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THE OUTLOOK FOR AMERICAN POLICIES TOWARDS SOUTH AFRICA IN 1985

The beginning of the year has seen our relations with the U.S. at the top of South Africa's foreign policy agenda, as a result of the protest and disinvestment campaign in the U.S. and particularly the attention focussed on Senator Edward Kennedy's recent visit. At the same time, South Africa currently has a higher profile in the U.S. than ever before. Although it is by no means at the top of the American foreign policy agenda, it has clearly moved up on that agenda, and even the President himself has had to give special attention to the issue over the past two months. He has personally commented on the South African situation in carefully worded statements, and he has received both Bishop Desmond Tutu and Chief Gatsha Buthelezi for private talks. (It is worth noting, however, for the sake of a balanced perspective, that, when South African attention was focussed on Senator Kennedy's visit in January, serious U.S. and world attention was absorbed by the vitally important nuclear arms talks between Secretary of State Shultz and Foreign Minister Gromyko in Geneva.)

1985 will undoubtedly, therefore, be a critical year in the development of the US/SA relationship. One can foresee developments in five inter-related areas, which are dealt with briefly below. The fifth of these is the policy of constructive engagement itself. The other four have an impact on that policy, but they are outside the direct control of the U.S. Administration, which demonstrates the point that the relationship between the two countries is much wider and more complex than simply one between two governments.

* This Background Briefing contains an updated version of the talk given by the Director General, Professor John Barratt, at a meeting of the Witwatersrand Branch of the Institute on 23 January, 1985.

1. Protests

About two weeks after President Reagan's re-election on November 6, the protests began outside the South African Embassy in Washington DC, and they soon spread to other cities where the South African Government has consular offices. Since November 21 the protests in Washington have continued on an almost daily basis, and by the end of January well over 500 prominent Americans had been arrested for moving nearer to the Embassy building than they were legally permitted to do when demonstrating before any foreign Embassy. They have included a Republican Senator, Congressmen and civil rights leaders.

While those arrested have been taken away in handcuffs and charged, they have not been prosecuted in Court. This has perhaps somewhat reduced the impact of the protests and, as the novelty has worn off over the past few months, the American news media have apparently largely lost interest. One can expect, therefore, that the daily protests will taper off, perhaps to be replaced by periodic demonstrations to keep the issue alive in the public mind and to keep up the pressure on the Reagan Administration.

It is, of course, at the Administration and its constructive engagement policy that these protests are primarily directed. They have served to give a very significant boost to the campaign which was previously developing against that policy in the U.S. Congress and elsewhere, and in particular they have boosted the divestment campaign.

2. Legislation in the U.S. Congress

The moves to have measures adopted by the Congress to restrict economic links with South Africa constitute the most serious and substantial development in the US/SA relationship. These moves are not new; attempts have been made for several years, especially in the House of Representatives, and at the end of December 1983 an amendment to the I.M.F. Funding Bill imposed conditions on US support for future I.M.F. loans to South Africa. Then in 1984 the House went further than ever before in approving measures that would have imposed severe limits on Bank loans to South Africa; applied a ban on Krugerrand sales in the US; limited new investment; and made compliance with the Sullivan Code of fair employment practices mandatory for all US-based corporations operating in South Africa. In the end, these proposed measures were not adopted, because differences between the Republican-controlled Senate and the House could not be satisfactorily ironed out and a compromise reached, before the Congress adjourned.

However, there is no doubt that these measures - and possibly even tougher ones - will shortly be re-introduced, and some of them are likely to be adopted in both the House and the Senate. An S.A. Human Rights Bill has reportedly already been prepared for introduction in this regard.

The mood and circumstances have changed since 1984 - for the worse as far as links with South Africa are concerned. Some of the factors are :

- The much higher public and negative profile of South Africa makes it even more politically risky than in the past for any Congressman to register a vote against anti-apartheid measures. There is no visible and public pro-South African lobby to counteract the campaign of Transafrica and other organisations in the anti-apartheid field.
- In the Congress, after the November elections, the House is still strongly Democratic and the Republican majority in the Senate has been slightly reduced to a difference of only 6 (53 - 47). Now the Democratic Party has its sights on a further improvement of its position in the mid-term 1986 elections, to the extent of taking over control of the Senate.
- 35 Republicans last month addressed a letter to the SA Ambassador warning that they could not continue much longer to oppose anti-apartheid legislation. This message has also been conveyed to the President.
- Similar action was taken by conservative Republican Senator Lugar, the new Chairman of the Senate Foreign Relations Committee, together with Senator Nancy Kassebaum, also a Republican and Chairman of the Sub-Committee on Africa.
- Bishop Tutu's Nobel peace prize and his subsequent campaign in the US among influential circles.
- Senator Kennedy's recent visit and his commitment to become intimately involved in the moves to have legislation adopted.

There is no doubt that the Administration will oppose any drastic legislation which could be interpreted as punitive sanctions against South Africa, but it remains to be seen what the President will do - or be advised to do - if and when such legislation is adopted. If it is contained in a separate Bill, it is more likely that he will veto it than if it is included as an amendment to another Bill which he needs to have put into effect (as was the plan which nearly succeeded last year). But in any case it would be unwise to assume that the President would use his veto to protect South Africa, if such an action were likely to prove politically unpopular and have a negative effect on his relations with the Congress at a time when he needs Congressional support for other important legislation.

