

Cabinda

Notes on a soon-to-be-forgotten war

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CABINDA'S YEAR OF WAR: 2002

*The government of Angola considers... that it is indispensable to extend the climate of peace achieved in the whole territory and hence to keep its firm commitment of finding a peaceful solution to the issue of Cabinda, within the Constitutional legality in force, taking into account the interests of the country and the local population.*¹

*Cabinda is the Cabindan's hell.*²

War in Angola may only now be over, 15 months after the government and UNITA (National Union for the Total Independence of Angola) formally ended the civil war that has pitted them against one another for the last three decades. Largely ignored in the hype that surrounded the end of war between the government and UNITA, the forgotten war (to borrow the title of a well-known volume on Angola³) in the Angolan province of Cabinda saw some of its worst fighting during the country's "year of peace". But is the war in Cabinda now over? According to Angolan Armed Forces (FAA) Deputy Chief of Staff General Nunda Sachipengo, "the worst in the military phase has already passed" and the FAA are now only involved in routine activities in Angola's Cabinda province.⁴ These comments were made four months ago, in April 2003.

The main objective of the FAA, namely, to permanently defeat Cabinda's insurgents, has been largely achieved through a systematic counter-insurgency campaign that swept through Cabinda from the middle of 2002. According to Cabindan separatists, the war had "intensified since July when the government army stepped up its operations there, drawing on its considerable forces which have been freed from fighting UNITA." In October 2002, it was reported that the FAA had deployed helicopters and tanks to begin a final "assault" on the separatists in Cabinda.⁵ In addition, in this "final" counter-insurgency campaign,

the Angolan government allegedly used newly-incorporated UNITA soldiers to "all but vanquish the splintered separatist factions of the FLEC."⁶

When the Angolan government and UNITA signed the Memorandum of Understanding on 4 April 2002, the situation in Cabinda had been relatively quiet for several months. Soon after, however, reports of clashes in the Buco-Zau military region between government forces and the separatists began pouring out of Cabinda. The FAA gradually advanced to the heart of the rebel-held territory, and by the end of October

2002 it had destroyed Kungo-Shonzo, the FLEC-FAC's (Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda) main base in the municipality of Buco-Zau. Situated 110km from Cabinda city, Kungo-Shonzo had been in existence since 1979.⁷ In April 2003, General Nunda Sachipengo announced that the FAA's command post in the Buco-Zau region had been closed down.⁸ And on 8 June 2003, the Angola Press Agency reported that Francisco Luemba, Chief of Army Staff of the FLEC-FAC, together with six other high-ranking officers, had surrendered to government authorities.⁹ The war in Cabinda was

now over—at least according to official Angolan sources.

Earlier, at the end of December 2002, the FAA had claimed it had captured the bastions of another separatist faction, the FLEC-R (Front for the Liberation of the Enclave/State of Cabinda- Renewed) and seized considerable quantities of arms and ammunition.¹⁰ By the end of February 2003, General Armando da Cruz Neto, Chief of Staff of the FAA, felt confident enough to observe that:

We are in a position to state that there have been significant changes in Cabinda's military situation as a result of operations carried out by our armed forces. FLEC [Renewed] has ceased to operate since late 2002. We could say that the operation launched to restore peace in Cabinda has reached a positive phase. The next phase entails the develop-

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ment of border control mechanisms so as to prevent FLEC forces from regrouping and returning.¹¹

Militarily, the FLEC-FAC, under the Presidency of N'Zita Henriques Tiago and the military command of Estanislau Bomba, presented the strongest resistance to the FAA's recent advance. Based predominantly in the northern centre of the province, it has operated mostly in Buco-Zau, Belize and Micongue. On the other hand, the other main separatist faction, the FLEC-R, although weaker militarily and having engaged in virtually no military activity for some months now, has evidenced a stronger political organization. Whatever their strengths, however, Cabinda's armed secessionist movements, with an estimated combined number of troops of no more than 2,000, were powerless in the face of the FAA's large-scale offensive.¹²

THE HUMAN COSTS OF WAR

The way in which the counter-insurgency operation in Cabinda was pursued was inspired by the successful tactics of the 1988–2002 war against UNITA, and the consequences for Cabinda's civilian population have been almost identical to those suffered by the general civilian population. As discussed below, Cabinda's "year of war" resulted in the displacement and indiscriminate abuse of thousands of civilians, in summary executions, rape and torture, in the destruction of property and in the pillage of villages. Nevertheless, as was the case in "mainland" Angola, these blatant violations of human rights were not committed exclusively by government forces. Cabinda's armed separatists were equally responsible for grave human rights abuses, in a conflict that, although militarily characterized as low intensity, has had a tremendous impact on the lives and livelihoods of Cabinda's population.

It is difficult to evaluate the humanitarian situation in a province that is essentially off-limits to all but those who work in the oil industry. As recently as January 2003, the FAA prohibited a United Nations humanitarian assessment mission from leaving Cabinda town, even though the mission had been suggested by Sergio Vieira de Mello, United Nations High Commissioner for Human Rights.¹³ Nevertheless, non-governmental organizations, both foreign and Angolan, have been able to report on the situation. Thus Amnesty International describes the situation as follows in its 2003 report:

There were numerous allegations of human rights abuses but it was difficult to obtain independent corroboration. FLEC sources reported indiscriminate bombardments and land attacks on villages and makeshift camps in the forest to which hundreds of civilians fled. They said that during these attacks scores of unarmed civilians including women and children were killed and homes were looted and burned. They also reported that soldiers raped women and girls, sometimes in front of family members. ... FLEC factions were also reported to

have attacked unarmed civilians and carried out other human rights abuses.¹⁴

Some of the humanitarian consequences of Cabinda's "year of war" have been more fully detailed in a recent report entitled "Terror in Cabinda",¹⁵ which was released on 10 December 2002. This report was produced by the Ad-Hoc Commission for Human Rights in Cabinda, under the co-ordination of human rights activist and journalist Rafael Marques and with the assistance of two Roman Catholic priests, Paulo Taty and Jorge Congo. This first comprehensive report on the human rights situation in the province (going back to March 1997) gives a detailed account of cases of murder, summary executions, arbitrary detentions, torture, disappearances, sexual assault and rape, as well as cases of pillage, perpetrated by all the parties involved. The cases, which are individually described and documented, are said to be no more than a sample of the total number of cases of human rights' abuses by both government forces and the separatist movements.

While characterized as low intensity, the extent of the war in Cabinda and its disproportionate impact on civilians give it extremely harsh contours. The authors of the report remind us of this when they point out that the war was fought throughout the province largely because the insurgency was seen as having the implicit blessing of the majority of Cabindans. Because "Cabinda's population affirms itself, in its majority, as sympathisers of the self-determination cause", the impact of the war on civilians was severe, with allegations of government forces reacting to attacks by separatist guerrillas by retaliating against civilians.¹⁶

The counter-insurgency effort undoubtedly had an inordinate impact on the everyday lives and livelihoods of Cabindans. For example, when the FAA seized the FLEC-FAC's jungle base of Kungo-Shonzo in October 2002, the localities of Nekuto, Buco-Zau, Belize and Miconje were heavily bombarded.¹⁷ In addition, according to the "Terror in Cabinda" report, "in the interior of Cabinda, peasants are not authorised to farm without the presence of a soldier, to prevent them from contacting the FLEC." A similar situation pertains in terms of the population's access to the river Luali, situated between the municipalities of Buco-Zau and Belize. Military forces control access to the water for all purposes, allowing access only between 7am and midday and 2pm and 6pm in the afternoon. Equally worrying, however, are the report's allegations that other villages, such as Caio Kaliado, Sintu Butianga, S. Pedro Kota (Povo Grande), Chimuanda, Makongolo e Chioba... are being the target of strange repopulation movements with families coming from the south of Angola.¹⁸

The FAA has vehemently denied these accusations. On 12 April 2003, in an interview on Radio Ecclesia, Deputy Chief of Staff General Nunda downplayed the separatists' claims of FAA attacks on civilians.¹⁹

However, the extent of the humanitarian crisis is such that the MPLA's Provincial Committee in Cabinda felt it necessary for the Provincial government to "launch an urgent SOS to national and international humanitarian organisations." Although the MPLA's communiqué congratulates the FAA on its successful operations in the province and maintains that Cabinda's humanitarian crisis is above all a result of "the massive return of citizens who abandoned the independentist [sic] factions of the FLEC", the fact of the matter is that the MPLA's declarations add to the mounting evidence on Cabinda's troubled year.²⁰

The war in Cabinda, for so long out of the public eye, has inevitably gained prominence and international attention. Beginning in the late 1990s, the recrudescence of guerrilla activity coupled with the taking of hostages (mostly foreign workers) gave the Cabinda question, both politically and militarily, its most significant visibility since the 1970s.²¹ The "Terror in Cabinda" report brought the current situation to a wider audience, while the participation of a Cabindan delegation at the 59th session of the Human Rights Commission of the United Nations, which ended on 3 March 2003, is evidence of increased concern over developments in this troubled Angolan province. However, as is discussed below, the cumulative effect of conflict escalation and increased international attention on developments in the enclave has not, as yet, contributed in any significant manner to a serious debate on the future status of Cabinda, either from the government or from the separatists.

