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## **Clinton Presidential Records Mandatory Declassification Review**

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## Cable

PREC: IMMEDIATE  
 CLASS: ~~CONFIDENTIAL~~  
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 RUEHOR/AMEMBASSY GABORONE 5499  
 RUEHRU/AMEMBASSY MASERU 4775  
 RUEHMB/AMEMBASSY MBABANE 2827  
 SUBJ: AMERICAN KILLED IN DEMONSTRATIONS SUPPORTING  
 STRIKING TEACHERS' UNION

**DECLASSIFIED  
 PER E.O. 13526**

2015-0638-M (1.01)  
 7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE SECTION 01 OF 02 CAPE TOWN 01325  
 E.O. 12356: NA  
 TAGS: CASC, PINS, ELAB, SF  
 SUBJECT: AMERICAN KILLED IN DEMONSTRATIONS SUPPORTING  
 STRIKING TEACHERS' UNION  
 REF: A. CAPE TOWN 822 B. CAPE TOWN 759  
 1. SUMMARY. A STRIKE BY THE SOUTH AFRICAN DEMOCRATIC  
 TEACHERS' UNION HAS TURNED INCREASINGLY VIOLENT IN ITS  
 SECOND WEEK, RESULTING IN THE DEATH OF AN AMERICAN  
 GRADUATE RESEARCH STUDENT THROUGH MOB ACTION IN THE BLACK  
 SUBURBAN TOWNSHIP OF GUGULETU. TEACHERS IN THE REGION WHO  
 ARE MEMBERS OF THE SOUTH AFRICAN DEMOCRATIC TEACHERS UNION  
 (SADTU) WENT ON STRIKE AUGUST 16 ALONG WITH THEIR FELLOW  
 UNIONISTS IN OTHER PARTS OF THE COUNTRY. NUMEROUS  
 DEMONSTRATIONS DURING THE FIRST WEEK WERE HELD WITHOUT  
 SERIOUS INCIDENT, BUT OVER THE PAST WEEKEND MEMBERS OF THE  
 REGIONAL BRANCH OF COSAS (THE CONGRESS OF SOUTH AFRICAN  
 STUDENTS), WHICH HAD INITIALLY OPPOSED THE STRIKE, DECIDED  
 TO RESORT TO VIOLENT MEASURES TO FORCE CONCLUSIONS. THIS  
 HAS MAINLY MEANT BURNING VEHICLES IN BLACK TOWNSHIPS AFTER  
 FORCING THE OCCUPANTS TO FLEE. THERE HAVE BEEN INJURIES,  
 BUT NO DEATHS UNTIL THE YOUNG AMERICAN WAS TRAGICALLY  
 MURDERED ON AUGUST 25. THE VIOLENCE HAS MADE THE ISSUE  
 LARGER THAN THE STRIKE ITSELF, BUT AN END TO THE STRIKE  
 WOULD PROBABLY BRING THE VIOLENCE TO AN END. NO CONSENSUS  
 HAS DEVELOPED IN THE LARGER COMMUNITY THAT THE STRIKE WAS  
 VALID, AND IT HAS MANY OPPONENTS WHO SEE THE STRIKE AS  
 COMING AT A BAD TIME BECAUSE OF APPROACHING YEAR-END  
 EXAMS. END SUMMARY.

2. A NATIONWIDE TEACHER STRIKE LAST MAY WAS A NEAR THING, ESPECIALLY WHERE THE SOUTH AFRICAN DEMOCRATIC TEACHERS UNION (SADTU) WAS CONCERNED. THIS UNION, SAID TO HAVE 80,000 MEMBERS AND GAINING A REPUTATION AS THE MOST MILITANT OF TEACHERS' UNIONS, BACKED OFF STRIKING THEN ON ASSURANCES THAT SALARY NEGOTIATIONS WITH THE GOVERNMENT WOULD CONTINUE AND THAT RETRENCHMENTS OF TEACHERS IN COLORED SCHOOLS FUNDED BY THE HOUSE OF REPRESENTATIVES WOULD CEASE. SADTU IS DEMANDING A WAGE INCREASE OF 20 PERCENT, AND AN END TO THE POSITION CUTS, AND THE GOVERNMENT IS NOW OFFERING AT LEAST 6.7 PERCENT (UP FROM AN EARLIER OFFER OF 5 PERCENT). WHEN NEGOTIATIONS REACHED A DEADLOCK SADTU DECIDED TO STRIKE, IGNORING AN AUGUST 12 DECISION BY A PRETORIA SUPREME COURT JUDGE THAT THE STRIKE WAS ILLEGAL.

3. THE STRIKE, WHICH BEGAN ON AUGUST 16, WAS MARKED IN CAPE TOWN IN THE BEGINNING BY MODEST DEMONSTRATIONS OF NO MORE THAN 2000 WITH RELATIVELY LITTLE TROUBLE WITH THE POLICE. IN THE FIRST WEEK STRIKING TEACHERS EACH DAY RALLIED OUTSIDE THE DOWNTOWN BUILDING WHERE THE NEGOTIATIONS WERE TAKING PLACE WITH THE GOVERNMENT SIDE WALKING OUT AT ONE POINT, COMPLAINING THAT THE PROTEST IN THE STREETS BELOW CONSTITUTED "UNDUE PRESSURE". THE GOVERNMENT TOOK A "NO WORK, NO PAY" LINE TOWARD TEACHERS ON STRIKE AND HAS THREATENED TO DE-RECOGNIZE SADTU FOR ITS ACTIONS. SOME BLACK AND COLORED SCHOOLS IN THE REGION HAVE BEEN ABLE TO STAY OPEN BUT QUITE A FEW WERE FORCED TO CLOSE. PRESS REPORTS INDICATE BLACK SCHOOLS HAVE BEEN CONSIDERABLY MORE AFFECTED THAN COLORED SCHOOLS. IN SOME OF THOSE THAT STAYED OPEN STUDENTS TOOK OVER IN CONDUCTING LESSONS FOR THEIR CLASSMATES.

4. REACTION TO THE STRIKE HAS GENERALLY BEEN NEGATIVE. UNIONS SUCH AS THE CAPE TEACHERS' PROFESSIONAL UNION AND THE AFRICAN TEACHERS UNION OF SOUTH AFRICA SAID THEY COULD NOT SUPPORT THE STRIKE. THE CONGRESS OF SOUTH AFRICAN STUDENTS AND THE PAN AFRICANIST STUDENTS ORGANIZATION (PASO) ARE AGAINST IT, AS ARE THE PAN AFRICANIST CONGRESS AND THE AZANIAN PEOPLE'S ORGANIZATION (AZAPO). THE AFRICAN NATIONAL CONGRESS IN THE WESTERN CAPE DID NOT ENCOURAGE THE STRIKE BUT SUPPORTED SADTU AFTER THE STRIKE STARTED, WHILE MAINTAINING THAT TIME LOST BY THE STUDENTS MUST BE MADE UP. IT IS THIS ISSUE, LOST TEACHING TIME JUST TWO MONTHS BEFORE FINAL EXAMS, THAT PUTS SADTU MOST AT ODDS WITH ITS OPPONENTS.

5. OVER THE WEEKEND OF AUGUST 21 COSAS (OR AT LEAST ITS BRANCH IN THE WESTERN CAPE) CHANGED ITS POSITION, LAUNCHING "OPERATION TEACHER COMEBACK", CLAIMING THAT STUDENTS WANTED THE TEACHERS BACK AND THE ONLY WAY TO DO THIS WAS TO BRING THE GOVERNMENT TO ITS SENSES. IN ACTIONS REMINISCENT OF "OPERATION BARCELONA" LAST MAY (REF

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 02 OF 02 CAPE TOWN 01325

E.O. L2356: NA

TAGS: CASC, PINS, ELAB, SF

SUBJECT: 1-.348:-, (8)3\$ 8, \$3.9,54-589, 7009458,&

), YOUTHS STARTED ON AUGUST 23 STONING AND BURNING VEHICLES IN SUBURBAN BLACK TOWNSHIPS, ESPECIALLY GUGULETU AND KHAYELITSHA. THIS CONTINUED THROUGH AUGUST 25. MORE

THAN A DOZEN VEHICLES HAVE BEEN BURNED, INCLUDING A TRUCK CARRYING SCHOOL BOOKS. THE ANC HAS MAINTAINED ITS SUPPORT OF THE STRIKE; REGIONAL SECRETARY TONY YENGENI LED A CAPE TOWN MARCH ON AUGUST 24 AND DECLARED THAT THE STRIKE SHOULD CONTINUE UNTIL THE TEACHERS' DEMANDS ARE MET. PASO, MEANWHILE, HAS SAID IT WILL PROTECT NON-STRIKING TEACHERS AGAINST SADTU. AT A KHAYELITSHA RALLY ON AUGUST 24 PASO SPOKESMEN CONDEMNED THE STRIKE, SAYING THAT IT PLAYED INTO THE HANDS OF THE "REGIME" IN KEEPING AFRICAN CHILDREN DEPRIVED OF AN EDUCATION.

6. IT IS A PARTICULAR TRAGEDY THAT A YOUNG AMERICAN, AMY BIEHL - A FULBRIGHT GRADUATE STUDENT RESEARCHER AT THE UNIVERSITY OF THE WESTERN CAPE (UWC) - WAS CAUGHT UP IN THIS VIOLENCE LATE IN THE AFTERNOON OF AUGUST 25 AND LOST HER LIFE. SHE WAS DROPPING A FRIEND FROM THE UNIVERSITY IN GUGULETU WHEN HER VEHICLE WAS BESET BY A MOB OF YOUTHS. SHE WAS EITHER DRAGGED FROM OR FORCED FROM THE VEHICLE AND WAS STONED AND STABBED BY THE MOB, DYING A SHORT WHILE LATER IN A POLICE STATION. SOME OF THOSE WITH HER IN THE VEHICLE WERE INJURED, BUT ONLY MS. BIEHL WAS KILLED. SHE WAS THE ONLY WHITE IN THE VEHICLE, AND WE ARE TOLD THE MOB SINGLED HER OUT AS A "SETTLER". THERE HAVE BEEN NO ARRESTS. EXPRESSIONS OF SYMPATHY HAVE ALREADY COME TO THE CONSULATE FROM UWC AND THE REGIONAL ANC. WESTERN CAPE ANC CHAIRMAN ALLAN BOESAK WAS AMONG THOSE WHO IDENTIFIED THE BODY AT THE GUGULETU POLICE STATION.

7. COMMENT. IN THE AFTERMATH OF THE ASSASSINATION OF CHRIS HANI, ACCUMULATED FRUSTRATIONS IN MANY PARTS OF THE CAPE, INCLUDING STUDENT PROTESTS AGAINST EXAMINATION FEES, THREATENED TO BOIL OVER LAST MAY IN POTENTIALLY DESTRUCTIVE MASS ACTION. THE TEMPERATURE APPEARED TO COOL DOWN, HOWEVER, WHEN THE GOVERNMENT BACKED OFF ON THE EXAM FEES AND A DATE WAS SET FOR NATIONAL ELECTIONS NEXT YEAR. LAST MAY'S DANGEROUS VOLATILITY SEEMED TO HAVE DISSIPATED, JUDGING BY THE ABSENCE OF VIOLENCE IN THE FIRST WEEK OF SADTU'S STRIKE. BUT THE SECOND WEEK HAS SHOWN ONCE AGAIN THAT THE ANGER IS STILL THERE AND EXPLOITABLE FOR THOSE WHO WISH TO USE IT.

8. AS FOR THE STRIKE ITSELF, THE REACTION OF MOST PEOPLE SEEMS TO REFLECT THE RIGHT PRIORITY: GETTING STUDENTS AS WELL EDUCATED FOR THE FUTURE AS POSSIBLE. SADTU IS IN A LONELY POSITION, AND THREATENING THAT ITS DETRACTORS WILL NOT GET SADTU VOTES IN 1994. BUT SADTU HAS A POINT: THE LOWEST PAID TEACHERS, WHO FORM THE BULK OF THE UNION'S MEMBERSHIP, ARE PAID IN THE RANGE OF \$180 TO \$212 A MONTH, NOT A LIVING WAGE IN SOUTH AFRICA.

9. THE END OF THE STRIKE MAY NOT BE FAR AWAY, BUT IT HAS GENERATED ISSUES AND CONFLICT LARGER THAN THE STRIKE ITSELF. UNIONS HAVE SQUARED OFF AGAINST EACH OTHER, MAJOR POLITICAL ORGANIZATIONS HAVE TAKEN OPPOSITE SIDES, AND THE ANGRY YOUTH HAVE BEEN GIVEN ANOTHER OPPORTUNITY TO VENT DESTRUCTIVELY THEIR FRUSTRATIONS. THE LEGACY OF THESE CONFLICTS WILL FURTHER COMPLICATE THE PROSPECTS FOR RECONCILIATION IN THIS PART OF SOUTH AFRICA. END COMMENT.  
HALSTED

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#1325

NNNN

**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02  
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## Cable

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 RUEHOR/AMEMBASSY GABORONE 5501  
 RUEHRU/AMEMBASSY MASERU 4777  
 RUEHMB/AMEMBASSY MBABANE 2829  
 SUBJ: MURDER OF AMERICAN GRADUATE STUDENT: ANC-PAC  
 RHETORIC AND TENSION ESCALATE

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.02)  
 7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE SECTION 01 OF 02 CAPE TOWN 01332  
 E.O. 12356: NA  
 TAGS: CASC, PINS, ELAB, SF, ASEC  
 SUBJECT: MURDER OF AMERICAN GRADUATE STUDENT: ANC-PAC  
 RHETORIC AND TENSION ESCALATE

REF: CAPE TOWN 1325

1. SUMMARY. ONE DAY AFTER THE MURDER OF AN AMERICAN GRADUATE STUDENT BY A TOWNSHIP MOB, TWO YOUTHS LINKED TO A PAN AFRICANIST CONGRESS YOUTH GROUP HAVE BEEN ARRESTED AND THE TEACHER STRIKE WHICH GALVANIZED THE MOB CONTINUES. MEDIA INTEREST IN THE MURDER HAS BEEN STRONG, AND THERE HAS BEEN A LARGE OUTPOURING OF CONCERN AND SYMPATHY LARGELY FROM THE AFRICAN NATIONAL CONGRESS COMMUNITY. ANC STATEMENTS INDICATE AN INTENT TO USE THE MURDER FOR PARTISAN POLITICAL PURPOSE BY BLAMING THE PAN AFRICANIST CONGRESS. THE PAC, HOWEVER, DENIES ANY ROLE, BUT THE ANC IN THE WESTERN CAPE SEEMS INTENT ON MAKING MS. BIEHL'S MURDER, AND VIOLENCE IN GENERAL, AN ISSUE BETWEEN THE TWO ORGANIZATIONS, A STEP WHICH DOES NOT SEEM LIKELY TO PROMOTE PEACE. END SUMMARY.

2. PRESS, POLICE AND EYEWITNESS ACCOUNTS AVAILABLE TO US AUGUST 25 DO NOT ADD SIGNIFICANTLY TO THE FACTS OF THE AUGUST 24 MURDER BY A MOB OF YOUTHS IN THE SUBURBAN TOWNSHIP OF GUGULETU OF AMY BIEHL, AN AMERICAN GRADUATE STUDENT AT THE UNIVERSITY OF THE WESTERN CAPE. MS. BIEHL, WHO WAS DRIVING HER OWN CAR, WAS CONFRONTED BY THE YOUTHS, WHO WERE CHANTING AND THROWING STONES AT HER CAR. PRESS REPORTS SAY SHE WAS UNABLE TO MOVE OUT OF DANGER AS A VEHICLE WAS IN HER WAY. SHE STOPPED NEAR A GARAGE, AND

SHE AND HER THREE PASSENGERS TRIED TO RUN AWAY. ABOUT TEN YOUTHS WENT AFTER MS. BIEHL AND REPEATEDLY STABBED HER. THE POLICE SAY THAT SHE SUFFERED NUMEROUS CHEST STAB WOUNDS. CONSULATE OFFICERS WHO VIEWED THE BODY AUGUST 25 ALSO NOTICED A GAPING HEAD WOUND WITH AN OBVIOUS SKULL FRACTURE, PROBABLY CAUSED BY A BRICK OR ROCK. THE WOMAN MS. BIEHL HAS TAKING HOME TO GUGULETU - IDENTIFIED TO US BY THE ANC AS A FORMER MEMBER OF THE EXECUTIVE OF THE REGIONAL ANC WOMEN'S LEAGUE - WAS STABBED IN THE HAND WHEN SHE TRIED TO PROTECT MS. BIEHL.

3. THE POLICE ARE TREATING MS. BIEHL'S MURDER AS A POLITICAL CRIME, MEANING THAT THEY ARE GATHERING EVIDENCE CAREFULLY AND VIDEOTAPING THE SCENE OF THE CRIME AND OTHER DETAILS. TWO YOUNG MEN (AGES 17 AND 18), ALLEGEDLY LINKED TO THE PAN AFRICANIST STUDENTS ORGANIZATION (PASO) WERE ARRESTED AUGUST 26.

4. A MEMORIAL MEETING FOR MS. BIEHL WAS HELD AT THE UNIVERSITY OF THE WESTERN CAPE ON AUGUST 25. HER FIELD OF STUDY HAS THE ROLE OF WOMEN IN DEVELOPMENT, ESPECIALLY AT GRASSROOTS LEVEL, AND THIS WAS REFLECTED IN THE COMPOSITION OF THE TURNOUT, WHICH ALSO INCLUDED NUMEROUS STUDENTS AND FACULTY MEMBERS. ANC NATIONAL EXECUTIVE MEMBERS KADAR ASMAL, ALBIE SACHS AND TONY YENGENI ATTENDED. YENGENI, SPEAKING FOR THE WESTERN CAPE ANC, PAID TRIBUTE TO "COMRADE" BIEHL AND HAD AN AMBIVALENT MESSAGE ABOUT VIOLENCE, CALLING ON COSAS AND PASO TO RESTORE "RELATIVE" PEACE. THE ANC, HE SAID, WOULD ROOT OUT THOSE RESPONSIBLE FOR MS. BIEHL'S DEATH. HE SAID THAT IF "OPERATION BARCELONA" (THE REGIONAL VEHICLE-BURNING CAMPAIGN TO SUPPORT THE TEACHER STRIKE) WERE RESPONSIBLE FOR MS. BIEHL'S DEATH, THEN IT SHOULD STOP. A WIDE RANGE OF OTHER SPEAKERS EXTOLLED MS. BIEHL'S COMMITMENT TO THE ANTI-APARTHEID STRUGGLE. FOLLOWING THE MEETING, MEMBERS OF THE ANC WOMEN'S YOUTH LEAGUE, SEVERAL OTHER WOMEN'S ORGANIZATIONS, AND MEMBERS OF THE UWC COMMUNITY WERE TO GATHER IN GUGULETU TO FOLLOW THE ROUTE DRIVEN BY MS. BIEHL YESTERDAY TO THE PLACE WHERE SHE WAS MURDERED. ANNOUNCING THE EVENT, REGIONAL ANC TREASURER EBRAHIM RASSOOL SAID AT NO PREVIOUS TIME DURING THE ANTI-APARTHEID STRUGGLE HAD THE TOWNSHIPS BEEN UNSAFE. THE GUGULETU MARCH, HE SAID, WOULD SYMBOLICALLY REAFFIRM THE FREEDOM OF BLACKS AND WHITES, MEN AND WOMEN TO WALK THEIR SAFELY. (DURING THE SADTU STRIKE SOME COLORED PEOPLE HAVE BEEN THREATENED IN THE BLACK TOWNSHIPS AS "SETTLERS".)

5. THE ANC ON AUGUST 26 ISSUED A STATEMENT EXPRESSING OUTRAGE AT AND CONDEMNING MS. BIEHL'S MURDER. THE

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 02 OF 02 CAPE TOWN 01332  
E.O. 12356: NA

TAGS: CASC, PINS, ELAB, SF, ASEC

SUBJECT: MURDER OF AMERICAN GRADUATE STUDENT: ANC-PAC STATEMENT SAYS THAT "THE INCIDENT CAN ONLY BE DESCRIBED AS RACISM IN ITS CRUEST FORM AND THE ANC IS SHOCKED AND ANGERED THAT SUCH ACTS SHOULD TAKE PLACE AT A TIME WHEN ALL SHOULD BE UNITED IN THEIR EFFORTS TO ACHIEVE PEACE AND RACIAL TOLERANCE IN OUR COUNTRY." THE STATEMENT IS OTHERWISE AN ATTACK ON THE PAN AFRICANIST CONGRESS. IT CHARGES THAT SOME OF THE YOUTHS WERE WEARING PAC

T-SHIRTS. IT SAYS "WE ARE DETERMINED TO HUNT DOWN AND FIND THOSE WHO COMMITTED THIS BRUTAL ACT WHICH WE HAVE REASON TO BELIEVE WAS PERPETRATED BY MEMBERS OR SUPPORTERS OF PASO. WE WILL ALSO BE TAKING THE MATTER TO THE MEETING OF THE (ANC) NATIONAL EXECUTIVE COMMITTEE THIS WEEKEND AND WILL ASK LEADERSHIP TO CONVENE A MEETING WITH THE PAC." THE ANC WOMEN'S LEAGUE HAS ISSUED AN EVEN MORE MILITANT STATEMENT, WARNING THE PAC THAT WOMEN WILL NOT STAND FOR FURTHER ABUSE. IT CONCLUDES: "YOU HAVE TOUCHED THE WOMAN. YOU HAVE DISLODGED A BOULDER. YOU WILL BE CRUSHED."

6. WE UNDERSTAND THAT BOTH ANC PRESIDENT NELSON MANDELA AND WESTERN CAPE CHAIRMAN BOESAK WISH TO SEND MESSAGES OF CONDOLENCE TO MS. BIEHL'S FAMILY.

7. THE PAC HELD A PRESS CONFERENCE IN CAPE TOWN AUGUST 26 TO DENY ANY CONNECTION WITH AMY BIEHL'S MURDER AND TO CALL FOR PEACE. PRESENT WERE PASO NATIONAL CHAIRMAN TSIETSI TELITE AND REGIONAL PAC CHAIRMAN THEO MABUSELA. MABUSELA STATED THAT IT WAS THE PAC'S BELIEF THAT PASO WAS NOT INVOLVED, AND SAID THAT IT IS ANC LEADERS LIKE BOESAK AND YENGENI WHO ARE FUELING RACIAL VIOLENCE BY MAKING THE PAC A SCAPEGOAT. OF ALLEGATIONS ABOUT MS. BIEHL'S MURDER, HE SAID: WE SEE THIS AS DECLARING WAR ON THE PAC, AND THE ANC WILL HAVE TO BEAR RESPONSIBILITY FOR THE CONSEQUENCES." IN AN ADDITIONAL STATEMENT MABUSELA SAID "DO NOT MAKE AMY'S DEATH A PLOITICAL BALLGAME. ANY FIGHT BETWEEN THE ANC AND PAC MUST NOT BE BASED ON HER DEATH." HANDED THE NAMES OF THE TWO YOUTHS WHO WERE ARRESTED, TELITE SAID "BOTH IDENTIFIED PEOPLE ARE MEMBERS OF PASO. WE WILL HAVE NO FURTHER COMMENT ON THE ARRESTS UNTIL WE HAVE MET WITH REPRESENTATIVES OF OUR LEGAL DESK."

8. THE STRIKE BY THE SOUTH AFRICAN DEMOCRATIC TEACHERS UNION, MEANWHILE, SEEMS SET TO CONTINUE, ACCORDING TO A STATEMENT ON AUGUST 24 IN JOHANNESBURG BY SADTU PRESIDENT SHEPHERD MDLADLANA. THE GOVERNMENT IS HOLDING TO ITS 6.7 PERCENT WAGE INCREASE OFFER BUT HAS GIVEN GROUND ON THE

9. COMMENT. THE ANC IN THE WESTERN CAPE REGARDS AMY BIEHL AS ITS OWN, AND THE ATTACK ON HER AND THE OTHER WOMEN WITH HER AS AN ATTACK ON THE ANC. THE ANC'S STATEMENTS INDICATE THAT IT IS TRYING TO DERIVE PARTISAN POLITICAL BENEFIT FROM AMY BIEHL'S MURDER. THIS TAKES ANC-PAC COMPETITION TO ANEW LEVEL, AND STRIKES US AS IVL-CONSIDERED IF, AS THE ANC SAYS, ITS OBJECTIVE IS TO ACHIEVE PEACE. END COMMENT. HALSTED

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#1332

NNNN

SECT: SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

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PREC: IMMEDIATE

CLASS: ~~CONFIDENTIAL~~

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LINE4: FM AMCONSUL CAPE TOWN

OSRI: RUEHTN

DTG: 271426Z AUG 93

ORIG: AMCONSUL CAPE TOWN

TO: RUEHC/SECSTATE WASHDC IMMEDIATE 0703

INFO: RUEHSA/AMEMBASSY PRETORIA 0771

RUEHBG/AMCONSUL JOHANNESBURG 9483

RUEHDU/AMCONSUL DURBAN 0750

RUFHLD/AMEMBASSY LONDON 9059

RUEHWD/AMEMBASSY WINDHOEK 0796

RUEHRU/AMEMBASSY MASERU 4780

RUEHMB/AMEMBASSY MBABANE 2832

RUEHOR/AMEMBASSY GABORONE 5504

SUBJ: DEMONSTRATORS STAND DOWN IN RESPONSE TO  
 WIDESPREAD SHOCK OVER DEATH OF AMERICAN GRADUATE  
 STUDENT

TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICW USE CAPE TOWN 01338

E.O. 12356: NA

TAGS: PINS, ELAB, ASEC, CASC, SF

SUBJECT: DEMONSTRATORS STAND DOWN IN RESPONSE TO  
 WIDESPREAD SHOCK OVER DEATH OF AMERICAN GRADUATE  
 STUDENT

REF: A) CAPE TOWN 1325, B) CAPE TOWN 1332

1. THE CONGRESS OF SOUTH AFRICAN STUDENTS (COSAS) ON AUGUST 26 SUSPENDED "OPERATION BARCELONA" IN SUPPORT OF STRIKING TEACHERS. THE AFRICAN NATIONAL CONGRESS, WHICH SUPPORTS THE CONTINUING STRIKE BY THE SOUTH AFRICAN DEMOCRATIC TEACHERS UNION (SADTU) BUT SHOCKED BY STRIKE-ASSOCIATED VIOLENCE WHICH LED TO AMY BIEHL'S DEATH, YESTERDAY DECLARED THAT "OPERATION BARCELONA" WAS "OUT OF CONTROL, UNDIRECTED AND COUNTER-PRODUCTIVE." COMMUNITY OUTRAGE ABOUT AMY BIEHL'S MURDER, ESPECIALLY IN THE BLACK TOWNSHIP WHERE SHE WAS KILLED, WAS ANOTHER STRONG FACTOR INFLUENCING COSAS. WE UNDERSTAND THAT THE ARREST YESTERDAY OF TWO YOUTHS FOR THE MURDER WAS MADE POSSIBLE BY TOWNSHIP RESIDENTS. THE POLICE HAVE ANNOUNCED THAT MORE ARRESTS ARE EXPECTED.

