elitist MPLA leaders,

descendants of Portuguese colonialists and or those who originate from the privileged socio-economic class in the urban areas of the country.

According to the Pretoria-based Institute of Security Studies (ISS), the politico-military and economic power is concentrated in a very small group of descendants of the country's contract laborers who worked in Portuguese plantations on the island of Sao Tome & Príncipe. This group operates from the *Futungo de Belas* in Luanda. The ISS argues further that the ruling MPLA has lost its physical capacity to govern and is unable to take care of the oppressed majority who, in turn, look upon the State as an illegitimate entity.⁵

On the other hand, the leadership of UNITA has its roots in the oppressed, excluded and exploited rural population. The bulk of its political support comes from the majority Ovimbundu ethnic group, making up of at least 45 percent⁶ of the population.

Therefore UNITA purports to be the legitimate representative of the majority of the oppressed indigenous population that has been relegated to an inferior status under both Portuguese colonialism of some 500 years and MPLA rule of over 25 years.

Hence, the post-colonial Angolan civil conflict is rooted in and exacerbated by the inequitable distribution of political power, wealth and natural resources, which is effected along ethnic, class and racial lines.

IV. FACTORS EXACERBATING THE ANGOLAN CONFLICT

There are several factors that have been exacerbating the civil in Angola, including:

1. Denial of the Right to Full Self-Determination and Sovereignty

Unlike other formerly colonized peoples, the Angolan people has never been formally enabled to exercise their inalienable and imprescriptible right to fully self-determination including to freely determine, without external interference, their political status, to pursue their economic, social and cultural development, and to enjoy complete freedom and independence, let alone control their wealth and natural resources, as stipulated in international law and as envisaged in the Alvor Agreement of January 15, 1975, on Angolan de-colonization.

2. Poor Management of the De-colonization Process

One of the exacerbating factors in the Angolan conflict is the deliberate "failure" on the part of Portugal to formally de-colonize that country, in flagrant violation of the provisions of the Alvor Agreement. Such Agreement was entered into between Portugal, on the one hand, and three Angolan liberation movements, on the other. Article 4 of the Agreement stipulates that:

"The independence and full sovereignty of Angola shall be solemnly proclaimed on 11 November 1975 in Angola by the President of the Portuguese Republic or by a specially appointed representative of the President."

On that date (being November 11, 1975), it was the *Movimento Popular de Libertação de Angola (MPLA)*, which - after having by military force and with Cuban and Portuguese complicity expelled from Luanda the two other parties to the Alvor Agreement - unilaterally declared Angola an independent nation.

Neither the Portuguese President nor his specially appointed representative proclaimed such independence. Instead, on the same day Portugal hurriedly and unceremoniously ended its rule in Angola.

That is to say, *de jure* Portugal has never formally de-colonized Angola and, worse, in so far as the majority indigenous population is concerned, everything else that existed before the conclusion of the Alvor Agreement remained virtually in tact.

As a direct consequence of the failure or abdication on the part of Portugal, the struggle for national liberation became a long-running bloody civil conflict marked by the First, Second and Third Angolan Civil Wars.

Hence, the prime responsibility for the existence of neocolonialism, characterized by the subjection of the Angolan people to alien subjugation, domination and exploitation, must be laid squarely at the feet of Portugal.

3. Premature UN Recognition

Although the formal process of transition from colonialism to national independence was mismanaged and or violated, the UNSC, on November 22, 1976, recommended that Angola be accepted as an independent nation.⁷ On December 1, 1976, Angola became the 146th UN Member State.

4. Mismanagement of the Peace Accords for Angola

In an apparent attempt to correct its gross mismanagement of its obligations to formally de-colonize Angola through the Alvor Agreement, Portugal mediated between UNITA and the MPLA the tripartite Peace Accords for Angola (PAA), also known as the Bicesse Accords or *Acordos de Paz*, at Bicesse on May 31, 1991. Such Accords were ratified by the UNSC in terms of resolution 696 (1991) also on May 31, 1991.

Like the Alvor Agreement before it, the Bicesse Accords make provision for the following:

- a balanced cease-fire
- bilateral quartering of Government and UNITA forces
- balanced disarmament and disbandment of the two armies; and
- mutual formation of single representative and neutral national military and police forces.

However, unlike the Alvor Agreement, the PAA envisages multiparty elections as well as a UN verification team of some 550 military and civilian observers under the auspices of the Second UN Verification Mission (UNAVEM II).⁸

The PAA also contains a cease-fire agreement containing the *Triple Zero* clause. This clause imposes a total arms embargo on all concerned and obliges both the Government and UNITA to refrain from acquiring “lethal material” from whatever source.⁹ Also, in terms of the cease-fire agreement, members of the Troika of Observers, viz. Portugal, Russia and the US, are strictly prohibited from selling or supplying lethal weapons to either the MPLA or UNITA. They are also obliged to encourage other countries not to do so.¹⁰

Furthermore, the Bicesse Accords, unlike the Alvor Agreement, provide that UNITA would “recognize” the MPLA as legal Angolan Government “until the general elections were held.” UNITA is given “the right to participate in political activities when the cease-fire entered into force.”¹¹

Hence, the MPLA remained in power throughout the implementation of the Bicesse Accords, in charge of all state machinery, including control of the country’s wealth and defense, intelligence and *police forces* as well as the electoral commission and radio and television.

4.1. Failure to Demobilize Forces

The military takeover of Luanda by MPLA forces and the expulsion of UNITA and FNLA troops from the capital on November 11, 1975, triggered the collapse of the Alvor Agreement.

However, the first major stone was cast at the PAA only when the MPLA Government failed to demobilize its forces.

The PAA calls for all Government and UNITA troops to be situated in the prescribed assembly areas by August 1, 1991, when such process would be completed. However, on October 31, 1991, a UNAVEM II report on troop quartering revealed that some 30,000 Government troops could not be accounted for.¹² This represented some 20 percent of total armed force of roughly 115,000 troops.¹³

The UN also reported that by all standards the number of Government forces in the assembly areas remained particularly low and has even declined by comparison during the latter part of 1991.¹⁴

Furthermore, according to a UN report, the MPLA Government secretly and unilaterally transferred nearly 30,000 of its special forces into the anti-riot or emergency (i.e. the notorious *Anti-Motim*) police force.¹⁵

In an attempt to deceive the international community, the Government claimed that the total strength of all its police force, including the *Anti-motim* force, was 39 830; and that the total strength of the *Anti-motim* force was only 1 030 and was planned to reach a strength of 1 516 by the end of December 1992.¹⁶

The Government also claimed that the 30,000 troops were incorporated into the “police” force well before the implementation of PAA had taken force and that it had until the implementation of the Accords recruited only 4 080 of its demobilized troops into the police force.¹⁷

The PAA also calls for the creation of a representative, neutral and impartial police force consisting of equal numbers of MPLA and UNITA personnel to replace the existing MPLA police force.¹⁸ However, little, if any, progress was made on this issue. Only 39 of the 183 UNITA personnel included in the first joint training course were qualified for incorporation into the Angolan National Police (ANP) force.¹⁹

According to the UN, the disbandment of MPLA and UNITA forces and the formation of a new non-partisan army (called Angolan Armed Forces (FAA)) - with equal²⁰ numbers of Government and UNITA forces - was formally²¹ announced only on September 27, 1992, i.e. two days prior to the elections. At the same time there were fewer than 10,000²² troops of the envisaged 50,000²³ members in place.

The complete formation of a representative, neutral and impartial police force as prescribed in the PAA has also never occurred.

These two major breaches of the PAA therefore became a matter of serious concern to the Joint Politico-Military Commission (JPMC).²⁴ Consisting of Government and UNITA representatives, the JPMC was charged with the overall overseeing of the implementation of the Accords. Representatives of Portugal, the Russian Federation and the United States of America attended JPMC meetings as observers.

Nonetheless, in spite of the existence of these serious breaches and the consequential profound mutual suspicion such breaches had created between the MPLA and UNITA, the UN allowed the elections to go ahead.

4.2. The Fateful Electoral Process

On September 29-30, 1992, the first multiparty elections ever in Angola were held. For the observation and verification of the voting process UNAVEM II deployed only 400 electoral observers, operating mainly as two-person mobile teams²⁵ in a country with a surface area of 1 246 700 square kilometers.

On October 1-2, 1992, the MPLA Government prematurely claimed on State radio and television that it had won the elections. But on October 3, 1992, 8 Angolan Opposition parties, including UNITA, rejected the unofficial results and accused the MPLA of “widespread, massive and systematic irregularities and fraud.”²⁶

On October 5, 1992, less than 10 days after the announcement on the formation of the new neutral national army, eleven UNITA generals withdrew in protest against the alleged election fraud.²⁷

On October 17-18, 1992, the National Elections Commission (CNE) announced the final²⁸ election results as follows: in the presidential race²⁹, MPLA President Eduardo dos Santos polled 49.57 percent to 40.07 percent for UNITA President Jonas Savimbi. However, both Dos Santos and Savimbi fell short of the required 51 percent to qualify as President of Angola. With regard to the legislative results, the MPLA scored 53.47 percent to UNITA’s 34.1 percent.³⁰

UN Special Representative for Angola, Margaret Anstee, tacitly acknowledged on October 17, 1992, that irregularities have indeed occurred in the electoral process. Nonetheless, she asserted that such irregularities did not have a “significant effect on the results.” In a rather ambivalent statement Ms. Anstee stated:

“[T]here was no conclusive evidence of a major systematic or widespread fraud, or that the irregularities were of magnitude to have a significant effect on the results. With all deficiencies taken into account, the elections held on 29 and 30 September 1992 can be considered to have been generally free and fair.”³¹

However, on August 21, 1993, former US Assistant Secretary of State for African Affairs, Chester Crocker, pointedly had this to say about the electoral results:

“The observers present had no way to evaluate the elections. There were few regions of Angola where people could freely express their points of view.”³²

In the meantime UN Secretary-General Boutros Boutros-Ghali urged³³ UNITA not to reject the electoral results, pending investigation into the complaint. Boutros-Ghali also emphasized the urgency of a meeting between Dr. Jonas Savimbi and Mr. Eduardo dos Santos in order to resolve the electoral dispute and other pertinent issues.

The outcomes of such an investigation, if any had taken place at all, had never been made public: neither by UNAVEM II nor by the MPLA Government in Luanda.