AN OVERVIEW OF CABINDA

The town of Cabinda has a sleepy, forgotten air about it. It feels lush and green with wide, tree-shaded streets and a striking absence of rubbish—a stark contrast with Luanda. ... From the beach and high points in town, the platforms and oil flares stretched out on the horizon are visible, pumping oil day and night. Otherwise, there is very little presence of the oil companies' foreign employees in town. They all live in Malongo, a gated compound some 15km down the road. Malongo bears the legacy of Cabinda's long history of war; it is still surrounded by landmines. The employees go by helicopter from the airport to their compound and bypass the town completely.²²

With an area of approximately 2 800 sq miles, the Angolan province of Cabinda is unique in being separated from the rest of the country by a strip, some 60 km wide, of the Democratic Republic of Congo (DRC) along the lower Congo river. Cabinda borders the Congo Republic to the north and north-northeast and the DRC to the east and south. The town of Cabinda is the chief population centre. According to a 1995 census, Cabinda has an estimated population of 600,000, approximately 400,000 of whom live in neighbouring countries. Population estimates are, however, highly unreliable.



Source: Magellan Geographix

Consisting largely of tropical forest, Cabinda produces hardwoods, coffee, cocoa, crude rubber and palm oil. The product for which it is best known, however, is its oil, which has given it the nickname, "the Kuwait of Africa". Cabinda's petroleum production from its considerable offshore reserves now accounts for more than half of Angola's output. Most of the oil along its coast was discovered by the Cabinda Gulf Oil Company (CABCOG) from 1968 onwards. *Global Witness*, reporting in 2002,²³ gives the following commentary on the role of the oil sector in Angola:

The national economy is highly dependent on the oil sector, which accounts for approximately 86.5% of government's revenues. Angola's off-shore is considered a "world-class" area for oil production, with some two-thirds of exploration wells striking oil, compared to a 50% success rate for Nigeria's deep offshore and a global average of around 15%... Angola's oil production for 2000 remained at approximately 750,000 barrels per day. Analysts forecast this to rise to around 900,000 bpd by 2002.

Conservative estimates are that Cabinda accounts for close to 60% of the country's oil production, estimated at approximately 900,000 barrels a day, and it is estimated that oil exports from the province are worth the equivalent of US\$100,000 per annum for every Cabindan. Yet it remains one of the poorest provinces in Angola. An agreement in 1996 between the national and provincial governments stipulated that 10% of Cabinda's taxes on oil revenues should be given back to the province, but Cabindans often feel that these revenues are not benefiting the population as a whole, largely because of corruption. *Christian Aid* reports as follows:

Living conditions are not noticeably worse in Cabinda than in other Angolan provinces, but the contrast between its poverty and the more obvious wealth there has sparked more vocal dissent. The cost of living is high, since Cabinda has no port facilities and consumer goods are flown from the capital, Luanda, or trucked in from neighbouring countries.²⁴

The private sector, particularly the oil industry, has both affected and been affected by the conflict. During the early days of Cabinda's struggle, the oil companies were perceived to be sympathetic to, if not supportive of, Cabinda's self-determination cause. In fact, as pointed out by Mabeko-Tali:

the interference of oil companies in the Cabindan dossier, in particular after close to three decades, has equally confused perceptions on it... the implications of the French ELF in the development of the "Congolese" tendencies of FLEC, for example during 1974/1975, have had the tendency to solidify the MPLA leaders' almost schizophrenic view of the Cabindan question: that everything results from external plots with the aim of usurping the enclave's riches, or simply from intentions by Cabinda's two neighbours of annexing Cabinda.²⁵

Although its predominantly off-shore location has given it some protection, the oil industry has suffered as a result of separatist action, mostly by FLEC-FAC and FLEC-R. As Alex Vines emphasizes, "in Angola's rich oil enclave of Cabinda, separatists have specialized in the abduction of expatriate oil, construction and timber workers. Over the last decade, this has made Cabinda one of the most hazardous working environments outside Colombia."²⁶ This strategy, used by the separatists to gain international attention, was most evident in 1999 and 2000. During 1999, FLEC-R kidnapped four foreign workers (two Portuguese and two French citizens), only to release them after several months, having failed to attract the attention of the international community. FLEC-FAC also increased its activities during 2000 with the more widely publicized kidnapping of three Portuguese workers employed by a construction company, while FLEC-R kidnapped another five Portuguese civilians. These hostages were not freed until June 2001, following the diplomatic intervention of the governments of Gabon and Congo Brazzaville.

More recently there have been allegations that Cabinda Gulf employees suspected of collaboration with the separatists have undergone interrogation. However, oil companies try their best to remain detached. In a recent interview to the press, John Gass, General Manager of Cabinda Gulf and Chevron Texaco's Southern Africa Unit, said that his company does not get involved "in the political side of things" and that it tries to cooperate with law enforcement officials "as it would in other countries". He added that "frankly, we are not aware... of any human rights abuses occurring" and that he did not know "how prisoners are treated in Cabinda or Angola or a lot of places we do business, but that hasn't been a big issue for us."²⁷

WHO'S WHO IN CABINDA? A BRIEF HISTORY

One of the characteristics of the Cabindan independence movement is its constant fragmentation, into smaller and smaller factions, in a process which is

not totally fomented by the Angolan government but is undoubtedly encouraged and duly exploited by it.²⁸

In the early 1960s, several movements advocating a separate status for Cabinda came into being. The MLEC (Movement for the Liberation of the Enclave of Cabinda) was formed in 1960 under the leadership of Luis Ranque Franque. Resulting from the merger of various émigré associations in Brazzaville, the MLEC rapidly became the most prominent of the separatist movements. A further group was the Alliamma (Alliance of the Mayombe), representing the Mayombe, a small minority of the population. In an important development, these movements united in August 1963 to form a common, united front. They called themselves the FLEC (Front for the Liberation of the Enclave of Cabinda), and the leadership role was taken by the MLEC's Ranque Franque.²⁹ Mimicking the strategy adopted by the FNLA (National Front for the Liberation of Angola), FLEC went on to create a "government of Cabinda in exile" on 10 January 1967.³⁰

However, in marked contrast with the FNLA, the FLEC's efforts to mobilize international support for its "government in exile" met with little success. In fact, the majority of OAU members, concerned that this could encourage separatism elsewhere on the Continent and duly committed to the sanctity of African state borders, firmly rejected recognition of the FLEC's government in exile.³¹ This did not prevent Gabon, Uganda and the Central African Republic, among others, from openly supporting the FLEC. More importantly, the FLEC received moral, organizational and material support from Zaire (now the DRC) and Congo-Brazzaville, its neighbours. The FLEC itself came into being partly as a result of the support of Congo-Brazzaville's President Youlou for the merger of Cabinda's separatist movements in Pointe Noire in 1963. The support of these two countries was largely prompted by their interest in Cabinda's rich potential.

Later, in the course of Angola's turbulent decolonisation process, Ranque Franque proclaimed the independence of the "Republic of Cabinda" in Kampala on 1 August 1975 at an OAU summit which was discussing Angola at that precise moment.³² Zairian President Mobutu Sese Seko called for a referendum on the future of the Cabinda enclave, in which he received the expected support of President Henri Lopes of Congo-Brazzaville. Lopes is reported to have said at the time that "Cabinda exists as a reality and is historically and geographically different from Angola."

It is this external interference that has, more than anything else, shaped and entrenched Luanda's policy on the enclave over the years. In fact, the spectre of Cabinda's occupation by one of its neighbours has been at the epicentre of Luanda's policy on Cabinda all along. Thus, as Mabeko-Tali emphasizes, "whatever scenario is adopted for surpassing the Cabindan problem, neighbouring countries are impossible to

circumvent.”³³ The regional context, of course, changed dramatically in the late 1990s, particularly in Congo-Brazzaville and the DRC—a change that was actively pursued by Luanda. If previous regimes were at one time sympathetic to the Cabinda cause, particularly that of Pascal Lissouba in Brazzaville, which actively supported it materially and diplomatically, this situation does not pertain today. This may, of course, change if these regimes change.

Thus when, in January 1975, Angola’s three liberation movements (MPLA, FNLA and UNITA) met with the colonial power in Alvor, Portugal, to establish the modalities of the transition to independence, FLEC was not invited. Subsequently, and for much of the 1970s and 1980s, FLEC operated a low intensity, guerrilla-type war, attacking government troops and economic targets or creating havoc by kidnapping foreign employees working in the province’s oil and construction businesses. In fact, for the first 15 years of Angola’s independence, the government had, at any point, approximately 2,000 troops stationed in Cabinda.

The process of fragmentation

The multiple splits and divisions experienced by FLEC from the time of its formation in the early 1960s make its history difficult to follow. In 1977, a split with the original FLEC led by Ranque Franque gave rise to the creation of the CMLC (Military Command for the Liberation of Cabinda). During the 1980s, further divisions arose with the formation of the FLEC-FAC and FLEC-R, each pursuing different strategies for independence. FLEC-R is reported to have been created in 1984 under the leadership of Antonio Bento Bembe.