2. THE PAN AFRICANIST STUDENTS' ORGANIZATION (PASO) HAS ALSO COME OUT IN FAVOR OF NON-VIOLENT HANDLING OF THE TEACHERS' STRIKE, CALLING FOR A "POSITIVE CAMPAIGN" TO ENCOURAGE TEACHERS AND STUDENTS TO RETURN TO SCHOOL. PASO LEADER TSIETSI TELITE HAS ANNOUNCED THAT THIS CAMPAIGN WILL INVOLVE SIT-INS AT GOVERNMENT EDUCATION OFFICES AND MARCHES BY TEACHERS AND STUDENTS AFTER SCHOOL WHILE ASKING

DECLASSIFIED  
 PER E.O. 13526

2015-0638-M (1.03)

7/31/2018 KBH

OTHER NATIONAL UNIONS TO STAND BY FOR POSSIBLE NATIONAL STAYAWAYS.

3. YESTERDAY'S PAN AFRICANIST CONGRESS (PAC) PRESS CONFERENCE (REF B) HAS LEFT THE PAC AND PASO IN MORE THAN USUAL DISARRAY AFTER THEY TOOK CONFLICTING STANDS ON THE INVOLVEMENT OF PASO MEMBERS IN THE MURDER. NO COMMENT HAS AVAILABLE FROM THE CAPE TOWN PAC OFFICE TODAY. OUR USUAL CONTACTS ARE NEGOTIATING AT KEMPTON PARK AND ALL INQUIRIES ARE BEING REFERRED TO NATIONAL HEADQUARTERS IN JOHANNESBURG. IT WAS PASO LEADER TSIETSI TELITE WHO CONFIRMED THAT THE TWO YOUTHS ARRESTED SO FAR ARE PASO MEMBERS. TELITE ALSO CREATED A STIR YESTERDAY WHEN HE SAID "WE ARE NOT SURPRISED BY WHAT HAPPENED, LOOKING AT THE SITUATION ON THE GROUND IN SOUTH AFRICA. THE YOUTH ARE ANGRY AND FRUSTRATED. WHEN THEY SEE SOMEONE WHO IS PART OF THE DISPOSSESSING CLASS, THEIR ACTIONS CANNOT BE CONTROLLED. SUCH INCIDENTS CAN HAPPEN AGAIN IN THE FUTURE. WE CANNOT PROTECT EVERYONE WHO GOES INTO OUR TOWNSHIPS." THE WESTERN CAPE PAC LEADERSHIP REPORTEDLY TRIED TO PREVENT THESE COMMENTS FROM BEING PUBLICIZED.

4. COMMENT. WE HAVE BEEN STRUCK BY THE ENORMOUS VOLUME OF SYMPATHY FOLLOWING THE DEATH OF AMY BIEHL. AS MUCH AS ANYTHING WE HAVE ENCOUNTERED, INCLUDING BOIPATONG AND ST. JAMES, HER DEATH HAS ILLUSTRATED TO SOUTH AFRICANS HERE THE IMPACT OF THE COUNTRY'S OVERWHELMING MALADY: ITS CRIPPLING VIOLENCE. SHE WAS A FOREIGNER DETACHED FROM SOUTH AFRICA'S PAST AND THE BIASES THAT GO WITH THAT PAST, WITH NO AXES TO GRIND. BUT SHE HAS DEEPLY INVOLVED IN THE COUNTRY AND, AS ARCHBISHOP DESMOND TUTU PUT IT TODAY, "SHE WAS COMMITTED TO THE STRUGGLE FOR JUSTICE IN SOUTH AFRICA." SHE HAS OPTIMISTIC ABOUT THE FUTURE, AND THAT HELPED ENCOURAGE OTHERS. SHE IS NOW A SYMBOL OF VIOLENCE CARRIED TOO FAR; AT LEAST PART OF THE ATTENTION DEVOTED TO HER DEATH IS MEANT TO CONVEY THE HOPE THAT THIS ONE DEATH TOO MANY WILL BRING THE DESTRUCTIVE ELEMENTS IN THE COUNTRY TO THEIR SENSES. END COMMENT.

HALSTED

BT

#1338

NNNN

SECT: SECTION: 01 OF 01

SSN: 1338

TOR: 930827103650 M0575136

DIST:

PRT: SIT

SIT: GEORGEL SUM SUM2 VAX WARD

<^DIST>

SIT: STEINBERG

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## Cable

PREC: PRIORITY  
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 OSRI: RUEHC  
 DTG: 310605Z AUG 93  
 ORIG: SECSTATE WASHDC  
 TO: RUEHSA/AMEMBASSY PRETORIA PRIORITY 0000  
 RUDKLD/AMEMBASSY LUANDA 0000  
 RUEHKKH/AMEMBASSY KHARTOUM 0000  
 INFO: RUEHTN/AMCONSUL CAPE TOWN 0000  
 RUEH DU/AMCONSUL DURBAN 0000  
 RUEHBG/AMCONSUL JOHANNESBURG 0000  
 RUFHLD/AMEMBASSY LONDON 0000  
 SUBJ: AMBASSADOR HARRY SCHWARZ CALLS ON ASSISTANT  
 SECRETARY MOOSE

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.04)  
 7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~ STATE 265593  
 LONDON FOR MCKINLEY  
 E.O. 12356: DECL: OADR  
 TAGS: PREL, AO, SF, SU  
 SUBJECT: AMBASSADOR HARRY SCHWARZ CALLS ON ASSISTANT  
 SECRETARY MOOSE

1. ~~Ø~~ - ENTIRE TEXT.

2. SUMMARY: AMBASSADOR HARRY SCHWARZ PAID A CALL ON AS MOOSE AUGUST 27, BEFORE SCHWARZ DEPARTS FOR A WEEK IN SOUTH AFRICA ON CONSULTATIONS AND TO MAKE SOME "NON-POLITICAL" SPEECHES. IN A WIDE RANGING CONVERSATION, SCHWARZ EXPRESSED CONDOLENCES OVER AMY BIEHL'S MURDER; WAS OPTIMISTIC THE TEC WOULD BE THROUGH BY AUGUST 31 AND THE INTERIM CONSTITUTION BY OCTOBER, THEREBY TRIGGERING, HE HOPED, LIFTING OF THE GRAMM AMENDMENT IN ORDER TO FACILITATE AN IMF LOAN. SCHWARZ INFORMALLY SOUNDED MOOSE OUT ON A PRESIDENTIAL CALL FOR F.W. DE KLERK WHEN IN WASHINGTON NEXT MONTH. AMONGST OTHER SUBJECTS COVERED WERE SA'S RELATIONS WITH SUDAN, AND A REVISIT OF PIK BOTHA'S PROPOSAL THAT AFTER ELECTIONS, THE INTERNATIONAL COMMUNITY SHOULD PRESS FOR THE INTERIM CONSTITUTION TO BE HONORED. HE NOTED THAT THE SAG WOULD NOW BE WILLING TO JOIN REGIONAL SANCTIONS (BUT NOT UNILATERAL) AGAINST UNITA. END SUMMARY.

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 DEATH OF AMY BIEHL  
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3. SCHWARZ OPENED BY EXTENDING FORMAL CONDOLENCES OVER AMY BIEHL'S DEATH. HE ADDED HE HAD SPOKEN TO HER MOTHER BY PHONE, AND HAD ALSO SENT THE FAMILY A TELEGRAM. THE SA CG IN SAN FRANCISCO WILL ATTEND THE FUNERAL. THE GOVERNMENT CANNOT DEAL WITH THE VIOLENCE EFFECTIVELY, SAID SCHWARZ, UNTIL THE "KIDS GO BACK TO SCHOOL AND THE PEOPLE GO BACK TO WORK." HE THEN PUT IN A PLEA FOR ASSISTANCE FROM THE INTERNATIONAL COMMUNITY TO MAKE THIS HAPPEN, ALTHOUGH HE NOTED SOUTH AFRICANS KNEW THAT IN REALITY, THEY WOULD NOT GET MUCH FINANCIAL ASSISTANCE. SCHWARZ SAID HE HAS MET WITH CHARLES RUFF AND PHILLIP HEYMAN TO SOLICIT THEIR VIEWS ON WHAT TO DO ABOUT THE VIOLENCE.

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TRANSITION  
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4. IN THE SA AMBASSADOR'S VIEW, THE TEC LEGISLATION - NOW IN ITS 12TH DRAFT - WOULD BE FINALIZED BY AUG 31 AND IT SHOULD BECOME LAW BY MID-SEPT. THE INTERIM CONSTITUTION, HE THOUGHT, WOULD BE FINALIZED BY OCTOBER. HE HOPED THAT ESTABLISHMENT OF THE TEC WOULD IMMEDIATELY TRIGGER A PRESIDENTIAL STATEMENT AND ANNOUNCEMENT OF A SOUTH AFRICA "PACKAGE." SOUTH AFRICA WANTS THE IMF TO APPROVE A DOLLARS 850 MILLION DROUGHT RELIEF CFF FACILITY, WHICH HAS TO BE GRANTED BY THE END OF THE YEAR. THE IMF HAS SENT A MISSION TO SOUTH AFRICA THIS WEEK AND WILL BE SENDING ANOTHER IN OCTOBER, HE ADDED. HAVING MET WITH THE NATIONAL ECONOMIC FORUM, THEY ARE SATISFIED ON THE INTERNAL CONSENSUS QUESTION; WHAT REMAINS IS EXTERNAL CONSENSUS - THE PRESIDENTIAL STATEMENT AND THE LIFTING OF THE GRAMM AMENDMENT. MOOSE ASSURED HIM THAT AS FAR AS WE ARE CONCERNED, ONCE THE TEC IS IN PLACE AND FUNCTIONING, THE SIGNAL WOULD BE GIVEN FOR THE GRAMM AMENDMENT TO BE REPEALED. WE WERE EXPLORING WAYS TO BE OF FURTHER ASSISTANCE DURING THE TRANSITION, INCLUDING ENCOURAGING THE UN TO RAISE THE NUMBER OF PEACEKEEPING MONITORS. ASKED ABOUT THE FUNCTIONING OF THE EMBASSY AFTER THE TEC IS IN PLACE, SCHWARZ HELD THAT THE EMBASSY IS ALREADY ACTING "POLITICALLY NEUTRAL." HE EXPRESSED SOME DISAPPOINTMENT THAT THE RECENT UNSC PRESIDENT'S STATEMENT DID NOT REFER TO THE NEED FOR INTERNATIONAL ECONOMIC SUPPORT FOR SOUTH AFRICA'S TRANSITION.

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DE KLERK VISIT  
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5. ASSUMING THE TEC WOULD BE IN PLACE, SCHWARZ ASKED (BUT NOT AS A FORMAL REQUEST) WHETHER WE WOULD SUPPORT A CLINTON MEETING WITH DE KLERK SEPTEMBER 24. MOOSE SAID HE'D BE PREPARED TO MAKE SOME SOUNDINGS, BUT NOTED DE KLERK'S RECENT WHITE HOUSE MEETING AND THE PRESENCE OF MANY HEADS OF STATE IN THE U.S. AT THAT TIME BECAUSE OF UNGA/IMF.

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SUDAN

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6. SCHWARZ ASKED ABOUT THE IMPLICATIONS FOR SOUTH AFRICA OF OUR RECENT DECISION TO PUT SUDAN ON THE TERRORIST LIST. HE SAID SOUTH AFRICA HAS NO INTENTION OF UPGRADING RELATIONS FROM THE EXISTING COMMERCIAL LEVEL BUT WAS SENSITIVE TO CREATING THE WRONG IMAGE. SYRIA, FOR EXAMPLE, ALSO ON OUR TERRORISM LIST, IS A POSSIBLE SITE FOR A SAG OFFICE. MOOSE INFORMED HIM THAT WE HAVE NOT ACTIVELY ENCOURAGED FRIENDS ELSEWHERE TO CUT TIES WITH SUDAN; WE WOULD ONLY BE CONCERNED ABOUT RELATIONS THAT INCREASED SUDANESE MILITARY CAPABILITIES OR THEIR CONTINUED SUPPORT OF TERRORISM. SCHWARZ ALSO NOTED THAT THE SUDAN TRADE OFFICE IN SOUTH AFRICA IS ON STRICT INSTRUCTIONS THAT NO OTHER ACTIVITIES, I.E. PROPAGATING FUNDAMENTALISM, WOULD BE PERMITTED.

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ANGOLA  
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7. THE AMBASSADOR ASKED MOOSE IF HE WOULD BE GOING TO MEET WITH SAVIMBI. MOOSE SAID HE HAD NO CURRENT PLAN TO DO SO. SCHWARZ VIGOROUSLY DENIED ALLEGATIONS THAT THE SAG IS INVOLVED IN SUPPLYING SAVIMBI BY SEA AND AIR. HE POINTED OUT THAT FM BOTHA DOES NOT WANT TO TAKE INITIATIVES WITHOUT THE CONSENSUS OF OTHER NATIONS, AS THIS MIGHT BE MISCONSTRUED. FOR EXAMPLE, THE SAG WOULD BE HAPPY TO GO ALONG WITH A NO FLY ZONE, BUT IT WOULD INVOLVE A LOT OF OTHER NATIONS. REGARDING WHAT EFFORTS WE COULD TAKE TO MINIMIZE THE EFFORTS OF PRIVATE ENTREPRENEURS IN THE REGION, MOOSE SAID WE ARE SENDING A TEAM OUT THIS WEEKEND TO GET A BETTER SENSE OF WHAT IS GOING ON.

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POST ELECTIONS SUPPORT FOR CONSTITUTION  
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8. AT THE END OF THE MEETING, SCHWARZ RAISED THE SUBJECT AGAIN OF PIK BOTHA WANTING A COMMITMENT FROM THE INTERNATIONAL COMMUNITY TO PRESS FOR HONORING THE CONSTITUTIONAL AGREEMENTS REACHED BY THE MAJOR PARTIES PRIOR TO ELECTIONS. HE NOTED THAT A LOT OF PROBLEMS WITH INKATHA WOULD BE RESOLVED IF SUCH AN ASSURANCE COULD BE MADE. THE PERIOD AFTER ELECTIONS WOULD BE AS IMPORTANT AS THAT WHICH PRECEDED IT, HE CONCLUDED.

9. LUANDA MINIMIZE CONSIDERED. CHRISTOPHER  
BT  
#5593  
NNNN

SECT: SECTION: 01 OF 01

SSN: 5593

TOR: 930831021103 M0579535

DIST:

PRT: BERGER FUERTH ITOH KENNEY LAKE REED SIT SODERBERG  
SIT: FILE GEORGEL RAGLE SUM SUM2 VAX WARD

CLINTON LIBRARY PHOTOCOPY

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## Cable

PREC: PRIORITY  
 CLASS: ~~CONFIDENTIAL~~  
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 RUEHBG/AMCONSUL JOHANNESBURG 9484  
 RUEHDU/AMCONSUL DURBAN 0751  
 RUFHLD/AMEMBASSY LONDON 9060  
 RUEHOR/AMEMBASSY GABORONE 5505  
 RUEHRU/AMEMBASSY MASERU 4781  
 RUEHMB/AMEMBASSY MBABANE 2833  
 RUEHWD/AMEMBASSY WINDHOEK 0797  
 SUBJ: ANC CALLS FOR TOWNSHIP PEACE  
 TEXT:

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.05)  
 7/31/2018 KBH

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE CAPE TOWN 01358

E.O. 12356: N/A

TAGS: PINS, ASEC, CASC, SF

SUBJECT: ANC CALLS FOR TOWNSHIP PEACE

1. ANC REGIONAL CHAIRMAN ALLAN BOESAK CHAIRED AN AUGUST 30 MEETING IN THE BLACK TOWNSHIP OF GUGULETU TO ENLIST RESIDENTS IN BACKING A DRIVE FOR PEACE. GUGULETU IS WHERE AMERICAN GRADUATE STUDENT AMY BIEHL WAS MURDERED BY A MOB ON AUGUST 25. THE PAN AFRICANIST CONGRESS (PAC) AND ITS YOUTH WING, THE PAN AFRICANIST STUDENTS' ORGANIZATION - TWO OF WHOSE MEMBERS ARE IN CUSTODY FOR MS. BIEHL'S MURDER - DID NOT ATTEND. THE MEETING RESOLVED TO ENGAGE THE PAC IN PEACE TALKS. THE CONGRESS OF SOUTH AFRICAN STUDENTS (COSAS) ALSO PLEDGED TO REACH OUT AND PREACH PEACE TO THE PAC.

2. AN UNREPENTANT STRAIN IN THE PAC WAS DEMONSTRATED EARLIER ON AUGUST 30 WHEN THE TWO ACCUSED OF MS. BIEHL'S MURDER APPEARED IN THE MAGISTRATE'S COURT IN MITCHELL'S PLAIN. THEY ARE NOFOMELA "EASY" MZIKHONA (22) AND MONGEZI MANQINA (21), BOTH OF GUGULETU. DURING HIS COURTROOM APPEARANCE MZIKHONA LED ABOUT FIFTY SUPPORTERS WHO WERE PRESENT IN THE PAC'S "ONE SETTLER, ONE BULLET" CHANT. PROCEEDINGS AGAINST THE TWO WERE POSTPONED UNTIL SEPTEMBER 15 FOR FURTHER INVESTIGATION AND FOR A FORMAL BAIL APPLICATION.

3. COMMENT. THE APPARENT INVOLVEMENT OF PAC MEMBERS IN ANY BIEHL'S MURDER PUTS THE ANC, FIGHTING A POLITICAL CHALLENGE ON ITS LEFT FROM THE PAC, IN A GOOD POSITION TO USE PEACE AS AN ISSUE TO NEUTRALIZE THE PULL OF THE PAC AMONG THE REGION'S ANGRY AND FRUSTRATED YOUTH. THIS WOULD

BE A CONSTRUCTIVE STEP IF THE ANC STICKS WITH IT AND FORGOES ITS OWN INCITEMENT TO VIOLENCE. THIS HAS USUALLY BEEN THE WORK OF REGIONAL SECRETARY TONY YENGENI WHO, IN REPEATEDLY MATCHING INFLAMMATORY PAC RHETORIC, HAS MADE / ANC CONTRIBUTION TO BUILDING UP TOWNSHIP VIOLENCE.

4. GUGULETU, ONE OF THE OLDEST, MOST SETTLED AND USUALLY AMONG THE QUIETEST OF THE TOWNSHIPS, IS A RELATIVELY TAME PLACE TO START A PEACE CAMPAIGN, YET THIS IS WHERE AMY BIEHL WAS KILLED, WHICH HELPS TO SHOW HOW FAR - IN A NEGATIVE SENSE - THINGS HAVE COME. AND HOW FAR THINGS HAVE COME IS VERY MUCH ON THE MINDS OF TOWNSHIP RESIDENTS AS THE EVENTS OF THE LAST FIVE SIX MONTHS - SINCE THE ASSASSINATION OF CHRIS HANI - HAVE INCREASINGLY ISOLATED THEM. THE PERIODIC RAMPAGING OF ROCK-THROWING AND CAR-BURNING STUDENTS AND OTHER YOUTHS HAS DRIVEN AWAY THE PEOPLE WHO CAME EVERY DAY TO PROVIDE SERVICES, DELIVERIES/ AND MEDICAL CARE. CHARITIES AND DONOR AGENCIES HAVE ALSO BEEN FORCED TO BACK AWAY AND CURTAIL THEIR PROGRAMS AS IT IS NO LONGER SAFE FOR THEIR REPRESENTATIVES TO GO INTO MOST OF THE BLACK COMMUNITIES. THIS CLOSING OFF OF THE TOWNSHIPS TO OUTSIDERS HAS BEEN THE MOST CONSPICUOUS SOCIAL AND POLITICAL DEVELOPMENT IN CAPE TOWN IN THE LAST SEVERAL MONTHS, AND OF COURSE RUNS COUNTER TO THE REQUIREMENTS OF ESTABLISHING A DEMOCRATIC SOUTH AFRICA.  
END COMMENT.

HALSTED

BT

#1358

NNNN

SECT: SECTION: 01 OF 01

SSN: 1358

TOR: 930901110931 M0582247

DIST:

SIT: GEORGEL VAX

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## Cable

PREC: PRIORITY  
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 RUEH DU/AMCONSUL DURBAN 0079  
 SUBJ: SOUTH AFRICA: PAC ADDRESSES THE DIPLOMATIC  
 CORPS

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.06)  
 7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 013229  
 LONDON FOR MCKINLEY; PARIS FOR PERLOW  
 E.O. 12356: DECL: OADR  
 TAGS: PREL, PINS, SF  
 SUBJECT: SOUTH AFRICA: PAC ADDRESSES THE DIPLOMATIC  
 CORPS

1. SUMMARY: PAN AFRICANIST CONGRESS SECRETARY FOR INTERNATIONAL AFFAIRS, GORA EBRAHIM ADDRESSED THE DIPLOMATIC CORPS ON TUESDAY SEPTEMBER 2 TO EXPLAIN WHAT THE PAC IS TRYING TO DO AT THIS CRUCIAL STAGE OF SOUTH AFRICA'S DEVELOPMENT. THE ADDRESS COVERED A BROAD SELECTION OF POLITICAL TOPICS. IN EACH CASE EBRAHIM PORTRAYED THE PAC AS PLAYING THE ROLES OF HONEST BROKER, AND/OR PEACEMAKER. HE CITED THE CONDITIONS UNDER WHICH THE PAC IS PREPARED TO END ARMED STRUGGLE; INDICATED SUPPORT FOR THE WORLD TRADE CENTER NEGOTIATIONS; AND SAID THAT THE PAC WOULD BE ENTERING INTO BILATERAL NEGOTIATIONS WITH THE ANC, NP, AND IFP BECAUSE IT IS THE ONLY ORGANIZATION NOT ACCUSED OF COLLUDING WITH ANY OF THE OTHERS. END SUMMARY

2. ARMED STRUGGLE: EBRAHIM SAID THAT THE PAC WOULD BE READY TO SUSPEND THE ARMED STRUGGLE IF ONE OF THE FOLLOWING THREE CONDITIONS ARE MET: (1) A MUTUAL CESSATION OF HOSTILITIES BY ALL GROUPS; (2) THE CREATION OF A TRANSITIONAL AUTHORITY UNDER WHICH ALL SECURITY FORCES WILL BE CENTRALIZED; OR (3) THE START OF THE ELECTION PROCESS. (COMMENT: HE DID NOT ELABORATE ON WHAT WOULD SATISFY THE PAC THAT THE PROCESS HAD OFFICIALLY STARTED. END COMMENT)

~~CONFIDENTIAL~~

3. WORLD TRADE CENTER NEGOTIATIONS AND THE RUN-UP TO ELECTIONS: EBRAHIM ANNOUNCED THAT THE PAC IS

COMMITTED TO ELECTIONS ON APRIL 27, 1994 AND IS PLEASED WITH THE PROGRESS BEING MADE AT THE WORLD TRADE CENTER NEGOTIATIONS. HE NAMED THE FIVE KEY PLAYERS TO THE NEGOTIATIONS AS THE PAC, AND, NP, IFP, AND CP. (HE DISCARDED THE DP AS INSIGNIFICANT.) HE SAID THAT TO ENSURE FREE AND FAIR ELECTIONS THE FOLLOWING CLIMATE MUST OBTAIN:

---THE NP AND THE SAG MUST REMOVE THE PERCEPTION THAT THEY AND THE ANC ARE CALLING THE TUNE WHICH ALL OTHER GROUPS MUST FOLLOW. THE FORMATION OF THE RIGHT WING/INKATHA GROUP COSAG IS A DIRECT RESULT OF THAT PERCEPTION.

---THE DEMONIZING OF ORGANIZATIONS MUST STOP. HE CALLED THE MAY 25 ARREST OF PAC MEMBERS FOLLOWING A CHURCH MASSACRE "AN UNSUCCESSFUL FISHING EXPEDITION" TO DEMONIZE THE PAC. FURTHERMORE, HE CLAIMED, THE PAC IS BEING PROSECUTED IN THE COURT OF MEDIA OPINION FOR THE MURDER OF AMERICAN FULBRIGHT SCHOLAR AMY BIEHL BY PAC SUPPORTERS, EVEN BEFORE LEGAL PROCEEDINGS HAVE BEGUN.

4. THE MURDER OF AMY BIEHL: ON BEHALF OF THE ORGANIZATION HE EXPRESSED REGRET FOR THE MURDER OF AMY BIEHL BY PAC SUPPORTERS BUT THEN DISTANCED THE ORGANIZATION FROM THE MURDER BY SAYING THAT THE SITUATION MUST BE LOOKED AT IN ITS ENTIRETY. PAC, HE CLAIMED, DID NOT SUPPORT THE UNTIMELY TEACHER'S STRIKE WHICH CREATED THE CLIMATE OF VIOLENCE IN WHICH SHE WAS KILLED. HE SAID THAT THE PAC IS LOOKING INTO THE MATTER FURTHER.

5. PAC AS PEACEMAKER: PAC HAS INITIATED A SERIES OF BILATERAL MEETINGS WITH THE ANC, NP, AND IFP. HE ARGUED THAT SINCE THE ANC IS ACCUSED OF COLLUDING WITH THE NP AND THE IFP WITH THE CP, ONLY THE PAC IS UNTAINTED ENOUGH TO ACT AS HONEST BROKER BETWEEN THE PARTIES TO STRENGTHEN THE KEMPTON PARK AGREEMENTS AND ENSURE AN END TO MINORITY RULE. TO DATE THE PAC HAS HELD BILATS WITH THE NP AND IFP. A DATE TO TALK TO THE ANC IN CAIRO WAS POSTPONED. HE HAS NOT SCHEDULED BILATS WITH THE CP BUT HOPES THAT THE IFP WILL BRING THEM INTO THE FOLD.

~~CONFIDENTIAL~~

6. APLA: EBRAHIM DID NOT VOLUNTEER ANY INFORMATION ON APLA. WHEN ASKED, HOW THE PAC COULD GUARANTEE APLA'S ADHERENCE TO SUSPENSION OF THE ARMED STRUGGLE, HE SQUIRMED A BIT AND FINALLY SAID THAT OBSERVERS SHOULD WATCH AND SEE WHETHER APLA GOES ALONG.

7. THE ELECTION PROCESS: BY THE PAC'S COUNT THERE ARE 18-21 MILLION ELIGIBLE VOTERS OF WHICH ONLY 4-5 MILLION ARE COMMITTED CARD CARRYING MEMBERS OF ANY POLITICAL ORGANIZATION. THE REMAINING 15 MILLION VOTES ARE FLOATING AND WILL BE CAST FOR WHOMEVER

~~CONFIDENTIAL~~ SECTION 02 OF 02 PRETORIA 013229  
LONDON FOR MCKINLEY; PARIS FOR PERLOW

E.O. 12356: DECL: OADR

TAGS: PREL, PINS, SF

SUBJECT: SOUTH AFRICA: PAC ADDRESSES THE DIPLOMATIC

CORPS

VOTERS PERCEIVE TO HAVE THE BEST CHANCE OF DEALING WITH BREAD AND BUTTER ISSUES SUCH AS VIOLENCE, SECURITY CONCERNS, LAND, EMPLOYMENT, EDUCATION, AND HOUSING. THE PAC IS CONDUCTING ITS OWN VOTER EDUCATION PROGRAM TO COMBAT FALSE INFORMATION. FOR EXAMPLE, HE SAID, SOME MISCHIEF MAKERS ARE TELLING ILLITERATE VOTERS TO PUT THEIR X NEXT TO THE PARTIES THEY DO NOT LIKE.