4.3. UNITA Accepts Results

It is significant to point out here that already on October 16, 1992, UNITA publicly agreed to accept the yet unofficial electoral results as well as to take part in the second round of presidential elections.³⁴ According to the Government-controlled *Jornal de Angola* newspaper, UNITA President Dr. Jonas Savimbi declared at a press conference held in Huambo that his movement accepted the election results “as they are now” in order to break the impasse in the country and to “avoid the return to war.”³⁵

In the meantime the UN Secretariat succeeded in mediating a cease-fire between MPLA and UNITA forces and on November 12, 1992, Dr. Savimbi formally confirmed in a letter addressed to Boutros-Ghali that UNITA had accepted the legislative electoral results and was prepared to go for the second round of the presidential race.³⁶

This UNITA position was also confirmed on November 16, 1992, when Dr. Savimbi, in a letter addressed to UN Undersecretary-General for Peacekeeping Operations, Marrack Goulding, reiterated that “in the interest of peace” UNITA would be disposed to accepting the results of the elections, however, fraudulent. Dr. Savimbi also “called for negotiations between the two sides to prepare the second round of the presidential elections.”³⁷

However, the Government put up conditions for resuming political dialogue with UNITA. These conditions included that UNITA accept the results of the September 27-30, 1992, legislative elections.³⁸

4.4. Shooting Incident In Huambo

On October 17-18, 1992, i.e. the day when the results were officially announced, a serious shooting incident occurred in the city of Huambo between MPLA and UNITA forces. The incident, initiated by MPLA forces under the command of General Sukissa and Brigadier Walter, led to heightened political tensions in the country.³⁹

On October 27, 1992, Secretary-General Boutros-Ghali in a report to the UNSC stated that the Angolan elections had been “generally free and fair” but expressed “serious concern at the deterioration of the political situation and the rising tension” in Angola.⁴⁰

This led to the issuance of a statement by the President of the UNSC, calling upon UNITA to “respect the results of the elections held on 29 and 30 September”⁴¹ and to “engage in a dialogue without delay.”⁴² At the same time, the President of the UNSC threatened that “the Security Council will hold responsible any party which refuses to take part in such a dialogue, thereby jeopardizing the entire process.”⁴³

4.5. MPLA Kills UNITA Negotiators As UNSC Issues Threats

On October 20, 1992, in an apparent effort to defuse tensions and discuss the technical aspects (i.e. the modalities) of the second round of presidential elections, Dr. Savimbi in Huambo dispatched a high-powered delegation to Luanda.⁴⁴

However, the delegation, consisting of UNITA Vice-President Jeremias Chitunda, Chief Negotiator Elias Salupeto Pena, Secretary-general Alicerces Mango and Administrative Secretary Eliseu Chimbili, never returned to Huambo, as they were among the some 20,000 UNITA supporters massacred⁴⁵ by MPLA Special Forces and armed civilians in Luanda, between October 31 and November 2, 1992. The MPLA attackers destroyed UNITA's offices in Luanda, killing and or capturing almost all of its military and civilian personnel. As a consequence, within a month the war resumed throughout the country.⁴⁶

The Luanda massacre commenced on October 31, 1992, i.e. barely 23 hours after the UNSC adopted resolution 785 (1992) extending the mandate of UNAVEM II to November 30, 1992. Hence, the UNSC expressed concern at the "alarming reports of resumed hostilities in many parts of the country." There is no doubt the UN was referring to the massacres of UNITA supporters carried out by Government forces and armed civilians in Luanda and other major towns.⁴⁷

However, official UN reports referred to the Luanda massacre only as following:

*"A large number of Angolans, in particular UNITA supporters, were killed."*⁴⁸

The UNSC made no mention, whatsoever, of the fact that among those UNITA supporters so massacred were the four UNITA negotiators, let alone condemn the killing of 15,000 people over a period of three days.⁴⁹ In other words, 5,000 people on average per day were massacred in Luanda alone.

The massacre of UNITA peace negotiators and other supporters in earnest triggered the Second Angolan Civil War and heightened the concern of the UNITA leadership about their personal security. Nevertheless, the UNSC threatened to "consider all appropriate measures under the Charter of the UN to secure implementation of the *Acordos de Paz*."⁵⁰ This threat was, however, directed at UNITA alone.

4.7. Secretary-General Identifies "Root Cause" of Hostilities

On November 25, 1992, in a detailed report to the UNSC, Secretary-General Boutros-Ghali identified the "root cause"⁵¹ of the resumption of hostilities as the following:

- less than effective demobilization of forces and storage of weapons
- the delay in creating the unified Angolan Armed Forces
- the failure to re-establish effective central administration in many parts of the country; and,
- the delay in setting up a neutral police force as well as UN failure to create an atmosphere of mutual confidence, tolerance and respect between the two warring parties.

Boutros-Ghali also urged an increasingly impatient UNSC not to "despair of the Angolan peace process."⁵²

On November 30, 1992, the UNSC adopted resolution 793 (1992) in which it extended the mandate of UNAVEM II to January 31, 1993. It also demanded that the “two parties scrupulously observe the cease-fire, immediately stop all military confrontation and all offensive troop movements.”⁵³

4.8. UNSC Condemns UNITA

Taking advantage of a series of UNSC public condemnations and the “expulsion of UNITA” from Luanda, Government forces and armed civilians continued to massacre UNITA supporters in at least 10 other provisional capitals of the country.⁵⁴ As a consequence, many more real or perceived UNITA supporters, including between 100 and 300 members of the Bakongo⁵⁵ ethnic group, were indiscriminately decimated.

As the MPLA military attacks on UNITA supporters were in full swing, UNITA forces retaliated and, in a counter offensive, recaptured several towns and municipalities.⁵⁶ This retaliatory strike and the withdrawal of eleven UNITA generals from the still incomplete new armed forces were, however, singled out by the UNSC as the most serious violations of the Peace Accords.

Consequently, on January 29, 1993, the UNSC passed resolution 804 (1993) in which it strongly condemned UNITA for the “persistent violations of the main provisions of the *Acordos de Paz*,” for the “withdrawal from the new Angolan armed forces and its seizure of provincial capitals and municipalities and the resumption of hostilities.”⁵⁷

Nevertheless, in an apparent reference to the massacres of UNITA negotiators and supporters, but without mentioning the Government by name as the perpetrator, the UNSC also strongly condemned “violations of international humanitarian law, in particular the attacks against the civilian population, including the extensive killings carried out by armed civilians.”⁵⁸ By resolution 804 (1993) the UNSC also extended the mandate of UNAVEM II to April 30, 1993.

From thereon UNITA was repeatedly and solely condemned in virtually all the UNSC resolutions and statements.⁵⁹ UNITA is now being held solely responsible for the collapse and failure of all UN peacekeeping operations in Angola.⁶⁰

4.9. As US Recognizes Luanda, UN Sanctions UNITA Amid Government Arms Buildup

On May 19, 1993, motivated by oil and other external economic interests, and in spite of the very serious human rights, humanitarian and security situation in Angola, the Clinton Administration, for the first time, recognized the MPLA Government. Subsequently, the US became Angola’s largest trading partner in the sub-Saharan African region.⁶¹

On September 15, 1993, the UNSC, wherein the US is the most influential member, passed resolution 864 (1993), paragraph 19 of which imposes a unilateral comprehensive arms and oil embargo on UNITA. Resolution 864 (1993) entirely contradicts the *Triple Zero* clause of the PAA.

For the first time in UN history, UNITA became the first non-state actor against whom the provisions of Chapter VII of the UN Charter were applied.

Meanwhile, propelled by US recognition as well as UNSC sanctions against UNITA, the MPLA Government, on June 7, 1993, unilaterally revoked the *Triple Zero* clause and, as during the

implementation of the Alvor Agreement, it began another massive arms build-up. Such build-up, which reached its peak in 1994, was made possible with funds obtained from oils sales under written by multinational oil corporations and international banking institutions.

As in virtually all other cases, the weapons were also purchased from the Russian Federation, one of the three “guarantors” of Angolan peace.

It must also be pointed out that already on August 25, 1991, in blatant disregard of the *Triple Zero* arms embargo, the MPLA Government received heavy artillery and assault vehicles from Russia.⁶² To date Russia remains the Government’s largest arms trading partner.⁶³ According to Human Rights Watch (HRW), Angola, thanks to the MPLA, has a US\$6 billion debt⁶⁴ to Russia, for lethal weapons supplied in the 1980s.

On September 15, 1993, in terms of resolution 864 (1993) the UNSC imposed arms and oil embargo on UNITA, but allowed the MPLA Government to import lethal weapons. Paragraph 19 of UNSC resolution 864 (1993) allows the Government to import such weapons as long as these came in “through named points of entry on a list supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations.”⁶⁵

However, in terms of the PAA, the US, Russia and Portugal, commonly known as the Troika of Observers, were supposed to act impartially, non-selectively and objectively as guarantors of the Lusaka Peace Process.

On its part the Clinton Administration pressed the American mercenary outfit, the Military Professional Resources Incorporated (MPRI), to train⁶⁶ Government armed forces in order to fight UNITA and Cabindan guerrillas.

Not surprisingly, on September 26, 1993, US President Bill Clinton signed the Executive Order (no. 12865) declaring UNITA *inter alia* “an unusual and extraordinary threat to the foreign policy of the United States.”⁶⁷

Hence, the commercial and financial interests of Brazil, Portugal, the Russian Federation and the US, have also seriously undermined international efforts to bring about a durable resolution of the Angolan question.

The arms build-up, which the MPLA had acquired throughout the implementation of the Lusaka Protocol and thereafter, enabled the Government to isolate UNITA internationally. It also enables the Luanda Government to wage wars of aggression in the sub-region. For example, the MPLA became involved in the civil war in the Democratic Republic of Congo, the overthrow of the Pascal Lissouba government in Congo-Brazzaville, military involvement in Namibia and armed incursions into Zambia.⁶⁸

4.10. The Lusaka Protocol & Peace Process

Signed on November 20, 1994, the Lusaka Protocol was intended to complete the implementation of the Bicesse Accords. However, unlike the Bicesse Accords, the Protocol makes provision for the following:

- the re-establishment of the 1991 cease-fire
- unilateral quartering of all UNITA troops

- unilateral withdrawal, disarmament and disbandment of all UNITA forces, and re-integration of UNITA generals into the Government armed forces
- incorporation of UNITA troops into the Government-controlled police force
- repatriation of all foreign mercenaries
- disarmament of the civilian population; and
- the quartering and disarmament of the Government's rapid intervention police, notoriously known as *Anti-motim* or the Ninjas.

The major political aspects of this Protocol were:

- the verification and monitoring by the UN
- cessation of all hostile propaganda
- establishment of an independent UN radio station
- completion of the 1992 presidential electoral process
- formation of a government of national unity and reconciliation, and,
- extension of State administration to UNITA-controlled areas

The Lusaka Protocol of November 20, 1994, was supposed to complement, rather than to weaken the PAA, including the *Triple Zero* clause. Nonetheless, the Protocol, on several counts, conflicts with both the PAA and the Alvor Agreement. Moreover, this Protocol was reached and implemented under a state of war, threat of war⁶⁹ and assassination attempts on the lives of UNITA leaders as well as coercion and ultimatums that characterized many UNSC resolutions and statements on the Angolan situation since December 1992.

The confrontational and, in some cases, hostile UNSC statements and resolutions have not only undermined mutual confidence between the two warring parties but also exacerbated the Angolan civil conflict.

Today, the absence of such confidence between the warring Angolan parties, on the one hand, and the perceived lack of impartiality and objectivity on the part of especially the UNSC, on the other, constitute the biggest threat to long-lasting peace in Angola.

The Lusaka Protocol also has failed to impose a bilateral arms embargo on the MPLA Government and UNITA. According to Human Rights Watch (HRW) Brazil, Portugal and the Russian Federation supplied large amounts of lethal weapons to the MPLA Government throughout the implementation of the Protocol.

4.12. Government Terminates MONUA, Launches Third War

In August 1998 the Government prevented UN Special Representative Issa Diallo from traveling to Andulo to hold talks on the issue of the extension of State administration to the rest of UNITA-controlled areas.

Then on December 2, 1998, Angolan President Eduardo dos Santos unilaterally terminated UNITA's and Savimbi's role in the implementation of the Lusaka Protocol, in favor of a breakaway group, UNITA-Renovada. Dos Santos also unilaterally terminated the mandate of the UN Observer Mission in Angola (MONUA).⁷⁰

However, the Third and present Angolan Civil War resumed in earnest on December 5, 1998, when speaking at the opening of the IV Congress of his ruling MPLA, President dos Santos stated that "the only way" to lasting peace was the total elimination of Savimbi and his UNITA movement.⁷¹ The following day, i.e. December 6, 1998, MONUA observers, citing security reasons, withdrew from all the UNITA-held areas.⁷²

Just prior to the opening of the said Congress, MPLA Government forces launched a military attack on UNITA and subsequently seized its administrative strongholds of Bailundo and Andulo.⁷³ Angola was, therefore, once again, plunged into a bloody civil war marked by a very serious human rights, humanitarian and security situation.