During the 1992 elections, several of these factions urged Cabindans to boycott the elections. As a result, only between 7% and 12% of Cabindans voted in what was the first (and until now the only) democratic election in Angola. The boycott strategy was largely a reaction to the law on political parties enacted in May 1991, which effectively disqualified any of Cabinda’s movements or political groupings from becoming candidates in the Parliamentary elections. This law dictates that, in order to be allowed to register, a party must have support in at least 10 of the 18 provinces. In addition, it clearly prohibits the formation of parties that are “local and regional in character, foster tribalism, racism, regionalism or other forms of discrimination against citizens or affect national unity and territorial integrity.” Not surprisingly, the vast majority of Cabindan separatists saw the 1992 elections as a matter for Angolans, not Cabindans.

While the various factions of the FLEC refused to be part of Angola’s first multi-party elections, Luis Ranque

Franque adopted a more conciliatory tone *vis-à-vis* the government in Luanda, suggesting that open dialogue was perhaps the best strategy. Received by the President and the government, Franque moved closer to the government’s proposal of a special status for the province. A solution along the lines of a “large autonomy” (following the Portuguese model of governance in the Madeira and Azores archipelagos) was considered. One of the practical achievements of this *rapprochement* was that the government authorized the opening of a FLEC office in Cabinda, which later became known as the “FLEC Interior”, under the co-ordination of Belchior Tati.³⁴

When full-scale civil war erupted after Savimbi’s rejection of the election results, FLEC-FAC escalated its activities. This prompted the government to deploy close on 15,000 troops in the province at the beginning of 1993. By mid-1993, FLEC-FAC was thought to be in control of much of the rural interior of Cabinda, but not of Cabinda town, home to one-half of the enclave’s population. FLEC-FAC achieved this with a force reported to be no larger than 600 to 1,000 armed men.

The escalation of hostilities in Cabinda at a time when the government was facing its toughest military challenge yet from UNITA, prompted the President to announce, in March 1994, that talks with FLEC-FAC were about to begin. These talks did not, however, take place.

During 1997 and 1998, FAA operations in Cabinda increased, particularly in villages suspected of supporting the separatists. The situation rapidly deteriorated, with FLEC-FAC and FLEC-R responding in kind. Sir Nigel Rodley, Special Rapporteur of the United Nations Commission on Human Rights, informed the government

of Angola on 3 September 1998 that he had “received information concerning a likely deterioration of the situation in the enclave of Cabinda since the beginning of 1997.” Sir Rodley’s report continues as follows:

According to that information, acts of torture and ill-treatment committed in connection with the conflict in that area by soldiers of the regular army, as well as by members of the paramilitary group of the Polícia da Intervenção Rápida (PIR) (Rapid Intervention Police), were said to be very widespread. The acts were reportedly committed either against persons from whom the soldiers were trying to obtain information, or against the civilian population in reprisal for armed attacks by separatist groups, especially various factions of the Frente para Libertação do Enclave de Cabinda (FLEC) (Cabinda Enclave Liberation Front). They were also believed to be aimed at punishing or intimidating political opponents. In areas not directly affected by the conflict, the victims of such acts were persons suspected of supporting FLEC policies or disobeying Government orders.³⁵

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Armed secessionists and their political goals

FLEC-FAC has created a 'virtual' Federal Republic of Cabinda under the Presidency of N'Zita Henriques Tiago. In its website, it claims to be committed to building a "Cabinda Republic" in which "freedom, opportunity, prosperity and civil society flourish."³⁶ This Federal Republic, with Tchiowa (Cabinda town) as its capital city, would be administratively made up of seven districts, with a system of government which the website simply describes as a "true democracy" and a legal system based on traditional N'Goyo law. In this 'virtual' republic, the government would be as follows,

The Federal Government of Cabindais the only Authority in and for the Republic State/Territory/Nation/Country of Cabinda. Any activity, commercial, public or private, unless it has the full permission of the Senior Executive of the Federal Government in and for the Country of Cabinda, is illegal. We the Sovereign Power in and for Cabinda, Sovereign Authority has it is the will of the Cabindan People, We the Popular acclaimed Government under the leadership of HE Dom N'Zita Henriques Tiago, President of the Government and President of all Cabindans [sic]. The Cabindan Armed Forces (FAC) have resisted an enemy that has Robbed, Raped and Murdered for more than 25 years our People [sic]. Nevertheless we do control more than 85% of the total Territory of our Country. We therefore invite the international business community to invest in Cabinda, at the present. We are accepting applications for commercial joint ventures and others types of co-operation in the Commercial, Public and Military areas. All inquiries should be forwarded to the following e-mail address-mail@cabinda.net. [sic]³⁷

However, Cabinda's Federal Republic exists only on paper. In fact, not only have the most prominent military commanders of the FLEC-FAC now surrendered to the government, but this movement has been engulfed in controversy for the past several months. FLEC-FAC's External Relations Secretary, Liberal Nuno, has recently decided to withdraw his political support for the leader of the movement, President N'Zita Tiago. In a highly publicized event in Lisbon, Liberal Nuno accused the N'Zita Tiago of being the greatest obstacle to peace in the province by persisting in a logic of war. He also accused Tiago of "not having a strategy, programme, or a credible project leading to the independence of the territory."³⁸ As evidence, he cited the position taken by N'Zita Tiago at a meeting with government officials in Paris on 9 January 2003, when he refused to accept some form of autonomy for Cabinda. FLEC-FAC's secretary-general, Alexandre Tati, promptly dismissed Nuno's declarations, accusing Liberal Nuno of being an agent of the Angolan government, charged with the task of eliminating N'Zita Tiago. In fact, claimed Tati, Liberal Nuno had attempted to bribe the President with the suggestion that he should drop his demands and accept the

conditions imposed by the Angolan government in exchange for a sum of US\$20 million.³⁹ So far, it is unclear to what extent this has further divided a movement that has experienced serious setbacks on the battlefield.

FLEC-R's Cabindan government in exile

With its headquarters in France, FLEC-R has also created a government in exile, whose self-appointed prime minister is the Reverend Anny Ant6nio da Silva Kitembo. This government in exile is described in a "Charter of the Front for the Liberation of the State of Cabinda". According to article 7 of the charter:

the FLEC's main objective is the struggle for liberation by diplomatic means, because of the overwhelming armaments of Angola on our National Territory and as a consequence of the awake of consciousness of the Cabindese People to claim their Human and Citizens Rights in their National Territory. [sic]

However, article 8 states that "the mission of our army of liberation is to defend our country as soon as it is necessary, beside diplomatic means on which we settle our present struggle, also the enemy is over-armed" [sic]. The programme of this fictional "Cabindese Government in Exile" maintains that the government's objective is to "gain acceptance of the rights of the people of Cabinda to autodetermination and independence" [sic]. A quick glance at the FLEC-R's web page reveals that several Ministerial positions have also been created. On 25 April 2003, FLEC-R's Prime Minister in Exile called on Portugal to help the territory conduct a plebiscite on the territory's future, since FLEC-R still sees Cabinda as a Portuguese protectorate.⁴⁰

Today's FLEC-R has, however, been weakened by multiple splits. The creation of a "FLEC-Platform" broke the movement and its leadership in two. Antonio Bento Bembe now leads FLEC-Platform, and Anny da Silva Kitembo, FLEC-R. FLEC-Platform claims to be the natural descendant of the original FLEC created by Luis Ranque Franque in the early 1960s. It sees itself as flowing from the transformation of the "old" Renewed faction to include (since April 2002) all internal and external forces, civil society and the churches. However, according to most observers, FLEC-Platform is no more than a loose coalition. FLEC-R has evinced a stronger inclination to accept some sort of autonomy for Cabinda and has on several occasions called for a ceasefire. It has also been engaged in a number of attempts at negotiation (Libreville in 1995, for example).

Roots of incompatibility I: Conflicting views on Cabinda

Gallant combatants of the Angolan Armed Forces, the National police, notably our Ninjas [members of the Rapid Intervention Police] deployed in various parts of

the country, and in particular those fighting to eradicate terrorism in our beautiful province of Cabinda. We renew our hope that you will succeed in your noble mission. The war in Cabinda will be settled in a matter of days. You should continue to show aggressiveness, and mercilessly annihilate FLEC-FAC and FLEC-Renewed terrorists. We would like to congratulate you in your bravery. The days of the war in Cabinda are numbered.⁴¹

To speak of the Cabinda conflict is to speak firstly of the political and military aggression against the Cabindan people, and secondly of the will of Cabindans to exist as a mature and free people, which drives them to put up political, military, and cultural resistance throughout the years of forced Angolanisation. FLEC is simply a symbol of this resistance. FLEC may be important historically, but the Cabindan people's desire for independence has an existence quite separate from that of FLEC.⁴²

The conflict in Cabinda has been, and still is, based on two irreconcilable positions. For the Angolan government, and perhaps for the vast majority of Angolans outside of Cabinda, the province is an integral part of the country. Indeed, Cabinda is part of the national imagery, expressed in the popular designation of the country as "Angola from Cabinda to Cunene". Luanda has made it clear that it will not contemplate secession on the part of Cabinda. The government's continued commitment to national unity was expressed by the MPLA's Secretary-General João Lourenço as recently as 11 May 2003. Visiting what used to be the heart of the FLEC-FAC's territory, the town of Buco-Zau, Lourenço said, "the secret to successive MPLA's victories, which many analysts [still] try to uncover, is precisely the principle of national unity."⁴³ Just two days earlier, the Secretary-General had addressed the press on the issue of Cabinda, claiming that the government had a clear plan of action for Cabinda based on negotiations involving all Cabindan armed factions. He then posed the following challenge: "it is necessary that the so-called separatist forces in Cabinda organize themselves and be prepared for this dialogue."⁴⁴