8. COMMENT: THE POLITICAL WING OF THE PAC CLEARLY FEARS BEING MARGINALIZED BY OTHER POLITICAL ORGANIZATIONS AND BY THE INTERNATIONAL COMMUNITY. PAC'S RELATIONS WITH THE ANC ARE WORSENING (SEPTTEL) AND ITS CONTINUED COMMITMENT TO VIOLENCE HAS KEPT IT LOCKED OUT OF USG ELECTION TRAINING PROGRAMS. AMY BEIHL'S MURDER BY YOUTHS CHANTING PAC SLOGANS WAS A HUGE SETBACK FOR THE POLITICAL WING OF THE ORGANIZATION. IN SUM, EBRAHIM'S ADDRESS TO THE DIPLOMATIC CORPS IS AN ATTEMPT TO REMOLD THE ORGANIZATION'S INTERNATIONAL IMAGE TO ONE OF PEACEMAKER AND HONEST BROKER WHILE SEEKING A FACE-SAVING WAY TO RENOUNCE, OR AT LEAST SUSPEND, ARMED STRUGGLE. END COMMENT

CLAPP

BT

#3229

NNNN

SECT: SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

SSN: 3229  
<^SSN>3229

TOR: 930910105659 M0597277  
<^TOR>930910105700 M0597278

DIST: SIT: GEORGEL RAGLE VAX  
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## Cable

PREC: IMMEDIATE  
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 LINE4: FM AMEMBASSY PRETORIA  
 OSRI: RUEHSA  
 DTG: 101521Z SEP 93  
 ORIG: AMEMBASSY PRETORIA  
 TO: RUEHC/SECSTATE WASHDC IMMEDIATE 0135  
 INFO: RUEHTN/AMCONSUL CAPE TOWN 0094  
 RUEH DU/AMCONSUL DURBAN 0083  
 RUEH BG/AMCONSUL JOHANNESBURG 0100  
 SUBJ: SOUTH AFRICA: SITUATION IN THE TOWNSHIPS  
 TEXT:

DECLASSIFIED  
 PER E.O. 13526

2015-0638-M (1.07)  
 7/31/2018 KBH

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 013260

E.O. 12356: DECL: OADR

TAGS: PGOV, CASC, PINS, ASEC, SF

SUBJECT: SOUTH AFRICA: SITUATION IN THE TOWNSHIPS

REF: A) CAPE TOWN 1355; B) STATE 273442; C)

JOHANNESBURG 1361

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
2. SUMMARY: TO UPDATE REF B IN LIGHT OF RECENT INCIDENTS AGAINST VISITORS TO TOWNSHIPS AROUND JOHANNESBURG AND CAPE TOWN, WE ARE NOW RECOMMENDING FURTHER AMENDMENTS TO THE CONSULAR INFORMATION SHEET, PER PARA 7. FOR MISSION EMPLOYEES AND OTHERS INVOLVED WITH USG PROGRAMS AND PROJECTS, WE ARE DEVELOPING MORE DETAILED AND TAILORED GUIDANCE AND SAFETY PROCEDURES TO AVOID UNNECESSARY DISRUPTIONS. FINALLY, WE ARE CONTINUING TO MONITOR DEVELOPMENTS AMONG WHITE EXTREMISTS WHO MAY ALSO USE VIOLENCE TO DISRUPT THE POLITICAL TRANSITION. END SUMMARY.
3. SEVERAL INCIDENTS IN THE TOWNSHIPS AROUND CAPE TOWN AND JOHANNESBURG IN THE LAST FEW DAYS ARE BEGINNING TO SUGGEST THAT THE ATTACK ON AMY BIEHL MAY HAVE SET A NEW PATTERN OF VIOLENCE. WHILE THE GENERAL PATTERN OF TOWNSHIP VIOLENCE REMAINS OVERWHELMINGLY CENTERED ON INTERNAL TOWNSHIP RIVALRIES, THERE NOW SEEMS TO BE A GROWING DANGER OF VIOLENCE AIMED SPECIFICALLY AT WHITE VISITORS. ON SEPTEMBER 4, A WHITE MAN WAS MURDERED IN MANDELA PARK SQUATTER CAMP WHEN HE CAME IN TO DROP OFF AN EMPLOYEE. AN AMERICAN WOMAN WORKING AS A VOLUNTEER IN ANOTHER AREA WAS WOUNDED IN AN APPARENTLY RACIAL ATTACK ON SEPTEMBER 3. TWO WHITE TEACHERS CAME

~~CONFIDENTIAL~~

UNDER RIFLE FIRE IN KHAYALITSHA TOWNSHIP NEAR CAPE TOWN ON SEPTEMBER 3.

4. IN RESPONSE TO THE SEPTEMBER 4 ATTACK IN MANDELA PARK, THE WITWATERSRAND POLICE HAVE DECLARED ALL THE

BLACK TOWNSHIPS IN WITWATERSRAND A "NO-GO" ZONE FOR WHITES. WHITES WITH "URGENT, URGENT" BUSINESS IN THE TOWNSHIPS MAY CONTACT THE POLICE FOR PROTECTION WHEN THEY GO INTO THE TOWNSHIPS, A POLICE SPOKESMAN SAID. WHITE TEACHERS ENTERING KHAYALITSHA NOW TRAVEL WITH A FLAGGED PEACE COMMITTEE ESCORT. (THE LOCAL COMMUNITY APPEALED TO THE STAFF NOT TO MAKE USE OF SAP PROTECTION.) ANC EXECUTIVES ALLAN BOESAK AND TONY YENGENI ISSUED A STATEMENT THAT "WE CANNOT AND WILL NOT ALLOW NO-GO AREAS IN OUR CITY AND THIS (PEACE) MARCH MUST SERVE AS NOTICE THAT WE MUST RECLAIM THE SPACE THAT IS BEING DENIED TO PEOPLE ENTERING GUGULETU" (THE SCENE OF AMY BIEHL'S MURDER). AT THE SAME TIME, THERE HAS BEEN A RESURGENCE OF GENERAL VIOLENCE IN THE EAST RAND SINCE THE AUGUST 27 WITHDRAWAL OF MORE THAN 3,000 SOUTH AFRICAN DEFENSE FORCE TROOPS.

5. WHILE CONDITIONS ARE CLEARLY DETERIORATING IN CERTAIN TOWNSHIPS AROUND JOHANNESBURG AND CAPE TOWN, IT IS STILL A VERY MIXED PICTURE OVERALL. CONGEN DURBAN REPORTS AN ABSENCE OF BLACK-ON-WHITE VIOLENCE, DESPITE THE GENERALLY HIGH DEATH TOLLS IN NATAL. THE POLICE REPORT THAT, WHILE PRETORIA'S TOWNSHIPS COULD NOT BE CALLED "SAFE," THERE HAD BEEN NO ATTACKS ON WHITES AND THERE IS NO REASON FOR PANIC.

6. FOREIGN TOURISM TO SOUTH AFRICA IS GOWING RAPIDLY, ESPECIALLY WITH THE RE-ESTABLISHMENT OF CIVIL AVIATION LINKS. MOST OF THE AREAS VISITED BY TOURISTS CONTINUE TO BE RELATIVELY FREE OF VIOLENCE, AND WE SEE NO NEED FOR AN ADVISORY AGAINST TOURIST TRAVEL TO SOUTH AFRICA. HOWEVER, TOURISTS VISITING THE TOWNSHIPS RUN THE SAME RISKS AS OTHERS, AND THEY SHOULD BE DISCOURAGED FROM DOING SO.

7. IN LIGHT OF RECENT DEVELOPMENTS, THE POST EMERGENCY ACTION COMMITTEE BELIEVES THAT THE CONSULAR INFORMATION SHEET SHOULD WARN VISITORS TO STAY AWAY FROM TOWNSHIPS ALTOGETHER IN THE VICINITY OF DURBAN, JOHANNESBURG, AND CAPE TOWN. GROUPS

~~CONFIDENTIAL~~

INVOLVED IN PROJECTS IN ALL SOUTH AFRICAN TOWNSHIPS SHOULD REVIEW CAREFULLY THE CONDITIONS UNDER WHICH THEIR MEMBERS ARE WORKING. VISITORS WHO HAVE QUESTIONS ABOUT ENTERING ANY TOWNSHIPS SHOULD CALL THE U.S. EMBASSY OR NEAREST CONSULATE FOR UP-TO-DATE INFORMATION AND ADVICE.

8. WITH REGARD TO EMBASSY AND OTHER USG-SPONSORED TRAVEL INTO THE TOWNSHIPS, WE ARE CURRENTLY TAKING A CAREFUL LOOK AT ONGOING AND PROSPECTIVE PROJECTS IN THE TOWNSHIPS, PARTICULARLY THOSE WE SHALL BE

~~CONFIDENTIAL~~ SECTION 02 OF 02 PRETORIA 013260

E.O. 12356: DECL: OADR

TAGS: PGOV, CASC, PINS, ASEC, SF

SUBJECT: SOUTH AFRICA: SITUATION IN THE TOWNSHIPS WARNING VISITORS TO AVOID. WE BELIEVE THAT A FLAT BAN ON TRAVEL TO TOWNSHIPS AROUND DURBAN, JOHANNESBURG AND CAPE TOWN WOULD JEOPARDIZE CERTAIN

PROJECTS UNNECESSARILY AND PRESENT THE TERRORISTS EXACTLY THE RESULT THEY ARE SEEKING TO ACHIEVE. FOR EXAMPLE, USIS HAS A FACILITY IN SOWETO, WHICH ALTHOUGH RELATIVELY SAFE, NONETHELESS FALLS UNDER THE "NO-GO" ORDER OF THE WITWATERSRAND POLICE. WE WILL BE CONSULTING WITH THE POLICE TO ENSURE THAT USIS PERSONNEL CAN CONTINUE TO MAINTAIN SAFE ACCESS TO THIS FACILITY. WE WILL ALSO DEVELOP A SET OF SAFETY PROCEDURES FOR PERSONS INVOLVED IN USG PROGRAMS WHO MUST TRAVEL INTO TOWNSHIPS. WHERE POSSIBLE, WE WILL TRY TO STEER ASSISTANCE PROJECTS TOWARD THE RURAL AREAS DURING THE COMING YEAR, WHEN VIOLENCE CAN BE EXPECTED TO CONTINUE PLAGUING THE TOWNSHIPS.

9. THERE HAVE ALSO BEEN SOME OMINOUS SIGNALS EMANATING FROM THE CONSERVATIVE PARTY IN RECENT DAYS, WITH CP HEAD HARTZENBERG THREATENING CIVIL WAR IF THE AGREEMENT ON THE TEC IS APPROVED BY THE PARLIAMENT AND IMPLEMENTED. THIS COULD BE INTERPRETED BY WHITE EXTREMISTS AS A CALL TO ARMS, WHICH WOULD PRESENT ANOTHER SET OF SAFETY CONCERNS FOR VISITORS IN SOUTH AFRICA. WE WILL CONTINUE TO MONITOR THIS SITUATION CLOSELY IN THE COMING DAYS AND WEEKS.

CLAPP

BT

#3260

NNNN

SECT: SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

SSN: 3260  
<^SSN>3260

TOR: 930910112612 M0597367  
<^TOR>930910112614 M0597368

DIST: SIT: GEORGEL RAGLE VAX WARD  
□

## Cable

PREC: PRIORITY  
 CLASS: ~~CONFIDENTIAL~~  
 LINE1: PAACZYUW RUEHTNA1410 2561509-CCCC--RHEHAAX.  
 LINE2: ZNY CCCCC ZZH  
 LINE3: P 131507Z SEP 93  
 LINE4: FM AMCONSUL CAPE TOWN  
 OSRI: RUEHTN  
 DTG: 131507Z SEP 93  
 ORIG: AMCONSUL CAPE TOWN  
 TO: RUEHC/SECSTATE WASHDC PRIORITY 0747  
 INFO: RUEHSA/AMEMBASSY PRETORIA 0019  
 RUEHBG/AMCONSUL JOHANNESBURG 9500  
 RUEH DU/AMCONSUL DURBAN 0764  
 RUEHRU/AMEMBASSY MASERU 4788  
 RUEHMB/AMEMBASSY MBABANE 0001  
 RUEHLS/AMEMBASSY LUSAKA 0545  
 RUFHLD/AMEMBASSY LONDON 9069  
 RUFHFR/AMEMBASSY PARIS 5637  
 RUEHWD/AMEMBASSY WINDHOEK 0804  
 RUEHSB/AMEMBASSY HARARE 4311  
 SUBJ: MANDELA PLEADS FOR CALM

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.08)  
 7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE SECTION 01 OF 02 CAPE TOWN 01410  
 PARIS FOR PERLOW, LONDON FOR MCKINLEY

E.O. L2356: N/A

TAGS: PGOV, PINS, ASEC, SF

SUBJECT: MANDELA PLEADS FOR CALM

REF: CAPE TOWN 1403

L. (U) SUMMARY: NELSON MANDELA RETURNED TO THE WESTERN CAPE SEPTEMBER 11 AND APPEALED FOR CALM AND COOPERATION BETWEEN ALL SOUTH AFRICANS. MANDELA REPEATED FAMILIAR THEMES TO A MODERATE CROWD IN THE COLORED TOWNSHIP OF ELSIE'S RIVER. HE VIGOROUSLY CONDEMNED ATTACKS ON WHITES IN A LARGE RALLY IN KHAYALITSHA, CALLING THE MURDERERS OF AMY BIEHL "ANIMALS." END SUMMARY.

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 MANDELA MEETS THE AWB  
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2. (U) MANDELA RESUMED HIS CAPE CAMPAIGN SWING IN THE KAROO TOWN OF BEAUFORT WEST WHERE A HEAVILY ARMED CONTINGENT OF AWB "COMMANDOS" PROVOKED A REPORTED "STANDOFF" WITH ANC SUPPORTERS SEPTEMBER 11. THE ANC PRESIDENT MET BRIEFLY WITH AN AWB COLONEL AND DEFUSED THE SITUATION. WHITE MILITANTS THREATENED TO REACT VIOLENTLY IF ANC CADRES HARMED "ONE HAIR ON THE HEAD OF A WHITE CONSERVATIVE." MANDELA DESCRIBED HIS MEETING WITH THE AWB IN SUBSEQUENT RALLIES, SAYING THAT THE ANC WAS PREPARED TO MEET WITH ANY GROUP IN ITS PROGRAMME OF NATION-BUILDING, BUT ADDING THAT IF THE AWB "WANTS TO SOLVE PROBLEMS WITH FORCE, WE WILL CRUSH THEM."

CLINTON LIBRARY PHOTOCOPY

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 MEDIUM TURNOUT IN COLORED TOWNSHIP  
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3. (U) MANDELA'S SEPTEMBER 11 ARRIVAL ELECTRIFIED THE CROWD IN THE COLORED COMMUNITY OF ELSIE'S RIVER JUST OUTSIDE OF CAPE TOWN. SPEECHES BY NATIONAL EXECUTIVE COMMITTEE MEMBER (WHOSE HOME TOWN IS CAPE TOWN) CHERYL CAROLUS AND WESTERN CAPE ANC LEADERS TONY YENGENI AND ALAN BOESAK RIDICULED THE NP'S CLAIM TO MAJOR SUPPORT AMONG SO-CALLED COLOREDS, AND EXHORTED THE CROWD TO VOTE ON APRIL 27. MANDELA REPEATED FAMILIAR THEMES FROM HIS EARLIER CAPE TOWN SPEECHES: COLOREDS HAVE A HOME IN THE ANC, AND HE REGARDED THEM AS PART OF THE "BLACK" MASSES WHO WERE STRUGGLING AGAINST OPPRESSION IN SOUTH AFRICA; THE NATIONAL PARTY HAD A HORRIBLE RECORD, AND COULD NOT BE TRUSTED TO PROTECT COLORED RIGHTS; THE NP'S RECENT ATTEMPTS AT MULTI-RACIALISM WERE ESSENTIALLY TOKENISM, AS NO NON-WHITES WIELDED REAL POWER IN THE NP; EVEN WHITES WERE DESERTING THE NATIONAL PARTY; AND THE ANC WOULD NEVER "SELL-OUT" ITS SUPPORTERS, AS THE NP HAD DONE.

4. (U) MANDELA STARTED HIS SPEECH WITH SEVERAL PHRASES IN AFRIKAANS, THE PREDOMINANT FIRST LANGUAGE AMONG THOSE WHO ATTENDED THE RALLY. HE DWELT ON THE STRONG SUPPORT THAT THE UNITED DEMOCRATIC FRONT (UDF) HAD ENJOYED IN ELSIE'S RIVER, EMPHASIZING THE TIES BETWEEN THE ANC AND THE UDF. THE CROWD OF 5000, WHO WAITED NEARLY THREE HOURS FOR MANDELA'S ARRIVAL, RESPONDED ENTHUSIASTICALLY, BREAKING THROUGH THE CORDONED-OFF FIELD TO APPROACH THE STAGE. (ORGANIZERS SPENT MUCH OF THE TIME APPEALING FOR CALM AND DISCIPLINE, AND FINALLY MANAGED TO GET THE CROWD SEATED.)

5. (LOU) COMMENT: THE RALLY WAS WELL ORGANIZED AND REGIONAL ANC TREASURER IBRAHIM RASOOL ESTIMATED ATTENDANCE AT 10,000. CG AND POLECONOFF ESTIMATED THE CROWD AT THE HALF-FILLED SPORTS GROUND TO BE CLOSER TO 5000. SOME ANC OFFICIALS MUST HAVE BEEN DISAPPOINTED BY THE RELATIVELY MODEST TURN-OUT FOR MANDELA'S ONLY "COLORED" RALLY IN THE CAPE.

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 KHAYALITSHA: "WHITES ARE OUR BROTHERS"  
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6. (U) ATTENDANCE AT THE SEPTEMBER (2 KHAYALITSHA RALLY DWARFED MANDELA'S OTHER CAPE EVENTS, ATTRACTING AN ESTIMATED 40,000 PEOPLE TO THE BLACK TOWNSHIP'S STADIUM.

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE SECTION 02 OF 02 CAPE TOWN 01410

PARIS FOR PERLOW, LONDON FOR MCKINLEY

E.O. 12356: N/A

TAGS: PGOV, PINS, ASEC, SF

SUBJECT: MANDELA PLEADS FOR CALM

PRESS COVERAGE FOCUSSED ON MANDELA'S CONDEMNATION OF ATTACKS ON WHITE CIVILIANS WORKING IN BLACK AREAS. "HAT/IS TOO MUCH AMONG YOU," MANDELA REPORTEDLY SAID. THE AN/ SEEKS TO UPLIFT BLACK LIVING STANDARDS, AND "WHITES HAVE THE SKILLS. WE DON'T WANT TO FRIGHTEN THEM AWAY. WE WANT THEM TO HELP US BUILD THIS COUNTRY...THEY ARE YOUR BROTHERS AND SISTERS." IN KHAYALITSHA AND LANGA, MANDELA EXHORTED THE CROWDS TO ALSO RESPECT THOSE CLASSIFIED AS

COLORED.

7. (U) APRIL 27 WOULD BE "LIBERATION DAY," SAID MANDELA, BUT IT WILL TAKE YEARS TO MOBILIZE ACCESS TO BETTER MEDICAL, EDUCATIONAL AND OTHER FACILITIES. "BE PATIENT," ADDED MANDELA. "WE WILL START THE PROCESS IMMEDIATELY, BUT IT WILL TAKE TIME."

8. (U) CONCERNING THE RECENT MURDER OF AMY BIEHL, MANDELA SAID, "AND THERE IS THE TRAGIC CASE OF AMY BIEHL, A WONDERFUL STUDENT WHO WAS COMMITTED TOWARDS HELPING BLACKS IN THIS AREA AND WAS CRUELLY MURDERED. THE PEOPLE WHO KILLED AMY BIEHL ARE NO LONGER HUMAN BEINGS, THEY ARE ANIMALS AND WE MUST CONDEMN THEM IN THE STRONGEST TERMS. I WANT YOU ALL TO FOLLOW THE EXAMPLE OF YOUR LEADERS WHO CONDEMNED THIS CRIME."

9. (U) AFTER THE RALLY ENDED, A WOMEN WAS CRUSHED TO DEATH AND SEVERAL PERSONS WERE INJURED WHEN THE CROWD ATTEMPTED TO CRAM THROUGH A SINGLE EXIT. IN ADDITION, PART OF THE WALL SEPARATING THE PODIUM FROM THE AUDIENCE COLLAPSED FROM THE PRESSURE OF THE CROWD. AT ONE POINT, MANDELA SCOLDED MEMBERS OF THE CROWD, "PLEASE KEEP QUIET. I WILL NOT WARN YOU AGAIN. I WILL ASK THE MARSHALS TO TAKE YOU OUT."

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COMMENT  
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10. (LOU) APART FROM SOME CROWD CONTROL PROBLEMS, MANDELA'S VISIT HAS GONE REMARKABLY SMOOTHLY, WITH VERY LITTLE VIOLENCE AND NO CONFRONTATIONS WITH THE RIVAL PAN AFRICAN CONFERENCE (PAC). IT IS TOO EARLY TO ASSESS THE IMPACT OF THE CAMPAIGN SWING ON THE ANC'S ELECTORAL PROSPECTS IN THE CAPE, BUT THE MOVEMENT APPEARS TO HAVE FURTHERED ITS OBJECTIVES: DEEPEN ITS INROADS INTO THE CAPE COLORED COMMUNITY, UNDERLINE THE NON-VIOLENT AND NON-RACIAL APPROACH OF THE ANC AND COUNTER THE APPEAL OF THE PAC, WHICH HAS MADE SOME APPARENT GAINS AMONG RADICAL TOWNSHIP YOUTH IN THE AREA. ON SEPTEMBER 13, MANDELA MAKES HIS PITCH TO THE REMAINING WESTERN CAPE CONSTITUENCY -- SOUTH AFRICAN WHITES -- AT THE CIVIC AUDITORIUM AT 8:00 P.M. (SEPTTEL). HALSTED

BT

#1410

NNNN

SECT: SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

SSN: 1410  
<^SSN>1410

TOR: 930913111651 M0600678  
<^TOR>930913111655 M0600680

DIST: SIT: GEORGEL RAGLE VAX  
□

## Cable

PREC: PRIORITY

CLASS: ~~CONFIDENTIAL~~

LINE1: PAACZYUW RUEHTNA1411 2561512-CCCC--RHEHAAX.

LINE2: ZNY CCCCC ZZH

LINE3: P 131512Z SEP 93

LINE4: FM AMCONSUL CAPE TOWN

OSRI: RUEHTN

DTG: 131512Z SEP 93

ORIG: AMCONSUL CAPE TOWN

TO: RUEHC/SECSTATE WASHDC PRIORITY 0749

INFO: RUEHSA/AMEMBASSY PRETORIA PRIORITY 0021  
 RUEHBG/AMCONSUL JOHANNESBURG PRIORITY 9502  
 RUEH DU/AMCONSUL DURBAN PRIORITY 0766  
 RUEHRU/AMEMBASSY MASERU 4790  
 RUEHMB/AMEMBASSY MBABANE 0003  
 RUFHDR/AMEMBASSY DAR ES SALAAM 6359  
 RUFHLD/AMEMBASSY LONDON 9071

SUBJ: UGLY MOOD AT APLA RALLY

TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE CAPE TOWN 01411  
 LONDON FOR MCKINLEY  
 E.O. 12356: N/A  
 TAGS: PINS, SF  
 SUBJECT: UGLY MOOD AT APLA RALLY  
 REF: PRETORIA 13229

1. (U) CAPE NEWSPAPERS REPORTED THAT PAC SUPPORTERS JOINED IN CHANTS OF "ONE SETTLER, ONE BULLET" AT A SEPTEMBER 11 RALLY TO MARK THE 32ND ANNIVERSARY OF THE AZANIAN PEOPLE'S LIBERATION ARMY (APLA) IN GUGULETU. THE EVENT WAS BILLED AS APLA'S FIRST PUBLIC DISPLAY IN SOUTH AFRICA, AND ATTRACTED AN ESTIMATED 2000 PERSONS. APLA COMMANDER IN CHIEF SABELO PHAMA WAS REPORTED TO BE IN CAPE TOWN, BUT DID NOT APPEAR AT THE RALLY DUE TO "SECURITY CONCERNS".
2. (U) ADDRESSING THE CROWD LESS THAN A KILOMETER FROM THE SITE OF AMY BIEHL'S MURDER, PAC REGIONAL CHAIRMAN THEO MABUSELA SAID THE BACKLASH AGAINST BIEHL'S MURDER WAS TO BE EXPECTED, "JUST BECAUSE A MASTER HAS DIED." SPEAKERS DENIED CHARGES OF RACISM, AND SAID APLA WAS SIMPLY FIGHTING WHITE DOMINATION. APLA REPEATED ITS REFUSAL TO RENOUNCE THE ARMED STRUGGLE UNTIL POWER WAS TRANSFERRED FROM THE WHITE MINORITY TO THE BLACK MAJORITY.
3. (U) IN A SEPARATE INCIDENT, ABOUT 30 SUPPORTERS OF PAN AFRICANIST STUDENT ORGANIZATION (PASO) MEMBERS MONGEZI MANQINA AND MZIKHONA NOFOMELA (WHO ARE CHARGED WITH THE MURDER OF AMY BIEHL), PROTESTED ANGRILY OUTSIDE THE MITCHELL'S PLAIN COURTROOM WHERE THE TWO MEN APPEARED FOR A BAIL HEARING ON SEPTEMBER 13 (BAIL WAS DENIED). THE SMALL CROWD BEGAN SHOUTING, "WAR,

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PER E.O. 135262015-0638-M (1.09)  
7/31/2018 KBH

WAR, WE WANT WAR," AND "SETTLER, SETTLER, WAR, WAR," WHEN THEY WERE DENIED ENTRY TO THE COURT PROCEEDING, WHICH WAS HELD IN CAMERA.