The MPLA Government declared the Third Angolan Civil War and launched a major military offensive to crush UNITA and resolve the dispute by force with the overwhelming support of especially the UN and the Troika of Observers.⁷⁴

Furthermore, it is clear that certain actions on the part of the UNSC had been used for purely political ends or national economic interests of some of its permanent members.

It is precisely this and other unbalanced and inconsistent approaches by particularly the influential members of the UNSC in blatant disregard of the UN purposes and principles on non-selectivity, impartiality and objectivity that have caused the international community to be perceived in certain quarters as being part of the problem, rather than the solution to the Angolan civil conflict. Such approaches are perceived to have systematically undermined mutual confidence between the warring parties.

5. Sanctions Against UNITA: Aim to Destroy the Organization?

According to the UN, the sanctions against UNITA are not intended to destroy the movement as a political organization but to force it to accept peaceful resolution of the Angolan conflict. In practice, however, the objective of the sanctions regime complemented by the military campaigns of the Government with support from the UN appeared to aim to destroy UNITA as an organization. Consider the following:

Firstly, although there are two parties to the conflict, the sanctions regime is aimed at only one of the two parties. In order to secure a peaceful resolution of the Angolan conflict, a comprehensive arms embargo should have been applied equally against both the Government and UNITA, as contemplated in the Peace Accords for Angola.

Secondly, the sanctions regime targets not only the military forces of UNITA but also the diplomatic leadership of the organization. The Sanctions Committee established in terms of UNSC resolution 864 (1993) recommends, *inter alia*, the "immediate expulsion of the persons found still to be actively engaged in UNITA's military or political affairs" and that

the list of “senior UNITA officials” should be “expanded to include foreign individuals closely collaborating with UNITA and providing assistance.”⁷⁵

Thirdly, the claims that UNITA leader Jonas Savimbi cannot be trusted, because “he has consistently broken his word” and “returned to his murderous war”⁷⁶ seem to suggest that the best UNITA is one without Savimbi or no UNITA at all. This tendency also becomes apparent in UNSC resolution 1202 (1998), which took “note of the establishment of UNITA-Renovada,” a breakaway UNITA faction. However, the UNSC does not seem to attach any importance to the fact that several other political parties and civil society groupings have also been in the meantime established in Angola to play a role in the democratization of that country.

Fourthly, the international community, and in particular the UNSC, has so far failed to address the structural root causes of the Angolan conflict.

Fifthly, according to the ISS, diamonds from Angola are not a significant factor in the international diamond market and that UNITA earns a relatively small amount from diamond sales, compared to the Government’s income from oil. However, the ISS points out that diamonds are strategically crucial for the survival of UNITA, which depends upon the income generated through diamonds not only to acquire weapons but also to buy food, medicine and other essential services for those living in areas under its control.⁷⁷

Sixthly, the UN is actively involved in supporting the forced displacements of people by extending humanitarian aid to the Government’s ‘reinstallation’ camps while withholding such aid to UNITA-controlled zones.

Seventhly, there are credible reports saying that the MPLA Government - assisted by Portuguese, Brazilian, Israeli and Russian mercenaries - had used chemical cluster, napalm, fuel-air-explosive and other bombs⁷⁸ against civilian targets in UNITA-controlled areas.

Lastly, according to Angolan journalist Raphael Marques, when the MPLA Government declared the Third Civil War and launched a major military offensive to crush UNITA and resolve the dispute by force, it enjoyed the overwhelming support of especially the United Nations and the Troika of Observers.⁷⁹

6. The Role of Humanitarian Assistance Agencies

The *modus operandi* and philosophy of humanitarian aid agencies were by their nature and design supposed to be premised on strict neutrality, impartiality and non-selectivity as enshrined in UN Charter and other international norms. In his June 2001 report on the prevention of armed conflict addressed to the UN, Secretary-General Kofi Annan outlined, among other things, the following basic premises aimed at mobilizing greater UN coherence and focus for conflict prevention and or resolution:

1. UN efforts in conflict prevention must be in conformity with the purposes and principles of the Charter.
2. Although the primary responsibility for conflict prevention rests with national Governments, with civil society actors playing an important role, the main role of the UN and the international community is to support national efforts for conflict prevention and assist in building national capacity in this field.

3. One of the principal aims of preventive action should be to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural root causes that often underlie the immediate political symptoms of conflicts, and that;
4. An effective preventive strategy requires a comprehensive approach that encompasses both short-term and long-term political, diplomatic humanitarian, human rights, and developmental, institutional and other measures.

The partisan role that certain humanitarian aid agencies, and particularly those within the UN system, have played and continue to play in the politicization of humanitarian aid in conflict areas has seriously threatened most of the basic principles outlined above by Annan. This state of affairs has increasingly elicited concern on the part of all those who are genuinely concerned with effective conflict prevention and or resolution strategies.

NSHR is no exception in this regard.

The World Food Program (WFP) has particularly been criticized on several occasions by various civil society actors for lacking neutrality, impartiality and independence in distributing humanitarian aid in Angola. Consider the following:

1. At the beginning of 1993, a Harare-based WFP spokesperson was reported as saying ‘we cannot fly over enemy [meaning UNITA] controlled areas.’⁸⁰

In their recent report on the humanitarian crisis in Angola, the Noble Peace Prize holding Medicines without Borders (MSF), among other things, denounced the practice of massive forced population displacements of people called “reinstallation” and creating total dependence on humanitarian aid in that country.

Lashing out at the ‘façade of normality’, the said MSF report fell short of accusing the WFP of complicity in the Government’s “reinstallation” drive and in claiming that the human rights, humanitarian and security situation in Angola has normalized. Said MSF:

“It is not only the Angolan Government that is speaking of ‘normalization in the country’. The international community and the United Nations echo this talk of newfound stability. In response, the United Nations agencies, and in particular the World Food Program (WFP), will shift the system of general food distribution to support the government’s planned ‘reinstallation’ of people. Support from the international community in the form of intensive economic investments—investments whose impact are only visible in Luanda and on the Atlantic coast— make this façade of stability possible.”⁸¹

On November 9, 2000, MSF Head of Mission in Angola had this observation to make:

“Contrary to the fictitious official line that is given out by the government, and accepted in turn by the international community and the United Nations, the situation is far from being ‘normal’.”⁸²

MSF noted that the practice of “orchestrated displacements” of people to regions, with meager aid and protection offered to them, makes it impossible to ensure genuine relief for those displaced. MSF also charged that:

“The people are used by both sides as a weapon of war and are literally displayed into humanitarian ‘shop windows’, at best to secure maximum access to funds, at worst to get the approval of the international community.”⁸³

2. Also, the Angolan Anti-Militarism Initiative for Human Rights (IAADH) - -one of the country’s strongest pro-dialogue civil society actors - -has accused certain UN agencies and in particular the WFP of not only ignoring the abominable human rights record of the Luanda Government but also of being “hostile” towards critics of the said government.⁸⁴
3. While the MSF correctly had blamed both the Angolan Government and UNITA of having equally been responsible for the very grave human rights, humanitarian and security situation in the country, a certain Enrico Pavignani, an independent consultant “with a long-term interests in the Angolan health sector,” differed:

“We need to differentiate a corrupt and poorly functioning, but legitimate, government of Angola from UNITA, the malicious force which has contributed greatly to sustaining the war for years. Talking about them [i.e. the Government and UNITA] in the same breath and not differentiating their motives and roles is unfair, unhelpful, and indirectly legitimizes UNITA. Bolstering the ability of the government to deliver services must remain a priority for donor agencies and non-governmental organizations.”⁸⁵

4. According to the ISS, humanitarian assistance is a political instrument and is used as such by conflicting factions and or by donors and can, under certain circumstances, contribute to prolonging conflicts. On the role of humanitarian agencies in contributing to conflict prevention and or resolution ISS said:

“Only once humanitarian aid is recognized as a political factor will it be possible to restrict abuses and incorporate it constructively as a possible conflict resolution mechanism.”⁸⁶

Hence, real or perceived lack impartiality and neutrality on the part of certain international humanitarian aid agencies, such as the World Food Program, have also significantly contributed to the exacerbation of the Angolan conflict.

7. Scramble for Angola’s Wealth and Natural Resources

External business rivalry for oil, wealth and natural resources in Africa has been a common exacerbating factor for civil conflicts.⁸⁷ According to the Center for Conflict Resolution (CCR) based at the University of Cape Town, South Africa:

“African post-colonial violence is invariably presented to the outside world as if it was the ‘natural’ condition for a ‘barbarous’ continent. The business rivals have the power to plant their stories in the media deflecting attention from the possibility that it is the multinational actors who, by intriguing with local political interests, stir up much of the violence themselves.”⁸⁸

The fact that the Angolan conflict is almost exclusively blamed on UNITA by certain influential Western governments sitting on the UNSC as well as certain sections of the international media appears to confirm the above observation by the CCR.

In March 2000, then Chairman of the Angola Sanctions Committee, Canada's UN Ambassador Robert Fowler, observed that Angola is "an enormously rich country, which in a couple of years was expected to pump more oil than Nigeria."⁸⁹ Fowler also noted that Angola had about 6 percent of the world's high-quality and high-value diamonds."⁹⁰

Clearly, Angola's oil and diamond resources are part of the problem. The country's vast wealth and natural resources are controlled and exploited by Western multinational oil and diamond corporations, international banking institutions and multinational mercenary companies through certain individuals in the top echelons of the Angolan Government.

7.1. Western Multinational Corporations (MNC)

The chaotic situation of war, instability and statelessness in Angola created a perfect environment and best opportunity for especially unscrupulous Western multinational oil and diamond corporations (MODCs), international banking institutions (IBIs) and multinational mercenary companies (MMCs), to plunder Angola's wealth and natural resources and to reap enormous profits with impunity.

Global Witness (GW), a British-based human rights and environmental organization, has demonstrated, in finer detail, how Western multinational oil and diamond corporations, international banking institutions and certain foreign governments, in complicity with the MPLA Government in Luanda, have been fueling the Angolan conflict:

*"The international oil companies which are profiting from the Angolan people's main natural resource, the international banks which arranged short-term loans at exorbitant interest rates and the national governments which assist such business arrangements must accept their responsibility... If not, they must accept that they are complicit in this situation. Collectively, they are the source of the vast disappearing revenues, which are the driving force behind the continuation of war."*⁹¹

In order to correct this situation GW recommended that "international commercial banks, which have provided vast loans that have been used" by the Angolan Government to purchase lethal weapons, "often through mafia-style individuals and companies... should desist in providing further loans."⁹²

The views of GW are in congruence with the observation by Human Rights Watch (HRW), which similarly says:

*"... The Angolan Government has used oil revenues to finance covert arms purchases that undermined the spirit of the Lusaka Peace Accords. The arms are being used to continue a vicious civil war in which hundreds of thousands of civilians have lost their lives over the last decade and nearly 10 percent of the population were displaced by the renewed conflict."*⁹³

HRW also reported that the MPLA Government during 1998 used about US\$870 million of funds that had been generated from signature bonus payments on oil exploration and offshore concession blocks to acquire sophisticated weapons.⁹⁴

The UN recognizes the negative role that multinational corporations can play in fueling conflicts. During the struggle for the right to self-determination in Namibia, the UNGA:

“Strongly condemns the activities of all foreign corporations operating in Namibia... which are exploiting illegally the human and natural resources of the Territory, and demands that transnational corporations comply with all pertinent resolutions of the United Nations by immediately abstaining from any new investments in Namibia, by withdrawing from the Territory....”⁹⁵

The UNGA also declared that:

“The natural resources of Namibia are the birthright of the Namibian people, and that the exploitation of those resources by foreign economic interests... in violation of the Charter of the United Nations... is illegal and contributes to the maintenance of the illegal occupation regime.”⁹⁶