The context of these moves is one in which the Congress is asserting itself against the Executive Branch, and a new generation of leaders is also taking

over in both the Senate and the House. The President will be facing much more serious problems with the Congress than those connected with the South African issue, particularly with the budget proposals he has submitted.

3. Divestment Legislation in States and Cities

The divestment campaign, which began in earnest in 1976, has gathered strength over the past couple of years, and in 1984 it was focussed clearly on state and city governments in the US. It is aimed at forcing American companies to remove or at least limit their investments in South Africa, at preventing American Banks from making loans - at least to government or parastatal organisations - and generally at cutting economic links between the two countries. The means used are the bringing of pressure to bear on American corporations through legislation in state and city governments, which would require those governments to withdraw their investments (notably pension funds) and in some cases to stop purchases from corporations doing business in South Africa.

By the end of 1984 five states had passed some form of divestment legislation and seven more were reported to have legislation pending. In November the South African Ambassador estimated that in 1985 there might be between 30 and 40 states considering legislation.

In addition, several cities, including notably Boston, Philadelphia and Washington DC, have adopted legislation, and many more, including New York, are in the process of doing so or are considering the implications.

This movement in the states and cities is, therefore, likely to gather steam during 1985, particularly after all the public attention of the past two months. Even if there is resistance in state and city legislatures to this type of divestment action, as being ill-conceived, financially irresponsible and possibly counter-productive in South Africa, it is very rare that an elected official of either Party is willing to stand up publicly and oppose these measures. There is nothing to gain politically from such opposition, and there is the fear of being labelled "pro-apartheid".

However, there are signs of some resistance developing to divestment proposals, particularly among those who would have to implement them and who have a fiduciary responsibility, in respect of pension funds, to see that these funds are invested in the best possible way. Disinvesting from all the major corporations which do business with South Africa could involve serious financial risks. So it is possible that, while this movement in the states and cities may at present still be gathering strength, it could reach a peak

later in the year and then begin to lose steam.

It is in any case a development which has caused considerable concern to American corporations, because the sums involved in these funds are huge. In the case of New York City the three employees' pension funds probably total nearly \$30 billion. Moreover, the proposed measures being worked out in New York and elsewhere include steps to prohibit or limit procurement from the corporations concerned, and not only the divestment of funds.

The American corporations are, of course, not simply waiting to see what will happen. They are actively involved in discussions behind the scenes, attempting to draw attention to the implications of divestment measures, and generally to throw up a wall, as it were, against this strongly flowing tide. Their strongest defence is the Sullivan Code which State and local governments may be willing to use as the standard by which to judge whether or not to divest from particular corporations.

4. The Sullivan Code

The Code of fair employment practices has been in existence since 1977, and approximately 125 of the American corporations operating in South Africa, including most of the major ones, have signed the Code. The Sullivan signatories are able to argue that they have been and are contributing constructively to economic and social change in South Africa, but their case is not accepted by the militant proponents of divestment, who have argued in turn that the Code does nothing to change the basic political system of the country, and that the presence of the American companies in South Africa simply serves to prop up that apartheid system.

The Sullivan signatories, therefore, are under pressure to expand their commitment into more controversial political areas. In December most of them responded by agreeing to proposals of the Rev. Leon Sullivan that they should become more active in promoting the repeal of apartheid legislation. How the American companies will give effect to their strengthened commitment is still not clear, but they are not alone within South Africa in responding to the growing internal and external pressures. More important has been the significant action of the six major South African employer organisations in committing themselves, in a memorandum presented to Senator Kennedy in January, to press for changes which would directly affect the political system.

If the Government is receptive to the influence of the private sector, including American-linked companies, then this will have much more effect in countering the divestment campaign than any lobbying in the United States.

The achievements of the Sullivan Code, as well as other codes of fair employment practices adopted in South Africa, have been widely recognised, even if they are still subject to some controversy, and they are quoted by the Reagan Administration as an example of constructive engagement. But in the circumstances of the present heated-up anti-apartheid campaign in the US, the Sullivan Code, like the policy of constructive engagement itself, is not seen as having had any significant impact on the basic structures of South African society and particularly on the Government's policies.

5. Constructive Engagement

A great deal could be said about this policy of the Reagan Administration. It has been defined and explained on many occasions by its chief architect, Dr. Chester Crocker, Under Secretary of State for Africa. But it is still controversial, both in South Africa and in the United States, and it is now under heavy attack, not only by Democrats and anti-apartheid groups, but also by some Republicans, as being too supportive of the SA Government and as not producing results, either in South Africa itself or on the issue of Namibian independence (the issue on which Dr. Crocker and his assistants concentrated most strongly during the Reagan Administration's first term from 1981 to 1984).

It is not possible here to analyse the record of the policy. But attention can be drawn to a few points relevant to the US Administration's response to the current pressures on it over South Africa.

