

@CHAPTER = SOUTH AFRICA

Faced with unprecedented local and international pressure, the South African government appears, for the first time in more than four decades in power, to have begun to retreat from apartheid and the repression required to sustain it. The rhetoric of the new president, F.W. de Klerk, emphasizes negotiations, but popular leaders of the disenfranchised majority cannot envisage negotiations under the current restrictive climate. Nevertheless, there are indications of an improving human rights situation, for example, the release, without restriction, of eight long-term political prisoners, including Walter Sisulu, the former secretary general of the banned African National Congress ("ANC"); the dismantling of the feared National Security Management System<\$FThe National Security Management System, which was developed in response to the widespread protest that first erupted in 1984, was a complex shadow government, essentially controlled by the military, the aim of which was to suppress protest as well as to anticipate and remedy local grievances.>; and the withdrawal of South African troops from Namibia following what has generally been termed a "free and fair" election.

The Bush administration has cited these and other developments to defend its decision to resist, for the present, the imposition of further sanctions against South Africa. To call for further sanctions at this time would be "inappropriate and confusing," according to Assistant Secretary of State for African Affairs Herman Cohen. However, administration officials, notably Cohen and the U.S. ambassador to South Africa, William L. Swing, have made strenuous efforts to minimize the parallels between current U. S. policy and that of the Reagan administration, which strongly resisted sanctions in favor of a policy of muted criticism and "constructive engagement."

For the first time, U.S. officials have set a remarkably specific timetable for further changes. In the immediate future, Cohen told Congress in October, Washington would like to see President de Klerk release political prisoners and end bans on political organizations. By the end of the February-to-June South African parliamentary session, Washington hoped to see the abolition of such pillars of statutory apartheid as the Group Areas Act, which legislates residential segregation. If very little emerged, Cohen promised, Washington would consult Congress, U.S. allies in Europe, and Japan -- which at present is one of South Africa's largest trading partners -- about further measures. But these warnings were at the same time diluted by hints of an incremental lifting of sanctions.

In September, responding to the results of general elections that returned the ruling National Party to power, albeit with a reduced majority, the State Department declared, hopefully, that President de Klerk had won a mandate for "real change," but urged that promises of reform be followed by "concrete, specific action." The Department repeated widely expressed demands for opening the political process. These demands included the release of all political prisoners and the return of political exiles; the lifting of the three-year-old State of Emergency; and the unbanning of the ANC and other political organizations.

The changed tenor of the Bush administration was set early in the year. In May, President Bush met with three church leaders who are widely perceived as speaking for the disenfranchised black majority and are heartily disliked by the South African government. The three -- Reverend Allan A. Boesak, a minister of the "colored" branch of the Dutch Reformed Church and president of the World Alliance of Reformed Churches; Anglican Archbishop Desmond Tutu; and Beyers Naude, former secretary general of the South African Council of Churches -- said after the meeting that they viewed their reception as symbolically

important, and they were further encouraged by the president's close attention to their appeals.

Then, in June, President Bush invited Albertina Sisulu, co-president of the restricted United Democratic Front ("UDF")<\$FThe United Democratic Front was, until its virtual banning in February 1988, the umbrella organization of about 600 anti-apartheid groups countrywide. In recent months, it appears to have re-emerged in a broad front called the Mass Democratic Movement.> and wife of then jailed ANC leader Walter Sisulu. There is evidence that the meeting was calculated to pave the way for an invitation to de Klerk, then leader of the National Party but not yet president. Support for such a visit continues within the administration despite outspoken Congressional opposition to it as an unwarranted carrot. The invitation to Mrs. Sisulu, who was restricted and without a passport, enabled her to leave the country with black leaders under similar bans. The visit gave the administration's implied imprimatur to both the restricted UDF and its alter ego, the ANC.

It should be noted that President Bush has not otherwise taken a high profile on human rights issues in South Africa, appearing to leave the strong statements to his subordinates. To his credit, however, he has also avoided the kinds of statements made by President Reagan that gave the impression that the former president was naively supportive of the South African government or at best ambivalent about apartheid. Responding, for example, to a question about the March 1985 police killing of 20 blacks who were peacefully marching toward a white area of Uitenhage in the Eastern Cape, President Reagan said: "I think that to put it that way<%-20> <%0>.<%-20> <%0>.<%-20> <%0>.<%-20> <%0>that the violence was coming totally from the law-and-order side, ignores that fact that there was rioting going on behalf of others there." He added, "There is an element in South Africa that do not want a peaceful settlement of this, who want a violent settlement, who want trouble in the streets and this is what's going on."