The destructive role that the multinational oil and diamond corporations are playing in fueling the Angolan conflict is also recognized by UN Secretary-General Kofi Annan, whose Special Adviser on Africa, Ibrahim Gambari, on February 8, 2001, held discussions in London with representatives of *inter alia* DeBeers, Chevron, BP-Amoco and Shell International on ways to advance efforts to end the Angolan civil war.⁹⁷

7.2. Multinational Mercenary Companies

The involvement of diamond mining mercenary firms, such as Executive Outcomes (South Africa), Sandline International (UK), DiamondWorks (Canada) in fueling the Angolan and other civil conflicts in Africa is also well documented.⁹⁸ Such involvement became more pronounced from the beginning of 1993 onwards. Many of these mercenary firms are said to have close ties⁹⁹ with the multinational oil and mineral exploration corporations, which provide additional funding and political contacts for such firms.¹⁰⁰

The UN Special Rapporteur on Mercenaries had this observation to make about the role of mercenary companies in fueling conflicts:

“The aggravating factor is that their participation is linked to the bloodiest aspects of a conflict and to crimes against human rights. Moreover, the financial considerations and desire for illicit gain through looting which are associated with their participation may be decisive in prolonging the conflict. The mercenary’s interest lies not in peace and reconciliation but in war, since that is his business and his livelihood.”¹⁰¹

V. PURPOSES AND PRINCIPLES OF THE UNITED NATIONS

On the other hand, the purposes and principles of the UN as well as the intentions and prescriptions of international law are very clear and leave no room for misunderstanding and or ambiguity:

1. On December 14, 1960, the UNGA proclaimed the *Declaration on the Granting of Independence to Colonial Countries and Peoples*, which, *inter alia*, states that “the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the United Nations Charter, and is an impediment to the promotion of world peace and cooperation, and that steps should be taken to transfer, unconditionally, all powers to [such peoples] so that they might enjoy complete freedom and independence.”

2. On December 14, 1962, the UNGA in terms of resolution 1803 (XVII), also proclaimed that the “right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.”¹⁰²
3. On December 4, 1986, the UNGA in terms of resolution 41/128 proclaimed that the “right to development is an inalienable human right by virtue of which every human being and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedom can fully be realized.”¹⁰³

In the same resolution the UNGA also stressed that “all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of, certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.”¹⁰⁴

Furthermore, in terms of resolution 41/128, the UN calls upon States to take resolute steps to eliminate “the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, neo-colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.”

4. On May 31, 1991, the UNSC passed resolution 696 (1991) on the Peace Accords for Angola containing the *Triple Zero* (i.e. an arms embargo) clause, which prohibited “accepting lethal equipment, whatever its origin.”¹⁰⁵
5. On August 28, 1997, although belatedly, the UNSC correctly determined that the situation in Angola “constitutes a threat to international peace and security in the region.”
6. In accordance with resolution 53/68 of January 22, 1999, the UNGA affirmed, “the continuation of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the *Declaration on the Granting of Independence to Colonial Countries and Peoples* and the *Universal Declaration of Human Rights*.”

VI. CRIMINAL LIABILITY

In Angola, neo-colonialism characterized by alien subjugation, domination and exploitation as well as denial of complete and total independence is a reality and the injustices resulting there from are now being reincarnated into a burden on the shoulders of also future Angolan generations.

Political power continues to be exclusively in the hands of a racial and social minority with questionable allegiance to the country.

It is on that account that Portuguese neo-colonialism in Angola is and should be of crucial concern to all those seeking justice for the victims of colonialism. We cannot undo the past: neither can we pay for its victims. But the least we can do is shoulder the moral imperative to stop the injustices of the past being transferred onto future Angolan generations.

1. As stated earlier, on May 31, 1991, the UNSC passed resolution 696 (1991) on the Peace Accords for Angola containing the *Triple Zero* (i.e. an arms embargo) clause, which prohibited “accepting lethal equipment, whatever its origin.”¹⁰⁶

However, members of the so-called Troika of Observers, particularly Portugal and the Russian Federation violated this resolution and supplied lethal weapons to the Angolan Government throughout such Accords.

Ostensibly disturbed by such flagrant violation, then British Permanent Representative to the United Nations and British Representative on the UNSC Sir. David Hannay, noted in 1993 that:

*“We made a mistake. We probably should not have allowed the weapons floodgates to have been opened but have concentrated on making sure the embargo was better implemented.”*¹⁰⁷

Yet no steps have been taken by the UNSC to rectify this situation.

2. Furthermore, in terms of resolution 696 (1991) on Angola, the UNSC, *inter alia*, stressed “the importance of all States,” including the Observer States: Portugal, the Russian Federation and the United States of America to refrain “from taking any actions which could undermine [the Peace Accords for Angola].”

Nonetheless, on September 15, 1993, the UNSC passed resolution 864 (1993), paragraph 19 of which selectively prohibits “all sale or supply to UNITA of arms and related materiel and military assistance, as well as petroleum products.” At the same time resolution 864 (1993) allows the MPLA Government to import “arms and related materiel of all types” as long as such importation is made “through named points of entry on a list to be supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Members States of the United Nations.”¹⁰⁸

Additionally, the ongoing military cooperation and or pacts between the Government of Angola, on the one hand, and Portugal, Brazil and the Russian Federation, on the other, have suppressed the right of the Angolan people to self-determination as enshrined in the Charter of the United Nations and as embodied in the International Covenants on Human Rights as well as in the *Declaration on the Granting of Independence to Colonial Countries and Peoples* contained in General Assembly resolution 1514 (XV) of December 14, 1960.

Moreover, the UNGA in terms of resolution 52/131 reaffirms that “the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity, and should not be used for political ends.”

3. The complicity of Elf, Texaco, Mobil/Exxon, Chevron, BP Amoco and Shell as well as certain French and Swiss banks, such as United Bank of Switzerland and Paribas, in fueling

the Angolan conflict for corporate profits has prolonged and exacerbated the immense suffering of the Angolan people, the neo-colonialist exploitation, foreign subjugation or domination, the suppression of the right of the Angolan people to exercise control over their wealth and natural resources and has undermined their total and complete freedom and independence.

As is the norm by all corrupt entities, the corrupt practices, including bribing of Angolan government officials, by multinational oil and diamond corporations (MODCs), international banking institutions (IBIs) and multinational mercenary companies (MMCs) are conducted under the cover of secrecy.

Lack of transparency and accountability on the part of Elf Aquitaine (France), BP-Amoco (United Kingdom) and Chevron and Mobil/Exxon (USA) as well as Swiss and French banking institutions and their involvement with key individuals such as President Eduardo dos Santos and other high-ranking Angolan government officials in plundering Angolan States assets are well-documented, by among others, Global Witness (GW), Human Rights Watch (HRW) and *The Economist*.

Hence, these entities must be directly held responsible for creating a situation unfavorable and incompatible not only with the interests and aspirations of the Angolan people, but also the purposes and principles of the United Nations. These MODCs, MMCs and IBIs in particular have immensely aided, abetted and strengthened corruption, repression and the destruction of Angolan social and moral fabric.

Furthermore, the exposure of the collusion by particularly MODCs, IBIs and MMCs with the Government of Eduardo dos Santos is only cruel from the view that the very same institutions and corporations will want in the future to collect their debts from victims of their own crimes. Their own criminal acts must be punished.

NSHR are therefore grateful for the research done by GW, HRW, *The Economist* and others about the role of MODCs, IBIs and MMCs in fueling the very grave human rights, humanitarian and security situation Angola, which the UN correctly declared “a threat to international peace and security.” NSHR calls on these MODCs, IBIs and MMCs to immediately do the only moral act: stop their criminal and illegal acts in Angola, now.

The impoverished Angolan people are subsidizing the rich in the Western countries through the illegal deeds of the Angolan government in collusion with MODCs, MMCs and IBIs.

4. Worse, revenues accruing from Angolan oil and diamond resources are not only used to subjugate the right of the Angolan people to self-determination but also to sponsor wars of aggression in Namibia, Zambia, the Democratic Republic of Congo, the Republic of Congo and so on. Death, suffering and destruction followed these illegal military incursions by Angola.
5. It is therefore imperative that entities such as Portugal, Brazil and the Russian Federation as well as certain MODCs, IBIs and MMCs, must be held criminally liable for aiding, abetting and contributing to the very dangerous human rights, humanitarian and security situation in Angola, characterized by acts of genocide, crimes against humanity, war crimes and the crime of aggression.

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Ending the Angolan Conflict: Our Time Has Come to be Heard

Towards the Realization of the International Year of the Culture of Peace

Windhoek, Namibia, July 3, 2000

Dedicated to the Search For Durable Peace in Angola

“If the Angolan people were not heard for the war to start, let them be heard for it to end.”

Pastoral Message
Catholic Bishops of Angola
Luanda, March 29, 2000

NSHR is an independent African human rights advocacy and monitoring non-governmental organization based in Namibia. Concerned with international human rights and humanitarian treaties, especially those adopted by the United Nations and the Organization of African Unity, Namibians founded the organization in 1989 in order to promote strict compliance.

NSHR maintains observer status in the African Commission on Human and Peoples Rights and is in consultative status with the Economic and Social Council of the United Nations.

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Foreword

The United Nations Security Council, the European Union and several international human rights bodies in the Northern Hemisphere have said and done much about the symptoms of the ongoing Angolan conflict. However, they have said and done little about the structural root and proximate causes of that conflict. The time has now come to tackle the real sources of the Angolan conflict, as a disease can only be eradicated by treating it, not only its symptoms.

Furthermore, the international community appears to ignore the views of the Angolan people spearheaded by the Angolan Church and other civil society actors. The time has also come for indigenous African civil society actors and governments such as South Africa, Botswana, Mozambique and Zambia and other pro-dialogue nations in the SADC region to be heard and their views to be taken into consideration. 'Our time has come'.

*Phil ya Nangoloh, Sr
Executive Director
July 3, 2000*

I. EXECUTIVE SUMMARY

Ever since its inception on December 1, 1989, NSHR has been seized with the close monitoring of the human rights, humanitarian and security situation in Angola. Hence, the organization is well informed and knowledgeable about the structural root causes and exacerbating and triggering factors of the long-running Angolan conflict. NSHR is of the view that the UN, through certain actions or statements emanating from its Security Council, has failed to create--and even undermined--an atmosphere of mutual confidence between the two Angolan warring parties.

This state of affairs stems from the apparent UN failure to grasp, and make a distinction between, the structural root causes and exacerbating factors and triggering factors of the armed conflict in that country. The imposition of sanctions against UNITA has further undermined confidence and strengthened the resolve of the oppressed peoples by heightening their sense of collective persecution and has exacerbated their perception of cultural and economic deprivation which are among the structural root causes of the conflict in the first place.

The international community has been behaving like a physician selectively treating the symptoms, but not diagnosing the root causes, of the Angolan disease. This report therefore proposes measures towards a durable solution to the conflict in that country.

It thus attempts to identify the structural root causes and exacerbating and triggering factors of the armed conflict. It also attempts to point out in chronological order: how several peace agreements on Angola collapsed due to the poor management of the de-colonization process; the impact of Cold War rivalry on building a democratic socio-economic and political order; intolerance and lack of accountability and transparency on the part of the ruling elite; technical and logistical shortcomings in the implementation of peace agreements; geo-political ambitions and international conspiracy involving external economic interests; and other factors.