4. (LOU) COMMENT: IN CONTRAST TO PAC LEADERSHIP IN THE TRANSVAAL, LOCAL PAC LEADERS HAVE MADE NO VISIBLE ATTEMPT TO REIGN IN THIS RADICAL FRINGE OR DISTANCE THEMSELVES FROM IT (REFTEL). THE VAST MAJORITY OF LOCAL RESIDENTS CLEARLY REJECT THESE VIOLENT SENTIMENTS. PAC SUPPORT IN THE AREA, WHICH APPEARED TO SURGE AFTER THE CHRIS HANI ASSASSINATION AND AFTER REPEATED CLAIMS OF APLA RESPONSIBILITY FOR TERRORIST ATTACKS AGAINST WHITES, MAY HAVE PEAKED. END COMMENT. HALSTED

BT

#1411

NNNN

**SECT:** SECTION: 01 OF 01

**SSN:** 1411

**TOR:** 930913111757 M0600681

**DIST:**

SIT: GEORGEL RAGLE VAX

□

## Cable

PREC: ROUTINE  
 CLASS: ~~CONFIDENTIAL~~  
 LINE1: RAACZYUW RUEHBGA1405 2571409-CCCC--RHEHAAX.  
 LINE2: ZNY CCCCC ZZH  
 LINE3: R 141346Z SEP 93  
 LINE4: FM AMCONSUL JOHANNESBURG  
 OSRI: RUEHBG  
 DTG: 141346Z SEP 93  
 ORIG: AMCONSUL JOHANNESBURG  
 TO: RUEHC/SECSTATE WASHDC 3029  
 INFO: RUEHSA/AMEMBASSY PRETORIA 0016  
 RUEHTN/AMCONSUL CAPE TOWN 1421  
 RUEH DU/AMCONSUL DURBAN 0914  
 RUEHRU/AMEMBASSY MASERU 2514  
 RUFHLD/AMEMBASSY LONDON 3553  
 RUEHWD/AMEMBASSY WINDHOEK 0938  
 RUEHSB/AMEMBASSY HARARE 1589  
 RUFHFR/AMEMBASSY PARIS 1065  
 RUCNDT/USMISSION USUN NEW YORK 0024  
 SUBJ: PAN AFRICANIST CONGRESS PERSPECTIVE ON  
 SOUTH AFRICAN TRANSITION PROCESS  
 TEXT:

DECLASSIFIED  
 PER E.O. 13526

2015-0638-M (1.10)  
 7/31/2018 KBH

\*\*\*\*\* INCOMPLETE MESSAGE \*\*\*\*\*

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE SECTION 01 OF 05 JOHANNESBURG 01405  
 LONDON FOR MCKINLEY, PARIS FOR PERLOW  
 E.O. 12356: N/A  
 TAGS: PGOV, PINR, SF  
 SUBJECT: PAN AFRICANIST CONGRESS PERSPECTIVE ON  
 SOUTH AFRICAN TRANSITION PROCESS  
 REF: A) PRETORIA 13224, B) PRETORIA 13329  
 1. SUMMARY: THE NATIONAL EXECUTIVE COUNCIL  
 (NEC) OF SOUTH AFRICA'S PAN AFRICANIST CONGRESS  
 (PAC) WILL MEET SEPTEMBER 18-19 TO CONSIDER,  
 INTER ALIA, THE FOUR BILLS RECENTLY SENT TO  
 PARLIAMENT BY THE MULTI-PARTY NEGOTIATING FORUM.  
 THE PAC HAS NO PROBLEM WITH THREE OF THEM, BUT  
 ABSTAINED ON THE FOURTH, OUT OF CONCERN OVER  
 ARRANGEMENTS FOR CONTROL OVER THE MILITARY. PAC  
 SECRETARY GENERAL BENNY ALEXANDER PLANS A  
 TWO-WEEK VISIT TO NEW YORK FOLLOWING THE NEC  
 MEETING. IN A SEPTEMBER 10 SESSION WITH  
 ALEXANDER, CONGEN JOHANNESBURG TOOK HIM TO TASK  
 OVER THE PAC'S CONTINUED COMMITMENT TO ARMED  
 STRUGGLE AND IDENTIFICATION WITH "ONE SETTLER,  
 ONE BULLET" RHETORIC; ALEXANDER RESPONDED WITH A  
 LITANY OF UNCONVINCING EXCUSES, BUT INSISTED HIS  
 PARTY OPPOSED ATTACKS ON UNARMED CIVILIANS. HE  
 ALSO REVIEWED PAC CONCERNS IN THE TRANSITION

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PROCESS, INCLUDING PROCEDURAL IRREGULARITIES IN REFERRING BILLS FROM THE NEGOTIATING FORUM TO PARLIAMENT, THE PAC'S CALL FOR AN INTERNATIONAL PEACEKEEPING FORCE, AND THE VIEW THAT PRESENT PLANS FOR A POST-ELECTION NATIONAL UNITY GOVERNMENT CAN ONLY PRODUCE "EXECUTIVE PARALYSIS." IF THE NEGOTIATING PROCESS FALTERS, ALEXANDER BELIEVES A MILITARY COUP OR WIDENING CIVIL WAR CANNOT BE RULED OUT AS POSSIBILITIES. END SUMMARY.

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U.S. TRAVEL PLANS  
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2. PAC SECRETARY GENERAL BENNY ALEXANDER CALLED ON CONSUL GENERAL SEPTEMBER 10 TO OBTAIN A VISA FOR A TWO-WEEK U.S. TRIP BEGINNING O/A SEPTEMBER 19. ALEXANDER SAID HIS PRINCIPAL PURPOSE WAS TO VISIT THE PAC'S UN OFFICE AND MEET WITH "HUNDREDS" OF PAC MEMBERS IN NEW YORK. CG SUPPLIED AF/S NAMES AND PHONE NUMBERS AS POSSIBLE POINTS OF CONTACT IF ALEXANDER ALSO VISITS WASHINGTON.

3. ALEXANDER SAID HE WOULD BE TELLING U.S.-BASED PAC MEMBERS THAT SOUTH AFRICA FACES THREE POSSIBLE ALTERNATIVE SCENARIOS: 1) CONTINUED PROGRESS IN THE NEGOTIATED TRANSITION, LEADING TO SUCCESSFUL ELECTIONS NEXT APRIL; 2) CIVIL WAR FOMENTED BY THE INKATHA FREEDOM PARTY (IFP) AND RIGHT-WING WHITES; OR 3) A RIGHT-WING MILITARY COUP. THE PAC NEEDED TO ASSESS EACH EVENTUALITY AND DECIDE HOW TO RESPOND. THE FIRST WOULD OBLIGE THE PARTY TO BE READY TO CAMPAIGN IN SIX MONTHS AND READY TO RULE IN EIGHT; ALEXANDER ACKNOWLEDGED THAT THIS SCENARIO WAS "BASED MORE ON HOPE THAN ON ANALYSIS." HE SAID THE PAC WOULD INITIALLY BE MOUNTING A "SOFT" CAMPAIGN, LARGELY DUE TO LACK OF FINANCIAL RESOURCES. CITING RECENT REFERENCES TO "CIVIL WAR" BY CHIEF BUTHELEZI, ALEXANDER REMARKED THAT, IN A VERY REAL SENSE, SCENARIO TWO WAS ALREADY UNDERWAY; HE CALLED ON THOSE WITH INFLUENCE ON BUTHELEZI TO PRESS HIM TO REJOIN THE NEGOTIATING PROCESS. FINALLY, THE POSSIBILITY OF A MILITARY COUP COULD NO LONGER BE LIGHTLY DISMISSED, FOLLOWING THE EMERGENCE OF EX-MILITARY OFFICERS SUCH AS GENERAL VILJOEN AS RIGHT-WING POLITICAL FIGURES; ALEXANDER NOTED THAT MILITARY COUPS WERE INVARIABLY CARRIED OUT BY A CABAL WHICH DID NOT REPRESENT THE MAJORITY OF A COUNTRY'S ARMED FORCES.

4. ALEXANDER SAID THE PAC WAS ENCOURAGING ITS MEMBERS ABROAD TO RETURN HOME, BUT THAT EXILES

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 02 OF 05 JOHANNESBURG 01405

LONDON FOR MCKINLEY, PARIS FOR PERLOW

E.O. 12356: N/A

TAGS: PGOV, PINR, SF

SUBJECT: PAN AFIRCANIST CONGRESS PERSPECTIVE ON

SOUTH AFRICAN TRANSITION PROCESS  
WERE DETERRED BY TWO FACTORS IN SOUTH  
AFRICA--VIOLENCE AND THE UNSATISFACTORY  
EDUCATIONAL SITUATION RESULTING FROM SCHOOL  
BOYCOTTS. EMPLOYMENT WAS A PROBLEM FOR UNSKILLED  
EXILES RETURNING FROM ELSEWHERE IN AFRICA, BUT  
LESS OF AN OBSTACLE FOR THOSE BASED IN THE U.S.,  
WHO TENDED TO POSSESS SKILLS IN DEMAND HERE.

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NEGOTIATIONS PROCESS  
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5. ALEXANDER SAID THE PAC'S NATIONAL EXECUTIVE  
COUNCIL (NEC) WOULD MEET SEPTEMBER 18-19 TO  
CONSIDER THE BILLS RECENTLY APPROVED IN THE  
MULTI-PARTY NEGOTIATING FORUM AND FORWARDED TO  
PARLIAMENT. HE CLAIMED CREDIT FOR MAJOR  
CONTRIBUTIONS TO THE LEGISLATION. HOWEVER, THE  
PAC HAD RESERVED ITS POSITION ON THE BILL  
CREATING A TRANSITIONAL EXECUTIVE COUNCIL (TEC)  
BECAUSE IT DID NOT SUFFICIENTLY "LEVEL THE  
PLAYING FIELD" PRIOR TO ELECTIONS IN THE  
SUBCOUNCILS CONCERNED WITH CONTROL OF THE  
MILITARY AND FOREIGN AFFAIRS (HE LATER BRUSHED  
ASIDE THE LATTER AS OF NO OVERRIDING  
CONSEQUENCE). HE NOTED THAT THE SOUTH AFRICAN  
DEFENSE ACT GIVES SOLE RECOGNITION TO THE SADF,  
AND THAT THE TEC LANGUAGE LEFT THIS UNCHANGED.  
ALEXANDER DECLINED TO PREDICT HOW THE PARTY'S NEC  
WOULD REACT, CLAIMING THAT THE PAC WAS CONTINUING  
CONTACTS WITH THE GOVERNMENT IN AN EFFORT TO  
RESOLVE THE MILITARY ISSUE, POSSIBLY BY AMENDING  
THE SOUTH AFRICAN DEFENSE ACT. (ALEXANDER LATER  
BEMOANED THE LACK OF PRESS COVERAGE OF A PRIVATE  
MEETING IN SWAZILAND EARLIER IN THE WEEK BETWEEN  
PRESIDENT DE KLERK AND PAC PRESIDENT MAKWETU;  
WHICH, HE SAID, WITHOUT PROVIDING DETAILS, HAD  
GONE EXTREMELY WELL). ALEXANDER NOTED THAT, AS  
IT IS, THE PAC HAD GOTTEN "60 PERCENT" OF WHAT IT  
WANTED IN THE LEGISLATION, AND THAT THE NEC MIGHT  
WELL RECOGNIZE THAT IT WAS IN THE NATURE OF  
NEGOTIATIONS TO SETTLE FOR LESS THAN TOTAL  
VICTORY.

6. ALEXANDER ALSO REVIEWED THE PAC'S POSITION ON  
CREATION OF A PEACEKEEPING FORCE. SUCH A FORCE  
COULD NOT BE COMPOSED OF EXISTING INDIGENOUS  
FORCES WHICH WERE RESPONSIBLE FOR PRESENT  
VIOLENCE, HE ARGUED. THAT WOULD BE "PUTTING  
DRACULA IN CHARGE OF THE BLOODBANK." ALEXANDER  
ADVOCATED DEPLOYMENT OF A UN PEACEKEEPING FORCE,  
ARGUING THAT SOUTH AFRICA'S GOOD INFRASTRUCTURE  
AND CAPACITY TO HELP SUPPORT SUCH A FORCE  
FINANCIALLY AND LOGISTICALLY SHOULD MAKE THIS A  
VIABLE PROPOSITION FOR THE INTERNATIONAL  
COMMUNITY. EXPANSION OF THE PRESENT UN  
MONITORING FORCE OFFERED NO SOLUTION, ALEXANDER  
CONTENDED, SINCE IT WOULD BE FOCUSED ON THE  
CONDUCT OF ELECTIONS RATHER THAN THE PROBLEM OF  
VIOLENCE, AND HAD NO INVESTIGATORY OR ENFORCEMENT

AUTHORITY.

7. FINALLY, ALEXANDER EXPLAINED THE PAC'S OPPOSITION TO THE FORWARDING OF PROVISIONAL LEGISLATION DIRECTLY FROM THE NEGOTIATING COUNCIL TO PARLIAMENT, WITHOUT BEING APPROVED FIRST BY A FULL PLENARY SESSION OF PARTY LEADERS AS ORIGINALLY AGREED LAST APRIL. HE BELIEVED THAT, IF THE ISSUE WERE TAKEN BEFORE IT, THE SUPREME COURT WOULD REJECT THE SHORT-CIRCUIT OF AGREED PROCEDURE THAT HAD TAKEN PLACE. HOWEVER, HE SAID THE PAC HAD NOT PURSUED THIS COURSE OUT OF CONCERN THAT SUCH A CHALLENGE AND DECISION COULD UNDERMINE THE ENTIRE STRUCTURE OF THE NEGOTIATING PROCESS THAT THE PARTY WAS COMMITTED TO SUPPORTING. COMMENT: MORE TO THE POINT, IN ITS

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 03 OF 05 JOHANNESBURG 01405

LONDON FOR MCKINLEY, PARIS FOR PERLOW

E.O. 12356: N/A

TAGS: PGOV, PINR, SF

SUBJECT: PAN AFRICANIST CONGRESS PERSPECTIVE ON SOUTH AFRICAN TRANSITION PROCESS REJECTION LAST WEEK OF THE IFP'S SUIT ON "SUFFICIENT CONSENSUS" (REF A), THE TRANSVAAL SUPREME COURT MADE CLEAR THAT THE COURTS ARE UNLIKELY TO BECOME AN AVENUE FOR OVERTURNING DECISIONS TAKEN IN THE NEGOTIATIONS PROCESS. END COMMENT.

8. ALEXANDER ALSO CRITICIZED THE AGREEMENT THAT EACH PARTY RECEIVING MORE THAN A FIXED PERCENT (PROBABLY FIVE) OF THE VOTE IN THE ELECTIONS SCHEDULED FOR NEXT APRIL WOULD TAKE PART IN A GOVERNMENT OF NATIONAL UNITY. HE ARGUED THAT THIS WAS A "RECIPE FOR EXECUTIVE PARALYSIS" AND THAT ANY GOVERNING BODY SO CONSTITUTED WOULD COLLAPSE "WITHIN A YEAR." HE ARGUED INSTEAD IN FAVOR OF A MULTI-PARTY COALITION GOVERNMENT FORMED AFTER ELECTIONS ON THE BASIS OF POLITICAL COMPROMISES AND COMMITMENTS FREELY ENTERED INTO BY WHATEVER PARTIES WERE INCLINED TO COOPERATE IN ORDER TO RULE TOGETHER.

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VIOLENCE  
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9. CG COMMENDED THE PAC'S ACTIVE PARTICIPATION IN THE NEGOTIATING PROCESS, BUT QUESTIONED THE DICHOTOMY BETWEEN THAT POSITIVE ROLE AND THE PARTY'S AMBIGUOUS POSITION ON THE ISSUE OF VIOLENCE. CG SHARED A COPY OF AMBASSADOR LYMAN'S SEPTEMBER 1 LETTER TO PAC FOREIGN SECRETARY GORA EBRAHIM CRITICIZING THE PAC'S LOOSE TALK ABOUT VIOLENCE AND BROUGHT TO ALEXANDER'S ATTENTION AN ARTICLE FROM THE CURRENT WEEKLY MAIL ACCUSING THE PAC OF "DOUBLESPEAK" AND "WINKING AT RACIST MURDERS." IN REPLY, ALEXANDER DISTINGUISHED BETWEEN TOWNSHIP VIOLENCE, THE ARMED STRUGGLE AND INTER-RACIAL CONFLICT. CITING RELATIVELY STABLE TOWNSHIPS SUCH AS TEMBISA, WHERE THE PAC IS IN A

STRONG POSITION, ALEXANDER CLAIMED THE PAC DID NOT FOMENT TOWNSHIP VIOLENCE OF THE KIND WHICH RAGES BETWEEN THE ANC AND INKATHA OR WAS INCITED, HE SAID, BY ELEMENTS OF THE GOVERNMENT SECURITY FORCES. THE PAC HAD CONDEMNED AMY BIEHL'S RECENT TRAGIC DEATH, AND THE MEDIA HAD MISCHIEVOUSLY TAKEN OUT OF CONTEXT THE REMARK BY A PAC STUDENT ASSOCIATION SPOKESMAN THAT SUCH INCIDENTS WERE TO BE EXPECTED. INDEED, HE SAID, THE PAC HAD COUNSELLED AGAINST THE ANC-LED TEACHERS' STRIKE WHICH HAD CREATED THE CIRCUMSTANCES IN GUGULETU THAT CLAIMED ANY BIEHL'S LIFE. IN GENERAL, ALEXANDER CLAIMED, THE PAC WAS VIEWED IN THE TOWNSHIPS AS A CONSERVATIVE FORCE WHICH OPPOSED PROTESTS SUCH AS SCHOOL BOYCOTTS THAT COULD PRECIPITATE WIDER DISORDER.

10. WITH RESPECT TO THE ARMED STRUGGLE, ALEXANDER CITED THE THREE CRITERIA RECENTLY OUTLINED BY PAC SECRETARY FOR INTERNATIONAL AFFAIRS GORA EBRAHIM (REF B), NAMELY THAT IT WOULD BE SUSPENDED WHEN AN ELECTION PROCESS BEGINS, WHEN THERE IS A UNIVERSAL CESSATION OF HOSTILITIES OR WHEN ALL MILITARY GROUPS PUT THEMSELVES UNDER COMMON AUTHORITY. RECALLING PAST BETRAYED PROMISES OF EXPANDED VOTING RIGHTS, ALEXANDER INSISTED IT WAS TOO EARLY TO BE SURE THAT THAT A FAIR ELECTION PROCESS WOULD BE ORGANIZED. (HE WAS VAGUE AS TO WHEN SUCH A DETERMINATION COULD BE MADE). ALEXANDER PLACED HIGHEST IMPORTANCE ON BRINGING ABOUT A CESSATION OF HOSTILITIES THROUGH A NEGOTIATED AGREEMENT WITH THE GOVERNMENT.

11. WITH REGARD TO THE PAC'S "ONE SETTLER, ONE BULLET" SLOGAN, ALEXANDER REMARKED THAT, IN CHALLENGING AN EXISTING ORDER, ONE VALUES

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 04 OF 04 JOHANNESBURG 01405

LONDON FOR MCKINLEY, PARIS FOR PERLOW

E.O. 12356: N/A

TAGS: PGOV, PINR, SF

SUBJECT: PAN AFRICANIST CONGRESS PERSPECTIVE ON RALLYING CRIES WHICH SOUND AS "BLOODCURDLING" AS POSSIBLE TO THOSE IN POWER, BUT BLAMED ZIMBABWEAN PRESIDENT MUGABE FOR FATHERING THIS GENERAL CONCEPT, INSISTED THAT IT HAD NOT BEEN FORMALLY ADOPTED BY THE PAC, ARGUED THAT THIS RHETORIC WAS TAME COMPARED TO OTHER WORDS PUT TO MUSIC BY ALL SOUTH AFRICAN LIBERATION GROUPS, NOTED THAT ANY BIEHL'S BLACK COMPANION HAD ALSO BEEN ATTACKED, CONTENTED THAT THIS KIND OF THREAT DID NOT SERIOUSLY CONTRIBUTE TO RIGHT-WING WHITE POLITICAL RESISTANCE, ASSERTED THAT SOME PAST ATTACKS ATTRIBUTED TO APLA HAD PROVEN TO BE THE WORK OF MK, SAID THAT VIOLENCE WHICH ERUPTED AGAINST THE UNJUST LEGACY OF APARTHEID WAS NOT RACIST PER SE, AND OFFERED ASSURANCES THAT PAC POLICY DID NOT SUPPORT ATTACKS ON INNOCENT CIVILIANS. CG PUT ALEXANDER ON NOTICE THAT HE

SHOULD EXPECT TO BE TAKEN TO TASK ON THE ISSUE OF VIOLENCE WHEREVER HE GOES IN THE U.S., NOTED THAT THE VICTIMS OF APARTHEID WOULD BE THE LOSERS IF EXTERNAL DONORS AND OTHER GROUPS ARE COMPELLED TO CURTAIL ACTIVITIES IN THE TOWNSHIPS DUE TO THE THREAT OF VIOLENCE, AND SAID THAT, AT THIS CRITICAL MOMENT, ANYTHING WHICH INFLAMED PASSIONS AND INCITED VIOLENCE COULD NOT POSSIBLY BE IN THE INTEREST OF THE PAC, THE TRANSITION PROCESS, OR THE PEOPLE OF SOUTH AFRICA. ALEXANDER ASKED TO KEEP COPIES OF THE AMBASSADOR'S LETTER AND THE CRITICAL NEWSPAPER ITEM.

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COMMENT  
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12. ALEXANDER IS A POISED, ARTICULATE DEBATER WITH A WELL-REHEARSED ARSENAL OF SUPERFICIAL EXPLANATIONS FOR WARDING OFF CRITICISM OF PAC POLICIES (AND AN UNCANNY RESEMBLANCE TO DENG XIAO PING). HIS MANNER IS SUFFICIENTLY CONGENIAL AS TO MAKE PAC SOPHISTRY ALMOST CREDIBLE. HE HAS PLAYED A POSITIVE BEIND-THE-SCENES ROLE AS A CONSENSUS BUILDER IN THE KEMPTON PARK NEGOTIATIONS, ALTHOUGH ALEXANDER CLAIMS STILL TO BE REGARDED WITHIN THE PAC AS AN UNRECONSTRUCTED RADICAL. ALEXANDER'S POLITICAL ANALYSIS IS NOT NECESSARILY TO BE TRUSTED ("WE ARE RUNNING EVEN WITH THE ANC IN SOWETO AND MAMELODI"), BUT HE IS NOT SUPPOSED TO BE NON-PARTISAN. ALEXANDER NEEDS TO KEEP HEARING THAT THE PAC'S AMBIGUITY ON VIOLENCE CAN ONLY HURT ITS OWN POLITICAL STANDING, IMPEDE CONSTRUCTIVE RELATIONS WITH US, AND UNDERMINE THE TRANSITION PROCESS. THE PAC WILL BE GETTING THE SAME MESSAGE THROUGH CONTACTS ALEXANDER INDICATED ITS VICE PRESIDENT IS LAUNCHING WITH THE SOUTH AFRICAN BUSINESS COMMUNITY. ALEXANDER'S FIRST VISIT TO THE U.S. TOOK PLACE LAST FALL. HE PROMISED TO GET BACK IN TOUCH TO REPORT HIS IMPRESSIONS OF THIS YEAR'S TRIP. MCKEE

BT

#1405

NNNN

SECT: SECTION: 01 OF 05  
<^SECT>SECTION: 02 OF 05  
<^SECT>SECTION: 03 OF 05  
<^SECT>SECTION: 04 OF 05

SSN: 1405  
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DIST:  
SIT: VAX BRANSCUM

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PREC: PRIORITY  
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 OSRI: RUEHTN  
 DTG: 141359Z SEP 93  
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 TO: RUEHC/SECSTATE WASHDC PRIORITY 0750  
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 RUEHBG/AMCONSUL JOHANNESBURG 9503  
 RUEH DU/AMCONSUL DURBAN 0767  
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 RUEHMB/AMEMBASSY MBABANE 0004  
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 RUFHLD/AMEMBASSY LONDON 9072  
 RUFHFR/AMEMBASSY PARIS 5639  
 RUEHWD/AMEMBASSY WINDHOEK 0806  
 RUEHSB/AMEMBASSY HARARE 4313  
 SUBJ: MANDELA MAKES HIS PITCH TO CAPE WHITES  
 TEXT:

DECLASSIFIED  
 PER E.O. 13526

2015-0638-m (1.11)  
 7/31/2018 KBN

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE SECTION 01 OF 02CAPE TOWN 01413  
 PARIS FOR PERLOW, LONDON FOR MCKINLEY  
 E.O. 12356: N/A

TAGS: PGOV, PINS, ASEC, SF

SUBJECT: MANDELA MAKES HIS PITCH TO CAPE WHITES

REF: (A) CAPE TOWN 1410, (B) CAPE TOWN 1403

1. (U) SUMMARY: IN THE FINAL EVENT OF HIS CAMPAIGN SWING THROUGH THE CAPE, MANDELA AIMED HIS MESSAGE OF MODERATION AND INCLUSION AT CAPE TOWN WHITES. HE SQUARELY ADDRESSED THE ISSUES OF WHITE FEAR, THE ANC ALLIANCE WITH THE SACP, AND GROWING VIOLENCE IN A WELL PREPARED PROGRAM AT THE CAPE TOWN CIVIC CENTER SEPTEMBER 13. END SUMMARY.
2. (U) NELSON MANDELA ENDED HIS CAMPAIGN TOUR OF THE WESTERN CAPE WITH A CAREFULLY ORCHESTRATED ANC PRESENTATION TO AN OVERFLOW AUDIENCE AT THE CAPE TOWN CIVIC CENTER ON SEPTEMBER 13. ALLAN BOESAK, SERVING AS MASTER OF CEREMONIES, LOCAL ANC OFFICIALS AND SUPPORTERS PITCHED A MESSAGE CAREFULLY TAILORED TO A WHITE CONSTITUENCY (THE AUDIENCE OF ABOUT 3000 WAS ABOUT ONE-THIRD WHITE). SLICK INFORMATION PACKETS CONTAINING EXCERPTS FROM THE FREEDOM CHARTER, SONGSHEETS, AND ANC MEMBERSHIP APPLICATIONS WERE DISTRIBUTED TO ALL.
3. (U) CAPE TOWN MAYOR CLIVE KEEGAN USED THE OCCASION TO ANNOUNCE THAT THE FAMILY OF AMY BIEHL HAD ACCEPTED HIS INVITATION TO COME TO SOUTH AFRICA AND SEE THAT THE COUNTRY HAS ALSO A PLACE OF LOVE.

CLINTON LIBRARY PHOTOCOPY

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 "ONLY THE ANC CAN DO IT"  
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4. (U) NEARLY A DOZEN SPEAKERS HAMMERED HOME THE CENTRAL THEME: WHITE FEARS OF A BLACK-DOMINATED GOVERNMENT WERE UNDERSTANDABLE, BUT MISPLACED; THE ANC HAS THE ONLY PARTY WHICH COULD USHER IN A TRULY NON-RACIAL, BROAD-BASED AND SECURE FUTURE FOR SOUTH AFRICA. MRS. VERWOERD, GRAND NIECE OF APARTHEID ARCHITECT HENDRIK VERWOERD, OFFERED A HEARTFELT APOLOGY FOR "WHAT MY FOREFATHERS DID TO YOU," AND PLEADED WITH AFRIKANERS TO REMAIN AND WORK WITH THE ANC, BECAUSE "WE OWE THIS COUNTRY." SHE RECEIVED A HUG FROM MANDELA AND SUSTAINED APPLAUSE FROM THE CROWD.
5. (U) MANDELA'S SPEECH LASTED OVER AN HOUR, DIRECTLY ADDRESSING MAJOR AREAS OF WHITE CONCERN. WHITE FEARS OF BLACK DOMINATION WERE A LEGACY OF THE "SPIRITUAL, EMOTIONAL AND MATERIAL POVERTY OF THE APARTHEID POLICY," SAID MANDELA. THE NATIONAL PARTY PROPAGANDA WHICH CREATED THOSE FEARS CONTINUES TO DISTORT THE ANC, BUT THE MOVEMENT HAD ALWAYS WELCOMED WHITES, AS WELL AS PERSONS CLASSIFIED AS COLORED. MANDELA SAID THE ANC HAS THE ONLY PARTY THAT HAD THE BACKGROUND, THE SUPPORT AND THE PROGRAM TO SECURE A FUTURE FOR ALL SOUTH AFRICANS. APRIL 27 WOULD BE LIBERATION DAY FOR WHITES AS WELL AS BLACKS, ADDED THE ANC LEADER. "WHITE PEOPLE WOULD STILL OWN MUCH OF THE RESOURCES" NEEDED TO BUILD A NEW SOUTH AFRICA, AND THE ANC FIRMLY BELIEVED IN THE SANCTITY OF PRIVATE PROPERTY.
6. (U) MANDELA MADE NO APOLOGIES FOR THE ANC'S ALLIANCE WITH THE SOUTH AFRICAN COMMUNIST PARTY, COMPARING THE ALLIANCE TO THE ONE FORGED BETWEEN THE ALLIES (INCLUDING SOUTH AFRICA) AND THE SOVIET UNION IN WORLD WAR II. COMMUNISM AND RELIGION WERE NOT IRRECONCILABLE; EVEN THE POPE HAD COOPERATED WITH THE COMMUNIST PARTY IN ITALY.