Bush administration officials have been careful to emphasize that the current easing of repression by the South African government is spotty and that judicial questioning of political prosecutions is minor though encouraging. Officials have also emphasized that the government has made no major moves to dismantle apartheid. This was made clear in the administration's annual report to Congress in October, as required by the Comprehensive Anti-Apartheid Act of 1986. Among important points made were the following:

@BULLET = "Despite recent positive signs, we are unable to report tangible progress towards the end of apartheid.... There have as yet been no major changes in the present constellation of apartheid laws despite official suggestions that they may occur...."

@BULLET = Although President de Klerk allowed peaceful political demonstrations to take place the week following the September 6 election, the detention of political activists increased during the same period.

@BULLET = Much petty apartheid legislation has already been rescinded, but there is no indication that the South African government is considering abolishing the Group Areas and Population Registration Acts, which are the legislative pillars of apartheid.

@BULLET = The combination of the white-controlled police and judiciary prejudices the legal system against blacks, and it is "impossible to say that South Africa respects the principle of equal justice for all."

@BULLET = The government's release of detainees in March and April was "mostly undone by restrictions placed on the person freed and by new detentions of many of the same people in the election period."<\$FAccording to the South African Human Rights Commission, 581 people are currently restricted under the

Emergency regulations.>

At the United Nations, the Bush administration also appears to be registering a different note. During the previous administration, the United States voted against or abstained on even the most innocuous anti-apartheid resolution. For example, the United States and the United Kingdom were the only countries to abstain on an October 1988 resolution protesting segregated municipal elections which gave rise to vigorous community opposition and a harsh government response. This contrasts with U.S. Ambassador to the U.N. Thomas Pickering's speech on December 14, when he called on President de Klerk to move quickly to lift the state of emergency and legalize "all political organizations, including the African National Congress."

In November, in a report to the United Nations on human rights around the world, Pickering repeated U.S. criticisms of apartheid and was explicit in calling for "a democratic electoral system based on a universal franchise." Except for a major statement by Secretary of State George Shultz toward the end of the Reagan administration, U.S. spokesmen have typically talked in generalities about the sharing of political power.

As one of the chief brokers of the settlement in Namibia, as a result of which South Africa has relinquished control of the territory after decades of defying U.N. edicts, the Bush administration has come under criticism for being too accommodating to South African authorities. One of the chief impediments to a peaceful transition to independence in the territory has been the continuing presence of members of a paramilitary group known as *Koevoet* (crowbar). *Koevoet* garnered a fearsome reputation for its brutality in the northern zone of Namibia where the vast majority of the Ovambo residents support SWAPO -- the South West African People's Organization -- the guerrilla force which fought a low-intensity war against South African occupation for more than 20 years. Critics contended that the Bush administration did not pressure the South African authorities quickly enough to disarm and remove former *Koevoet* members from the territory.

Although *Koevoet* was supposed to have been disbanded in 1988 under quiet pressure from the United States, among others -- *Koevoet* members were instead incorporated into the territorial police force and were responsible for numerous incidents of intimidation and violence in the weeks leading to the elections. Their continuing presence in the northern region was finally acknowledged by South African authorities, who undertook only in August 1989 to remove 1,200 former *Koevoet* members from the South West African police force.

In response to widespread criticism, the State Department contended that Assistant Secretary Cohen was "very engaged" on the problem. In July, the administration publicly complained to South Africa that its paramilitary units were intimidating blacks in northern Namibia, imperiling prospects for free elections. Cohen was reported to have called in South African Ambassador Koornhof and told him that intimidation in the North was "unacceptable." And in August, the State Department welcomed the decision by the South African Administrator General of Namibia to remove *Koevoet* members from duty and said, "we expect the Namibian authorities to implement this action promptly."

In October, however, the United States, Britain and France tried unsuccessfully to bar Jesse Jackson from giving a speech on Namibia to the U.N. General Assembly, claiming that his remarks could jeopardize the planned election. Jackson told the Assembly: "There is a reign of terror<%-20> <%0>.<%-20> <%0>.<%-20> <%0>.<%-20> <%0>in Namibia today -- armed vigilantes are attacking Namibians<%-20> <%0>.<%-20> <%0>.<%-20> <%0>.<%-20> <%0>.<%-20> <%0>."

Despite clear evidence of South African attempts at least to mar the electoral process, SWAPO emerged victorious in what U.N. Special Representative Maarti

Artisaari certified was a free and fair election. In late November, South Africa withdrew the last of its forces from the territory. There is nevertheless need for continued vigilance by the Bush administration to ensure that elements in the South African government do not undertake the same destabilization efforts as have occurred in such other bordering states as Zimbabwe and Mozambique.