NSHR is of the opinion that the *Bicesse Accords* of May 31, 1991, should continue to be the basic framework in accordance with which the Angolan conflict could be ended. The Lusaka Protocol of November 20, 1994 is, on several counts, in conflict with both the *Alvor Agreement* and *Bicesse Accords*. The Protocol was also reached and was being implemented under a state of war and or threat of war¹, coercion, threats and ultimatums that characterized UN Security Council (UNSC) resolutions and statements issued between December 1992 and March 2000. A mediating body is bound to fail to gain the confidence and cooperation of a disputant against whom such body threatens or applies sanctions or force.

Therefore confrontational and, in some cases, hostile UNSC statements and resolutions cannot reasonably be expected to create mutual confidence between two warring parties, the absence of which constitutes the single biggest obstacle to long-lasting peace in Angola. Hence, the Protocol should either be reconciled with especially the *Bicesse Accords* or be declared redundant and shelved.

Finally, the report makes certain observations and conclusions and in the end makes recommendations on how the Angolan conflict could best be resolved.

II. STRUCTURAL ROOT CAUSES

1. Colonial Legacies

The long-running Angolan armed conflict is structurally rooted in the legacies of colonialism, the seeds of which were first sown with the arrival of Portuguese in 1550.

Deep-rooted and institutionalized animosities based on class, race and politicized ethnicity remain at the heart of this conflict. Making up more than 45 percent of the Angolan population, the Ovimbundu and other peoples in the central highlands are pitted against the assimilated Kimbundu (i.e. *assimilados*) and the mixed race (i.e. *mestiço*) peoples, who reside in the coastal areas of the country around Luanda, the Angolan capital. The latter two groups make up less than 25 percent of the population.

Male Ovimbundu people were forcibly sent to work as slaves on coffee and sugar plantations by their Portuguese colonial masters. They were seen as hard workers and cheap laborers. While the female Ovimbundu people were, among other things, forced to construct roads through thick forests into the hinterland. Also, members of the Ovimbundu ethnic group were principally the ones who were exported as slaves to work on sugar and coffee plantations in the Americas, notably Brazil.

Even today the *mestiços* and *assimilados* look down upon the historically marginalized Ovimbundu, Bakongo, Chokwe and other indigenous African peoples as ‘barbarians’ or ‘backward’. The former groups have had close association with the Portuguese colonialists over a period of some 450 years and make up the significant proportion of Angola’s original urban population. As a consequence, the Ovimbundu and other rural peoples still largely resent their *assimilado* and *mestiço* country peoples.

2. Anti-Colonial Resistance: National Liberation Movements

Apart from their broader socio-economic, political and military objectives, the three Angolan resistance movements were, right from the beginning, either regionally or ethnically based.

2.1. The MPLA

In 1956 *mestiço* and *assimilado* intellectuals from the coastal cities founded the Movement for the Liberation of Angola (MPLA) in order to secure the release of their colleagues at the time imprisoned by Portuguese colonialists.

2.2. The FNLA

Originally called the Union of the People of Angola (UPA), the National Front for the Liberation of Angola (FNLA) was founded in 1961. At the time it launched a violent armed uprising in order to expel the Portuguese, *mestiço* and *assimilado* peoples from the northwestern areas of Angola.

2.3. UNITA

The Ovimbundu and other central highlands peoples, on the other hand, formed the National Union for the Total Independence of Angola (UNITA) in 1966. UNITA was, among other things, also founded as an alternative to the dominance of MPLA by *mestiço* and *assimilado* intellectuals and the FNLA by Kikongo-speaking northerners².

2.4. The Logic of Conflict

UNITA purports to represent 'the real' Africans, sons and daughters of the soil, living in the rural areas and fighting against a wealthy, cosmopolitan and better-educated urban elite. Today, this elite makes up the bulk of the political and military support for the ruling MPLA.

The military logic of the present Angolan civil war is structurally rooted in, and reflects, this fundamental division.

These then are the historical structural root causes of the current civil conflict in Angola.

III. EXACERBATING AND TRIGGERING FACTORS

The Angolan conflict has been and is exacerbated by, *inter alia*, the poor management of the de-colonization process; over-centralization of political and military power, oppression and political exclusion; deep-rooted mutual suspicion on the part of the two main warring parties; disparate and hidden geo-political interests of Cold War protagonists; external business rivalry for Angola's vast oil and mineral resources; hostile propaganda and misinformation; real or perceived lack of UNSC impartiality; delays in the implementation of peace agreements; unrealistic expectations and bad faith on the part of certain mediators and parties to the conflict; and the use of inflammatory or coercive language and threats or ultimatums by especially the UNSC as well as technical and logistical deficiencies in the deployment of UN peace-keeping operations.

1. The Alvor Agreement & the De-colonization Process

On April 25, 1974, General Antonio de Spínola overthrew the Portuguese dictatorial regime led by Prime Minister Marcello Caetano. This led to the suspension of Portuguese military operations against the three Angolan liberation movements. The military coup in Portugal led to a fierce civil conflict among the MPLA, FNLA and UNITA. The Communist Party-led Portuguese Government through the then governor-general of Angola, Admiral Rosa Coutinho, also deliberately instigated³ such conflict.

On January 15, 1975, at Alvor in Portugal, the armed three movements made peace and agreed to a joint de-colonization process through the establishment of a transitional government of national unity to be effected on November 11 of the same year. However, heavy fighting broke out again and on August 11, 1975, the MPLA, thanks to massive Cuban and Soviet military assistance, took exclusive control of Luanda.

In June 1975, Cuban forces assumed a direct combat role in Angola on the side of the MPLA. The United States, on the other hand, covertly supported the FNLA and later UNITA.

2. The First Angolan Civil War

On November 11, 1975, the MPLA by armed force seized power and unilaterally declared Angola an independent State. On the same day Portugal hurriedly and unceremoniously ended its rule in Angola, leaving political power exclusively in the hands of the MPLA ethnic and racial minority.

The November 11 military coup by the MPLA, also with Cuban and Soviet assistance, violated the provisions of the tripartite Alvor Agreement of January 15, 1975.

On May 10, 1976, following a central committee meeting, UNITA issued the River Cuanza Manifesto, in which it vowed to continue fighting against MPLA, Cuban and Soviet forces, resorting to guerrilla warfare.

*“We will never accept a minority regime imposed by a racist European colonial power... Let the Russians and their Cubans come by their tens of thousands... In the end the people of Angola will win,”*⁴ declared UNITA.

At the peak of the Cold War, the United States used UNITA as a proxy force to fight against Soviet and Cuban forces and their MPLA proxy. At the time the US hailed UNITA as “freedom fighters” and vilified the ruling MPLA as “communists.”

The Cold War confrontation on Angolan soil was therefore a *fait accompli*.

Now that the Cold War is over, both the US and Russia have become the main trade partners of the ethnic minority MPLA government. That is to say, their own economic interests in Angola take paramount importance at the expense of the Angolan people. Consequently, UNITA is now called “terrorists and bandits,” while the MPLA is praised as “the legitimate” Government of Angola.

3. The Bicesse Accords

On May 31, 1991, Angolan President Eduardo dos Santos and UNITA President Dr. Jonas Savimbi signed a peace agreement in Portugal along the lines of the Alvor Agreement, known as the *Bicesse Accords* in an attempt to end the 16-year First Angolan Civil War.

These Accords, also known as *Acordos de Paz*, make provision for a bilateral cease-fire; bilateral quartering of the two forces; bilateral disarmament and disbandment of the two armies; formation of a single neutral national army and police forces; and multiparty elections as well as a monitoring team of some 550⁵ military and civilians observers under the auspices of the Second UN Verification Mission (UNAVEM II).

The establishment of the First UN Verification Mission (UNAVEM I) in 1989 had to do with the withdrawal of Cuban troops from Angola and the implementation of UNSC resolution 435 (1978) as well as the Brazzaville Protocol of December 13, 1988, on Namibian independence.

Under the *Bicesse Accords*, both the MPLA and UNITA also agreed not to buy arms from the US, Russia or any other foreign sources. In terms of the *Triple Zero Option* enshrined in the *Bicesse Accords* the former Cold War protagonists were also obligated to abide by these Accords.⁶

However, on August 25, 1991, the MPLA started importing lethal weapons from Russia. On October 31, 1991, a UNAVEM II report on troop quartering revealed that some 20 percent of the total MPLA armed force of some 115,000⁷ troops could not be accounted for. This represents an armed force of between 25,000 and 30,000⁸ troops. By all standards the number of MPLA forces remained particularly low in the assembly areas and has even declined by comparison during the latter part of 1991.⁹ Also, little, if any, progress was made on the creation¹⁰ of a representative and neutral police force to replace the paramilitary rapid intervention police force of the MPLA, known as the Ninjas.

On September 29-30, 1992, for the first time in Angolan history, multiparty elections were held and on October 17, 1992, the National Elections Commission (CNE) announced the official final¹¹ election results as follows: in the presidential race¹², MPLA President Eduardo dos Santos received 49.57 percent to 40.07 percent for UNITA President Jonas Savimbi. However, both Dos Santos and Savimbi fell short of the required 51 percent to qualify as President of Angola. With regard to the final legislative results, the MPLA scored 53.47 percent to UNITA's 34.1 percent.¹³

It is significant to point out that earlier on October 3, 1992, 8 Angolan Opposition parties, including UNITA, rejected the unofficial results, which were prematurely announced by the MPLA on several occasions. Those parties accused the MPLA of a "widespread, massive and systematic irregularities and fraud."¹⁴ At the time the UN Secretary-General urged¹⁵ UNITA not to reject the electoral results, pending investigation of the complaint and emphasized the urgency of a meeting between Dr. Jonas Savimbi and Mr. Eduardo dos Santos.

On October 5, 1992, less than 10 days after the formation of the new army, 11 UNITA generals withdrew in protest against the alleged electoral fraud.¹⁶ The new non-partisan army, with equal¹⁷ numbers of UNITA and MPLA forces, was only formally¹⁸ formed on September 27, 1992, i.e. two days prior to the elections, with fewer than 10,000¹⁹ troops of the envisaged 50,000²⁰ members in place.

On October 17, 1992, Margaret Anstee, UN Special Representative for Angola, herself tacitly acknowledged that there were, indeed, "irregularities" in the electoral process, but asserted that this did not have a "significant effect on the results." Organizational and logistical difficulties as well as widespread electoral irregularities that characterized the Angolan electoral process also become evident in this rather ambivalent statement by Ms. Anstee:

*"[T]here was no conclusive evidence of a major systematic or widespread fraud, or that the irregularities were of magnitude to have a significant effect on the results officially announced on 17 November. With all deficiencies taken into account, the elections held on 29 and 30 September 1992 can be considered to have been generally free and fair."*²¹

On August 21, 1993, former US Assistant Secretary of State Chester Crocker had this to say about the elections:

*"The observers present had no way to evaluate the elections. There were few regions of Angola where people could freely express their points of view."*²²

For the observation and verification of the voting process on September 29-30, 1992, UNAVEM II deployed 400 electoral observers, operating mainly as two-person mobile teams.²³ They only managed to cover 4,000 of the some 6,000 polling stations²⁴ in a country with an area of 1 246 700 square kilometers.

Of significance is to point out that on October 16, 1992, UNITA had already publicly agreed to accept the unofficial electoral results and to take part in the second round of presidential elections.²⁵ On October 17-18, 1992, the day when the official election results were announced, a serious shooting incident occurred between MPLA and UNITA forces in the city of Huambo. This led to heightened political tensions in the country.