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 ANALYSIS OF VIOLENCE  
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7. MANDELA SAID TWO FORMS OF VIOLENCE PREDOMINATED IN SOUTH AFRICA: VIOLENCE CALCULATED TO DERAIL COOPERATION (INCLUDING PROGRESS TOWARDS NON-RACIAL ELECTIONS), AND THE VIOLENCE OF INTOLERANCE. THE NATIONAL PARTY HAD A LONG HISTORY OF CULPABILITY IN THE FORMER, SAID MANDELA. NP CABINET MEMBERS REFUSED

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 02 OF 02 CAPE TOWN 01413  
 PARIS FOR PERLOW, LONDON FOR MCKINLEY

E.O. 12356: N/A

TAGS: PGOV, PINS, ASEC, SF

SUBJECT: MANDELA MAKES HIS PITCH TO CAPE WHITES TO SHARE WITH HIM THE RESULTS OF INCRIMINATING INVESTIGATIONS INTO ABUSE AND PROVOCATION BY MILITARY INTELLIGENCE, AND CONTINUED TO COVER UP SAP-SPONSORED ACTS IN THE TOWNSHIPS. MANDELA LASHED OUT AT PRESIDENT DE KLERK FOR FAILURE TO TAKE STEPS TO CORDON OFF HOSTELS IN THE EAST RAND WHICH HAD "DECLARED WAR ON THEIR COMMUNITIES." THE MINORITY GOVERNMENT HAS

"INSENSITIVE TO THE SUFFERING OF BLACKS." THE SAG'S ADMONITION THAT THE ANC AND INKATHA MUST GET TOGETHER TO STEM VIOLENCE IGNORED ITS ROOT CAUSES, SAID MANDELA.

8. (U) MANDELA SAID THE VIOLENCE OF INTOLERANCE, WHICH EXPRESSED ITSELF IN THE TRAGIC DEATH OF AMY BIEHL, WAS WIDESPREAD IN SOUTH AFRICA. RECONCILIATION NEEDED TO COMBAT INTOLERANCE MUST BEGIN BEFORE THE ELECTION: "LET US FORGIVE THE PAST," SAID MANDELA IN AFRIKAANS.

9. (LOU) COMMENT: COMPARED TO RALLIES IN ELSIE'S RIVER AND KHAYALITSHA, THE EVENT WAS A RATHER STAID AFFAIR. THE PROGRAM HAS PROMPT AND POLISHED, DESIGNED TO APPEAL TO CAPE TOWN'S WHITE ELECTORATE. "COMRADES" WERE WELL REPRESENTED, BUT ATTENDEES INCLUDED THE CURIOUS AS WELL AS THE COMMITTED. MANDELA AND BOESAK TOOK GENTLE SWIPES AT THE PRESS, AND MEDIA COVERAGE ON TUESDAY MORNING HAS LIGHT. MANDELA DEPARTED THE CAPE EARLY SEPTEMBER 14, HAVING COVERED ALL OF HIS TARGET CONSTITUENCIES IN AN AMBITIOUS AND WELL-MANAGED FOUR-DAY SCHEDULE. HALSTED

BT

#1413

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**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

**SSN:** 1413  
<^SSN>1413

**TOR:** 930914090335 M0602578  
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 RUEH DU/AMCONSUL DURBAN 0822  
 RUEHDR/AMEMBASSY DAR ES SALAAM 6364  
 RUEHRU/AMEMBASSY MASERU 4807  
 SUBJ: PAC MODERATE SEEKS U.S. ASSISTANCE  
 TEXT:

DECLASSIFIED IN PART  
 PER E. O. 13526

2015-0638-m (1.13)  
 7/31/2013 KBM

~~CONFIDENTIAL~~ CAPE TOWN 01607  
 E.O. 12356: DECL: OADR  
 TAGS: PINS, EAID, SF  
 SUBJECT: PAC MODERATE SEEKS U.S. ASSISTANCE

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
- 
2. SUMMARY: A SELF-DESCRIBED PAC MODERATE CONTACTED AMCONSUL CAPE TOWN TO REQUEST UNSPECIFIED SUPPORT FOR HIS EFFORTS TO ABANDON ARMED STRUGGLE AS OFFICIAL PAC POLICY. THIS IS AN ACTION REQUEST. SEE PARA 8. END SUMMARY.
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3. EO 13526 1.4d

CONTACTED POLECONOFF TO REQUEST USG ASSISTANCE IN PROMOTING A MORE MODERATE STANCE WITHIN THE PAN AFRICANIST CONGRESS (PAC).  SAID ONLY FIVE OF THE REGIONAL COUNCIL'S 21 MEMBERS WERE "HARDLINERS," BUT THEY INCLUDED THE CHAIRMAN, THEO M. (LNU), A FORMER APLA COMMANDER. OTHER MODERATE MEMBERS HAD QUIETLY AUTHORIZED  TO APPROACH U.S. CONSULATE.  NOTED HE HAD NEVER CONTACTED A U.S. OFFICIAL BEFORE, AND ASKED THAT THE MEETING BE KEPT STRICTLY CONFIDENTIAL.

/. EO 13526 1.4d

SAID HE WOULD ADVOCATE SUSPENSION OF THE ARMED STRUGGLE AND DISAVOW SLOGANS SUCH AS "ONE SETTLER, ONE BULLET."  CLAIMED HE WANTED TO OPEN THE PAC TO WHITE MEMBERS AND BROADEN CONTACTS WITH THE DIPLOMATIC COMMUNITY AND THE SAG. HE SAID HE WOULD PROMOTE HIS MODERATE VIEWS AT UPCOMING REGIONAL CONGRESSES AND AT THE NATIONAL CONGRESS IN BLOEMFONTEIN IN NOVEMBER.

HE CLAIMED A MAJORITY OF PAC MEMBERS IN THE CAPE SHARED HIS MODERATE VIEWS BUT THAT TWO OF THE FIVE PAC REGIONS IN THE TRANSVAAL WERE FILLED WITH "REAL HARDLINERS." [1.4d] SAID THAT THE WESTERN CAPE WAS A PAC STRONGHOLD, BUT ACKNOWLEDGED THAT THE ANC WAS STRONGER LOCALLY THAN THE PAC.

5. [1.4d] SAID SOME PAC MEMBERS CRITICIZED HIM FOR PERSONALLY CONVEYING CONDOLENCES TO THE FAMILY OF SLAIN FULBRIGHT SCHOLAR AMY BIEHL DURING THEIR RECENT VISIT. HE ALSO CLAIMED HE HAD TRAVELLED WIDELY IN THE WESTERN CAPE TO DISCOURAGE VIOLENT ACTION BY PAC SUPPORTERS AFTER THE CHRIS HANI ASSASSINATION.

6. [1.4d] DID NOT MAKE A DIRECT REQUEST FOR RESOURCES, BUT SAID THE LOCAL PAC WAS FINANCIALLY STRAPPED WITH "LESS THAN 70,000 RAND IN THE BANK." LIKE ALMOST ALL PAC OFFICIALS, HE RECEIVED NO SALARY,

[REDACTED] DESCRIBED CONDITIONS IN KHAYALITSHA AS "TERRIBLE," AND SAID HE DID NOT DARE VENTURE OUT AT NIGHT UNLESS ACCOMPANIED BY PAC SECURITY STAFF. HE WAS INTERESTED IN PROMOTING A MORE COOPERATIVE STANCE WITHIN THE PAC ON A LOCAL AND REGIONAL LEVEL AND WELCOMED ANY HELP OR SUGGESTIONS CONSULATE COULD OFFER.

7. POLECONOFF EXPLAINED THAT THE USG COULD NOT PROVIDE DIRECT ASSISTANCE TO THE PAC AS LONG AS IT CONTINUED TO ADVOCATE ARMED STRUGGLE AS OFFICIAL POLICY. IF THE PAC ABANDONS ARMED STRUGGLE, THE USG WOULD EXPLORE WAYS OF EXPANDING LINKAGES WITH THE ORGANIZATION, EXPLAINED POLECONOFF.

8. ACTION REQUEST FOR PRETORIA: CONGEN IS MINDFUL OF PROHIBITIONS ON ASSISTANCE TO ORGANIZATIONS WHICH ADVOCATE VIOLENCE. NONETHELESS, IF [1.4d] IS ABLE TO INFLUENCE PAC POLICY IN MORE MODERATE DIRECTION, CONGEN SEEKS GUIDANCE ON WHETHER THERE IS SOMETHING THAT WE CAN OFFER HIM.

MYRICK

BT

#1607

NNNN

SECT: SECTION: 01 OF 01

SSN: 1607

TOR: 931026104058 M0684081

DIST:

SIT: GEORGEL RAGLE VAX WARD

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CLASS: ~~SECRET~~

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DTG: 130207Z JAN 94

ORIG: SECSTATE WASHDC

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RUEHTN/AMCONSUL CAPE TOWN 0000  
RUEH DU/AMCONSUL DURBAN 0000

INFO: \*\*\*\*

SUBJ: PARTICIPATION OF PAC MEMBERS IN US-FUNDED  
TRAINING PROGRAMS

TEXT:

~~SECRET~~ STATE 011257  
EXDIS, FOR AMB LYMAN AND CONSULS GENERAL  
E.O. 12356: DECL: OADR  
TAGS: PGOV, SF  
SUBJECT: PARTICIPATION OF PAC MEMBERS IN US-FUNDED  
TRAINING PROGRAMS

REF: 93 PRETORIA 18434

1. ~~SECRET~~ ENTIRE TEXT
2. ACTION REQUESTED; SEE PARA 9.
3. CLEARLY, THE ISSUES OF ADVOCACY OF VIOLENCE AND PARTICIPATION IN THE DEMOCRATIC PROCESS ARE CENTRAL TO USG CONCERNS ABOUT PARTICIPATION IN USG-FUNDED TRAINING PROGRAMS, AND ARE ALSO MANIFESTLY A CONCERN OF CONGRESS.
4. THE SECRETARY UNDERScoreD THESE CONCERNS IN HIS NOVEMBER 3 LETTER TO REPRESENTATIVE BURTON WHEN HE NOTED THE GENERALLY INCLUSIVE AIMS OF THE USG ELECTION ASSISTANCE PROGRAMS AND MADE CLEAR "FIRST, (USG) ASSISTANCE WILL ONLY BE AVAILABLE TO ORGANIZATIONS THAT ARE PARTICIPATING ACTIVELY AND POSITIVELY IN THE PROCESS OF TRANSITION TO NONRACIAL DEMOCRACY" AND. SECONDLY THAT "WITH RESPECT TO ANY GROUP THAT HAS ENGAGED IN ARMED STRUGGLE OR OTHER ACTS OF VIOLENCE, WE WILL ONLY PROVIDE ASSISTANCE IF THE GROUP IS COMMITTED TO A SUSPENSION OF VIOLENCE."
5. THE SECRETARY ENDED HIS LETTER WITH THE SPECIFIC COMMITMENT "UNLESS THESE CONDITIONS ARE MET WE WILL NOT

DECLASSIFIED  
PER E.O. 13526

2015-0638-M (1.14)  
7/31/2018 KBH

MAKE DIRECT TRANSFERS OF FUNDS TO SUCH GROUPS AS THE PAC AND THE SOUTH AFRICAN COMMUNIST PARTY." WE NOTE THAT THE AMY BIEHL MURDER HAS BROUGHT THE VIEWS OF THE PAC IN PARTICULAR SHARPLY TO THE ATTENTION OF THE AMERICAN PUBLIC. AS WELL AS THE CONGRESS.

6. ON JANUARY 6, DEPARTMENT LEARNED FROM ONE OF THE US ORGANIZERS THAT SIYABONGA MEMELA, ONE OF THE 19 MEMBERD OF THE DIPLOMATIC TRAINING PROGRAM SELECTED FOR TRAINING IN THE US, DESCRIBED HIS PROFESSION IN HIS WRITTEN BIOGRAPHIC SUBMISSION AS "REGIONAL POLITICAL ORGANIZER FOR THE EASTERN TRANSVAAL" (FOR THE PAC). GIVEN THE CONSIDERATIONS NOTED ABOVE, MR. MEMELA MUST BE DROPPED FROM THE PROGRAM (HE IS CURRENTLY AWAITING A VISA IN JOHANNESBURG). WHILE THE PROGRAM INVOLVES NEITHER PREPARATION FOR ELECTIONS NOR DIRECT FUND TRANSFER TO THE PAC, THE PARTICIPATION OF A SELF-PROCLAIMED CAREER PAC POLITICAL ORGANIZER WOULD LIKELY BE PERCEIVED AS CONTRARY TO THE SPIRIT OF BOTH THE SOUTH AFRICA DEMOCRATIC TRANSITION SUPPORT ACT AND THE SECRETARY.S NOVEMBER 3 LETTER. (THE OTHER INDIVIDUAL WHO SEEMS TO HAVE BEEN SUGGESTED TO THE UNIVERSITY RECRUITERS BY PAC. MR. MAMETJA, APPEARS TO BE A STUDENT.)

7. ON THE GENERAL POLICY QUESTION, USG-SUPPORTED TRAINING PROGRAMS FOR NON-PARTY AND PARTY TRAINING EXCLUDE ORGANIZATIONS THAT HAVE NOT RENOUNCED VIOLENCE. IN KEEPING WITH THE SPIRIT OF THE LEGISLATION PAC NOMINEES, SELF-PROCLAIMED PAC MEMBERS AND INDIVIDUALS KNOWN TO BE PAC MEMBERS WOULD BE DISQUALIFIED OUT OF HAND.

8. AS A GENERAL RULE, WE DO NOT PROPOSE INTERROGATIONS OF INDIVIDUALS TO ASSESS WHETHER THEY BELONG TO ORGANIZATIONS LIKE THE PAC THAT HAVE NOT SUSPENDED VIOLENCE. WE RECOGNIZE, HOWEVER, THERE COULD BE CERTAIN PARTICULARLY SENSITIVE PROGRAMS SUCH AS THOSE INVOLVING TRAINING FOR PARTISAN PURPOSES FOR WHICH INDIVIDUAL SCREENING WOULD BE APPROPRIATE.

9. ADDITIONALLY. THERE SHOULD BE INDIVIDUAL SCREENING OF PARTICIPANTS IN PROGRAMS INVOLVING USG-FUNDED TRAINING IN THE US. ALSO, THE CONSULAR OFFICER IS RESPONSIBLE FOR ENSURING VISA APPLICANTS ARE NOT INELIGIBLE FOR ENTRY TO

THE US (MEMBERSHIP IN AN ORGANIZATION THAT ESPOUSES VIOLENCE COULD TRIGGER AN INQUIRY TO DETERMINE WHETHER THE INDIVIDUAL IS INELIGIBLE FOR A VISA AS SOMEONE WHO HAS ENGAGED IN OR IS LIKELY TO ENGAGE IN A TERRORIST ACTIVITY) AND FOR REQUESTING SAO'S AS REQUIRED BY DEPARTMENT PROCEDURES. INDIVIDUAL INTERVIEWS SHOULD BE CONDUCTED TO ENSURE, INTER ALIA, THAT CAREER PARTY CADRES FROM SUCH ORGANIZATIONS ARE NOT UNKNOWINGLY INCLUDED IN USG-FUNDED PROGRAMS. SINCE SUCH APPLICANTS ARE LIKELY TO BE FEW BETWEEN NOW AND APRIL 27, INDIVIDUAL INTERVIEWS SHOULD NOT CREATE AN INSUPERABLE BURDEN ON CONSULS.

10. LOOKING AHEAD. WE NOTE THAT OUR CONGRESSIONAL COMMITMENTS ALSO REQUIRE THAT WE ENSURE ORGANIZATIONS

RECEIVING USG ASSISTANCE ARE "PARTICIPATING ACTIVELY AND POSTIVELY IN THE PROCESS OF TRANSITION TO A NONRACIAL DEMOCRACY." OBVIOUSLY, THIS COULD AFFECT PARTIES OTHER THAN PAC AND THE SACP; AS THE EMBASSY SUGGESTED RECENTLY. THE IFP COMES TO MIND AS DOES AZAPO. IN THE CASE OF THE IFP. FOR EXAMPLE, IT WOULD SEEM TO US THAT AS LONG AS THE DOOR REMAINS OPEN FOR ITS PARTICIPATION IN THE PROCESS AND EFFORTS CONTINUE FOR THE IFP TO COME THROUGH THAT DOOR, THE IFP WOULD REMAIN ELIGIBLE TO RECEIVE ASSISTANCE ON THIS COUNT. WE WILL. OF COURSE. NEED TO CONTINUE TO ASSESS THE ELIGIBILITY OF THE IFP AND OTHER ORGANIZATIONS TO RECEIVE USG ASSISTANCE.

11 ACTION REQUEST: EMBASSY SHOULD INFORM MR MEMELA OF OUR DECISION TO DROP HIM FROM THE PROGRAM. THE SAO REQUEST FROM JOHANNESBURG FOR MR. MEMELA IS OBE. WE LEAVE TO EMBASSY TO DETERMINE WHETHER AND HOW TO CLARIFY FOR THE PAC LEADERSHIP OUR POSITION -- IT LIES IN THEIR HANDS TO REVERSE IT. WE WILL BRIEF NDI.S KEEFER OF OUR DECISION; CONTINGENCY PRESS GUIDANCE WILL FOLLOW SEPTTEL. TARNOFF

BT

#1257

NNNN

SECT: SECTION: 01 OF 01

SSN: 1257

TOR: 940112235131 M0823405

DIST:

SIT: VAX WILSON

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## Cable

PREC: IMMEDIATE  
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 RUEHRU/AMEMBASSY MASERU 0648  
 RUEHWD/AMEMBASSY WINDHOEK 0980  
 RUEHTN/AMCONSUL CAPE TOWN 1335  
 RUEHTO/AMEMBASSY MAPUTO 0284  
 RUEHDU/AMCONSUL DURBAN 1155  
 RUEHOR/AMEMBASSY GABORONE 0479  
 RUEHLO/AMEMBASSY LONDON 0481  
 RUEHMB/AMEMBASSY MBABANE 0848  
 SUBJ: SOUTH AFRICA: THE PAC RENOUNCES ARMED  
 STRUGGLE

DECLASSIFIED  
 PER E.O. 13526

2015-0638-m (1.15)

7/31/2013 KBH

## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 000699  
 DEPARTMENT FOR AF/S  
 LONDON FOR MCKINLEY; PARIS FOR PERLOW  
 E.O. 12356: DECL: OADR  
 TAGS: PINS, PREL, PGOV, SF  
 SUBJECT: SOUTH AFRICA: THE PAC RENOUNCES ARMED  
 STRUGGLE  
 REF: PRETORIA 92

1. ENTIRE TEXT - ~~CONFIDENTIAL~~.
2. THIS IS AN ACTION CABLE. SEE PARA 8.
3. SUMMARY: AT A JANUARY 16 PRESS CONFERENCE, THE PAN AFRICANIST CONGRESS OFFICIALLY ANNOUNCED UNILATERAL "SUSPENSION" OF THE ARMED STRUGGLE. PAC PRESIDENT CLARENCE MAKWETU SAID THAT THE PAC'S MILITARY WING, THE AZANIAN PEOPLE'S LIBERATION ARMY (APLA) IS INFORMING ITS MEMBERS AROUND THE COUNTRY OF THE DECISION. PAC SECRETARY FOR FOREIGN AFFAIRS ARMED GORA EBRAHIM TOLD POLOFF THAT HE HOPES THE U.S. GOVERNMENT WILL TAKE A DIFFERENT POSITION TOWARD THE PAC NOW THAT THE ORGANIZATION HAS UNILATERALLY "RENOUNCED" ARMED STRUGGLE. POST WILL

~~CONFIDENTIAL~~

PROVIDE FURTHER ASSESSMENT SEPTEL BUT BELIEVES THIS PAC DECISION CLEARS THE WAY FOR THEIR PARTICIPATION IN THE SOUTH AFRICAN ELECTION SUPPORT PROJECT'S NEXT MULTI-PARTY FORUM IN CAPE TOWN JANUARY 21-23. WE

WOULD APPRECIATE DEPARTMENT GUIDANCE ON THIS QUESTION ASAP. END SUMMARY.

4. PAC PRESIDENT CLARENCE MAKWETU HAS OFFICIALLY ANNOUNCED THE END OF THE ARMED STRUGGLE. (COMMENT: PAC SPOKESMAN ARE USING THE TERMS "SUSPENDED" AND "RENOUNCED" INTERCHANGEABLY. END COMMENT) THE PAC AND THE SAG HAVE BEEN OBSERVING A MUTUAL MORATORIUM ON HOSTILITIES SINCE NOVEMBER 1 (REF A), BUT THIS NEW DEVELOPMENT MARKS THE END OF ARMED STRUGGLE FOR THE PAC -- WITH A CAVEAT. MAKWETU WARNED THAT APLA RESERVED THE RIGHT TO DEFEND AFRICANS IF THEY ARE ATTACKED. HE ALSO SAID THAT HE COULD NOT RULE OUT FURTHER APLA ATTACKS SINCE IT WILL TAKE SOME TIME BEFORE ALL APLA CADRES ARE INFORMED OF THE DECISION.

5. NEXT STEPS: THE PAC DID NOT GET ALL OF THE CONCESSIONS THAT IT WANTED FROM THE GOVERNMENT. MAKWETU WILL MEET WITH STATE PRESIDENT DE KLERK NEXT WEEK TO CONTINUE NEGOTIATING ON THE FOLLOWING THREE ITEMS OF KEY INTEREST TO THE PAC.

---JOINT CONTROL OF THE SECURITY FORCES. UNTIL NOW, A MAJOR OBSTACLE TO ENDING ARMED STRUGGLE HAS BEEN THE PAC DEMAND THAT THE GOVERNMENT ESTABLISH A SYSTEM OF JOINT CONTROL OVER THE SECURITY FORCES UNDER THE TEC. THAT ISSUE HAS STILL NOT BEEN RESOLVED TO THE PAC'S SATISFACTION.

---A DEMAND FOR A TWO BALLOT SYSTEM TO ALLOW VOTERS TO CHOSE DIFFERENT PARTIES AT PROVINCIAL AND NATIONAL LEVELS VS. THE ONE BALLOT CURRENTLY EXPECTED. THE ONE BALLOT CAMPAIGN WORKS TO THE ADVANTAGE OF THE ANC AND THE NP BUT AGAINST SMALLER PARTIES.

---THE PERCEPTION THAT THE SAG AND THE ANC ARE IMPOSING THEIR PRE-ARRANGED DEALS ON ALL OTHER PARTIES. THE PAC WILL PROPOSE A 5 PARTY SUMMIT TO INCLUDE THE FIVE PARTIES THAT THE PAC VIEWS AS KEY PLAYERS: THE NP, ANC, PAC, IFP AND CP.

6. WHY NOW?: CLINGING TO THE NOTION OF ARMED STRUGGLE WAS BECOMING A LOSE/LOSE SITUATION FOR THE PAC. AS DOMESTIC AND INTERNATIONAL PRESSURE MOUNTED AGAINST VIOLENCE FROM ANY QUARTER, THE PAC

~~CONFIDENTIAL~~

BECAME INCREASINGLY ISOLATED. WITH THE POLITICAL PROCESS IN SOUTH AFRICA HEADING CLEARLY TOWARDS THE APRIL 27 ELECTION, THE PAC SAW THAT IT COULD ONLY RE-ENTER THE POLITICAL MAINSTREAM BY RENOUNCING VIOLENCE. INTERNATIONALLY, THE PAC WAS ALSO DAMAGED BY THE ARMED STRUGGLE. IN ALL OF ITS ENCOUNTERS WITH USG REPRESENTATIVES, PAC REQUESTS TO PARTICIPATE IN U.S.-FUNDED ELECTION TRAINING PROGRAMS WERE DENIED ON THE GROUNDS THAT THE ORGANIZATION MUST FIRST END ARMED STRUGGLE. MEMBERS OF THE

~~CONFIDENTIAL~~ SECTION 02 OF 02 PRETORIA 000699

DEPARTMENT FOR AF/S

LONDON FOR MCKINLEY; PARIS FOR PERLOW

E.O. 12356: DECL: OADR

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## STRUGGLE

PAC LEADERSHIP WERE REPEATEDLY REMINDED BY THIS EMBASSY THAT THEIR VIOLENT STANCE AND BLOODY SLOGANS CREATED THE CLIMATE IN WHICH AMY BIEHL WAS MURDERED. THEIR DISCOMFORT WAS VISIBLE.

7. THE LAST STRAW MAY HAVE BEEN TANZANIA'S ANNOUNCEMENT THAT THE PAC COULD NOT LONGER USE TANZANIAN TERRITORY FOR ATTACKS ON SOUTH AFRICA; THAT THE PAC WOULD NO LONGER BE PERMITTED TO ISSUE HOSTILE STATEMENTS OR PLOT AGAINST SOUTH AFRICA FROM ANYWHERE IN TANZANIA; AND THAT TANZANIA CONDEMNS THE VIOLENCE AGAINST INNOCENT CIVILIANS IN SOUTH AFRICA. THE GOVERNMENT OF ZIMBABWE HAS ALSO BEEN PUBLICLY DISTANCING ITSELF FROM THE PAC. THESE PUBLIC REBUFFS FROM THEIR STAUCHEST NATIONAL ALLIES FINALLY MADE IT CLEAR TO THE LEADERSHIP THAT ALL DOORS ARE BEING CLOSED TO THOSE WHOSE POLICIES PERPETRATE VIOLENCE IN SOUTH AFRICA.

