

Shutting the door on the past won't mute the screams

PIERS PIGOUE

The Swiss government refuses to discuss the findings of an official research process it commissioned, whose findings raise serious questions about the nature and extent of its relationship with apartheid South Africa.

Switzerland's foreign policy is guided by five principles: a commitment to peaceful co-existence; respect for international human rights and democracy; safeguarding of Swiss economic interests abroad; relieving need and poverty; and preserving the natural environment. It has not always been so, and only since the mid-1990s has Switzerland declared a commitment to human rights as integral to its policy.

Between the 1960s and 1980s, despite some political discomfort, apartheid South Africa presented a prime investment destination for those seeking good returns on their money. While Switzerland officially supported a reform agenda in South Africa, it endeavoured to separate its economic interests from its political agenda, conveniently oblivious of their direct interconnectedness. Indeed, throughout the 1980s, in a context of increased militarisation and repression in South Africa, Swiss economic, military and financial relations with Pretoria intensified - providing much-needed relief at a time of increasing international isolation.

In the wake of Holocaust reparations claims, the Swiss parliament adopted a resolution forcing a reluctant executive to commission the South African research, ostensibly to facilitate "factual clarification" regarding "Switzerland's economic and foreign relations with Pretoria between 1948 and 1994". In 2003, the Swiss Federal Council, emboldened by the Mbeki government's opposition to South Africans seeking reparations in foreign courts, effectively closed down access for the research team to the Federal Archives, claiming that it did not want to prejudice Swiss companies who were facing civil claims for reparation in the US courts.

Although this had a significant impact on what could be examined, especially since the 1960s, the foundation's researchers were able to gain limited access to South African archives and, in October 2005, released what has become known as the "Kreis Report".

Despite employing diplomatic language that downplayed Switzerland's association with apartheid South Africa as collaborative and characterised by complicity with the perpetration of gross human rights violations, the research findings provided unprecedented insights into a relationship that included extensive military co-operation, weapons manufacturing, arms dealing, nuclear co-operation, intelligence co-operation, bank loans and other financial exports, gold and diamond dealing and sanctions busting. It also raised serious questions about the Swiss Federal Council's lacklustre oversight role during this period. Despite calls from Swiss civil society and various motions in the Swiss parliament, the Swiss government's official response to the Kreis report was that it would not respond.

Last week, in Pretoria, the Swiss ambassador, Rudolph Baerfuss, apparently on orders from the Swiss Foreign Ministry, refused to respond to the contents of a memorandum presented by South African civil society groups requesting they engage with the findings of the Kreis report and that they open up the archives for further "factual clarification".

At a somewhat surreal meeting at the Swiss Embassy on March 30, Jody Kollapen, the chairman of the South African Human Rights Commission, Marje Jobson, the director of South Africa's largest victim organisation, the Khulumani Support Group, and Yasmin Sooka, former TRC commissioner and the director of the Foundation for Human Rights, were told by Baerfuss, reading from a prepared statement, that the Swiss government had no intention of making a political response to what it considered to be a scientific report. The polite atmosphere belied the grotesque inference of the Swiss government's position and the fact that a position of silence is, in itself, a political statement.

Such an argument is patently self-serving and effectively irresponsible, but does reflect a generic discomfort that many contemporary governments feel with respect to the policies and practices of their predecessors. Indeed, the Swiss government is not alone in its efforts to avoid an honest engagement with its culpability with respect to enabling abusive behaviour, whether in South Africa or elsewhere.

This appears, however, to contradict an increasingly accepted framework for good governance that is underpinned by notions of transparency and accountability.

Technical arguments around the nature of these relationships and causal linkages between inputs and violations provide little cover in support of the platitudes of denial and obfuscation wheeled out by those implicated.

In New York's District Court, nine multinational corporations, including the United Bank of Switzerland, continue their efforts to prevent the Khulumani Support Group and others from seeking reparation for their alleged complicity with the apartheid regime in the commission of multiple human rights violations.

In their latest efforts to dismiss the case in February this year, the companies argue that Khulumani has not established that the substantive nature of their business transactions was intended to facilitate these abuses. Khulumani is arguing it does not have to establish intent, but rather that these companies had knowledge that their business was contributing to an "enabling environment" for the abuses and did nothing about it.

Morally, of course, the companies lost the reparations battle a long time ago, and have resorted to waging a war of attrition based on legal technicalities. There is no remorse, there is no regret, there is no humility for what they have been party to.

Likewise, the Swiss government continues to hide behind a passive aggressive posture of disengagement and silence, positions gravely insulting to the victims and survivors of apartheid policies.

The Swiss government cannot claim that it was not aware of South African policies, or

that its engagement was benign, economically isolated or unpolitical. This engagement included close military co-operation, at a technical, practical and strategic level; collaboration in the production of munitions and propellants and in the development of South Africa's nuclear technology and its atomic bomb; an active role in initiating and handling arms deals; gold and diamond trading that intensified during the 1970s and 1980s; and the underwriting of huge loans in the 1980s that contributed directly to the massive debt inherited by Mandela's government in 1994.

Much of this involvement took place at a time when many were actively disengaging from South Africa and sanctions were being implemented, which the Swiss government refused to do, arguing that this would contradict its foreign policy principles.

But the Kreis report does little to support the Swiss government's position that its policy of neutrality supported a reform agenda in South Africa; indeed, quite the opposite. Given the need for further "factual clarification", it's a fair question to ask why the current government does not want to engage in such a discussion. Its deliberate disengagement inevitably raises speculation as to its real motives.

Of course, for some, the precedence of securing accountability by means of research or legal inquiry must be avoided at all costs. Ironically, while there is a growing acceptance of international human rights standards and ethical codes to which many governments and even businesses now commit, there is a deathly silence around engagements that seek to instill some kind of retrospective accountability for past actions. Instead, a line is metaphorically drawn in the sand, urging us to look forward, and never backwards.

Leaving aside the merits or demerits of whether a retributive agenda is the best way to proceed in terms of dealing with the past, surely the Swiss government and its fellow travellers understand that wonderful new policies that adhere to international best practice are best employed once we have an accurate understanding of exactly what we are trying to avoid repeating. Shutting the door on this discussion does us all a great disservice and does nothing to engender a culture of responsibility, but perhaps that's what the Swiss government really wants.

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The Swiss government's refusal to respond to a research report that it commissioned and that reveals the extent of its collusion with successive apartheid-era regimes is a slap in the face of the many victims of apartheid crimes against humanity, among them Hector Pieterse
PICTURE: SAM NZIMA



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