On October 27, 1992, the UN Secretary-General in a report to the UNSC expressed "serious concern at the deterioration of the political situation and the rising tension"²⁶ in Angola. This led to the issuance by the President of the Security Council of a statement, among other things,

calling upon UNITA to “respect the results of the elections held on 29 and 30 September”²⁷ and to “engage in a dialogue without delay.”²⁸ The President of the UNSC also threatened that “the Security Council will hold responsible any party which refuses to take part in such a dialogue, thereby jeopardizing the entire process.”²⁹

In an apparent effort to abide by UNSC threats and in order to defuse tensions and discuss the technical aspects of the second round of the presidential elections, UNITA in Huambo dispatched a high-powered delegation to Luanda on October 20, 1992. The said delegation consisted of UNITA Vice-President Jeremias Chitunda, Chief Negotiator Elias Salupeto Pena, Secretary-general Alicerces Mango and Administrative Secretary Eliseu Chimbili. However, these officials never returned to Huambo as they were among the over 20,000 UNITA supporters massacred³⁰ by MPLA Special Forces and armed civilians in the Angolan capital between October 31 and November 2, 1992.

The Luanda massacre started on October 31, 1992, barely 23 hours after the UNSC adopted resolution 785 (1992) extending the mandate of UNAVEM II to November 30, 1992, and threatening to “consider all appropriate measures under the Charter of the United Nations to secure implementation of the ‘Acordos de Paz’.”³¹ This threat was also directed at UNITA only.

4. The Second Angolan Civil War

The massacre of UNITA peace negotiators and other supporters in Luanda was, in reality, what triggered the Second Angolan Civil War.

Thus, claims in several UNSC resolutions and statements that UNITA rejected the elections results and “resumed” the war are neither accurate nor justifiable.

Nonetheless, on November 12, 1992, UNITA leader Jonas Savimbi formally confirmed in a letter³² addressed to the UN Secretary-General that his organization accepted the legislative electoral results and was prepared to go for the second round of the presidential race.

However, ostensibly encouraged by a series of public condemnations of UNITA by the UNSC and the “expulsion of UNITA” from Luanda, MPLA forces and armed civilians continued to attack UNITA supporters in at least 10 other provisional capitals of the country.³³ As a consequence, tens of thousands of UNITA supporters, including 100 members of the Bakongo ethnic group³⁴, were also decimated by marauding MPLA supporters between October 1992 and January 1993.

On November 25, 1992, in a detailed report to the UNSC, the Secretary-General attempted to identify the “root cause”³⁵ of the resumption of hostilities as the following: less than effective demobilization of forces and storage of weapons; the delay in creating the unified Angolan Armed Forces; the failure to re-establish effective central administration in many parts of the country; the delay in setting up a neutral police force as well as UN failure to create an atmosphere of mutual confidence, tolerance and respect between the two warring parties. The UN Secretary-General also urged the increasingly impatient and intolerant UNSC not to “despair of the Angolan peace process.”³⁶

On November 30, 1992, the UNSC adopted another resolution³⁷ in which it, *inter alia*, extended the mandate of UNAVEM II to January 31, 1993, and demanded that the “two parties scrupulously observe the cease-fire, immediately stop all military confrontation and all offensive

troop movements.”³⁸ There was, however, no mention, whatsoever, of the murder in Luanda of the 4 high-ranking UNITA peace negotiators.

As if this were not bad enough, on January 29, 1993, the UNSC passed resolution 804 (1993) in which it, *inter alia*, “strongly” condemned the Movement of the Black Cockerel for the “persistent violations of the main provisions of the Acordos de Paz” and “withdrawal from the new Angolan armed forces and its seizure of provincial capitals and municipalities and the resumption of hostilities.”³⁹ However, in an apparent reference to the massacres of UNITA negotiators and supporters, but without mentioning the MPLA by name, the UNSC also “strongly” condemned “violations of international humanitarian law, in particular the attacks against the civilian population, including the extensive killings carried out by armed civilians.”⁴⁰

Resolution 804 (1993) extended the mandate of UNAVEM II to April 30, 1993.

From thereon UNITA was repeatedly condemned in virtually all the consecutive UNSC resolutions and statements.⁴¹ Today the Movement of the Galo Negro is also being held solely responsible for the collapse and failure of all UN peacekeeping operations in Angola⁴² and systematically threatened with additional punitive actions.

A mediating body, which resorts to threats, coercion and ultimatums against one of the parties to a conflict, is bound to be mistrusted by the targeted party as a soccer team mistrusts a biased referee. Therefore the use of force threats ultimatums and similar actions have seriously compromised UN impartiality that was critical to its status as a mediator or referee.

Considering the fact that the entire UN philosophy is premised on international morality based on international human rights and humanitarian law, it is the Government of Angola, on behalf of the Angolan State, that has ratified international human rights and humanitarian treaties. Therefore it is the Government, in the first place, but not UNITA, which has the legal and moral obligation to observe such treaties.

It is this and other unbalanced approaches by particularly the UNSC that caused the international community to be perceived as being part of the problem, rather than the solution to the Angolan civil conflict. Such approaches are perceived to have systematically undermined mutual confidence between the warring Angolan parties.

4.1. UNSC Imposes Sanctions against UNITA as Clinton Recognizes MPLA

After supporting UNITA covertly for five years the US Government effected a complete about turn and, in spite of a very serious human rights situation in Angola, the Clinton Administration recognized the MPLA Government, for the first time, on May 19, 1993. On September 15, 1993, the UNSC passed resolution 864 (1993), imposing an arms and oil embargo on only UNITA. UNITA’s fight, which is a conflict not of an international character, was called a “threat to international peace and security.”⁴³

This also became the first time in UN history that Chapter VII of the UN Charter was applied to a non-state entity.

On June 7, 1993, the MPLA Government, obviously encouraged by US recognition as well as UNSC sanctions against UNITA, unilaterally revoked the *Triple Zero Option* enshrined in the *Bicesse Accords* and, once again, began a massive arms build-up, which reached its peak in 1994.

One of the main reasons why nuclear war did not break out between the East and West during the Cold War was the fact that both sides had the military capability to destroy each other. This was deterrence. But in Angola when one side is allowed to acquire sophisticated weapons while the hands of other side are officially tied together, deterrence falls away and the well-armed side is bound to capitalize on this advantage.

Lack of deterrence in Angola is also being used to exterminate⁴⁴ with impunity the Ovimbundu, Bakongo, Chokwe and other rural peoples for their real or perceived political support for UNITA.

5. The Lusaka Protocol & Peace Process

On November 20, 1994, the Lusaka Protocol provided for, among other things, the re-establishment of the 1991 cease-fire; unilateral quartering of all UNITA troops; unilateral withdrawal, disarmament and disbandment of all UNITA forces; as well as unilateral integration of UNITA generals into the MPLA-controlled armed forces; incorporation of UNITA troops into the police force; repatriation of all foreign mercenaries; the disarmament of the civilian population as well as the quartering and disarmament of the Government's rapid intervention police, notoriously known as "the Ninjas."

The major political aspects of this Protocol were the verification and monitoring by the UN; cessation of all hostile propaganda, establishment of an independent UN radio station; completion of the 1992 presidential electoral process; formation of a government of national unity and reconciliation; and, extension of State administration to UNITA-controlled areas.

Unlike the *Bicesse Accords* and later the provisions of paragraph 12 of UNSC resolution 976 (1995), the Lusaka Protocol does not impose a bilateral arms embargo on both the MPLA Government and UNITA.

5.1. UNSC Allows MPLA Arms Imports

UNSC resolution 864 (1993) imposed an arms and oil embargo only on UNITA but allowed the MPLA Government to import arms and petroleum products throughout the implementation of the Lusaka Protocol, as long as these came in "through named points of entry on a list supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations."⁴⁵

Furthermore, in terms of this Protocol, the US, Russia and Portugal, commonly known as the Troika of Observers, were supposed to act as guarantors of the Lusaka Peace Process. However, throughout the implementation of the Protocol, Russia and Portugal had undermined UNITA confidence and abused their official status as mediators by repeatedly signing military agreements⁴⁶ with, and supplying large amounts of offensive weapons to, the MPLA Government.

To date Russia⁴⁷ remains the MPLA's largest trading partner with respect to sophisticated weaponry. Angola, thanks to the MPLA, has a US\$6 billion debt⁴⁸ to Russia for weapons supplied in the 1980s.

The US, on the other hand, pressed the American mercenary outfits, the Military Professional Resources Incorporated (MPRI), to train⁴⁹ MPLA-controlled armed forces to fight UNITA guerrillas. The US is Angola's largest trading partner⁵⁰ in the sub-Saharan African region.

Partisan interests such as the commercial and financial interests of the Portugal, UK, Canada, Russia and US have also undermined the mediation efforts of the United Nations in Angola.

The Angolan Government also continued to systematically undermine both the peace accords and UNITA politically and militarily.

Internally, the extension of State administration to some 300 of 344 former UNITA-controlled areas was extensively used to erode UNITA's power base. In those areas, UNITA supporters were deliberately and consistently subjected to severe and massive human rights abuses⁵¹, including summary executions, torture, mass incarceration and enforced disappearances.

The arms build-up which the MPLA was allowed to have throughout the implementation of the Lusaka Protocol, enabled the Government to isolate UNITA internationally. For example, the MPLA became involved in the civil war in the Democratic Republic of Congo, and the overthrow of the elected Pascal Lissouba government in Congo-Brazzaville as well as military incursions into Zambia⁵² in order to isolate UNITA.

6. The Third Angolan Civil War

The Third and present Angolan Civil War resumed⁵³ on December 5, 1998. On that date President Eduardo dos Santos, speaking at the opening of the IV Congress of his ruling MPLA, stated that "the only way" to lasting peace was the total elimination of Savimbi and his UNITA movement. Dos Santos also terminated the mandate of the UN Observer Mission in Angola (MONUA) and put an end to the Lusaka Peace Process. MONUA observers, citing security reasons, withdrew⁵⁴ from all the remaining UNITA-held areas on December 6, 1998.

Moreover, just prior to the opening of the said Congress, MPLA Government forces launched a military attack on UNITA strongholds of Bailundo and Andulo.⁵⁵ Angola was, therefore, once again, plunged into a bloody civil war marked by a very serious human rights, humanitarian and security situation.

As in all other cases, the Third Angolan Civil War, which was soon exported to Namibia and, to some extent, Zambia⁵⁶ was preceded by an arms build-up by the MPLA. Such arms build-up, which reached its peak in 1999, was made possible by funds stolen from oil revenues.⁵⁷

7. External Business Interests

In March 2000, the Chairman of the Angola Sanctions Committee, Canada's UN Ambassador Robert Fowler, observed that Angola is "an enormously rich country, which in a couple of years was expected to pump more oil than Nigeria."⁵⁸ Fowler also noted that Angola had about 6 percent of the world's high quality and high-value diamonds.⁵⁹

Clearly, Angola's vast oil and diamond resources are part of the problem. External business rivalry for oil and mining resources in Africa has been a consistent exacerbating factor for civil conflicts.⁶⁰

The chaotic war situation and instability created a perfect environment and best opportunity for especially unscrupulous Western multinational oil and banking corporations, as well as diamond mining mercenary companies, to reap enormous profits without State control. The involvement of these corporations and companies in fueling the civil conflicts in Africa is well documented. According to the Center for Conflict Resolution (CCR) based in Cape Town, South Africa:

“African post-colonial violence is invariably presented to the outside world as if it was the ‘natural’ condition for a ‘barbarous’ continent. The business rivals have the power to plant their stories in the media deflecting attention from the possibility that it is the multinational actors who, by intriguing with local political interests, stir up much of the violence themselves.”⁶¹

The fact that the Angolan conflict is almost exclusively blamed on UNITA by the UNSC and certain influential Western governments and certain sections of the international media appears to confirm the above observation by the CCR.