8. COMMENT AND ACTION REQUEST: THE PAC'S ANNOUNCEMENT APPEARS TO REMOVE THE CONCERNS THAT THE ADMINISTRATION AND THE CONGRESS HAVE ABOUT INCLUDING PAC MEMBERS IN USG FUNDED PROGRAMS. WE ARE REVIEWING THE USG PROGRAM ACTIVITIES IN QUESTION AS WELL AS THE FINE PRINT IN THE NEW PAC POSITION AND WILL OFFER A FURTHER ASSESSMENT SEPTEL. THE MOST IMMEDIATE QUESTION FOR US INVOLVES THE SOUTH AFRICAN ELECTION SUPPORT PROJECT FUNDED BY USAID WHICH HAS SCHEDULED A MULTI-PARTY FORUM TO TAKE PLACE IN CAPE TOWN JANUARY 21 - 23. IN PREVIOUS SESSIONS OF THIS FORUM, MEMBERS OF ALL POLITICAL PARTIES HAVE PARTICIPATED ACTIVELY AT A HIGH LEVEL. THE SOUTH AFRICAN ORGANIZERS OF THE FORUM INSIST THAT IT MUST CONTINUE IN THIS FORMAT AND REFUSE TO PARTICIPATE IN THE CAPE TOWN SESSION IF WE WERE TO BAN PAC PARTICIPATION. WE BELIEVE THE PAC'S DECISION CLEARS THE WAY FOR THEIR PARTICIPATION IN THE FORUM AND WOULD LIKE TO PROCEED. IN ANY EVENT, WE MUST MAKE A DECISION ON THIS IMMEDIATELY AND WOULD APPRECIATE DEPARTMENT GUIDANCE ASAP. END COMMENT

LYMAN

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**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

**SSN:** 0699  
<^SSN>0699

**TOR:** 940117101201 M0829082  
<^TOR>940117101202 M0829083

**DIST:** PRT: SIT{C2}  
SIT: DESHAZER RAGLE SUM2 VAX WARD  
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## Cable

PREC: IMMEDIATE  
 CLASS: ~~CONFIDENTIAL~~  
 LINE1: OAACZYUW RUEHCAA6524 0201748-CCCC--RHEHAAX.  
 LINE2: ZNY CCCCC ZZH  
 LINE3: O 201738Z JAN 94  
 LINE4: FM SECSTATE WASHDC  
 OSRI: RUEHC  
 DTG: 201738Z JAN 94  
 ORIG: SECSTATE WASHDC  
 TO: RUEHBG/AMCONSUL JOHANNESBURG IMMEDIATE 0000  
 RUEHSA/AMEMBASSY PRETORIA IMMEDIATE 0000  
 INFO: \*\*\*\*  
 SUBJ: 1993 COUNTRY REPORT ON HUMAN RIGHTS FOR SOUTH AFRICA:  
 VERSION 3  
 TEXT:

**DECLASSIFIED**  
**PER E.O. 13526**  
 2015-0638-M (1.16)  
 7/31/2018 KBH

~~CONFIDENTIAL~~  
 LIMITED OFFICIAL USE STATE 016524  
 E.O. 12356: N/A  
 TAGS: SF PHUM ELAB  
 SUBJECT: 1993 COUNTRY REPORT ON HUMAN RIGHTS FOR SOUTH AFRICA:  
 VERSION 3

1. LIMITED OFFICIAL USE/NOFORN - ENTIRE TEXT.
2. THE V-3 VERSION OF THE SOUTH AFRICA COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1993 FOLLOWS. IF NO FURTHER CHANGES ARE MADE, THIS IS THE VERSION THAT WILL BE DELIVERED TO THE CONGRESS ON JANUARY 31.
3. ACTION REQUESTED: YOU SHOULD IMMEDIATELY REVIEW THIS CABLE TO CHECK FOR SIGNIFICANT FACTUAL OR OTHER ERRORS, BUT NOT, REPEAT NOT, TO ADD NEW INFORMATION UNLESS IT IS ESSENTIAL AND SUCCINCT. ANY POST COMMENTS SHOULD BE KEYED TO THE SECTIONS AND SUBSECTIONS OF THE REPORT. POST COMMENTS SHOULD BE SUBMITTED NLT COB, FRIDAY, JANUARY 21, 1994.
4. PLEASE KEEP IN MIND THAT THE REPORTS MUST BE TREATED AS LIMITED OFFICIAL USE/NOFORN UNTIL SUCH TIME AS THEY ARE OFFICIALLY RELEASED TO THE PUBLIC. WHEN THAT OCCURS, YOU WILL BE SENT AN UNCLASSIFIED COPY OF THE FINAL VERSION, AND THAT IS THE ONLY VERSION WHICH SHOULD BE RELEASED TO THE PUBLIC.
5. BEGIN TEXT:

SOUTH AFRICA UNDERWENT SWEEPING POLITICAL CHANGE DURING 1993. IN DECEMBER THE TRANSITIONAL EXECUTIVE COUNCIL (TEC), A MULTIPARTY, MULTIRACIAL BODY, WAS GIVEN BROAD ADMINISTRATIVE AND MONITORING POWERS IN THE PERIOD LEADING UP TO THE APRIL 1994 ELECTIONS--THE FIRST ELECTIONS IN SOUTH AFRICA OPEN TO ALL CITIZENS REGARDLESS

OF RACE. THE IMPLEMENTATION OF THE TEC MARKED THE FIRST TIME IN SOUTH AFRICAN HISTORY THAT THE BLACK MAJORITY (75.5 PERCENT) PARTICIPATED IN THE OFFICIAL POLITICAL PROCESS. NEVERTHELESS, THROUGH MOST OF THE YEAR SOUTH AFRICA CONTINUED TO BE GOVERNED BY A SYSTEM THAT KEPT VIRTUALLY ALL REAL POWER IN THE HANDS OF THE WHITE MINORITY (13 PERCENT OF THE POPULATION). THE NATIONAL PARTY, IN POWER SINCE 1948 AND CURRENTLY LED BY STATE PRESIDENT DE KLERK, CONTINUED TO RULE THE COUNTRY.

THE INKATHA FREEDOM PARTY (IFP), THE CONSERVATIVE PARTY (CP), AND SEVERAL OTHER CONSERVATIVE GROUPS SUSPENDED THEIR FURTHER PARTICIPATION IN THE NEGOTIATIONS PROCESS AS A RESULT OF THE DECISION TO HOLD THE NATIONAL ELECTION NEXT APRIL 27. SUBSEQUENTLY, THE REMAINING PARTIES REACHED AGREEMENT ON ESTABLISHING, IN ADDITION TO THE TEC, INDEPENDENT BODIES TO RUN THE ELECTION AND REGULATE STATE-CONTROLLED MEDIA IN THE PRE-ELECTION PERIOD.

IN DECEMBER THE PARLIAMENT RATIFIED AN INTERIM CONSTITUTION AND BILL OF RIGHTS WHICH FOR THE FIRST TIME GUARANTEE ALL SOUTH AFRICANS SUCH RIGHTS AS UNIVERSAL SUFFRAGE, EQUAL PROTECTION UNDER THE LAW, AND FREEDOM OF SPEECH, ASSEMBLY, ASSOCIATION, AND RELIGION. THE CONSTITUTION IS TO BE ENACTED BY PROCLAMATION ON APRIL 27, 1994; PROVISION HAS BEEN MADE TO ENABLE EARLIER IMPLEMENTATION OF CERTAIN PORTIONS OF THE CONSTITUTION AND BILL OF RIGHTS, BUT THESE STEPS HAD NOT BEEN TAKEN BY YEAR'S END.

THE INTERIM CONSTITUTION ALSO PROVIDES FOR THE DISMANTLING OF THE HOMELANDS SYSTEM, BUT AT THE END OF THE YEAR THE 10 HOMELANDS WERE STILL IN PLACE. THE HOMELANDS ARE HEAVILY SUBSIDIZED BY THE GOVERNMENT, SOME ARE FRAGMENTED PARCELS OF TERRITORY IN IMPOVERISHED RURAL AREAS, AND ALL ARE AGRICULTURALLY BACKWARD AREAS WITHOUT THE INFRASTRUCTURE NEEDED FOR DEVELOPMENT. OF THE FOUR SO-CALLED INDEPENDENT HOMELANDS (COLLECTIVELY KNOWN AS THE TBVC STATES), WHICH ONLY THE SOUTH AFRICAN GOVERNMENT RECOGNIZED AS SOVEREIGN, TRANSKEI, CISKEI, AND VENDA ARE RULED BY MILITARY GOVERNMENTS, WHILE BOPHUTHATSWANA IS GOVERNED AS A ONE-PARTY STATE. AUTHORITIES IN BOPHUTHATSWANA AND CISKEI, IN PARTICULAR, CONTINUED TO SUPPRESS FREE POLITICAL ACTIVITY, ESPECIALLY THAT OF THE AFRICAN NATIONAL CONGRESS (ANC). THE SIX SO-CALLED SELF-GOVERNING HOMELANDS ARE GAZANKULU, KANGWANE, KWANDEBELE, KWAZULU, LEBOWA, AND QWAQWA. ACCORDING TO 1990 CENSUS DATA, THE HOMELANDS, WHICH COMPRISE 13 PERCENT OF THE COUNTRY'S TERRITORY, ARE HOME TO 33 PERCENT OF SOUTH AFRICA'S BLACK POPULATION.

THE GOVERNMENT IS BACKED BY A POWERFUL SECURITY ESTABLISHMENT. THE SOUTH AFRICAN DEFENSE FORCE (SADF) HAS ABOUT 65,000 ACTIVE DUTY PERSONNEL, CONSISTING OF 25,000 WHITE CONSCRIPTS AND 40,000 PERMANENT FORCE PERSONNEL, APPROXIMATELY TWO-THIRDS OF WHOM ARE BLACK, ASIAN, OR "COLOURED." ADDITIONALLY, THE ARMED FORCES OF THE SO-CALLED INDEPENDENT HOMELANDS, WHICH ARE EXPECTED TO BE ABSORBED INTO THE NEW NATIONAL DEFENSE FORCE,

NUMBER APPROXIMATELY 9,800. THE RESERVE FORCES, WHICH FORM THE BULK OF AVAILABLE MILITARY MANPOWER IN SOUTH AFRICA, ARE ALL WHITE AND CONSIST OF A CITIZEN FORCE OF 180,000 AND 155,000 RESERVISTS. THE MULTIRACIAL SOUTH AFRICAN POLICE (SAP) NUMBERS 112,000 AND IS 40 PERCENT WHITE. THE OFFICER CORPS IN BOTH THE SADF AND THE SAP IS OVERWHELMINGLY WHITE. THE SADF ASSISTED THE POLICE IN PATROLLING THE SO-CALLED UNREST AREAS AND CONTINUED TO BE ACTIVE IN RESPONDING TO THE HEIGHTENED VIOLENCE IN NATAL AND THE TRANSVAAL. MEMBERS OF THE SADF AND THE SAP WERE RESPONSIBLE FOR HUMAN RIGHTS ABUSES DURING THE YEAR. THE INTERNAL STABILITY UNIT, A PART OF THE SAP, HAS BEEN DISCREDITED BY ITS HEAVY-HANDED TACTICS. THE HOMELANDS SECURITY FORCES CONTINUED TO BE FUNDED BY THE SOUTH AFRICAN GOVERNMENT AND WERE RUN LARGELY BY SAP AND SADF MEMBERS SECONDED BY THE GOVERNMENT.

SOME OPPOSITION GROUPS AND HUMAN RIGHTS ORGANIZATIONS CONTINUED TO ALLEGE THAT A "THIRD FORCE," MADE UP OF ROGUE SECURITY FORCE MEMBERS, ENGAGED IN OR ORCHESTRATED VARIOUS VIOLENT INCIDENTS TO UPSET THE POLITICAL TRANSITION. WHILE CREDIBLE EVIDENCE EXISTED OF INDIVIDUALS WITHIN THE SECURITY FORCES FOMENTING VIOLENCE, THERE WAS NO EVIDENCE OF A WIDESPREAD, HIGH-LEVEL CONSPIRACY WITHIN THE SECURITY FORCES TO UNDERTAKE SUCH ACTIVITIES. IN DECEMBER THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION, ALSO KNOWN AS THE GOLDSTONE COMMISSION, FOUND "CREDIBLE EVIDENCE" THAT A FIVE-MAN HIT SQUAD WAS RESPONSIBLE FOR THE DEATHS IN NATAL OF ANC MEMBERS AS WELL AS SUPPORTERS OF THE IFP AND OTHER ORGANIZATIONS. THE THREE MEN ARRESTED IN THE CASE WERE FORMER MEMBERS OF THE KWAZULU POLICE AND HAD RECEIVED TRAINING FROM THE SADF. FURTHER ARRESTS WERE EXPECTED AT THE END OF 1993.

SEVERAL PARAMILITARY ORGANIZATIONS AND HOMELANDS SECURITY FORCES OUTSIDE THE CENTRAL GOVERNMENT WERE ACCUSED CREDIBLY OF HUMAN RIGHTS ABUSES, INCLUDING TARGETING POLITICAL OPPONENTS FOR ELIMINATION AND CARRYING OUT EXTRAJUDICIAL KILLINGS. THE KWAZULU POLICE WERE UNEQUIVOCALLY CHARGED BY THE GOLDSTONE COMMISSION OF OPERATING A HIT SQUAD SPECIFICALLY TARGETING IFP OPPONENTS. THE AZANIAN PEOPLE'S LIBERATION ARMY (APLA), THE ARMED WING OF THE PAN AFRICANIST CONGRESS (PAC), CLAIMED RESPONSIBILITY FOR ATTACKS ON POLICE AND CIVILIAN TARGETS. THE AFRIKANER RESISTANCE MOVEMENT (AWB) EXPRESSED DETERMINATION TO DEFEND AFRIKANERS AGAINST "BLACK DOMINATION." ALTHOUGH UMKHONTO WE SIZWE (MK), THE ARMED WING OF THE ANC, SUSPENDED ITS ARMED STRUGGLE, SOME OF ITS OPERATIVES, PARTICULARLY IN NATAL, HAVE BEEN CREDIBLY ACCUSED OF TARGETING POLITICAL OPPONENTS.

SOUTH AFRICA HAS A WELL-DEVELOPED INDUSTRIAL ECONOMY BASED ON MINING AND MANUFACTURING AND SMALLER, BUT IMPORTANT, SECTORS BASED ON AGRICULTURE AND SERVICES. IT HAS A MIXED ECONOMY, WITH SUBSTANTIAL GOVERNMENT INTERVENTION AND A NUMBER OF STATE-OWNED ENTERPRISES EXISTING JOINTLY WITH A STRONG PRIVATE SECTOR. A CHIEF CHARACTERISTIC OF THE PRIVATE SECTOR IS THE HIGH CONCENTRATION OF OWNERSHIP BY A SMALL GROUP OF INTEGRATED CONGLOMERATE STRUCTURES.

ALTHOUGH SOUTH AFRICA'S DEEPEST AND MOST PROTRACTED RECESSION

SINCE THE 1930'S APPEARED TO HAVE BOTTOMED OUT IN EARLY 1993, THERE HAS BEEN NO NET INCREASE IN JOBS IN THE PRODUCTIVE SECTORS IN MORE THAN A DECADE, AND PER CAPITA INCOME AMONG ALL RACES HAS FALLEN. UNEMPLOYMENT IN THE FORMAL SECTOR IS APPROXIMATELY 40 PERCENT. ACCORDING TO GOVERNMENT STATISTICS, NEARLY HALF OF ALL EMPLOYABLE BLACKS ARE EITHER UNEMPLOYED OR WORK IN THE INFORMAL SECTOR; 350,000 NEW JOB SEEKERS OF ALL RACES WERE EXPECTED TO ENTER THE JOB MARKET DURING THE YEAR. AVERAGE PER CAPITA INCOME IN THE HOMELANDS WAS LOWER THAN IN SOUTH AFRICA PROPER. MANY OF THE EMPLOYABLE RESIDENTS LIVING IN THE HOMELANDS TYPICALLY MIGRATE OR COMMUTE TO MORE PROSPEROUS AREAS OF THE COUNTRY IN SEARCH OF WORK.

WHILE THE GOVERNMENT HAS INCREASED SPENDING ON BLACKS IN RECENT YEARS, MAJOR ECONOMIC AND SOCIAL REFORM WILL BE REQUIRED TO REDUCE INCOME DISPARITIES AND TO REDRESS THE SOCIOECONOMIC LEGACIES OF APARTHEID IN SUCH AREAS AS EDUCATION, HOUSING, AND HEALTH CARE. HUMAN RIGHTS GROUPS ESTIMATE THAT 7.5 MILLION BLACKS HAVE NO PERMANENT SHELTER.

CERTAIN AREAS IN SOUTH AFRICA ARE AWASH IN VIOLENCE, MUCH OF IT CRIMINALLY MOTIVATED. POLITICAL VIOLENCE, A COMPONENT OF THE OVERALL VIOLENCE CONTINUED AT A HIGH LEVEL IN 1993. ACCORDING TO THE HUMAN RIGHTS COMMISSION (HRC), 4,64(##) PEOPLE DIED FROM POLITICALLY RELATED VIOLENCE DURING THE YEAR. MOST OBSERVERS AGREED THAT ALL PARTIES, INCLUDING THE ANC, THE IFP, AND GOVERNMENT SECURITY FORCES BEAR SOME MEASURE OF RESPONSIBILITY FOR THE CONTINUING PATTERN OF VIOLENCE, DESPITE THE 1991 NATIONAL PEACE ACCORD SIGNED BY STATE PRESIDENT DE KLERK, ANC PRESIDENT MANDELA, IFP CHIEF MINISTER BUTHELEZI, AND 23 OTHERS.

POSITIVE DEVELOPMENTS IN THE AREA OF WORKER RIGHTS CONTINUED IN 1993, INCLUDING THE PASSAGE IN SEPTEMBER OF LEGISLATION TO EXPAND THE LEGAL RIGHTS OF AGRICULTURAL AND DOMESTIC WORKERS. BILLS TO PROMOTE THE EQUALITY OF MEN AND WOMEN AND TO PROTECT WOMEN AGAINST VIOLENCE FROM THEIR SPOUSES WERE ALSO ENACTED.

#### RESPECT FOR HUMAN RIGHTS

##### SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

###### A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

CERTAIN AREAS IN SOUTH AFRICA ARE AWASH IN VIOLENCE, MUCH OF IT CRIMINALLY MOTIVATED. POLITICAL VIOLENCE, A COMPONENT OF THE OVERALL VIOLENCE IN SOUTH AFRICA, CONTINUED AT A HIGH LEVEL IN 1993; THE HRC DOCUMENTED 4,364 POLITICALLY RELATED DEATHS DURING THE YEAR. A MAJOR CAUSE OF POLITICAL KILLINGS WAS VIOLENT CONFRONTATIONS BETWEEN ANC AND IFP FOLLOWERS. ANOTHER IMPORTANT CAUSE OF DEATHS WAS THE SERIES OF APPARENTLY RANDOM ATTACKS BY UNKNOWN TERRORISTS INTENT ON DISRUPTING SOUTH AFRICA'S MOVEMENT TOWARD NONRACIAL DEMOCRACY BY AGGRAVATING TENSIONS BETWEEN THE ANC AND IFP. EVIDENCE OF ACTS OF POLITICAL VIOLENCE BY INDIVIDUALS ATTACHED TO THE MILITARY, POLICE, AND HOMELANDS POLICE CONTINUED TO EMERGE IN 1993. HUMAN RIGHTS ORGANIZATIONS ALLEGED THAT IN SOME CASES THESE INDIVIDUALS WERE PART OF A CONSPIRACY--THE SO-CALLED THIRD

FORCE--TO ELIMINATE ANC LEADERS. A PRELIMINARY REPORT OF THE GOLDSTONE COMMISSION CONCLUDED THAT THE PAC'S MILITARY WING, APLA, MAY HAVE USED TRANSKEI AS A SPRINGBOARD FOR ATTACKS AGAINST MEMBERS OF THE POLICE, THE MILITARY, AND WHITE CIVILIANS IN GENERAL. OTHER GROUPS WHICH CONTRIBUTED TO THE HIGH LEVEL OF VIOLENCE AND EXTRAJUDICIAL KILLINGS INCLUDED RIGHTWING ORGANIZATIONS, LOCAL SELF-DEFENSE UNITS (SDU'S), CRIMINAL GANGS WHICH CLAIMED AFFILIATION WITH POLITICAL PARTIES, AND ILL-DISCIPLINED LABOR STRIKE ENFORCERS.

THE ANC-IFP CONFLICT OFTEN TOOK THE FORM OF FIGHTING BETWEEN HOSTEL RESIDENTS, USUALLY BUT NOT ALWAYS AFFILIATED WITH THE IFP, AND RESIDENTS OF NEARBY TOWNSHIPS AND INFORMAL SETTLEMENTS, FREQUENTLY IDENTIFIED WITH THE ANC. BLACK SOUTH AFRICANS OF ALL AGES, GENDER, POLITICAL AFFILIATION, AND ETHNIC GROUPING WERE AFFECTED. TRAIN AND TAXI COMMUTERS, PASSERSBY, AND PEOPLE IN THEIR OWN HOMES WERE VICTIMS OF VIOLENT ATTACK.

MANY TOWNSHIP YOUTHS, SOME WITH AFFILIATION TO THE MK OR SOUTH AFRICAN COMMUNIST PARTY (SACP), FORMED ARMED SDU'S, PURPORTEDLY TO PROTECT RESIDENTS FROM OUTSIDE ATTACK. IN FACT, MANY SDUS HAVE BEEN ACCUSED OF VIGILANTE-STYLE MURDERS OF SUSPECTED "INFORMERS" OR IFP SYMPATHIZERS, ACTS OF INTIMIDATION, SUCH AS DEMANDS FOR "PROTECTION" MONEY FROM LOCAL SHOPKEEPERS, AND COMMON CRIMES SUCH AS CAR THEFT. ANC LEADER CHRIS HANI SAID SHORTLY BEFORE HIS DEATH THAT THE ANC WAS UNABLE TO CONTROL CERTAIN SDU'S THAT HAD BRANCHED INTO CRIMINAL ACTIVITIES.

KWAZULU IN NATAL PROVINCE ALSO EXPERIENCED CONTINUOUS HIGH LEVELS OF VIOLENCE. BOTH IFP AND ANC OFFICIALS HAVE MADE CREDIBLE ALLEGATIONS THAT THEIR SUPPORTERS WERE DELIBERATELY TARGETED BY THE OTHER PARTY FOR ASSASSINATION, AS CYCLES OF REVENGE KILLINGS CONTINUED. ACCORDING TO THE INDEPENDENT BOARD OF INQUIRY, 27 ANC OFFICIALS WERE KILLED IN 1993, WHILE 12 IFP OFFICIALS WERE KILLED DURING THE YEAR.

CHRIS HANI WAS ASSASSINATED BY A WHITE RIGHTWING ZEALOT IN APRIL. IN OCTOBER THE RAND SUPREME COURT SENTENCED TO DEATH THE GUNMAN AND ONE OF TWO ACCOMPLICES, BOTH OF WHOM WERE LEADERS IN THE CP. A TRIAL WAS TO TAKE PLACE AGAINST ANOTHER DEFENDANT FOR HIS ROLE IN AN ALLEGED PLOT TO ASSASSINATE SACP CHAIRMAN JOE SLOVO, THOUGH THE CHARGES WERE SUBSEQUENTLY DROPPED. IN JULY POLICE OFFICERS AND BODYGUARDS FOR ANC DEPUTY PRESIDENT WALTER SISULU CLASHED, RESULTING IN THE DEATH OF AN ANC BODYGUARD. AUTHORITIES INVESTIGATING THE INCIDENT REPORTED THE DEATH TO BE ACCIDENTAL.

ON DECEMBER 13, IN A GRUESOME RACIST ATTACK IN RANDFONTEIN, SEVERAL WHITE MEN IN CAMOUFLAGE UNIFORM FORCED TWO CARS OFF THE ROAD AND SHOT THEIR BLACK OCCUPANTS, SEVERAL OF WHOM WERE CHILDREN, KILLING THREE AND INJURING FOUR.

WHITES IN SOUTH AFRICA WERE ALSO THE VICTIMS OF VIOLENT ATTACK. IN JULY MASKED GUNMEN SHOT AND THREW GRENADES AT A CONGREGATION ATTENDING SERVICES IN ST. JAMES CHURCH IN CAPE TOWN, KILLING 11 AND INJURING OVER 50. OTHER WHITES WERE SLAIN IN ATTACKS ON TOUR BUSES AND PRIVATE CARS. PATRONS OF BARS AND CLUBS WERE ATTACKED IN SEVERAL INCIDENTS, INCLUDING A HIGHLY

PUBLICIZED DECEMBER INCIDENT IN WHICH MASKED GUNMEN ATTACKED A CAPE TOWN PUB, KILLING FOUR PEOPLE. ALTHOUGH IN MANY INSTANCES RESPONSIBILITY FOR THESE ATTACKS REMAINED UNCLEAR, INDIVIDUALS PURPORTING TO SPEAK FOR APLA, THE PAC'S MILITARY WING, CLAIMED RESPONSIBILITY FOR SOME OF THEM.

GOVERNMENT INVESTIGATIONS OF VIOLENT DEATHS IN BLACK AREAS HAS BEEN INADEQUATE. ANC OFFICIALS NOTED THE DISPARITY BETWEEN THE HUNDREDS OF PERSONNEL DEVOTED TO ROUND UP BLACK ACTIVISTS SUSPECTED IN THE ST. JAMES CHURCH MASSACRE AND THE RESOURCES DEPLOYED A WEEK EARLIER WHEN 33 PEOPLE WERE KILLED IN A VIOLENT RAMPAGE IN TEMBISA TOWNSHIP IN THE WITWATERSRAND.

IN LATE 1992, PRESIDENT DE KLERK DIRECTED LIEUTENANT GENERAL PIERRE STEYN TO INVESTIGATE ALLEGATIONS OF SADF INVOLVEMENT IN A DESTABILIZATION CAMPAIGN AGAINST THE ANC AND MK. STEYN REPORTEDLY PRESENTED HIS FINDINGS TO THE GOVERNMENT DURING THE YEAR, BUT NO REPORT WAS MADE PUBLIC.

WHILE CREDIBLE EVIDENCE EXISTED OF INDIVIDUALS WITHIN THE SECURITY FORCES FOMENTING VIOLENCE, THERE WAS NO EVIDENCE OF A WIDESPREAD, HIGH-LEVEL CONSPIRACY WITHIN THE SECURITY FORCES TO UNDERTAKE SUCH ACTIVITIES.

IN OCTOBER VARIOUS INCIDENTS OCCURRED THAT IMPLICATED MEMBERS OF THE SAP IN EXTRAJUDICIAL KILLINGS. IN ONE INCIDENT WELLINGTON MBILI, A MEMBER OF MK, THE ANC'S MILITARY WING, DIED IN POLICE CUSTODY. POLICE CLAIMED THEY SHOT MBILI IN SELF DEFENSE, BUT EYEWITNESSES SAID MBILI WAS HANDCUFFED IN SAP CUSTODY FOLLOWING HIS APPREHENSION.

ACCORDING TO THE HRC, THE NUMBER OF DEATHS IN DETENTION DECREASED FROM 123 IN 1992 TO 36 IN 1993. THE HRC SAID THAT SUCH FIGURES ARE BASED ON MEDIA REPORTS, BECAUSE THE POLICE HAVE BEEN UNFORTHCOMING TO THE HRC. THE DECLINE IN NUMBERS MAY BE DUE IN PART TO GREATER MEDIA SCRUTINY AND TO AN AGREEMENT PERMITTING OFFICIALS OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) TO MAKE UNANNOUNCED VISITS TO DETAINEES IN POLICE STATIONS THROUGHOUT SOUTH AFRICA. UNDER THE AGREEMENT, ICRC DELEGATES CAN MEET DETAINEES ALONE, MAKE UNANNOUNCED FOLLOWUP VISITS AND PASS THEIR FINDINGS TO HIGHER GOVERNMENTAL OFFICIALS. HOWEVER, DEATHS CONTINUED TO OCCUR UNDER HIGHLY SUSPICIOUS CIRCUMSTANCES (SEE ALSO SECTION 1.C.).