At the opposite pole, Cabindan separatists claim that the enclave has its own distinct, separate identity, history and culture. The separatists consider that Cabinda was illegally occupied by the MPLA regime following Angola's independence in 1975. The various movements as well as the individuals who have fought for Cabinda's self-determination share a common interpretation of this history, according to which, Marxist MPLA troops invaded Cabinda via Point Noirein 11 November 1975. Cabinda [had been] ... a Portuguese Protectorate since the signing of the Treaty of Simulambuco in 1885, and became known as the Portuguese Congo. Marxist MPLA

troops from Angola are still occupying Cabinda. The Republic of Cabinda was never legally integrated into Angola after the end of the Portuguese presence in 1975.⁴⁵

The consequences of this interpretation of history are profound and far from clear. In fact, it is precisely on the issue of how to address Cabinda's specificity that Cabindans fail to come to agreement. And this, more than anything else, goes a long way towards explaining why the various factions fail to unite and speak with a single voice. As Mabeko-Tali has rightly emphasized, the whole question revolves around the issue of autonomy versus independence. Consequently, "if the opposition between the government and the independentists on this issue seems logical, the divisions of the former seem to deepen as regards a counter-project to be suggested to Luanda."⁴⁶ Autonomy versus independence seems to be the choice which Cabindans themselves are incapable of reaching agreement on.

Moreover, some separatists demand recognition as an independent state as a pre-condition for negotiating.

FLEC-FAC's motto 'We wish Peace for Angola and wish that Angola leave us in Peace', reflects this stance. N'Zita Tiago, leader of the FLEC-FAC, made this clear during an interview on 18 March 2001 when he insisted that Cabinda "has never been a Portuguese colony, but a protectorate. The war we have been waging until now takes place exclusively in the name of total and unconditional independence."⁴⁷ FLEC-FAC's arguments in defence of self-determination are identical to those of the FLEC-R. According to its website, FLEC-R considers that at the time of decolonisation, Cabinda was a protectorate and not a colony, and was

therefore subjected to only 90 years of colonial rule and not the 500 years experienced by Angola.

The argumentation used by all separatist factions has been extensively developed in a study on the legal aspects of the self-determination argument commissioned by the "original" FLEC in the 1970s. The (undisclosed⁴⁸) author (or authors) of this study discusses three sets of arguments for Cabinda's self-determination: the different legal circumstances in which Angola and Cabinda became part of Portugal; the ethnic, cultural and linguistic differences between the populations of the two territories (partly a result of their geographical separation) and, finally, Portuguese legislation.⁴⁹ A number of observations on the recent history of Cabinda are sketched at this point.

The legal and historical basis for self-determination

Portugal first claimed sovereignty over Cabinda in the February 1885 Treaty of Simulanbuco,⁵⁰ which gave

Cabindan separatists claim that the enclave has its own distinct, separate identity, history and culture.

Cabinda the status of a protectorate of the Portuguese Crown under the request of “the princes and governors of Cabinda”.⁵¹ This is often the basis upon which the legal and historical arguments in defence of self-determination are constructed. Article 1, for example, states, “the princes and chiefs and their successors declare, voluntarily, their recognition of Portuguese sovereignty, placing under the protectorate of this nation all the territories by them governed” [sic]. Article 2, which is often used in separatist arguments, goes even further: “Portugal is obliged to maintain the integrity of the territories placed under its protection.” FLEC-R’s case, for instance, rests on the fact that the above-mentioned treaty was signed between the emissaries of the Portuguese crown and the princes and notables of Cabinda, giving rise to not one, but three protectorates: Cacongo, Loango and Ngoio.

The FLEC-commissioned study starts by discussing whether the princes and notables of Cabinda actually understood what they were signing. Would concepts such as ‘sovereignty’, ‘subject of the Portuguese Crown’ or ‘Protectorate’ have meant anything to Cabinda’s 19th century elites? According to this study, they “understood that Portugal assured them, at least, the maintenance of their authority and the integrity of their country.”⁵² In any case, the legal argument seems to revolve around whether or not the Treaty of Simulanbuco gives Cabinda the status of a ‘protectorate’ under modern international law. Proponents of the self-determination cause often cite the French protectorates of Tunisia and Morocco as comparable examples. On this view, the 1956 ‘annexation’ of Cabinda, an ‘international protectorate’, could be of doubtful legal status. However, the legal argument is complicated by the fact that, quoting the above-mentioned study, “it seems to me questionable whether the Treaty of Simulanbuco was signed between two States under international law, Portugal and Cabinda, the latter not having at the time of the signature, international recognition.” On this view, conventions signed by local Chiefs would not have had the character of an International Treaty.

Nevertheless, the ‘colonial protectorate’ treaty did confirm the authority of Cabinda’s chiefs, and assured them of the integrity of their territory. The 1956 administrative union of the two territories and the subsequent confirmation of Cabinda as part of Angola in the 1975 Alvor Accords would thus have been unconstitutional according to this reading.⁵³

Angolan sociologist Paulo de Carvalho refutes these arguments in an article in the Portuguese *Diário Económico* dated 6 April 2001. Carvalho makes use of Conceição Neto’s argument that, from an international law point of view, the old protectorate treaties were merely a way of legitimising the appropriation of territories in Africa and therefore the three treaties cannot be seen as having the legal value of international conventions. Carvalho develops this argument as follows:

Even without this detail, one must bear in mind that the Portuguese “protectorate” of Cabinda ceased [to exist] after the unilateral decision by Portugal to integrate the territory of Cabinda in the colony of Angola... from administrative residence and seat of the district of the Congo (1887), Cabinda became a circumscription [circunscrição] (1913) and district (1917-1921). In 1932, the intendancy [intendência] of Cabinda became subordinate to government of the colony of Angola, and in 1934 the district of Cabinda was again created, now under the dependency of Luanda’s governor. In 1945 the district of Cabinda is created in the way that it would exist until 1974, with a governor subordinated to the government of the colony of Angola.⁵⁴

Cultural and ethnic arguments for self-determination

The next set of arguments for self-determination is based on Cabindans’ cultural and ethnic specificity. Prior to the Treaty of Simulanbuco, three main kingdoms existed in what we refer today as Cabinda: Cacongo, Ngoyo and Loango. From an ethnic point of view, the Cabindans belong to the Bakongo ethnicity and the Kikongo ethno-linguistic group. The Bakongo comprise the majority of the population in both Uige and Zaire Provinces of Angola. However, this shared ancestry did not prevent Cabindans from developing a very different culture as well as a variant of the Kikongo language. It is, of course, not our intention to debate here whether Cabindans’ claim to cultural and ethnic specificity is a valid one, if ever such an external approach could be used for what in effect is a subjective and highly personal issue. There have, in any event, been numerous in-depth anthropological works that have dealt with the issue. From the point of view of the current situation, it is more pertinent to highlight the fact that Cabindans, in their vast majority, consider themselves different, separate and not Angolan.

The FLEC study took this external approach to conclude that Cabindans are, in fact, “ethnically” different from other Angolans. The belief regarding the uniqueness of a Cabindan identity, and perhaps more importantly, its contrast with an “Angolan” identity is a pervasive one in Cabinda. In fact, as recently as 8 and 9 July 2003, the uniqueness of a Cabindan identity was defended by the majority of participants at a conference held in Cabinda and organized by the Open Society Foundation under the theme “A Common Vision for Cabinda”. As the final report to this conference points out, “the identity of Cabindans as being unique from that of Angolans was also a common theme”, a fact made more relevant because close to 1 500 Cabindans of different political and social backgrounds participated in the event.⁵⁵ In a presentation entitled “Cabindan Identity in the Angola Context”, sociologist Jose Marcos Mavungo highlighted the tension that exists today in Cabinda as a result of the imposition of an Angolan identity

on the Cabindans on the one hand, and on the other, the attempt to retain Cabindan traditions.⁵⁶

The argument of ethno-cultural specificity as a basis for self-determination is, and has been, vehemently opposed in Luanda, by both the government and several prominent intellectuals and civil society personalities. The MPLA's Secretary-General, for example, has clearly characterized the argument as "not enough to grant it independence, because all the provinces in the country have specific cultures."⁵⁷ This seems to be the usual reply: that although Cabindans may, indeed, evidence a different history, culture and language, Angola as a nation composed of a mosaic of peoples and languages, must be grounded on a common vision, where ethno-cultural differences do not jeopardise the unity of the State. Once again, we turn to Paulo de Carvalho's critique, which summarizes the negation of ethno-cultural specificity as the sole basis for the Cabindans' self-determination in the following terms:

Both the historical elements as well as those of an ethnic and linguistic nature, place the Cabindans in the same plain as some of Angola's other ethnic groups. One could even deduct [sic] that, for example the Khoi-Khoi (from an ethno-linguistic point of view) and the Lunda-Cokwe (from a historical point of view) have more arguments to justify their self-determination... *It is wrong to view Angola's populations as an indivisible whole, in the same way that it is not anthropologically correct to consider Cabinda on one side and Angola on the other* [author's emphasis].⁵⁸

Unity as a reason for self-determination

The final set of arguments presented in the FLEC study deals with the issue of whether Cabindans evidence a will to live together. This was, in fact, one of the most important arguments in the "original" FLEC discourse. At the time the study was undertaken, FLEC was united and seemed to represent the aims of the Cabinda people as a whole. Indeed, the very fact that FLEC was able to bring all Cabinda's independence movements together in a common front in 1963 is interpreted by the author of the study as demonstrating a genuine will for independence, especially when contrasted with the lack of unity between Angola's liberation movements – the MPLA, the FNLA and UNITA. This argument does not, however, apply today, with the multiple splits, cleavages and rivalry between the various factions that purport to fight for Cabinda's independence. Nevertheless, at the root of this argument is the often-expressed need for a referendum that would gauge the will of the Cabindan people to become independent. Yet here, as before, the disagreement between the separatists and the government is profound. While the

government of Angola sees such a referendum as a question of national importance, implying that all Angolans should vote, Cabindan separatists demand that only Cabinda's population should be part of such an exercise. The practical implications of each approach are obvious.