First, it should not be surprising that the Administration, including the President himself, is adopting a more critical public posture towards the SA Government, because the pressures - particularly from both Parties in the Congress - have to be taken seriously. Dr. Crocker has recently stated clearly that, while he believes in quiet diplomacy as a means of achieving the goals of the US in Southern Africa, public diplomacy (which in effect means public criticism) is not ruled out and may have to be used in future more than in the past.

Second, in recent statements of the President, Dr. Crocker and the American Ambassador in South Africa, the point has been made that the goals of the policy are not much different from those of previous US Administrations, although the means of achieving those goals may be different. In this regard, the President and Dr. Crocker have referred in recent statements to "government by consent of the governed" as the direction in which South Africa should be moving. During the Carter Administration the official phrase was "full political participation" for all people in South Africa.

Third, there are no indications that the US Administration intends to abandon its policy of constructive engagement as the means of furthering American interests and goals in Southern Africa. It clearly does not consider that punitive action or any form of sanctions would be productive, and it will oppose such measures introduced for adoption by the Congress. But, as already mentioned above, it is not yet clear how far the Administration will go, if such opposition threatens the President's policies and proposed legislation in other fields.

Fourth, the US is likely to strengthen its commitment to some of South Africa's neighbours, as it is currently doing in Mozambique, in order to demonstrate more clearly that constructive engagement is a regional policy, in the interests also of black-ruled countries of Southern Africa, and not only a policy towards South Africa. This will also have the effect of making it clear to South Africa that any actions it takes against its neighbours are detrimental to American interests in the region. This has probably already been an important factor in the SA Government's changed relations with the Mozambique Government (and towards the MNR) over the past year, and in its more relaxed attitude towards the Zimbabwe Government.

Fifth (and related to the fourth point), we are likely to find that in the coming months there will be stronger American moves over Namibia and over South Africa's relations with Angola. The Reagan Administration now needs more than ever to achieve demonstrable results for the policy of constructive engagement, and this may be one area where this can possibly be done sooner than anywhere else. The inter-related issues of Namibia and Angola may also be the ones where the South African Government can afford to move decisively forward somewhat more easily than on domestic issues, and thereby gain some benefit and time internationally, particularly in the relationship with the United States. This is a possibility only at this stage (not yet a probability), because the problems in the way of Angolan and Namibian settlements are still immense. But the pressures are building up so strongly both on the Reagan policy of constructive engagement and on South Africa, that some accommodations will surely have to be made in our approach to the Namibian/Angolan issues, as well as in domestic policies.

Concluding Comments

Three general factors are likely to affect the current trend in the United States towards a tougher approach to South Africa :

1. Some other world crisis would obviously draw public and media attention away from Southern Africa and weaken the momentum in the Congress and elsewhere.

2. Domestic developments in the United States, particularly in relations between the President and the Congress, will probably reduce the importance currently attached to the South African issue. But the outcome of the bargaining process in this regard is uncertain, as already indicated.

3. Undoubtedly of greatest importance will be developments within South Africa and on the Namibia/Angola issue. If the Government is able to introduce significant legislative reforms during the coming first session of Parliament under the new Constitution, they will have a profound positive impact. But they would have to touch on matters of central concern, such as influx control, group areas, resettlement and security legislation.

Apart from legislative changes, a significant impression could be made by a meaningful commitment to drawing credible black leaders into a negotiating process, i.e. what President Reagan has called "an effective dialogue, a dialogue sustained by adherence to democratic values and a belief in government based on the consent of the governed". The six South African employer organisations in their memorandum of 7 January, spoke of a commitment to a programme of legislative reform to give effect, inter alia, to the goal of "meaningful political participation for blacks". The State President has already taken a step in this direction in his recent speech at the opening of the new Parliament.

On the other hand, it hardly needs to be said that, if there are further outbursts of unrest among black South Africans, and/or if the authorities use security legislation for the purpose of detaining political and trade union leaders, as happened in the second half of 1984, the future of economic and political relations with the United States will be bleak. The resettlement of people against their will is also a question which attracts a very strong reaction abroad, not only in the United States. In his statement of 10 December President Reagan referred to "the human and spiritual costs of apartheid in South Africa" and called on the South African Government to end "the forced removal of blacks from their communities and detention without trial and lengthy imprisonment of black leaders". Since then, the SA Government has announced a suspension of resettlement action, while the policy is re-examined.

It seems clear that the Government regards the maintenance of co-operative relations with the United States as being of crucial importance, for economic

political and security reasons. However, the Government has over the years shown an ambivalent attitude towards the United States, which is a reflection perhaps of an ambivalent attitude among all South Africans, black and white. While co-operative links with a superpower are welcomed, and while it is reassuring to have a superpower as a protector in a threatening world, there is much less enthusiasm about a protector that interferes. There is also concern about a superpower whose policies in the past have not always been consistent and predictable. South Africa may have particular problems, but at least South Africans are not alone in the world in having to deal with the problems of an unequal relationship with a great power whose global interests and domestic politics may dictate a certain policy one day and another the next. But no small or middle power of West or East can escape that dilemma!

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