ON APRIL 14, SAM TAMBANE, SECRETARY OF THE ANC'S SOWETO BRANCH, AND THREE OTHERS WERE KILLED WHEN POLICE OPENED FIRE ON A CROWD PROTESTING THE ASSASSINATION OF ANC LEADER CHRIS HANI. INDEPENDENT WITNESSES DENIED POLICE CLAIMS THAT THEY ACTED IN SELF DEFENSE. THE GOVERNMENT ANNOUNCED AN INVESTIGATION INTO THE INCIDENT.

IN FEBRUARY MICHAEL THITHI, WHO CLAIMED HE WAS ASSAULTED BY POLICE DURING AN INTERROGATION, ALSO REPORTEDLY WITNESSED THE BEATING DEATH OF HIS COACCUSED, JOHANNES MALEKEK MATSUBUKANE, DURING POLICE INTERROGATION.

INQUESTS CONDUCTED IN 1993 CONCERNING THE DEATHS OF ANTIAPARTHEID ACTIVISTS DURING THE 1980'S REVEALED THAT

OPERATIVES CARRIED OUT POLITICAL KILLINGS ON THE ORDERS OF HIGH-RANKING GOVERNMENT OFFICIALS.

IN DECEMBER THE GOLDSTONE COMMISSION RELEASED CREDIBLE EVIDENCE, BASED ON AN INVESTIGATION CONDUCTED BY THE KWAZULU POLICE COMMISSIONER, THAT A NUMBER OF HIT SQUADS HAD BEEN OPERATING IN NATAL. THE THREE MEN ARRESTED IN THE CASE WERE FORMER MEMBERS OF THE KWAZULU POLICE AND HAD RECEIVED TRAINING FROM THE SADF. FURTHER ARRESTS WERE EXPECTED AT THE END OF 1993. GOLDSTONE REPORTED THE HIGH "PROBABILITY" THAT THE HIT SQUAD HAD BEEN RESPONSIBLE FOR THE MURDER OF NINE ANC MEMBERS, SUPPORTERS OF THE IFP, AND OTHERS. VIOLENCE IN ESIKHAWINI IN NORTHERN NATAL DECREASED DRAMATICALLY FOLLOWING THE ARREST OF THE KZP OFFICERS IMPLICATED IN THE HIT SQUAD INVESTIGATION.

IN A SEPARATE INCIDENT ALLEGEDLY INVOLVING KWAZULU POLICE ATTACKS ON ANC SUPPORTERS, THE ANC CLAIMED SOME OF ITS SUPPORTERS IN KHOJANE VILLAGE WERE KILLED IN SEPTEMBER BY ATTACKERS FROM A NEARBY IFP/KWAZULU GOVERNMENT MILITARY TRAINING CAMPS. INFORMATION ABOUT SUCH TRAINING CAMPS IS OFTEN SHROUDED IN SOME MYSTERY. FOR EXAMPLE, IN SEPTEMBER, AFTER THE PRESS REPORTED ON AN ALLEGED KWAZULU TRAINING CAMP IN UMFOLOZI GAME RESERVE, IFP CHIEF MINISTER BUTHELEZI CONFIRMED THAT THE KWAZULU PARLIAMENT HAD ESTABLISHED A CAMP TO TRAIN SDU'S FOR ZULU PROTECTION.

IN MAY THE CISKEI COUNCIL OF STATE GRANTED UNCONDITIONAL INDEMNITY FROM PROSECUTION TO ALL MEMBERS OF THE CISKEI DEFENSE FORCE (CDF) INVOLVED IN THE 1992 BISHO MASSACRE, IN WHICH CDF TROOPS KILLED 29 AND INJURED HUNDREDS OF ANC MARCHERS. IN OCTOBER OUPA GQOZO, THE HOMELAND'S MILITARY LEADER, WAS CLEARED OF CHARGES THAT HE MURDERED CHARLES SEBE, THE FORMER COMMANDER OF THE CDF IN 1991.

#### B. DISAPPEARANCE

THERE WERE NO KNOWN CASES OF ANTIGOVERNMENT ACTIVISTS DISAPPEARING DURING 1993.

#### C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THE GOVERNMENT HAS ESTABLISHED GUIDELINES AND REGULATIONS PROHIBITING TORTURE OF DETAINEES. ANY CASES OF TORTURE WERE VIOLATIONS OF GOVERNMENT REGULATIONS. NEVERTHELESS, COURT TESTIMONY AND SWORN AFFIDAVITS CONTINUED TO ALLEGE THAT MEMBERS OF THE SAP AND HOMELANDS POLICE MISTREATED DETAINEES SEVERELY, THOUGH THE INCIDENCE OF SUCH VIOLATIONS CONTINUED TO DECLINE. THE HRC REPORTED ALLEGATIONS OF BEATINGS, ELECTRIC SHOCK, AND PARTIAL SUFFOCATION.

MICHAEL THITHI REPORTED BEING ASSAULTED BY POLICE DURING AN INTERROGATION. A DISTRICT SURGEON REPORTEDLY FOUND NO SIGNS OF THE ASSAULT, BUT AFTER THITHI DISPUTED THAT REPORT, ANOTHER COURT-ORDERED EXAMINATION INDICATED THAT HE HAD INDEED BEEN BEATEN. IN FEBRUARY, THREE ANC MEMBERS CHARGED WITH A 1992 MURDER ALLEGED THAT THEY WERE SEVERELY BEATEN WHILE IN CUSTODY OF THE CISKEI SECURITY POLICE. THE MEN WERE ALLEGEDLY DENIED

MEDICAL ATTENTION AFTER THE ASSAULT. THE ANC ALSO ALLEGED THAT ROBERT MANOPE WAS ASSAULTED BY THE BOPUTHATSWANA POLICE AFTER BEING SUMMONED TO THE MOGWASE STATION AND ACCUSED OF RECRUITING FOR THE ANC. THESE ALLEGATIONS WERE BACKED WITH A MEDICAL REPORT INDICATING THAT MANOPE SUFFERED EXTENSIVE BRUISING OVER MOST OF HIS BODY.

ALSO ACCORDING TO HRC DATA, AN MK MEMBER WAS ASSAULTED AND TORTURED IN A SOWETO POLICE STATION ON MAY 21. SHE ALLEGED BEING HIT WITH A RIFLE AND PISTOL BUTTS AND SUBJECTED TO ELECTRIC SHOCK. IN MAY A PAC MEMBER ALLEGED BEING BEATEN AND THREATENED WITH INDECENT ASSAULT WHILE UNDERGOING INTERROGATION AT A DURBAN POLICE STATION. IN AUGUST SIBUSISO ZULU, ACCUSED OF MURDER IN THE MARCH 1993 "TABLE MOUNTAIN MASSACRE" IN WHICH SIX SCHOOL CHILDREN WERE SLAIN, TOLD THE COURT THAT HE WAS ASSAULTED BY POLICEMEN DURING INTERROGATION IN AN EFFORT TO EXTRACT A CONFESSION FROM HIM.

ON AUGUST 24, THE RAND SUPREME COURT GRANTED THE ANC AN INTERIM ORDER INTERDICTING THE MINISTERS OF DEFENSE AND LAW AND ORDER, THE HEADS OF MODDERBEE AND BOKSBURG PRISONS, AND 8 EAST RAND POLICE STATION COMMANDERS AND THE FORCES UNDER THEIR COMMANDS FROM ASSAULTING, ABUSING, THREATENING, OR ILL-TREATING 123 DETAINEES UNDER THEIR CUSTODY. THE COURT ACTION FOLLOWED ALLEGATIONS THAT A NUMBER OF EAST RAND DETAINEES HAD BEEN ASSAULTED WHILE IN CUSTODY.

THE ICRC HAS ACCESS TO ALL DETAINEES IN SOUTH AFRICAN AND HOMELAND PRISONS AND CAN REPORT SUBSTANDARD PRISON CONDITIONS TO AUTHORITIES.

IN AUGUST THE MOTSUENYANE COMMISSION, AN ANC-APPOINTED BODY, RELEASED RESULTS OF ITS INVESTIGATION OF HUMAN RIGHTS ABUSES IN ANC CAMPS DURING THE ORGANIZATION'S YEARS OF EXILE. THE REPORT CITED NUMEROUS INSTANCES OF MURDER, TORTURE, BEATINGS, SOLITARY CONFINEMENT, AND IMPRISONMENT WITHOUT TRIAL AND NAMED INDIVIDUALS DIRECTLY AND INDIRECTLY INVOLVED IN THE ABUSES, SOME OF WHOM ARE NOW HIGH-RANKING ANC OFFICIALS. THE ANC ACCEPTED THE CONCLUSIONS OF THE REPORT AND MADE A PUBLIC APOLOGY, BUT DID NOT RESPOND TO NOR PROVIDE AN ACCOUNTING OF ALL THOSE ALLEGED TO HAVE DISAPPEARED OR BEEN MISTREATED. MANY OBSERVERS CRITICIZED THE ANC FOR NOT PUNISHING THE PERPETRATORS OR COMPENSATING THE VICTIMS. THE ANC CALLED FOR THE ESTABLISHMENT OF A TRUTH COMMISSION TO INVESTIGATE HUMAN RIGHTS ABUSES ACROSS THE POLITICAL SPECTRUM AND TO ARRANGE FOR VICTIM COMPENSATION. BY THE END OF 1993, NO SUCH COMMISSION WAS ESTABLISHED.

#### D. ARBITRARY ARREST, DETENTION, OR EXILE

IN NOVEMBER THE MULTIPARTY NEGOTIATING COUNCIL AGREED TO REPEAL THE PUBLIC SAFETY ACT (PSA) AND THE INTERNAL SECURITY ACT (ISA) --LAWS PERMITTING AUTHORITIES TO DETAIN INDIVIDUALS WITHOUT CHARGE. AS OF YEAR'S END, THE NECESSARY LEGISLATION WAS APPROVED BUT HAD NOT YET GONE INTO EFFECT.

THE PSA AUTHORIZED WARRANTLESS SEARCHES AND DETENTIONS FOR UP TO 30 DAYS IN ORDER TO COMBAT OR PREVENT PUBLIC DISTURBANCE,

DISORDER, RIOT, OR PUBLIC VIOLENCE, OR IN ORDER TO MAINTAIN OR RESTORE PUBLIC ORDER IN UNREST AREAS. SEVERAL HUMAN RIGHTS ORGANIZATIONS CRITICIZED THE GOVERNMENT FOR INVOKING THE PSA EXCESSIVELY IN ORDER TO DECLARE UNREST AREAS. AT THE END OF THE YEAR, 15 MAGISTERIAL DISTRICTS REMAINED UNREST AREAS UNDER THE PSA.

THE ISA ALLOWED THE POLICE TO DETAIN AND INTERROGATE PERSONS SUSPECTED OF TERRORISM OR SUBVERSION OR OF WITHHOLDING INFORMATION ABOUT SUCH CRIMES FOR A PERIOD UP TO 10 DAYS WITHOUT ARREST; CONTINUED INCARCERATION REQUIRED JUDICIAL APPROVAL. A DETAINEE DID NOT HAVE AN AUTOMATIC RIGHT TO LEGAL COUNSEL DURING THE FIRST 10 DAYS OF DETENTION AND THE RIGHT TO LEGAL ADVICE WAS LIMITED TO THE PREPARATION OF OPPOSITION TO AN APPLICATION BY THE AUTHORITIES EXTENDING THE DETENTION PERIOD. THE ISA PERMITTED 14 DAYS OF PREVENTIVE DETENTION.

THE HRC REPORTED THAT DURING 1993 A TOTAL OF 622 PEOPLE WERE DETAINED UNDER THE PSA OR ISA. ACCORDING TO LAWYERS FOR HUMAN RIGHTS (LHR), THE POLICE GENERALLY DO NOT BLOCK ACCESS TO SUCH DETAINEES.

ACCORDING TO THE HRC, DETENTIONS IN MOST OF THE SO-CALLED INDEPENDENT HOMELANDS WERE DOWN SHARPLY. THE HRC REPORTED NO DETENTIONS IN TRANSKEI, CISKEI, OR VENDA DURING 1993. BOPHUTHATSWANA, HOWEVER, DETAINED 153 PEOPLE UNDER SECURITY LEGISLATION DURING 1993.

IN MANY CITIES, STREET CHILDREN WERE ARRESTED AND HELD IN ADULT JAILS OR PRISONS WHILE AWAITING TRIAL. WHILE SOME WERE ARRESTED ON CRIMINAL CHARGES, MANY WERE ARRESTED FOR SUCH PETTY OFFENSES AS LOITERING. THESE CHILDREN WERE OFTEN HELD IN OVERCROWDED CELLS, AND SOMETIMES SUFFERED PHYSICAL OR SEXUAL ABUSE. MOST JAILS AND PRISONS HAVE NO EDUCATIONAL OR COUNSELING FACILITIES.

THERE WERE NO REPORTED CASES OF EXILE.

#### E. DENIAL OF FAIR PUBLIC TRIAL

JUDICIAL INDEPENDENCE CONTINUED TO STRENGTHEN IN SOUTH AFRICA IN 1993, AS IT HAD IN RECENT YEARS. ALLEGATIONS OF POLITICAL INTERFERENCE WITH THE COURTS ARE FEW AND DECLINING. MOREOVER, DURING 1993 THE SOUTH AFRICAN BENCH TOOK UP A NUMBER OF CASES, SUCH AS THE WEBSTER AND GONIWE INQUESTS, WHICH FURTHER EXPOSED ABUSES DURING THE APARTHEID ERA. THE DEGREE OF POLITICIZATION IN JUDICIAL SELECTION APPEARS TO BE DIMINISHING. MEMBERS OF THE CONSTITUTIONAL COURT, WHICH WILL COME INTO EFFECT IN 1994 AS THE SUPREME JUDICIAL BODY ON ALL CONSTITUTIONAL MATTERS, INCLUDING THE BILL OF RIGHTS, WILL BE APPOINTED BY A PROCESS THAT FURTHER ATTENUATES THE INFLUENCE OF POLITICAL PARTIES.

PERSONS CHARGED WITH COMMON CRIMES ARE GENERALLY PRESUMED INNOCENT UNTIL PROVEN GUILTY, BUT PARLIAMENT HAS MODIFIED THE GENERAL PRESUMPTION OF INNOCENCE FOR SOME SECURITY OFFENSES. BOTH SECURITY-RELATED AND COMMON CRIMINAL CASES ARE TRIED IN CIVILIAN COURTS.

ALTHOUGH DEFENDANTS IN CRIMINAL CASES MAY RETAIN LEGAL COUNSEL, A 1991 STUDY FOUND THAT 71 PERCENT OF THOSE CONVICTED IN ORDINARY CRIMINAL CASES HAD NO REPRESENTATION. A PILOT PUBLIC DEFENDER'S PROGRAM, BEGUN IN JOHANNESBURG IN 1991, HAS BEEN HIGHLY SUCCESSFUL. COURTS USUALLY APPOINT COUNSEL FOR CAPITAL CASES WHEN THE DEFENDANT CANNOT AFFORD A LAWYER.

INTIMIDATION OF PARTICIPANTS IN THE LEGAL PROCESS UNDERMINED THE ADMINISTRATION OF JUSTICE. FOR EXAMPLE, SEVERAL WITNESSES TO THE MURDER OF AMERICAN AMY BIEHL, WHO WERE PREPARED TO TESTIFY AGAINST HER SUSPECTED MURDERERS, WERE THREATENED AND INTIMIDATED FROM TESTIFYING, FORCING THE PROSECUTION TO DROP CHARGES AGAINST SEVERAL OF THE ACCUSED.

THE JUDICIARY IS HEADED BY THE APPELLATE DIVISION (COURT OF APPEALS) OF THE SUPREME COURT IN BLOEMFONTEIN AND SIX REGIONAL SUPREME COURTS. ONLY 1 OF THE 142 JUDGES OF THE APPELLATE DIVISION AND THE REGIONAL SUPREME COURTS IS NOT WHITE. JUDGES, APPOINTED BY THE STATE PRESIDENT, SERVE UNTIL AGE 70 AND MAY ONLY BE REMOVED THROUGH IMPEACHMENT BY PARLIAMENT. BY TRADITION, JUDGES OF THE APPELLATE DIVISION AND THE SUPREME COURTS ARE CHOSEN FROM THE SENIOR RANKS OF THE ELITE CORPS OF SOUTH AFRICAN SUPREME COURT PRACTITIONERS (ADVOCATES). ACCORDING TO THE MINISTRY OF JUSTICE, ONLY SIX NONWHITE SENIOR ADVOCATES ARE PRACTICING AT THE BAR. THE POWER OF THE JUDICIARY AT ALL LEVELS CONTINUES TO BE CIRCUMSCRIBED BY THE PRINCIPLE OF PARLIAMENTARY SOVEREIGNTY, UNDER WHICH JUDGES POSSESS NO AUTHORITY TO ALTER, STRIKE DOWN, OR REFUSE TO ENFORCE LAWS OF PARLIAMENT.

SERIOUS OFFENSES, INCLUDING CAPITAL CRIMES, ARE TRIED IN THE SUPREME COURTS. LESSER OFFENSES ARE HEARD BY MAGISTRATES, CAREER EMPLOYEES OF THE EXECUTIVE BRANCH CIVIL SERVICE. THE PRESIDING JUDGE OR MAGISTRATE DETERMINES GUILT OR INNOCENCE. JURIES WERE ABOLISHED IN 1969.

PROSPECTS FOR NONWHITE LAW SCHOOL GRADUATES TO RECEIVE "ARTICLES OF CLERKSHIP," WHICH QUALIFY THEM FOR ADMITTANCE TO THE BAR, WERE ENHANCED CONSIDERABLY. NEW ROUTES OF ENTRY INTO THE PROFESSION ARE OPEN, INCLUDING CREDIT FOR WORK AT OFFICES OF PUBLIC DEFENDERS, UNIVERSITY LAW CLINICS, AND SIMILAR COMMUNITY-BASED ENTITIES THAT OFFER LEGAL ASSISTANCE TO INDIGENT CLIENTS.

SO-CALLED PEOPLE'S COURTS, WHICH EMERGED IN PART DUE TO THE BLACK COMMUNITY'S DISTRUST OF THE EXISTING COURT SYSTEM, CONTINUED TO OPERATE SPORADICALLY. THESE TRIBUNALS PASS "JUDGMENT" ON CRIMINAL CHARGES AND CARRY OUT "SENTENCES." THE PEOPLE'S COURTS ARE HEADED BY MOSTLY SELF-APPOINTED "COMMUNITY LEADERS" WHO OFTEN METE OUT "JUSTICE" BASED ON RUMORS ARISING FROM POLITICAL OR PERSONAL RIVALRIES.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

ALTHOUGH THE SECURITY FORCES RETAINED THE CAPACITY AND THE FORMAL LEGAL AUTHORITY TO ENGAGE IN DOMESTIC SURVEILLANCE ACTIVITIES INCLUDING THE USE OF INFORMERS, THE OPENING OF MAIL,

AND THE MONITORING OF TELEPHONE CALLS, THE DRAMATICALLY CHANGED POLITICAL ENVIRONMENT DIMINISHED THEIR WILLINGNESS TO ENGAGE IN THESE ACTIVITIES. THIS IS NOT TRUE OF THE LOCAL AUTHORITIES IN BOPHUTHATSWANA AND CISKEI, WHO CONTINUED TO MONITOR THE POLITICAL ACTIVITIES OF THE CITIZENRY.

WITH THE DISSOLUTION OF THE PSA, POLICE NO LONGER HAVE BROAD AUTHORITY TO CONDUCT SEARCHES AND SEIZURES WITHOUT WARRANTS IN DESIGNATED UNREST AREAS. EVEN OUTSIDE OF UNREST AREAS, THERE HAS BEEN AN UNEQUAL APPLICATION OF THE LAW OF CRIMINAL PROCEDURE. WHITE CITIZENS HAVE GENERALLY ENJOYED PROTECTION FROM UNREASONABLE SEARCHES AND SEIZURES; BLACK CITIZENS HAVE USUALLY NOT.

THE LEGACY OF APARTHEID HAS LEFT VAST NUMBERS OF SOUTH AFRICANS LANDLESS; MORE THAN 8 MILLION PEOPLE LIVE IN SQUATTER CAMPS. CONFLICT CONTINUES BETWEEN THOSE WHO CURRENTLY OWN LAND AND THOSE WHO CONTEND THAT THE LAND WAS FORCIBLY TAKEN FROM PREVIOUS OCCUPANTS. THE PREVENTION OF ILLEGAL SQUATTING ACT GIVES LANDOWNERS AND LOCAL GOVERNMENTS THE AUTHORITY TO REMOVE BLACK POPULATIONS FROM "WHITE" AREAS. DESPITE CENTRAL GOVERNMENT AUTHORITIES' INCREASED TOLERANCE OF SQUATTER SETTLEMENTS, SOME LOCAL AUTHORITIES CONTINUE TO PRESSURE SQUATTERS TO MOVE. THE PROBLEM OF FORCED RELOCATION OF RESIDENTS OF INFORMAL SETTLEMENTS IS PARTICULARLY PRONOUNCED IN RURAL AREAS WHERE LAND OWNERS ARE ABLE TO EXPLOIT THE PROVISIONS OF THE ACT.

IN BOPHUTHATSWANA CONFLICTS BETWEEN AUTHORITIES AND SQUATTERS CONTINUED TO DEPRIVE MANY RESIDENTS OF THEIR HOMES. IN FEBRUARY BOPHUTHATSWANA AUTHORITIES DEMOLISHED AN INFORMAL SETTLEMENT ON DISPUTED LAND IN MAROKOLONG WITHOUT SECURING A COURT ORDER OR A LEGAL JUDGMENT ON THE DISPUTE. AT LEAST 100 PEOPLE WERE RENDERED HOMELESS AS A RESULT.

#### SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

##### A. FREEDOM OF SPEECH AND PRESS

FREEDOMS OF SPEECH AND PRESS ARE RESPECTED IN PRACTICE. BOTH THE MAINSTREAM AND THE SO-CALLED ALTERNATE PRESS KEPT THE PUBLIC WELL INFORMED AND CRITICIZED BOTH THE GOVERNMENT AND THE OPPOSITION.

THE SOUTH AFRICAN BROADCASTING CORPORATION (SABC), ONCE SEEN AS THE GOVERNMENT'S MOUTHPIECE, UNDERWENT PROFOUND CHANGES. A NEW BOARD OF DIRECTORS WITH A BLACK WOMAN AS HEAD WAS APPOINTED. IN SEPTEMBER PARLIAMENT PASSED LEGISLATION TO CREATE THE INDEPENDENT BROADCASTING AUTHORITY WITH POWER TO LICENSE NEW AND PRIVATELY OWNED BROADCAST OUTLETS. A SECOND BILL ESTABLISHED THE INDEPENDENT MEDIA COMMISSION TO MONITOR THE MEDIA COVERAGE OF THE POLITICAL CAMPAIGN AND TO SEEK TO ENSURE A LEVEL PLAYING FIELD FOR ALL PARTIES IN THE MONTHS LEADING UP TO THE APRIL 1994 ELECTION. RADIO NEWS REPORTING, IN PARTICULAR THAT OF PRIVATELY OWNED RADIO 702, WAS REASONABLY BALANCED.

ALTHOUGH RARELY INVOKED, CONSIDERABLE LEGISLATION PERMITTING

THE GOVERNMENT TO RESTRICT AND PENALIZE THE PRESS REMAINED ON THE BOOKS. UNDER THE CRIMINAL PROCEDURE ACT THE GOVERNMENT SUBPOENAED A JOURNALIST FROM AN AFRIKAANS-LANGUAGE NEWSPAPER WHO REFUSED TO ANSWER QUESTIONS CONCERNING AN ARTICLE HE WROTE REPORTING REMARKS MADE BY A BLACK YOUTH LEADER AT AN OPEN RALLY. THE JOURNALIST RECEIVED A 1-YEAR PRISON SENTENCE. THE SENTENCE WAS UNDER APPEAL AT YEAR'S END.

LAWS RESTRICTING THE PUBLICATION OF INFORMATION ABOUT THE SAP, SADF, PETROLEUM ISSUES, AND PRISONS AND MENTAL INSTITUTIONS REMAINED ON THE BOOKS. THE ISA ALLOWED THE MINISTER OF LAW AND ORDER TO BAN ORGANIZATIONS AND THEIR PUBLICATIONS. PROHIBITIONS AGAINST THE PUBLICATION OF SUCH MATERIALS AS PORNOGRAPHIC MATERIAL ARE IN EFFECT.

OPPOSITION GROUPS, AND ESPECIALLY MILITANT YOUTHS, CONTINUED TO HARASS AND ATTACK MEMBERS OF THE PRESS DESPITE CALLS FROM LEADERS FOR THEM TO EXERCISE RESTRAINT. IN ONE INCIDENT, AN SABC CAMERAMAN WAS MURDERED BY A GANG OF YOUTHS WHILE COVERING A STORY IN SHARPEVILLE, NEAR JOHANNESBURG. THE RESULT HAS BEEN DE FACTO HINDRANCE OF THE PRESS FROM COVERING DEVELOPMENTS IN CERTAIN VOLATILE AREAS.

THERE ARE NO OFFICIAL RESTRICTIONS ON ACADEMIC FREEDOM.

#### B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

POLITICAL PARTIES AND ORGANIZATIONS ENJOY BROAD FREEDOMS OF ASSEMBLY AND ASSOCIATION. WHILE THE ISA GAVE THE MINISTER OF LAW AND ORDER AUTHORITY TO BAN POLITICAL GATHERINGS IN ORDER TO MAINTAIN PUBLIC ORDER, HE HAS NOT USED THAT AUTHORITY IN OVER 2 YEARS. HE DID, HOWEVER, FREQUENTLY INVOKE HIS AUTHORITY TO DECLARE CERTAIN AREAS "UNREST AREAS." ALL DEMONSTRATIONS OR PUBLIC GATHERINGS IN AN UNREST AREA HAD TO BE APPROVED BY THE AREA POLICE COMMISSIONER. ALTHOUGH DECISIONS TO PROHIBIT AN EVENT COULD BE APPEALED TO THE COURTS, SUCH APPEALS WERE NEVER SUCCESSFUL. IN SOME CASES, AUTHORITIES COULD DENY PERMISSION FOR A DEMONSTRATION OUTSIDE UNREST AREAS IF IT WAS FELT THAT THE EVENT WOULD THREATEN LIFE OR PROPERTY.

IN SOME OF THE HOMELANDS, LOCAL OFFICIALS CONTINUED TO OBSTRUCT THE RIGHT OF PEACEFUL ASSEMBLY. OPPOSITION POLITICAL GROUPS IN BOPHUTHATSWANA WERE ROUTINELY DENIED PERMISSION TO MEET OR ORGANIZE AND THEIR "ILLEGAL" GATHERINGS WERE FORCIBLY DISPERSED. AMONG THE SO-CALLED SELF-GOVERNING HOMELANDS, KWAZULU, THE ONLY ONE WITH ITS OWN SECURITY FORCE, HAS A PARTICULARLY POOR RECORD. LOCAL KWAZULU OFFICIALS OFTEN USED THEIR AUTHORITY TO HAMPER SEVERELY POLITICAL ACTIVITY BY GROUPS OTHER THAN THE IFP AND TO HARASS NON-IFP LEADERS. THERE WERE MANY CREDIBLE ACCOUNTS OF DEATH THREATS TO INTIMIDATE POLITICAL ACTIVITY. FOR EXAMPLE, RESIDENTS OF GERZINSILA AND NYANINI TOWNSHIPS IN NATAL WERE FORCED TO ATTEND AN IFP RALLY AND TOLD THAT THOSE ABSENT FROM FUTURE RALLIES WOULD BE KILLED. IN ADDITION, THE CLIMATE OF VIOLENCE EXISTING IN MANY PARTS OF KWAZULU HAS RESULTED IN SO-CALLED NO-GO AREAS WHERE IN SOME CASES ANC AND IN OTHER CASES IFP LEADERS CANNOT ORGANIZE MEETINGS WITHOUT RISK TO THEIR LIVES. SUCH NO-GO AREAS ALSO EXIST IN SOME URBAN TOWNSHIPS. ANC AND IFP SYMPATHIZERS SHARED

CULPABILITY FOR THIS.