ROOTS OF INCOMPATIBILITY II: FAILED ATTEMPTS AT PEACEFUL RESOLUTION

The history of failed attempts at conflict resolution has also contributed to a deep-seated mistrust between all involved. Negotiations between the government and the various Cabindan factions began during the 1980s. However, as Mabeko-Tali points out:

during the 1980s these negotiations were characterised by an apparent lack of will by the Angolan government to debate the central issue and respond, without ambiguity, to the question clearly posed by the independentist groups, that of the future of the enclave.

Against Cabindan's independence arguments, the government spoke about a "policy of forgiveness" and of "national reconciliation". This was the case with a series of meetings held in Pointe-Noire and Luanda between the government and several "independentist" factions from 1986 to 1989.⁵⁹

Similarly, during the 1990s several meetings took place between the factions and the Angolan government under the auspices of Gabon's President Omar Bongo. Angola's former Minister of the Interior, Santana Andre Pitra, better known as "Petrov" and himself a Cabindan, led the negotiations for the central government. An immovable obstacle to these efforts, as in so many other instances, was the central issue of recognition. The Angolan government required that the issue of Angola's sovereignty over the enclave be accepted by all; for the separatists, the issue of the future of the enclave was the priority.⁶⁰ However, if anything at all substantial can be said to have resulted from the various attempts at negotiation throughout the years, it is precisely that the Cabinda issue has ceased to be one of "reconciliation" or "forgiveness", but one of working out the future status of Cabinda, based in part on a recognition of the territory's singular nature.⁶¹

Early in 2001, the Angolan President once again suggested that plans were under way to grant Cabinda greater autonomy. However, in February 2001 the FAA started its military operations in the province in response to heightened separatist activity. In fact, some observers believed that the intensification of separatist activity could actually culminate in the demise of the various armed factions, which would be confronted with the combined pressure of a better-equipped Angolan military force and closer co-operation between

The history of failed attempts at conflict resolution has also contributed to a deep-seated mistrust between all involved.

Luanda and the rebels' former allies in Congo-Brazzaville and the DRC. The separatist cause had undoubtedly been greatly weakened after the downfall of Mobutu and the re-seizure of power by Denis Sassou-Nguesso in Congo-Brazzaville. In fact, Angola's intervention in Congo-Brazzaville in support of Sassou-Nguesso was largely a consequence of that country's support for both UNITA and the Cabindan separatists.

During the early part of 2001, the government-controlled media claimed that the FLEC-FAC faction had surrendered under the terms of a government amnesty. Despite this claim, however, Angola's Minister of the Interior (and now Prime Minister) Fernando da Piedade Dias dos Santos, once again appealed to the FLEC separatists in August 2001 to end hostilities so that a peaceful solution to the "Cabinda problem" could be found. This led to exploratory contacts between the leaders of the FLEC-FAC and the government in December 2001. Although these were "talks about talks" – that is, on the possibility and modalities of negotiations – there was no progress beyond the initial contact. In early 2002, the government expressed its willingness to hold "broad consultations" on the status of Cabinda, but the FLEC-Renewed faction saw any such dialogue as premature. Any possibility of an immediate reconciliation over the status of the province then came to an abrupt halt following a major offensive launched by the FAA in October 2002.

Mabeko-Tali has suggested that the government's lack of concrete action in both the political and the diplomatic arenas is matched by the independence movement's lack of a "structuring dynamic" that would be capable of reducing the divisions that undermine the movement as a whole.⁶² While the FAA was stepping up its counter-insurgency operation, President Eduardo dos Santos declared in October 2002 that a peaceful solution to the conflict in Cabinda, through the granting of autonomy to the province, was in sight. Father Raul Tati, Vicar-General of the Diocese of Cabinda and a well-known advocate of the Cabindan self-determination cause, commented as follows on the latest developments in the province:

The latest developments in the enclave, especially the recent military offensive, have revealed the real intentions of the Dos Santos regime in relation to Cabinda and the Cabindans. At the moment, any attentive observer can easily come to the following conclusions: (1) President dos Santos has shown that he never had any intention of finding a peaceful solution to the Cabinda problem; his promises are just talk aimed at deceiving those who know no better; (2) he displays complete disdain and disrespect for the Cabindan people, whose reactions can be seen in the report on human rights in Cabinda, published in Luanda and in Cabinda last December; it is clear that this man has never been a friend of the Cabindan people; (3) he is prepared to take these atrocities as far as he sees necessary so as to safeguard petroleum interests in the region...⁶³

President dos Santos has gone so far as to recognize that a multi-disciplinary approach is necessary, including "dialogue with the people and personnel in the region to giving better attention to economic and social issues." The President has also conceded that "the demands that arise are justified by the fact that due attention has not been paid to the resolution of local problems."⁶⁴ The government says it would consider new contacts but claims its opponents are so fragmented that there is no single "valid interlocutor" with which it can negotiate. If so, it is a situation that the government has itself fuelled by its alleged involvement in the fragmentation of the FLEC.⁶⁵ FLEC-FAC maintains that "to the outside world, the government says it is prepared to negotiate but all evidence points to a concerted effort to destroy the strongholds of the Cabinda Armed Forces (FAC)."⁶⁶

This oscillation between conflict escalation and pronouncements in favour of a peaceful and negotiated end to the conflict has been a permanent characteristic of the conflict. Thus, various attempts at preliminary talks (pre-negotiation sessions) have failed to create the necessary conditions for a negotiated settlement. In fact, some consider that this oscillation is a deliberate strategy by Luanda to create friction within the separatist cause. Discussing the beginning of negotiations during the mid 1980s, Mabeko-Tali, states that "such oscillation caused an intense cycle of divisions between the factions, and even within the factions."⁶⁷ One example is the September 1995 ceasefire agreement between the Angolan government and the FLEC-R faction, which failed to usher in a process of negotiations on the future of the enclave. Also, on 15 May 1999, a radio station in Gabon reported that a ceasefire agreement had been signed between the government and FLEC-FAC.⁶⁸

As recently as 21 September 2002, just before the latest escalation of hostilities, the FLEC/FAC handed over a peace proposal to Ibrahim Gambari; to the Vatican representative in Angola; and to the American, Portuguese, Russian and South African embassies in Luanda. The ten-point document sets out the modalities of a ceasefire leading to an "institutional dialogue" to resolve the conflict, with direct meetings between the FLEC-FAC and the government. It also proposes the institution of autonomous transitional state organs in the region; the installation of a transitional government, and the signing of a peace and harmony pact. It further suggests a referendum and that a solemn proclamation of the territorial sovereignty of Cabinda be made. Finally, it proposes the realization of the first legislative elections and the choice of a Chief of State for the Cabinda State.⁶⁹

On 2 May 2003, General Kundy Payhama, Angola's Defence Minister, made an appeal to all armed factions in Cabinda, particularly FLEC-FAC and FLEC-R. For the Minister, the time had come for all separatist groups to abandon their arms and join the country's reconstruction process since "time waits on no one and

opportunities do not come often". Payhama is further quoted as saying that these armed separatist groups are led by "tribal people whose lines of action are not in accordance with the country's constitutional order."⁷⁰ Liberal Nuno replied, pessimistically, on 25 March 2003:

Mr Anibal Rocha, the governor of Cabinda, announced on 19 February 2003 that the government was drafting a political plan of action that would be placed before Cabinda's liberation movements and civil society. We are still waiting for the government to reveal its plan of action. Unfortunately, given the situation on the ground FLEC has come to the conclusion that the honourable governor was playing to the gallery.⁷¹

However, FLEC-FAC has evinced some interest in a negotiated settlement. On 7 April 2003, the FLEC-FAC representative in the Netherlands, Xavier Builo, told IRIN that although independence was a "desirable solution to the ongoing conflict", his movement remained open to negotiations over the "future status" of Cabinda. Builo referred to the meeting in Paris, emphasizing that the government should commit itself to the protection of human rights in the province. As to procedural issues, FLEC-FAC requested that SADC or the United Nations be used in the settlement of Cabinda's status within Angola.⁷² On 21 April, N'Zita Tiago said a new front had been opened, that of diplomacy, and that "the results of our diplomatic action are obtained through the continued condemnation of actions against civilian populations in Cabinda."⁷³

There were also reports that several separatist factions and individuals had formed a FLEC-Platform to negotiate with the government under the leadership of Antonio Bento Bembe, former leader of FLEC-R. This platform would include FLEC-R, elements and organizations of civil society, and cadres in the interior and exterior of Cabinda. In fact, at a session held between 7 and 9 September 2002, Antonio Bento Bembe was given the go-ahead by all constituents of the Platform to initiate written contact with the government of Angola. However, FLEC-FAC was not, as of the end of March 2003, part of this platform. Liberal Nuno has evidently told the press that FLEC-FAC would have to be part of any platform, for it was the only movement actively fighting in Cabinda.