7.1. The Involvement of Western Multinational Corporations

Global Witness (GW), a British-based human rights organization, has demonstrated, in finer detail, how Western multinational oil and banking corporations and certain foreign governments, in complicity with the Angolan Government, have been involved in fueling the Angolan conflict. Said GW:

“The international oil companies which are profiting from the Angolan people’s main natural resource, the international banks which arranged short-term loans at exorbitant interest rates and the national governments which assist such business arrangements must accept their responsibility... If not, they must accept that they are complicit in this situation. Collectively, they are the source of the vast disappearing revenues, which are the driving force behind the continuation of war.”⁶²

In order to correct this situation GW recommended that “international commercial banks which have provided vast loans that have been used” by the Angolan Government to “purchase weapons, often through mafia-style individuals and companies... should desist in providing further loans.”⁶³

The views of GW are in congruence with this observation by Human Rights Watch (HRW):

“... The Angolan Government has used oil revenues to finance covert arms purchases that undermined the spirit of the Lusaka Peace Accords. The arms are being used to continue a vicious civil war in which hundreds of thousands of civilians have lost their lives over the last decade and nearly 10 percent of the population were displaced by the renewed conflict.”⁶⁴

HRW also reported that the Angolan Government during 1998 used about US\$870 million of funds that had been generated from signature bonus payments on oil exploration and offshore concession blocks to acquire sophisticated weapons.⁶⁵ The international human rights body wrote that, on aggregate, oil revenues comprise over 90 percent of Angola’s exports, between 70 and 90 percent of government income from 1994-1999.⁶⁶

7.2. The Involvement of Multinational Mercenary Companies

The involvement of diamond mining mercenary firms, such as Executive Outcomes (South Africa), Sandline International (UK), DiamondWorks (Canada) in fueling civil conflicts is also well documented⁶⁷ in conflict-stricken and mineral rich countries such as Angola, Sierra Leone, Democratic Republic of Congo and Papua New Guinea. Many of these firms are said to have close ties⁶⁸ with multinational oil and mineral exploration corporations, which provide additional

funding and political contacts for such firms.⁶⁹ In 1997 DiamondWorks became Canada's largest producer of diamonds.⁷⁰

The UN Special Rapporteur on Mercenaries had this observation to make about the involvement of mercenaries in fueling conflicts:

“The aggravating factor is that their participation is linked to the bloodiest aspects of a conflict and to crimes against human rights. Moreover, the financial considerations and desire for illicit gain through looting which are associated with their participation may be decisive in prolonging the conflict. The mercenary's interest lies not in peace and reconciliation but in war, since that is his business and his livelihood.”⁷¹

There have been credible reports that the MPLA Government assisted by Portuguese, Brazilian, Israeli and Russian mercenaries had indiscriminately used chemical cluster, napalm, fuel-air-explosive and other bombs⁷² against civilian targets resulting in massacres in UNITA-controlled areas in the central highlands and northwestern parts of the country.

The UN Special Rapporteur also made this observation regarding the role of Executive Outcomes (EO) mercenaries in fueling the civil conflict in Sierra Leone:

“In recruiting mercenaries, Executive Outcomes is said to work through a network of security companies operating in various countries, soldiers of fortune and intelligence circles. Its work in Sierra Leone is said to involve the following activities: training of officers and other ranks; reconnaissance and aerial photography; strategic planning; training in the use new military equipment; advising on arms purchases; devising psychological campaigns aimed at creating panic among the civilian population and discrediting the leaders of the RUF, etc.”⁷³

Ample evidence also shows that the involvement of mercenary companies in the Angolan conflict began in early 1993. At the time the MPLA Government signed a US\$140 million contract⁷⁴ with EO in order to fight UNITA forces. EO and other mercenary troops were held responsible for indiscriminate killings, including massacres of civilians in the central highlands and the northwestern regions of Angola, including at Soyo⁷⁵ during 1993.

Coincidentally, this is also the time when the UNSC, for the first time in UN history, applied the provisions of Chapter VII on a non-State actor, i.e. UNITA.

8. The UNSC's Anti-UNITA Sanctions Regime

The sanctions regime imposed on UNITA is centered on UNSC resolutions 864 (1993), 1127 (1997), 1173 (1998) and 1295 (2000). The measures at issue are: an embargo on arms and petroleum and petroleum products; banning travel by all senior officials of UNITA and the adult members of their immediate families; and imposition of an embargo on diamonds from UNITA controlled areas and a freeze on UNITA bank accounts and other financial assets; as well as tightening the existing the sanctions regime, respectively.

For all practical purposes, the sanctions regime and the military campaigns by the MPLA government appear to be designed to destroy UNITA as an organization. For example, the report of the Angola Sanctions Committee recommends, *inter alia*, the “immediate expulsion of those persons found still to be actively engaged in UNITA's military or political affairs” and that the

list of “senior UNITA officials” should be “expanded to include foreign individuals closely collaborating with UNITA and providing assistance.”⁷⁶

Nonetheless, the destruction of a ‘national, ethnic, racial or religious’, ‘any stable and permanent group’ or ‘political or social group’ is classified in both the 1998 Rome Statute and the Genocide Convention of 1948 as genocide and or a crime against humanity.⁷⁷ Isn’t UNITA such a group?

UNSC sanctions have been imposed on the premise that UNITA was solely to blame for the continued conflict in Angola. However, the involvement of certain Western governments, multinational oil and banking corporations as well as mercenary organizations clearly shows that UNITA cannot reasonably be held solely responsible for the continued conflict in Angola.

Furthermore, sanctions and other punitive actions by the UNSC have proved to be counter-productive. As had been clearly demonstrated in the cases of Cuba, Libya, Iraq, Bosnian Serbs and Yugoslavia such measures only help to unify not divide or deter those who are fighting for their survival and who are determined to die for their cause.

9. Human Rights Imperatives

Astonishingly, human rights issues do not feature prominently in the Alvor Agreement, the Bicesse Accords and the Lusaka Protocol. These are kept as subtext in the Lusaka Protocol, having been mentioned only as a commitment to general principles of human rights in the protocol’s annexes on national reconciliation. The human rights abuses perpetrated on mass scale against UNITA supporters were neither promptly investigated nor publicly denounced by the UN and certain Western nations.

It must be pointed out that the process of transition to Angolan independence from Portugal on November 11, 1975, brought very little or no meaningful change to the indigenous African population. It has not led to the end of dictatorial rule marked by lack of transparency and accountability, glaring income disparities along racial lines, widespread and systematic human rights abuses, absence of an independent judiciary, disrespect for the rule of law, economic mismanagement and pandemic corruption. It had also left virtually intact the *status quo ante* of deep-rooted ethnic hatred and the urban-rural divide.

Herein also lies the source of the recurrence and continuation of the violent civil conflict in Angola.

According to Angola’s present human development indicators⁷⁸, the life expectancy is 42 years, 83 percent of the population lives in absolute poverty, 76 percent are without access to healthcare and the unemployment rate is 80 percent. This state of affairs mostly afflicts the very same groups who were previously marginalized during the Portuguese colonialist period.

Severe suppression of, and restrictions on, the right to freedom of opinion and expression, association and assembly in Angola is also well documented. This includes systematic persecution of media workers. It is no wonder that President Eduardo dos Santos has recently been classified as one of the world’s 10 worst enemies of the press.⁷⁹ On February 17, 2000, the European Parliament passed a resolution deploring the state of press freedom in Angola.⁸⁰

The human rights situation is no better along Namibia’s northeastern border. Here unprecedented gross and systematic abuses perpetrated by Namibian and Angolan forces have been occurring since November 1999, after Angolan armed forces were allowed to fight UNITA from Namibian

soil.⁸¹ These abuses include a series of massacres⁸², transfers of large numbers of people, enforced disappearances, torture and mutilation; recruitment of mercenaries⁸³ and child soldiers⁸⁴ as well as anti-personnel landmines planted by Angolan Special Forces.⁸⁵

Such abuses are deliberately and systematically directed particularly against the Ovimbundu⁸⁶ and other oppressed peoples for their real or perceived support of UNITA while the international community maintains its silence about them.

Hence, the human rights situation in Angola deserves to be described as a consistent pattern of gross and systematic violations of human rights and fundamental freedoms. This state of affairs warrants an urgent investigation by a UN special rapporteur.

10. Struggle for the Right to Self-Determination

During its 52nd session, the UN General Assembly adopted a resolution⁸⁷ reaffirming the importance of the universal realization of the right of peoples to self-determination, as a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights. The right of peoples to self-determination is enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights as well as the Declaration on the Granting of Independence to Colonial Countries and Peoples.⁸⁸

Considering the poor management of the process of transition to independence as well as the extent to which the governments of Brazil, Canada, Portugal, Russia, US and UK and multinational oil and banking corporations as well as mercenary companies are involved in the Angolan conflict on the side of the Government, UNITA should be considered as a national liberation movement struggling against neocolonial domination and foreign intervention.

Moreover, Angola is one of a few sub-Sahara African countries where political and military power vests in an ethnic and racial minority. Rwanda, Burundi and, to a certain extent, Kenya are the others. However, unlike Angola, Rwanda and Burundi, Kenya has a degree of homogeneousness with respect to the Kiswahili language.

During the colonial era, African liberation movements fighting for the right to self-determination enjoyed the support of the international community. Specifically, peoples fighting for self-determination received various support: humanitarian, moral, financial and even military support from Western and Eastern countries alike. Said the UN Special Rapporteur on Mercenaries:

“The international community should give further thought to the background and habitual course of such conflicts, and support African efforts to secure rapid, effective agreements guaranteeing the right to self-determination, observance of human rights, democracy and development for all peoples who, despite the attainment of independence some years ago, are unable to find peace with justice and development, mainly because of violence, foreign interests and armed conflicts.”⁸⁹

Yet, the Angolan Government, despite its ignominious human rights record, is called “legitimate” and enjoys the support of especially the Clinton Administration and certain other influential permanent members of the UNSC.

IV. GENERAL OBSERVATIONS AND CONCLUSIONS

1. On Internal & External Factors

The Angolan civil war is characterized by virtually all the structural and proximate causes of conflict in Africa as identified by UN Secretary-General Kofi Annan in his report of April 16, 1998, as submitted Security Council. Basically, it is an ethnic conflict exacerbated, prolonged and exploited by disparate commercial, financial and other interests of certain influential permanent Member States of the UN Security Council.

As in numerous sub-Sahara African nations, political organizations in Angola are either ethnically or regionally based. However, in Angola political and military power vests in an ethnic and racial minority.

The Government of Angola, with the support of certain permanent members of the UNSC, has the political and military power. Whereas, UNITA under Jonas Savimbi, has a very strong political support from the historically marginalized indigenous African peoples. Considering the level of politicized ethnicity in Angola, like elsewhere in sub-Saharan Africa, punitive actions taken against UNITA and Savimbi are collectively perceived as acts of hostility against the oppressed peoples of Angola, in general, and the Ovimbundu people, in particular.

Hence, the international community risks to be seen as siding with one ethno-cultural and social group against the other.

A mediating body which targets one of the parties to a conflict by resorting to punitive actions or threats and ultimatums is bound to be mistrusted by the targeted party as a soccer team mistrusts a biased referee.

Economic and similar punitive actions have largely proved to be counter-productive. As it had been clearly demonstrated in the cases of Cuba, Libya, Iraq, Bosnian Serbs and Yugoslavia, sanctions and other punitive measures had only helped to unify, not to divide those nations. Hence, the imposition of sanctions against UNITA has not only undermined UNITA's confidence in the UNSC but also has also heightened the perception of collective persecution and exacerbated a sense of ethno-cultural and economic deprivation. Such persecution and deprivation are among the structural root and proximate causes of the Angolan civil conflict in the first place.

It appears that the UNSC lacks a good grasp of the structural root causes and exacerbating and triggering factors of the Angolan conflict and therefore has been rushing the peace processes in that country. For example, the Lusaka Peace Process was concluded under duress and has a scant value in the absence of a genuine commitment to the promotion of respect for human rights, national reconciliation, sustainable economic development and durable peace in Angola.