Although the Bush administration has been generally responsive to human rights concerns in South Africa, it occasionally has issued fairly routine statements on major human rights violations when stronger statements would have been appropriate. For example, the administration was fairly muted in its response to serious police excesses during the Defiance Campaign leading to and following the September elections. <FThe Defiance Campaign was an unprecedented challenge to the State of Emergency and other legislation by anti-apartheid activists, who flouted laws forbidding meetings and demonstrations as well as restrictions placed on activists and organizations. As part of the campaign, activists declared "unbanned" organizations that had first been restricted under State of Emergency regulations in February 1988.> In August, for example, hundreds of blacks streamed on to two segregated beaches outside Cape Town. Police used whips and batons to beat them back and several people were seen bleeding from open wounds. Responding to the widespread arrests and beatings, the administration simply expressed "deep concern" about the arrest of Archbishop Tutu and other demonstrators and urged the South African government to allow "peaceful expression of political dissent."

In November and early December, South Africa was shaken when several police officers admitted their involvement in police death squads. These admissions included gruesome details of murders, some of which have been separately corroborated. South African activists have long suspected that such squads exist, <FAccording to the Human Rights Commission, at least 45 anti-apartheid activists have been assassinated over the last five years and five have disappeared. In the first 11 months of 1989, there were 11 murders, three bombings and nine politically related burglaries.> and the Reagan administration's 1988 annual report on South Africa noted the possible existence of police "death squads, operating completely outside the law, both inside and outside the country." Responding to these revelations, the Bush administration twice released the same statement, calling upon President de Klerk "to ensure a full and impartial investigation." The revelations warranted a much stronger response, including, at minimum, support for widespread calls within the country for an independent commission of inquiry. In early December, President De Klerk announced his decision not to convene an independent inquiry, a move that has been widely criticized in South Africa. The Bush administration has made no public response to this decision.

The administration has also made no statement on the ongoing conflict in Natal, where feuding between supporters of KwaZulu Chief Minister Gatsha Buthelezi's Inkatha movement and supporters of the UDF and the Council of South African Trade Unions ("COSATU") has taken at least 2,000 lives since 1985. Although both sides in the conflict are responsible for excesses, the majority of the victims are aligned with COSATU and the UDF. There have been numerous charges of KwaZulu police support of Inkatha fighters and South African police response that has been complicit or slow. There have also been press reports of the murder of Inkatha opponents who have sought and obtained protection from the courts. It does not appear that many of the Inkatha "warlords," presumed to be behind the murders, have been brought to justice. Since Chief Buthelezi was hosted in Washington by President Reagan, it is possible that strong pressure from the Bush administration would encourage Buthelezi to curb abuses by his

forces.

The administration has also been entirely silent on the fragmentation of South Africa into separate bantustans. Some of the most serious human rights violations in South Africa today are being perpetrated in "independent" bantustans like BophuthaTswana and Ciskei. According to the South African Human Rights Commission, there are at present 10 detainees under the State of Emergency and 23 detainees under the Internal Security Act in "white" South Africa. These figures, however, do not include the "independent" bantustans, where the current detainees are far more numerous. In BophuthaTswana, at least 20 people are awaiting trial following violence in a community resisting forced incorporation. One of those charged, Chief Pupsey Sebogodi, is a community leader who was already detained at the time of the violence. In the Ciskei, scores of villagers in Nkqonkweni, a community that had been incorporated against its will into the so-called independent Ciskeian bantustan, were detained in November in retaliation for their resistance.

We are also concerned that provisions of the Comprehensive Anti Apartheid Act of 1986 ("CAAA") be conscientiously carried out by the Bush administration. In 1988, the Washington-based Lawyer's Committee for Civil Rights Under Law accused the Reagan administration of implementing some provisions of the CAAA in a way that "call[s] into question the administration's faithful adherence to the letter and the spirit of the Act." In late August 1989, Senator Edward Kennedy released a report saying that the General Accounting Office had uncovered "a shocking lapse by top Reagan Administration officials, who failed to apply elementary enforcement procedures in carrying out the anti-apartheid law." As a result, it is suspected that South Africa was able to export gold to the United States through Britain and Switzerland, in violation of the legislation. The report concluded that the main fault lay with the failure of the State Department to provide the Customs Service with a list of the products barred from entering the country. Instead it passed on only a list of the government agencies and state-owned corporations which make the banned products. We urge the Bush administration to rectify these omissions.

The Bush administration's insistence on taking a "wait-and-see" approach to South Africa has its critics. Some activists argue that more intense pressure is precisely what is required at this juncture to speed up the dismantling of apartheid. However, it can be argued that the administration is taking its cue from some South African spokesmen, like Archbishop Desmond Tutu, who have indicated a willingness to give President de Klerk time to prove that he is in earnest. The challenge to the Bush administration lies in the somewhat unpredictable future. It is imperative that the administration continue to monitor carefully the human rights situation in South Africa. If meaningful improvements cease, or if the situation degenerates, the Bush administration should translate its change of attitude into strong and concrete acts of disapproval.