This reinforces the often-used argument that, unless they unify, the various factions will be unable to reach a solution with the government of Angola. In fact, some pro-independence Cabindans regard this divisiveness as the underlying cause of the Cabindans' inability to negotiate with the government. D. Paulino Fernandes Madeca, Bishop of Cabinda, has repeatedly said that the problems between the various FLECs have contributed significantly to the protracted nature of the conflict. Bishop Madeca, one of the staunchest

supporters of the self-determination cause, has tried several times to mediate between the factions, to no avail.⁷⁴ Attempts to create a single platform go back to 11 November 1991, when a conference of cadres was held in Lisbon, and a "Supreme Co-ordination Council of the FLEC" was formed, which included Ranque Franque, N'Zita Tiago and Eduardo Sozinho. Mabeko-Tali makes the point that differences in strategy resulted in the exacerbation of old contradictions, and this structure was never to function.⁷⁵

BEYOND FIRST-TRACK DIPLOMACY? OTHER ACTORS AND THEIR ROLES

The inability of the various factions of the FLEC to unite and create a common front has created the opportunity for others to fill the political void in the province. By becoming involved, several actors have gained increased prominence as voices for the Cabindan people and, equally important, as perceived legitimate interlocutors in a future peace process. Among the most visible have been the Catholic Church, a number of civil society organizations and several prominent individuals. Whereas the history of Cabinda's secessionist movements cannot be seen in isolation, in the sense that several of these other actors have been instrumental and at times closely aligned with one faction or another, in recent times these other Cabindan "voices" have gained increased importance and prominence. Have they played, or will they be able to play a constructive role in the political resolution of the conflict in Cabinda?

Cabinda's churches began voicing their discontent about the humanitarian consequences of the war in the early 1990s. At that time, Bishop Madeca called for the intervention of the international community in a situation which he famously compared to Nazism.⁷⁶ During 1993 and 1994, the Council of the Diocese of Cabinda made repeated denunciations of the atrocities committed by government forces in the province.

Opinions diverge as to the usefulness of the role that the Diocese of Cabinda has played, particularly of the role of the Bishop himself. There are those who consider that, as a result of its open defence of Cabinda's self-determination cause and its strong condemnation of government operations in the province, the Catholic Church (in the pronouncements of Bishop Madeca and Father Jorge Casimiro Congo, among others) has fuelled rather than ameliorated the conflict. This is often contrasted with the role of the Catholic Church during most part of the civil war in the "mainland", which could at best be described as one of "non-interference".

Notwithstanding its staunch support of the self-determination cause, Cabinda's Diocese has actively

Cabinda's churches began voicing their discontent about the humanitarian consequences of the war in the early 1990s.

pursued a peaceful, negotiated settlement to the war in the province. In this regard, Mabeko-Tali points out that the Church's political stance reflects the fact that it has gradually become *the* voice of Cabinda's civil society. This author views the church's involvement as having a dual impact on the conflict: on the one hand, by its very involvement, the church has forced the government to raise the level and seriousness of its approach to the problem; on the other hand, the church's involvement has multiplied the number of interlocutors in an already confused situation.⁷⁷

The Catholic Church undoubtedly has an important role to play, either by directly mediating between the parties or by serving as the catalyst for the creation of a true Cabindan platform, one which represents the majority of Cabindans. In this regard, the Diocese of Cabinda can refer to the example set by the 1999 creation of the "Movement Pro Pace" which, for the first time in Angola's history, publicly brought together the main churches of Angola (Catholic and Protestant of various denominations) as well as many non-governmental organizations (NGOs) and community-based organizations (CBOs). An end to the civil war between UNITA and the MPLA government was openly discussed at the July 2000 four-day "Congress for Peace", where close to 300 participants engaged in a discussion of the peace process, for the first time outside the confines of elite level politics. This ecumenical movement tried to shift the emphasis from the top-down resolution approaches that had characterized the peace process in Angola since 1991, to a wider but complementary bottom-up approach, whereby all members of civil society could contribute to conflict resolution and peace-making. There was a clear sense in civil society circles that although the end of armed conflict was achieved on the battlefield, true reconciliation would come about only if all Angolans participated in the peace process.

As for civil society, once a sector with little opportunity to voice its opinion in political and security matters, it has boldly incorporated issues such as peace-building and human rights into its mandate. From the early 1990s, but in particular since 1999, Angolan civil society organizations (as well as the various churches) have been increasingly prominent in community-level conflict resolution initiatives and programmes; in the monitoring of human rights; and in the monitoring of government policies and performance.⁷⁸ As Owen pointed out in 2001, in a comprehensive analysis of the role of civil society in Angola:

a weak civil society is beginning to organise itself and redefine the boundaries of popular participation in questions of war, peace and development. It is challenging the passive relationship between citizen and government and articulating views about how to build sustainable peace.⁷⁹

Because of the wide popular support for the self-determination cause, any solution to the Cabinda issue requires that civil society be consulted. Father

Victor Tati calls for the "de-monopolization" and "de-politicization" of the conflict in Cabinda in the following terms:

During the long years of political and military conflict, the Cabinda problem has become over-politicised, becoming the exclusive preserve of political elites, be they of the MPLA or of FLEC... Civil society and independent voices have been shut out or made subordinate to those of the main parties. After 28 years of conflict, despite the official propaganda, a solution has not yet been found. The reason for this is very simple: as long as the Cabinda problem is held hostage to politics and to political monopolies, the impasse will continue even longer. The Cabinda problem is not only a political or economic one, but above all a human problem, a moral problem which affects, directly or indirectly, the lives of thousands of people.⁸⁰

Several recent examples of the potential of civil society organizations to mobilize and unite efforts to end Cabindans' suffering can be highlighted. Undoubtedly, the consortium that produced the "Terror in Cabinda" report is a case in point. The ad hoc Commission for Human Rights in Cabinda (Comissão Ad-Hoc para os Direitos Humanos em Cabinda) as well as the Coalition for Reconciliation, Transparency and Citizenship (Coligação pela Reconciliação, Transparencia e Cidadania) have brought the suffering of Cabindans to international attention. The recent conference entitled "A Common Vision for Cabinda", which brought together close on 1 500 Cabindans, is also evidence of civil society's increasingly important role in the province. Underlying this conference was the key objective of "strengthening the role of civil society in forging a common vision for Cabinda and the way forward in resolving the conflict."⁸¹

What about Angolan opposition parties, especially UNITA? There is no doubt that UNITA shares the government's view that Cabinda's secession is not a possibility. UNITA's recently elected President, Isaias Samakuva, has argued that only dialogue will bring peace to the province. Nevertheless, he shares the view that "the Cabinda problem is about economics" in that, although "they live in one of the poorest provinces in the country, Cabindans know that their oil deposits keep the country running". Samakuva believes that Cabindans should be "given the possibility of some kind of autonomy while keeping the territory as part of Angola."⁸² Abel Civukuvuku, another prominent UNITA official, has put it more bluntly:

[I]t is a matter of priority to demand that those who, through their position of authority, hold the destiny of the country in their hands, that they make every effort to bring a complete and definitive end to the cycle of wars in Angola, putting an end to the Cabinda conflict and opting for a peaceful resolution to its problems. If this means listening to the voice of Cabindans, to heed their wishes, then let it be so. If we need to move towards rethinking the kind of state that Angola will be, opening up the possibility of autonomy for Cabinda, then so be it.⁸³

Internationally, the separatists have often asked the Portuguese government to intervene in the situation. In fact, the kidnapping of several Portuguese workers in the enclave during 1999 and 2000 by both the FLEC-FAC and FLEC-R had precisely the intention of forcing the Portuguese government to become involved in the Cabinda issue. This was made clear when FLEC-FAC released its last Portuguese hostage on 3 April 2001, and stated that "this was an act of good-will to show the Portuguese government our good intentions, and above all to clarify public opinion, nationally and internationally, that FLEC-FAC should not be labelled as a terrorist group which kidnaps and demands ransom."⁸⁴ On 24 September 2002, once again, the Portuguese government was challenged by the Political Bureau of the FLEC to "assume with courage a clear political position on the question of Cabinda."⁸⁵ However, Lisbon has historically viewed Cabinda as an internal Angolan problem. This was clearly stated by Fernando Neves, Ambassador to Angola, on 27 March 2001.