The UNSC has been behaving like a physician selectively treating the symptoms, but not diagnosing the root causes, of the Angolan disease. The ethno-cultural and psycho-political dynamics of the Angolan civil war urgently requires an unequivocal confidence-building approach by an impartial mediator.

To promote and encourage universal respect for human rights and fundamental freedoms for all was one of the basic objectives for which the UN was founded in 1945. The situation in Angola, for which the Angolan Government is legally and morally held responsible in terms of international law, reveals a consistent pattern of gross and reliably attested infractions of human rights and fundamental freedoms.

Although the Government of Angola is a State Party to over 20 international human rights treaties, 6 of which have regular reporting requirements, none of these requirements have so far been complied with. Nonetheless, the Government of Angola, despite its ignominious human rights record, is called “legitimate” and enjoys the support of especially the Clinton Administration and certain other influential permanent members of the UNSC.

The Government of Angola, analogous to apartheid South Africa, has become the main destabilizing agent in the sub-Saharan African region. It is this status that poses a real threat to international peace and security.

2. On the former Cold War Protagonists

Given the history of the Angolan civil war the role the Troika of Observers/Mediators themselves have played in undermining the *Bicesse Accords* and the Lusaka Peace Process, the international community must question the true motivations of these governments.

It has since also become clear that during the Cold War era certain Western nations abused the UN’s human rights discourse to rally international support for their own exclusive national interests. This explains why the US and the UK, among others, managed to support “anti-Communist” African despots such as Idi Amin (Uganda), Mobutu Sese Seko (Zaire) and others.

On the other hand, the Soviet Russians used the UN’s right to self-determination discourse to rally international support for any “anti-Imperialist” leaders in order to fight against their Western adversaries. Russia also supported African dictators such as Mohammed Siyad Barre (Somalia), Mengistu Haile Mariam (Ethiopia), Samora Machel (Mozambique) and Eduardo dos Santos (Angola).

In both cases the real victims were democracy, respect for human rights and fundamental freedoms and the rule of law, peace and sustainable human development in so many African countries.

Portugal, Russia, UK and US are now regarding the MPLA Government as “legitimate.” Please note, they are not saying that the Government is democratic, accountable or transparent or respects the human rights and fundamental freedoms of the entire Angolan people. Democratic governance, accountability, transparency and respect for human rights are supposed to be among the key characteristics of any legitimate government. These, however, have never existed in MPLA-ruled Angola.

3. On UNSC ‘Conflict’ Diamond’ Sanctions

The UNSC has taken the position that the sale of “illicit” diamonds by UNITA is prohibited because it fuels the civil war in Angola. However, the sale of oil and diamonds by the Angolan Government, one of the two parties to the conflict, as well as the role played by certain foreign governments, multinational oil and banking corporations as well as mercenary companies is apparently regarded as “legal.” Sufficient proof, however, does exist that funds generated from such sales are also used by the Angolan Government to buy offensive arms that fuel the civil conflict.

If the UNSC really wants to stop the war, why don’t they just stop the flow of arms to either side, rather than small easily concealable diamonds? Why are Brazil, Portugal and Russia and other

arms traders allowed by the UNSC to supply arms to the Angolan government thereby fueling the war in Angola?

Furthermore, certain Western governments and NGOs have now embarked on a worldwide campaign⁹⁰ against the use of so-called “blood” or “conflict” diamonds by only “rebel movements” in Africa. Nevertheless, it is also a known fact that high-ranking government officials in Africa are themselves deeply involved in “conflict” diamonds for personal gain, such as the Democratic Republic of Congo, Sierra Leone and Angola. This creates a false impression that diamonds become only “bloody” or “conflict” when the so-called rebel movements acquire them. Or does this mean that all governments in Africa have, all of a sudden, become democratic, accountable, transparent and legitimate, such that the right of peoples to self-determination is no longer valued?

The “blood diamonds” story therefore could be a deliberate effort by certain Western governments and NGOs aimed at diverting international attention from the moral support for universal realization of the inalienable right of oppressed peoples to self-determination. Legitimate national liberation movements should just not be deliberately vilified and stigmatized as “rebel groups” or even “terrorists” as is the case in Angola.

Hence, the UNITA diamond sanctions regime could be part of an intentional scape-goating campaign by an assortment of powerful Western governments, multinational oil and banking corporations as well as mercenary companies to prolong the conflict for their own commercial and financial interests at the expense of the Angolan people. These entities may also be doing so out of fear that if political power in Angola were to vest in the hands of the indigenous Angolan people, the chance is good that the scandalous plundering of that country’s resources as alleged by Global Witness would come to an end.

The scandal involved in the oil exploration and banking operations in Angola appear to be of massive proportions such that it could lead to the exposure of certain high-ranking officials in influential Western nations, leading to a leadership and financial crisis in those countries or even in the whole world.

Therefore the involvement of Western governments, multinational oil and banking corporations and mercenary organizations from the same countries smacks of an international conspiracy. Is Canadian Ambassador Robert Fowler, for example, aware that DiamondWorks, a Canadian mercenary outfit with deep involvement in “conflict” diamond mining in Angola, has become the largest diamond producer in Canada?

4. On Anti-Savimbi Campaign

The international community is advocating total isolation of Savimbi and UNITA, including forced exile or altogether elimination by military methods.⁹¹ It is shocking to hear from certain major Western democracies that forced exile or expulsion of UNITA supporters and the suppression of the right to freedom of expression and opinion (in respect of UNITA representatives in several Western countries) are, after all, permissible. Moreover, it makes no sense for Western nations to censure the Angolan Government for suppressing the right to freedom of expression, opinion and press in Angola, while UNITA supporters are muzzled in those Western countries.

Equally disturbing and morally reprehensible is the strategy by the Angolan Government to physically eliminate UNITA leaders, including Dr. Jonas Savimbi. Unfortunately, such strategy

whereby UNITA leader Jonas Savimbi should be “targeted”⁹² apparently enjoys the support certain influential members of the UNSC.

The massacre of UNITA peace negotiators in Luanda on November 2, 1992, triggered the resumption of the conflict, not the “rejection” of the electoral results by UNITA.

It is also often claimed that Dr. Savimbi cannot be regarded as valid interlocutor in the Peace Process allegedly because he has violated the Bicesse Accords and “went back to the bush.”⁹³

Let us assume, for a moment, that this claim was true. How many agreements or UNSC resolutions were said to have been violated by the State of Israel vis-à-vis the rights of the Palestinians? Nonetheless, peace talks between the Israelis and the Arabs are still fostered, perhaps since 1967. The same can be said of Northern Ireland where parties to the Protestant-Catholic conflict are being encouraged to achieve lasting peace through dialogue. Why should Angola be an exception? Surely what is good for the goose should also be good for the gander?

There is no question that UNITA leader Savimbi represents a large section of the Angolan population, i.e. 40 percent as opposed to 49 percent for President dos Santos, if the 1992 elections are anything to go by. Just imagine how the US Democrats or British Labor Party supporters would feel if a foreign power were to call for the “targeting” or summary removal of President Bill Clinton or Prime Minister Tony Blair.

If the structural root and proximate causes of the Angolan civil war were used as a pointer, to expect UNITA to surrender to the ethnic and racial minority MPLA government would be tantamount to forcing the Chechens, Kosovars, Greek Cypriots, Palestinians and the Hutus to surrender to the Russians, Serbs, Turk Cypriots, Israelis and Tutsis, respectively.

V. RECOMMENDATIONS

The Bicesse Accords of May 31, 1991, read together with the provisions of paragraph 12 of UNSC resolution 976 (1995) should continue to be the basic framework in accordance with which the Angolan conflict could be ended.

From the preceding chapters it becomes quite clear that the international community has repeatedly failed to build requisite mutual confidence between the warring parties in Angola. The EU should urgently help create such environment in order to end the conflict and human rights abuses there.

To that effect the EU should set up an *ad hoc* task force to identify the structural and proximate causes as well as closely monitor the human rights, humanitarian and security situation in Angola. In so doing, the EU should liaize with local human rights organizations, the media and ecumenical bodies. This is needed in order to give practical effect to the pursuit of EU objectives as set out in Article 1 (c) and (d) of its Common Position on Angola of June 8, 2000.

The EU should also continue to be deeply committed to a peaceful political solution to the conflict in Angola and should make every effort to achieve that objective.

Particularly, the EU should support a Track Two-mediation exercise in Angola, along the lines of the Saint Egidio effort, which led to the successful resolution of the Mozambican conflict. The UN, the EU and the OAU should make their good offices available for this purpose.

The international community should impose a comprehensive and complete arms embargo on both the MPLA Government and UNITA as envisaged in the Bicesse Accords read together with the provisions of paragraph 12 of UNSC resolution 976 (1995) of February 8, 1995.

From Article (1) of the EU's Common Position as adopted at Feira, one of the EU objectives is to "contribute to a policy of national reconciliation in Angola through the promotion of a culture of tolerance and dialogue and all those within UNITA and other political parties who are truly committed to peace and unequivocally demonstrate their will to abide by the rules enshrined in the Lusaka Protocol and democratic principles."

While such objective could be commendable, it reinforces the exclusionist position already being held and pursued by the MPLA Government with active support from US, UK and Canada that, among other things, UNITA leader Jonas Savimbi should be sidelined as valid interlocutor allegedly because he has violated certain provisions of the Bicesse Accords. Moreover, this position does not make sense since peace needs to be made by and between the two warring parties. As United Nations Secretary General Kofi Annan once put it:

*"You make peace with enemies."*⁹⁴

The EU Common Position 97/356/CFSP adopted in 1997 concerning conflict prevention and resolution in Africa should therefore be centered and based on a policy of strict impartiality vis-a-vis all the warring parties. This is unquestionably necessary in order to build mutual confidence between the warring parties in Angola.

The EU should also become actively involved in preventing further human rights abuses. Gross human rights abuses perpetrated by the Government and UNITA should be left to a national truth and reconciliation commission to be established by the Angolan Parliament to be set up after the successful implementation of the envisaged new peace agreement. The international community should, however, not tolerate any further infractions of human rights from any quarter in Angola.

On June 8, 2000, at Feira, Portugal the EU adopted a Common Position on Angola in which it was realistically noted "certain provisions of (the EU Common Position of 1995) are obsolete and require updating." It is therefore recommended that a similar position should be adopted and similar updating should be undertaken vis-a-vis certain contradictions between the Lusaka Protocol and its Annexes. For example:

- (i) While the *Bicesse Accords* read together with the provisions of paragraph 12 of UNSC Resolution 976 (1995) impose a comprehensive arms embargo on all stakeholders, UNSC resolution 864 (1993) allows the MPLA Government to acquire sophisticated offensive weapons and imposes an arms embargo exclusively on UNITA. Yet, the *Bicesse Accords* and UNSC Resolution 864 (1993) are annexes to the Lusaka Protocol.
- (ii) Whereas the *Bicesse Accords* make provision for a comprehensive bilateral disarmament, quartering, demobilization and integration of both Government and UNITA troops, the Lusaka Protocol makes provision for the disarmament, quartering, demobilization and integration of only UNITA forces.

It is therefore recommended that the Lusaka Protocol be revised and brought in line with the *Bicesse Accords* read together with the provisions of paragraph of 12 of the UNSC resolution 976 (1995).

Once confidence has been built and new peace agreement has been reached between the two parties, a neutral peacekeeping and confidence-building multinational force should go into Angola to effect total disarmament and demobilization of both Government and UNITA forces. This should be followed by the formation of a transitional government of national unity as foreseen in the *Alvor Agreement* and the *Bicesse Accords*.

It is recommended such multinational force should take over the portfolios of defense, security, and finance (finance through the IMF), for a period of, say, five years, and thereafter elections should then be held.

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