CONCLUSION: IS CABINDA A TEST CASE FOR ANGOLA'S FUTURE?

It is widely believed that some kind of negotiated autonomy is the only solution to the conflict in Cabinda. However, this is easier said than done. Firstly, and on a substantive level, this requires that Cabindan separatists downgrade their demands for independence and agree to negotiate on some kind of autonomy. However, a negotiated settlement depends on the existence of legitimate and representative interlocutors, able to negotiate for and on behalf of Cabindans as a whole. Pinpointed by several analysts as the most serious obstacle to the peaceful solution to the conflict, and one that has historically weakened the secessionist cause, this is a challenging problem for which there should be no pretension of a quick fix. This is largely because at the root of the inability of the various FLEC's factions to unite there are deep-seated disagreements, personal agendas, constituency pressure, historical animosities, and so forth. Observers have, for more than twenty years, recommended that FLEC unite so that it can strengthen its case and negotiate with Luanda. However, this has proved to be impossible and has, for the most part, been used by the government to delay negotiations.

Recommendations should therefore move beyond simply stating unity as an absolute necessity and critically inquire into the very reasons for its absence. The requirement for a legitimate and credible interlocutor does not (and should not) depend on the unification of Cabinda's secessionist movements. There are several other stakeholders, such as civil society organizations, the church and individual Cabindans,

who must be part of an enlarged and representative peace process. More important than engaging in the often turbulent domain of inter-party relations, support should be given to these other actors so that a civil society platform grows. The inclusion of various stakeholders in a negotiated settlement is necessary precisely because Cabindan secessionists do not agree on what is to be negotiated with the government. Several of these movements will not enter into a discussion unless government grants the enclave outright independence. However, there are many Cabindan voices that have publicly supported a solution based on the autonomy of the province, voices which, as previously discussed, are echoed by a vast number of mainland Angolan voices. The gradual development of a broad-based movement will undoubtedly serve as a gauge for the aims and objectives of all Cabindans (including the various FLEC factions).

Secondly, from the government side, a serious discussion around the parameters of provincial or regional autonomy must be undertaken. If the political resolution of the conflict in Cabinda entails the granting of special provisions and perhaps privileges,

other provinces will attempt to emulate the precedent set by Cabinda, at a time when the government of Angola is extending state administration to the whole of the country. While the current constitutional revision has fallen short of treating decentralization in any meaningful way, with the adoption of the somewhat fuzzy concept of 'deconcentration', the issue of local government (*poder local*) must be seriously considered. Judging by the protracted nature of the negotiations held in the National Assembly on the constitutional issue of decentralization and deconcentration, this will not be a straightforward

task. In this regard, Angola's constitutionalists could look into decentralization models in other African countries and perhaps move away from the Portuguese model, which bears little resemblance to the conditions pertaining in Angola. Examples such as Mozambique, which will hold its second municipal elections during November 2003, should be carefully examined. Paramount among the various issues relating to 'local governance' is the election of provincial governors, a bold step which has yet to be implemented in Mozambique and Angola, but that will surely emerge in the medium term in both countries. As a result, the government of Angola will have to consider Cabinda's autonomy in the context of the whole country.

On the ground, and before any attempt at political negotiations takes place, military activity must stop. Moreover, although the war seems to a large extent over, there is no official ceasefire between the government and any of the belligerents. And, here too, a parallel can be drawn from the end of war in the

Before any attempt at political negotiations takes place, military activity must stop.

mainland. The various belligerent factions of the FLEC are, as UNITA was at the end of the civil war, largely destroyed and unable to resume military activity. The military leaders of the FAA and all FLEC factions should enter into exploratory contacts, following the example of the Luena negotiations. This would build confidence at the military level and possibly open the way for the negotiation of ceasefire and disengagement agreements with all warring factions.

Such a pre-negotiation approach to the military aspects of the conflict could be mirrored at other levels, such as the political and civil society levels in Cabinda. Because political issues will inevitably form the backbone of each party's demands, and these are, at the moment, expressed in maximalist (zero-sum) terms, there is a need for all parties to engage in a process that will not escalate animosity, but will develop confidence-building and *rapprochement*. If such pre-negotiations are kept out of the public eye, such an approach could decrease the pressure on all stakeholders involved, enabling the various parties involved to move from total incompatibility to a process of dialogue.

More importantly, the cessation of hostilities would allow for the flow of much-needed humanitarian assistance into the province, opening the way for the various organizations of the United Nations system with a presence in Angola to increase their assistance to civilians facing hunger, disease, trauma and loss of livelihood. In addition, the presence of international and non-governmental organizations in the province would guarantee some kind of monitoring of human rights violations on the part of all involved, providing a degree of security to Cabinda's population. In all these areas, the humanitarian community in Angola has considerable experience which can be replicated in the province.

ENDNOTES

- 1 Angola Press Agency, statement issued by the Government of Angola on the occasion of the Fourth April celebrations, 3 April 2003.
- 2 N'Zita Henriques Tiago, FLEC-FAC President, as cited by the Portuguese News Network (PNN), 21 April 2003. <<http://www.jornaldigital.com>>
- 3 J Matloff, *Fragments of a forgotten war*, Fergal Keane, Penguin, South Africa, 1997.
- 4 BBC Monitoring Africa, 4 April 2003. Source: Radio Ecclesia text website, 3 April 2003.
- 5 Economist Intelligence Unit, *Angola Country Report*, November 2002.
- 6 Africa Analysis, 15 April 2003. Also reported by the *Los Angeles Times* on 17 March 2003.
- 7 This was confirmed by FLEC-FAC representatives in Lisbon to the Associated Press on 30 October 2002.
- 8 BBC Monitoring Africa, op cit.
- 9 Angola Press Agency, 8 June 2003. According to the press release, "the six include the head of Military Counter-Intelligence Department, Jorge Gomes Macaia; the Director for Staff Training and Central Committee member Zeferino Conde Mabiala and the Logistics Secretary, Joaquim de Almeida Jimmy." The FLEC-FAC officials said that their decision to quit was motivated by the "immense difficulties" FLEC-FAC is going through.
- 10 These included a B-3 cannon; AKM-37 and G-3 assault rifles; anti-personnel landmines and other explosives. Xinhua News Agency, 2 January 2003.
- 11 BBC Monitoring Africa, 27 February 2003. Broadcast by Radio Nacional de Angola, 26 February 2003.
- 12 *Los Angeles Times*, 17 March 2003.
- 13 Agência de Notícias de Portugal (LUSA), 19 January 2003.
- 14 Amnesty International, *Amnesty International Report 2003*, Angola entry, Amnesty International Publications, 2003, <www.amnesty.org>
- 15 Comissão Ad-Hoc para os Direitos Humanos em Cabinda (Coligação pela Reconciliação, Transparencia e Cidadania), Terror em Cabinda. 1o Relatório sobre a Situação dos Direitos Humanos em Cabinda, 10 December 2002.
- 16 Ibid.
- 17 On 6 March 2003, a FLEC-FAC communiqué accused the FAA of destroying 15 villages in the region of Alto Sundi in the north of Cabinda as well as causing 7,000 families to flee to the DRC (Maduda) and Congo-Brazzaville (Kimongo). The communiqué also claimed that civilians had uncovered seven communal burial sites in Necuto, Buco-Zau and Belize. PNN, 6 March 2003. <<http://www.jornaldigital.com>>
- 18 See Comissão Ad-Hoc para os Direitos Humanos em Cabinda (Coligação pela Reconciliação, Transparencia e Cidadania), Terror em Cabinda. 1o Relatório sobre a Situação dos Direitos Humanos em Cabinda, 10 December 2002.
- 19 Radio Ecclesia Website (12 April 2003), cited on BBC Monitoring Africa, 14 April 2003.
- 20 See in this regard Radio Ecclesia Website, *Jornal O Apostolado*, 9 May 2003.
- 21 The author says that: AEntre recrudescence de la guerrilla indépendantiste et prise en otage de travailleurs étrangers, la question cabindaïse a pris ces derniers temps des contours autant politiques que militaires, sans nul doute les plus significatifs depuis la fin des années 1970.+ J-M Mabeko-Tali, *La question de Cabinda. Separatismes éclates, habilités luandaïses et conflits en Afrique centrale*, Lusotopie, 2001, p 49.
- 22 Fuelling poverty: oil, war and corruption, *Christian Aid* May 2003, p 21. <www.christian-aid.org.uk>
- 23 All the President's men, *Global Witness* March 2002, pp 33-35.
- 24 Fuelling poverty: oil, war and corruption, op cit, p 22.
- 25 J-M Mabeko-Tali, op cit, p 51.
- 26 *ProQuest Information and Learning*, 1 March 2002.
- 27 *Los Angeles Times*, op cit.
- 28 Ibid. p 57.
- 29 FLEC has historically considered its own creation as a front as demonstrating the different nature of Cabinda's liberation strategy. The fact that it was able to unite is contrasted with the inability of the MPLA, UNITA and the FNLA to do the same thing. (See for example a study commissioned by FLEC and published in 1977, *A Independencia de Cabinda*, Queluz, Edicao Literal, 1977. For excerpts from the book visit: http://www.angelfire.com/pq/unica/cabinda_independencia.htm). Readers should bear in mind, however, that both the MPLA and the FNLA were formed as a result of the merging of smaller organisations.
- 30 The FNLA (National Front for the Liberation of Angola) had been created on 27 March 1962.
- 31 The FNLA had been able to obtain the OAU's recognition and support (albeit momentarily) in 1963. This was following the OAU's African Liberation Committee recommendation to the Council of Ministers in Dakar that the FNLA's Revolutionary Government of Angola in Exile (GRAE) be recognised as the sole legitimate organisation fighting for Angolan national self-determination, and that all funds destined for the support of the nationalist movements in Angola be directed exclusively towards Holden Roberto's government in exile. In Dakar in August 1963, the OAU's Council accepted these recommendations and recognised the GRAE as the sole representative of Angolan nationalism.
- 32 See in this regard J-M Mabeko-Tali, op cit, p 53.
- 33 Ibid, p 59.
- 34 Ibid. p 54.
- 35 In addition, Sir Nigel Rodley says that "the methods used were said to include the following: punching and kicking, as well as beatings with a truncheon or a machete, bullets fired into the limbs, or electric shocks and bayonets pointed at the throat. There had reportedly been no official inquiry as yet concerning those allegations of torture, and no charges had been brought against persons suspected of having committed the offences. Furthermore, the Government was believed to have taken no action so far to prevent or put an end to such practices." United Nations Economic and Social Council, Commission on Human Rights. Report of the Special Rapporteur, Sir Nigel S, Rodley, submitted pursuant to Commission on Human Rights resolution 1998/38. Fifty-fifth session, E/CN.4/1999/61, 12 January 1999.
- 36 See FLEC-FAC website at <www.cabinda.net/start.htm>
- 37 See <www.cabinda.net/Cabinda4.html>
- 38 LUSA, 26 April 2003.
- 39 PNN, 3 May 2003. <<http://www.jornaldigital.com>>
- 40 World Market Research Centre, Daily analysis, 25 April 2003.
- 41 Text of a commentary aired on "Hora Certa" broadcast by the government's radio on 20 March 2003. BBC Monitoring Africa, op cit, 21 March 2003.
- 42 R Tati, "Cabinda: a civil society testimony", communication presented at the Conference: *Listening to Cabinda*, Instituto Amaro da Costa B IDL. Father Raúl Tati is Vicar-General of the Diocese of Cabinda.
- 43 Angola Press Agency, 11 May 2003.
- 44 Angola Press Agency, 9 May 2003.
- 45 <www.cabinda.net/start.htm>
- 46 J-M Mabeko-Tali, op cit, p 57.
- 47 RTP International, 18 March 2001.
- 48 Nevertheless, there are clues to the identity of the author of the above book. Unconfirmed reports point to the 23 December 1999 FLEC-FAC's launch of an international legal offensive against the annexation of Cabinda by Angola, which was led by the French lawyer Jean-Marc Varaut.

- 49 As Paulo de Carvalho points out, in an article in *Diario Economico* dated 6 April 2001, "the reasons invoked by the FLEC (which resulted from the fusion of the MLEC, CAUNC and ALLIAMA in 1963) and more recently by the FLEC-R are the following: a) ethno-linguistic reasons, according to which the population of Cabinda is different from the populations of the rest of Angola, on the basis of which they justify claims to a different nationality; b) reasons of a geographical nature, based on the fact that there is a geographical separation, with a strip of Congolese territory separating Cabinda from the rest of Angola; c) reasons of a historical nature, mainly in reference to the Treaty of Simulambuco, signed in 1885 between Cabindans and Portuguese, under which the latter became a Portuguese protectorate; and d) the right of peoples to self-determination, which is internationally recognised."
- 50 The treaty of Simulambuco, of 1 February 1885, effectively replaced two previous treaties: the Treaty of Chinfuma of 29 September 1883 and the Treaty of Chicamba, of 20 December 1884. See in this regard *A Independencia de Cabinda, Queluz, Edicao Literal*, 1977. For an online Portuguese version of the Treaty of Simulambuco, visit <www.angelfire.com/pq/unica/causa_real_simulambuco.htm>
- 51 According to the preamble to the treaty, "we, the undersigned, princes and governors of Cabinda, aware that a conference of ambassadors of different powers in Europe is resolving issues which directly relate to territories in the western coast of Africa, and as a consequence of the destinies of its peoples, and benefiting from the presence in this port of the Portuguese corvette Rainha de Portugal, in our name and those of the people we govern, request its commander, as a representative of the Government of its Majesty, to agree on a treaty that will place us as a protectorate of Portugal, where we will become, de facto, subjects of the Portuguese crown". See <www.angelfire.com/pq/unica/causa_real_simulambuco.htm>
- 52 *A Independencia de Cabinda, Queluz, Edicao Literal*, 1977. For excerpts of the book, visit <www.angelfire.com/pq/unica/cabinda_a_independencia.htm>
- 53 *Ibid.* Preface.
- 54 In this regard, see Paulo de Carvalho's full article in *Diario Economico*, 6 April 2001.
- 55 T Pasipanodya, Report of the Conference on "A Common Vision for Cabinda", Centro Cultural Chiloango, Cabinda, July 8-9, 2003, Open Society Foundation, Angola.
- 56 *Ibid.* p 4.
- 57 BBC Monitoring Africa, 5 March 2003. Text of a report by Angolan News Agency.
- 58 Paulo de Carvalho, *op cit.*
- 59 J-M Mabeko-Tali, *op cit.* p 58.
- 60 *Ibid.* p 59.
- 61 *Ibid.* p 62.
- 62 More importantly, Mabeko-Tali (*ibid.* p 49) considers that at no time in its history has the independence movement been so fractured, in that "jamais il n'a été tant fractionné et affaibli par de nombreux ralliements à la thèse défendue par le gouvernement quant au statut futur de Cabinda."
- 63 R Tati, *op cit.*
- 64 IRIN, 22 October 2002.
- 65 Economist Intelligence Unit, *Angola Country Report* November 2002, p 13.
- 66 Françoise Xavier Builo, representative in the Netherlands of FLEC-FAC.
- 67 J-M Mabeko-Tali, *op cit.* p 50.
- 68 See in this regard, *Angola Peace Monitor* 6(2), 29 February 1996, and 9(2), 27 May 1996, published by Action for Southern Africa (ACTSA) on behalf of the Angola Emergency Campaign, <www.africaaction.org/docs96/> and <www.actsa.org/Angola/apm/apm0209.html> respectively.
- 69 See BBC Monitoring Africa, 21 September 2002. Reported in the RDP Africa website, 20 September 2002.
- 70 PNN, 2 May 2003.
- 71 BBC Monitoring Africa, 25 March 2003. Text of a report by Radio France Internationale, 21 March 2003.
- 72 United Nations Integrated Regional Information Network, 7 April 2003, <www.irinnews.org/>
- 73 PNN, 21 April 2003.
- 74 See, for example, LUSA, 11 September 2002.
- 75 For some of the consequences of this meeting, refer to J-M Mabeko-Tali, *op cit.* pp 55, 56.
- 76 See, for example, Diocese de Cabinda, Chancelaria Diocesana, Relatorio sobre a violacao dos direitos humanos em Cabinda, 11 October 1992 as quoted in J-M Mabeko-Tali, *op cit.* p 51.
- 77 J-M Mabeko-Tali, *op cit.* p 51.
- 78 See, for example, the work of Development Workshop in Huambo Province, or the work of ADRA/ACORD in the Gambos municipality, Huila Province.
- 79 N Owen, Peace-building and civil society in Angola: a role for the international community. Department for International Development and Foreign and Commonwealth Office, October 2001, p 3. That in a recent article exploring the possible roles of civil society Guilherme Santos defines civil society as "a variety of organisations with different interests and diverse cultural, religious and organisational agendas in relation to peace, to development, to relations with the state and other institutions" is confirmation of the general acceptance of the political role it may play. Santos includes in his definition informal groups, churches and religious organisations working directly towards peace and national reconciliation as well as humanitarian assistance organisations and those working for the promotion of human rights; NGOs, business associations, professions and unions, the media and grassroots organisations; and, finally, the informal sector. G Santos, The role civil society can play in the aftermath of conflict', *South African Journal of International Affairs*, 9(2), Winter 2002, p 45.
- 80 R Tati, *op cit.*
- 81 T Pasipanodya, *op cit.*
- 82 IRIN, 6 March 2003.
- 83 IRIN, 22 October 2002.
- 84 Declarations of Liberal Nuno, FLEC-FAC spokesperson in Lisbon. Reuters, 17 April 2001.
- 85 PNN, 24 September 2002.

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About this paper

Although the civil war in mainland Angola formally ended on 4 April 2002, a secessionist conflict with grave humanitarian consequences remained unabated in the oil-rich enclave province of Cabinda for much of 2002. However, reports from Cabinda's battlefields suggest that the war may be approaching its end, if it is not already over by now. As with the end of war with UNITA, the defeat of Cabinda's insurgency has come at a high price, including the displacement and indiscriminate abuse of civilians, summary executions, incidents of rape and torture, destruction of property and pillage of villages. This paper gives a detailed account of the order of events in Cabinda, providing an introductory discussion of some of the issues that have fuelled this forgotten conflict.

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