MANY WHITE LANDOWNERS, FEARING THEIR WORKERS MIGHT BE INFLUENCED BY "RADICAL" IDEAS OF WORKER RIGHTS AND POLITICAL EMPOWERMENT, VIOLENTLY OPPOSED EFFORTS BY THE ANC AND OTHER PREDOMINANTLY BLACK POLITICAL GROUPS TO HOLD PUBLIC GATHERINGS, EFFECTIVELY PREVENTING THESE GROUPS FROM ORGANIZING. SIMILARLY, CERTAIN BLACK GROUPS HAVE DISRUPTED TOWNSHIP GATHERINGS ORGANIZED BY REPRESENTATIVES OF PREDOMINANTLY WHITE POLITICAL PARTIES, SUCH AS THE NATIONAL PARTY AND DEMOCRATIC PARTY FOR SAFETY REASONS, THE SAP URGED WHITES TO STAY AWAY FROM SOME TOWNSHIPS ALTOGETHER.

C. FREEDOM OF RELIGION

THERE ARE NO RESTRICTIONS ON THE EXPRESSION AND PRACTICE OF RELIGIOUS BELIEF, NOR ON PROSELYTIZING.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

SOUTH AFRICANS HAVE NO RESTRICTIONS ON MOVEMENT THROUGHOUT THEIR COUNTRY AND ARE FREE TO TRAVEL OVERSEAS, EMIGRATE, OR REPATRIATE. THOSE CHOOSING TO EMIGRATE, HOWEVER, ARE LIMITED IN THE AMOUNT OF MONEY THEY CAN TAKE OUT OF SOUTH AFRICA.

THE GOVERNMENT AND PRIVATE MONITORING GROUPS ESTIMATED THAT AS MANY AS 500,000 MOZAMBICANS, DISPLACED BY CIVIL UNREST OR ECONOMIC HARDSHIP, WERE IN SOUTH AFRICA. APPROXIMATELY HALF THE MOZAMBICANS IN SOUTH AFRICA HAVE SETTLED IN BORDER TRANSIT CAMPS IN THE HOMELANDS OF KANGWANE AND GAZANKULU, THE ONLY PLACES IN SOUTH AFRICA WHERE MOZAMBICAN REFUGEES HAVE ENJOYED SOME MEASURE OF PROTECTION. UNDER THE ADMISSION OF PERSONS ACT, THEY ARE ALLOWED TO STAY THERE TEMPORARILY BECAUSE OF THEIR ETHNIC TIES WITH HOMELAND RESIDENTS. ALTHOUGH SOME OF THESE REFUGEES HAVE LIVED IN THE HOMELANDS SINCE 1986, REFUGEE OFFICIALS REPORTED THAT SOME MOZAMBICANS WERE SLOWLY RETURNING TO THEIR COUNTRY AS THE PEACE PROCESS CONTINUED TO HOLD THERE.

IN AUGUST THE GOVERNMENT AND UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) SIGNED A LONG-NEGOTIATED AGREEMENT ALLOWING THE UNHCR TO ASSIST REFUGEES ARRIVING IN SOUTH AFRICA. UNTIL THEN, THE ICRC AND OTHER NONGOVERNMENTAL ORGANIZATIONS HOUSED AND CARED FOR THE REFUGEES. IN OCTOBER THE UNHCR AND THE GOVERNMENTS OF SOUTH AFRICA AND MOZAMBIQUE SIGNED A TRIPARTITE AGREEMENT ESTABLISHING A JOINT COMMISSION AND PROCEDURES FOR HANDLING THE ORGANIZED, VOLUNTARY REPATRIATION OF MOZAMBICAN REFUGEES. ALTHOUGH THE KANGWANE AND GAZANKULU AUTHORITIES DID NOT PARTICIPATE IN THE NEGOTIATIONS LEADING TO THE SEPTEMBER AND OCTOBER AGREEMENTS, THEY WERE KEPT INFORMED AND WELCOMED THESE DEVELOPMENTS.

DESPITE THESE DEVELOPMENTS, INVOLUNTARY REPATRIATION OF MOZAMBICANS FROM SOUTH AFRICA CONTINUED. THOSE MOZAMBICANS SETTLING OUTSIDE KANGWANE AND GAZANKULU ARE CONSIDERED ILLEGAL ALIENS UNDER THE ALIENS CONTROL ACT. ACCORDING TO THE MINISTRY OF HOME AFFAIRS, DURING 1993 THE GOVERNMENT DEPORTED 80,261 ILLEGAL MOZAMBICANS AND 15,680 ALIENS FROM OTHER (MOSTLY

SOUTHERN AFRICAN) COUNTRIES.

DESPITE THE SOUTH AFRICA-UNHCR MEMORANDUM OF UNDERSTANDING, THE TRIPARTITE AGREEMENT, AND PERIODIC REPRESENTATIONS ON HUMAN RIGHTS ABUSES, AN ELECTRIFIED FENCE ON THE BORDER BETWEEN SOUTH AFRICA AND MOZAMBIQUE REMAINED IN PLACE AS A DETERRENT MEASURE.

THE GOVERNMENT EXTENDED THROUGH 1993 ITS 1991 MANDATE TO THE UNHCR TO MONITOR THE REPATRIATION OF SOUTH AFRICAN EXILES, MOST OF WHOM WERE AFFILIATED IN SOME WAY WITH ANTIAPARTHEID ORGANIZATIONS WHILE IN EXILE. AN ESTIMATED 7,000 EXILES HAD RETURNED TO SOUTH AFRICA PRIOR TO THE 1991 AGREEMENT. AS OF LATE SEPTEMBER, A FURTHER 10,730 PERSONS HAD BEEN CLEARED TO RETURN UNDER UNHCR AUSPICES. THE NUMBER OF EXILES WHO HAVE ACTUALLY RETURNED THROUGH THE END OF 1993 WAS 7,303.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

SOUTH AFRICA UNDERWENT SWEEPING POLITICAL CHANGE DURING 1993. IN DECEMBER THE TRANSITIONAL EXECUTIVE COUNCIL (TEC), A MULTIPARTY, MULTIRACIAL BODY, WAS GIVEN BROAD ADMINISTRATIVE AND MONITORING POWERS IN THE PERIOD LEADING UP TO THE APRIL 1994 ELECTIONS--THE FIRST ELECTIONS IN SOUTH AFRICA OPEN TO ALL CITIZENS REGARDLESS OF RACE. THE IMPLEMENTATION OF THE TEC MARKED THE FIRST TIME IN SOUTH AFRICAN HISTORY THAT THE BLACK MAJORITY (75.5 PERCENT) PARTICIPATED IN THE OFFICIAL POLITICAL PROCESS.

NEVERTHELESS, PRIOR TO ESTABLISHMENT OF THE TEC, SOUTH AFRICA CONTINUED TO BE GOVERNED BY A SYSTEM THAT KEPT VIRTUALLY ALL REAL POWER IN THE HANDS OF THE WHITE MINORITY (13 PERCENT OF THE POPULATION), WHILE THE BLACK MAJORITY WAS DENIED ANY MEANINGFUL SHARE OF POWER, OR EVEN REPRESENTATION, IN THE NATIONAL GOVERNMENT. WHILE THERE EXISTED PARLIAMENTARY CHAMBERS TO REPRESENT SOUTH AFRICA'S MIXED RACE AND ASIAN POPULATION GROUPS, MEMBERS OF THOSE GROUPS CONSISTENTLY BOYCOTTED THE ELECTIONS FOR THOSE BODIES, MOST RECENTLY IN 1989; IN ANY CASE, THE 1983 CONSTITUTION KEPT ALL REAL POWER IN THE HANDS OF THE CHAMBER FOR WHITES.

A TRANSITIONAL CONSTITUTION, AGREED TO IN NOVEMBER BY THE NEGOTIATING PARTIES AND RATIFIED BY PARLIAMENT IN DECEMBER, WILL GOVERN THE COUNTRY BEGINNING ON APRIL 27, 1994, AND UNTIL AN ELECTED CONSTITUTIONAL ASSEMBLY DRAFTS A FINAL ONE. THE FUTURE CONSTITUTION INCLUDES AN EXTENSIVE, FULLY JUSTICIABLE BILL OF RIGHTS. IT ALSO PROVIDES FOR AN INDEPENDENT JUDICIARY, INCLUDING A CONSTITUTIONAL COURT AND NINE PROVINCIAL GOVERNMENTS DIRECTLY ELECTED BY PROPORTIONAL REPRESENTATION.

THE TRANSITIONAL CONSTITUTION FOR THE FIRST TIME GUARANTEES ALL SOUTH AFRICANS SUCH RIGHTS AS UNIVERSAL SUFFRAGE, EQUAL PROTECTION UNDER THE LAW, AND FREEDOM OF SPEECH, ASSEMBLY, ASSOCIATION, AND RELIGION. THE CONSTITUTION IS TO BE ENACTED BY PROCLAMATION ON APRIL 27, 1994. PROVISION WAS MADE TO ENABLE EARLIER IMPLEMENTATION OF CERTAIN PORTIONS OF THE CONSTITUTION AND BILL OF RIGHTS, BUT THESE STEPS HAD NOT BEEN TAKEN BY YEAR'S END.

MULTIPARTY NEGOTIATIONS, SUSPENDED SINCE JUNE 1992, RESUMED IN APRIL 1993. ON JULY 2, MOST PARTICIPATING PARTIES FORMALLY AGREED THAT THE FIRST NONRACIAL ELECTION WOULD BE HELD ON APRIL 27, 1994, AND THAT THE BODY SO ELECTED WOULD BOTH WRITE A FINAL CONSTITUTION AND FORM THE BASIS FOR A MULTIPARTY TRANSITIONAL GOVERNMENT TO RULE THE COUNTRY FOR AN INTERIM PERIOD. THE IFP, CP, AND SEVERAL OTHER CONSERVATIVE GROUPS SUSPENDED THEIR FURTHER PARTICIPATION IN THE NEGOTIATIONS PROCESS AS A RESULT OF THESE DECISIONS AND LATER FORMED A COALITION CALLED THE FREEDOM ALLIANCE. SUBSEQUENTLY, THE REMAINING NEGOTIATING PARTIES REACHED AGREEMENT ON ESTABLISHING, IN ADDITION TO THE TEC, AN INDEPENDENT ELECTORAL COMMISSION, INDEPENDENT MEDIA COMMISSION, AND INDEPENDENT BROADCASTING AUTHORITY, ALL OF WHICH ARE INTENDED TO LEVEL THE PLAYING FIELD FOR ALL PARTIES IN THE PREELECTION PERIOD. PARLIAMENT PASSED THE ENABLING LEGISLATION FOR THESE BODIES IN LATE SEPTEMBER.

WHILE THE PROVISIONS OF THE INTERIM CONSTITUTION WILL REQUIRE DISMANTLING THE HOMELANDS SYSTEM, AT THE END OF THE YEAR THE 10 HOMELANDS WERE STILL IN PLACE. PARLIAMENT, HOWEVER, PASSED LEGISLATION REINSTATING SOUTH AFRICAN CITIZENSHIP TO PEOPLE RESIDING IN THE HOMELANDS, ENABLING THEM TO PARTICIPATE IN THE APRIL ELECTIONS. THE HOMELANDS ARE HEAVILY SUBSIDIZED BY THE GOVERNMENT, SOME ARE FRAGMENTED PARCELS OF TERRITORY IN IMPOVERISHED RURAL AREAS, AND ALL ARE AGRICULTURALLY BACKWARD AREAS WITHOUT THE INFRASTRUCTURE NEEDED FOR DEVELOPMENT. OF THE FOUR SO-CALLED INDEPENDENT HOMELANDS, WHICH ONLY THE SOUTH AFRICAN GOVERNMENT RECOGNIZED AS SOVEREIGN, TRANSKEI, CISKEI, AND VENDA ARE RULED BY MILITARY GOVERNMENTS, WHILE BOPHUTHATSWANA IS GOVERNED AS A ONE-PARTY STATE. AUTHORITIES IN BOPHUTHATSWANA AND CISKEI, IN PARTICULAR, CONTINUED TO SUPPRESS FREE POLITICAL ACTIVITY, ESPECIALLY THAT OF THE ANC. THE SIX SO-CALLED SELF-GOVERNING HOMELANDS ARE GAZANKULU, KANGWANE, KWANDEBELE, KWAZULU, LEBOWA AND QWAQWA. ACCORDING TO 1990 CENSUS DATA, THE HOMELANDS, WHICH COMPRISE 13 PERCENT OF THE COUNTRY'S TERRITORY, ARE HOME TO 33 PERCENT OF SOUTH AFRICA'S BLACK POPULATION.

THE PARTICIPATION RATE OF WOMEN IN THE HIGHER ECHELONS OF GOVERNMENT AND POLITICS HAS HISTORICALLY BEEN EXTREMELY LOW. OUT OF 308 MEMBERS OF THE CURRENT PARLIAMENT, ONLY 6 ARE WOMEN. THERE IS ONLY 1 WOMAN MINISTER OUT OF A TOTAL OF 22, AND ONLY 1 WOMAN DEPUTY MINISTER OUT OF A TOTAL OF 12. THERE ARE NO WOMEN OCCUPYING DIRECTOR-GENERAL POSITIONS IN GOVERNMENT DEPARTMENTS.

IN DEVISING THE INTERIM CONSTITUTION, THE MULTIPARTY NEGOTIATING COUNCIL PROHIBITED GENDER DISCRIMINATION IN THE BILL OF RIGHTS AND PROVIDED FOR THE PRIMACY OF THE PRINCIPLE OF EQUAL TREATMENT OF WOMEN OVER THE RIGHT OF TRADITIONAL LEADERS TO EXERCISE THEIR TRIBAL PREROGATIVES. THE ANC ANNOUNCED THAT AT LEAST A THIRD OF ITS CANDIDATES FOR SOUTH AFRICA'S NEW DEMOCRATICALLY ELECTED PARLIAMENT WILL BE WOMEN.

IN THE SUPREME COURT SYSTEM, THERE ARE CURRENTLY 142 SERVING JUDGES, ONLY 1 OF WHOM IS A WOMAN. A SECOND WOMAN HAS BEEN APPOINTED AND WILL ASSUME HER RESPONSIBILITIES IN 1994. OUT OF

SEVERAL HUNDRED SENIOR ADVOCATES PRACTICING AT THE BAR, ONLY FIVE ARE FEMALE.

SECTION 4 GOVERNMENTAL ATTITUDES REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATIONS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT HAS PERMITTED AN INCREASINGLY BROAD RANGE OF DOMESTIC AND INTERNATIONAL ORGANIZATIONS TO MONITOR, INVESTIGATE, AND REPORT ON HUMAN RIGHTS ISSUES.

THE U.N., EUROPEAN UNION, COMMONWEALTH OF NATIONS, AND ORGANIZATION OF AFRICAN UNITY HAVE STATIONED OBSERVER GROUPS IN SOUTH AFRICA TO MONITOR THE VIOLENCE. THESE OBSERVERS ATTEND DEMONSTRATIONS, MARCHES, AND OTHER MASS EVENTS. THEY ALSO MONITOR THE COMPLIANCE BY ALL PARTICIPATING ORGANIZATIONS TO BOTH THE PRINCIPLES OF THE NATIONAL PEACE ACCORD AND THE GOLDSTONE COMMISSION GUIDELINES FOR MARCHES AND POLITICAL GATHERINGS. IN ADDITION, THE OBSERVERS CONSULT REGULARLY WITH THE GOVERNMENT, POLITICAL PARTIES, COMMUNITY ORGANIZATIONS, AND CIVIC GROUPS. THE OBSERVER GROUPS ENJOYED NEAR-TOTAL FREEDOM OF ACCESS TO ALL GEOGRAPHIC AREAS, INSTITUTIONS, AND PERSONALITIES, EXCEPT IN BOPHUTHATSWANA.

THE UNITED NATIONS OBSERVER MISSION IN SOUTH AFRICA (UNOMSA), AMNESTY INTERNATIONAL, AFRICA WATCH, THE ICRC, AND OTHER ORGANIZATIONS ARE IN GENERAL AGREEMENT THAT THE GOVERNMENT HAS IMPROVED ITS RESPONSIVENESS TO THEIR REQUESTS FOR ACCESS TO INFORMATION, OFFICIALS, AND FACILITIES. IN JANUARY AFRICA WATCH WAS FOR THE FIRST TIME GRANTED ACCESS TO DETAINEES IN SOUTH AFRICAN POLICE STATIONS AND PRISONS. THE GOVERNMENT PERMITTED THE ICRC TO INCREASE THE NUMBER OF ITS DELEGATES FROM 12 TO 30 IN ORDER TO VISIT MORE PRISONS AND JAILS. THE ICRC CHARACTERIZED ITS RELATIONS WITH THE SOUTH AFRICAN DEPARTMENT OF CORRECTIONAL SERVICES AS "GOOD."

IN CONTRAST, HUMAN RIGHTS AGENCIES MADE CREDIBLE ACCUSATIONS THAT SOME LOCAL AUTHORITIES REFUSED ACCESS TO FILES AND INTIMIDATED INVESTIGATORS OF ALLEGED POLICE BRUTALITIES AND UNLAWFUL DETENTIONS. FOR EXAMPLE, AN ATTORNEY INVESTIGATING A CASE OF UNLAWFUL POLICE DETENTION CLAIMED THAT HE WAS CONFRONTED BY A GROUP OF OFFICERS WHO FORCIBLY ENTERED HIS HOME, PHYSICALLY THREATENED HIM, MANHANDLED HIS WIFE, AND ADVISED HIM TO "STOP WHAT HE WAS DOING."

THE TREATMENT OF HUMAN RIGHTS MONITORS BY HOMELAND GOVERNMENTS AT TIMES CONTRASTED SHARPLY WITH THAT BY THE SOUTH AFRICAN GOVERNMENT. WHILE ICRC DELEGATES HAVE COMPLETE ACCESS TO PRISONERS AND POLICE STATION DETAINEES IN BOPHUTHATSWANA, HOMELAND AUTHORITIES HAVE NOT AGREED TO MEET WITH ICRC TO DISCUSS ICRC'S PROGRAM OF BASIC MEDICAL AND HUMANITARIAN ASSISTANCE TO VICTIMS OF VIOLENCE. UNOMSA REPORTS THAT DESPITE PERSISTENT EFFORTS TO OBSERVE EVENTS THERE, BOPHUTHATSWANA AUTHORITIES HAVE INVARIABLY DENIED UNOMSA'S REQUESTS FOR PERMISSION TO ENTER THEIR TERRITORY. IN A WIDELY PUBLICIZED INCIDENT, A GROUP OF UNOMSA, COMMONWEALTH, AND OAU OBSERVERS WERE GRANTED PERMISSION TO ATTEND AN ASCENSION DAY SERVICE IN BOPHUTHATSWANA IN MAY, BUT, UPON ARRIVAL, WERE BARRED FROM

ENTERING THE CHURCH AND DETAINED BY POLICE FOR AN HOUR.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,  
DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE TRANSITIONAL CONSTITUTION PASSED BY PARLIAMENT IN DECEMBER INCLUDES A BILL OF RIGHTS WHICH GUARANTEES EQUAL PROTECTION OF THE LAW TO EVERY SOUTH AFRICAN CITIZEN, REGARDLESS OF RACE, GENDER, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS. THE TRANSITIONAL CONSTITUTION IS TO BE ENACTED ON APRIL 27, 1994.

WOMEN

ALTHOUGH GENDER DISCRIMINATION, PARTICULARLY AGAINST BLACK WOMEN, REMAINED A SERIOUS PROBLEM, PARLIAMENT ADVANCED THE RIGHTS OF AND PROTECTIONS FOR WOMEN WHEN IT PASSED THE PROMOTION OF EQUALITY BETWEEN MEN AND WOMEN ACT AND THE PREVENTION OF FAMILY VIOLENCE ACT IN SEPTEMBER.

THE PROMOTION OF EQUALITY BETWEEN MEN AND WOMEN ACT ELIMINATES ALL REMAINING VESTIGES OF A HUSBAND'S TRADITIONAL POWER OVER HIS WIFE IN PROPERTY AND FINANCIAL MATTERS. IT ALSO REVOKES THE POWER OF COURTS TO DIRECT THAT WOMEN NOT BE PRESENT AT CERTAIN TRIALS, REMOVES ALL LEGAL DIFFERENTIATION BETWEEN MEN AND WOMEN IN MATTERS OF CITIZENSHIP, MAKES THE PROVISIONS OF THE SEXUAL OFFENSES ACT EQUALLY APPLICABLE TO MEN AND WOMEN, ABOLISHES CERTAIN PROVISIONS IN THE LAW WHICH TRADITIONALLY DISCRIMINATED AGAINST MARRIED AND PREGNANT WOMEN, REPEALS THE PROHIBITION AGAINST WOMEN ENTERING PREMISES WHERE LIQUOR IS SOLD, AND ELIMINATES THE LEGAL BARRIER WHICH EXCLUDED WOMEN FROM UNDERGROUND MINING WORK AND OTHER HIGH-RISK OCCUPATIONS.

THE PREVENTION OF FAMILY VIOLENCE ACT SIMPLIFIES THE INJUNCTION AND ARREST PROCEDURES RELATED TO DOMESTIC ABUSE AGAINST WOMEN AND CHILDREN. THE ACT EMPOWERS JUDGES AND MAGISTRATES TO ENJOIN AN OFFENDING SPOUSE FROM ENGAGING IN CERTAIN BEHAVIORS AND, SIMULTANEOUSLY, TO ISSUE AN ORDER AUTHORIZING THE AUTOMATIC ARREST OF THE SPOUSE, IF HE OR SHE BREAKS THE INJUNCTION. THE RESULTING PENALTY CAN RANGE UP TO 12 MONTHS' IMPRISONMENT. THE ACT ALSO PLACES A LEGAL OBLIGATION ON PERSONS WHO HAVE REASON TO SUSPECT A CHILD IS BEING ABUSED TO REPORT THAT FACT TO THE APPROPRIATE AUTHORITIES, AND MAKES IT POSSIBLE FOR HUSBANDS TO BE CONVICTED OF MARITAL RAPE.

CHILDREN

BLACK CHILDREN IN PARTICULAR HAVE SUFFERED UNDER SOUTH AFRICA'S APARTHEID REGIME WHICH SEGREGATED MUCH OF THE BLACK POPULATION IN POVERTY-STRICKEN HOMELANDS AND FRACTURED FAMILIES BY FORCING THEIR INCOME EARNERS TO MIGRATE IN SEARCH OF WORK. WITHOUT ADEQUATE PARENTAL GUIDANCE AND PROTECTION, MANY CHILDREN HAVE DRIFTED TOWARD A LIFE OF CRIME AND DELINQUENCY AND HAVE BEEN CAUGHT UP IN THE MAELSTROM OF POLITICAL VIOLENCE.

BY ALL STATISTICAL MEASURES OF SOCIAL PROGRESS, IT IS CLEAR THAT THE WELFARE, PROTECTION, AND DEVELOPMENT OF BLACK CHILDREN HAVE BEEN ALMOST COMPLETELY NEGLECTED. FOR EXAMPLE, WHILE THE INFANT MORTALITY RATE FOR WHITES IS 6 PER THOUSAND, IT IS 66

PER THOUSAND FOR BLACKS.

IN THE FIRST 11 MONTHS OF 1993, THE POLICE'S CHILD PROTECTION UNIT INVESTIGATED 15,512 CRIMES AGAINST CHILDREN, INVOLVING SUCH CRIMES AS RAPE, INDECENT ASSAULT, ASSAULT--BOTH COMMON AND WITH INTENT TO DO GRIEVOUS BODILY HARM--AND VIOLATIONS OF THE CHILD CARE ACT, AMONG OTHERS.

AS SOUTH AFRICA MAKES THE TRANSITION TO A DEMOCRATIC, NONRACIAL SOCIETY, THE GOVERNMENT HAS NOTED THE NEED TO CORRECT THE GLARING SHORTFALLS IN SUPPORT AND SERVICES FOR THE VAST MAJORITY OF THE COUNTRY'S CHILDREN. ACCORDINGLY, A 1992 CHILDREN'S SUMMIT ADOPTED A CHARTER FOR CHILDREN'S RIGHTS IN SOUTH AFRICA, WHICH CALLS, INTER ALIA, FOR THE PROTECTION OF CHILDREN FROM ALL TYPES OF VIOLENCE.

#### NATIONAL/RACIAL/ETHNIC MINORITIES

WITH A VIEW TO THE APRIL 1994 NONRACIAL ELECTIONS, THE RULING WHITE MINORITY BEGAN TO SHARE ITS CLOSELY HELD POLITICAL POWERS AND PREROGATIVES WITH NONWHITES. THE TEC, ITS SUBCOUNCILS, THE IEC, IMC, AND IBA ARE ADMINISTERED BY PEOPLE WHO ARE BOTH RACIALLY DIVERSE AND REPRESENTATIVE OF A WIDE SPECTRUM OF POLITICAL THOUGHT AND OPINION. THE TRANSITIONAL CONSTITUTION AND BILL OF RIGHTS PROVIDES FOR A NONRACIAL SOCIETY AS ONE OF THE ENTRENCHED RIGHTS OF ALL SOUTH AFRICANS.

DESPITE THE NEAR-TOTAL REPEAL OF THE STATUTORY FOUNDATIONS OF APARTHEID, PERVASIVE DISCRIMINATION AND SEGREGATION PERSISTED IN 1993. NEVERTHELESS, SOME PRIVATE FIRMS AND PUBLIC CORPORATIONS HAVE VOLUNTARILY INSTITUTED AFFIRMATIVE ACTION RECRUITMENT PRACTICES, EVEN AT THE HIGHEST LEVELS. DR. IVY MATSEPE-CASABURRI, A BLACK WOMAN, WAS APPOINTED TO HEAD THE SABC, LONG VIEWED AS THE PRINCIPAL PROPAGANDA VEHICLE OF THE GOVERNMENT, AND MR. YACOOB ABBA OMAR, AN ASIAN, WAS APPOINTED GENERAL MANAGER OF PUBLIC RELATIONS AT ARMSCOR, THE CENTERPIECE OF SOUTH AFRICA'S DEFENSE INDUSTRY.

PERSONS BORN BEFORE 1991 ARE STILL CLASSIFIED IN THE RACE GROUP TO WHICH THEY WERE ASSIGNED AT BIRTH. UNTIL SEPTEMBER 1993, THE GOVERNMENT CONTINUED TO DISCRIMINATE IN THE PAYMENT OF OLD AGE PENSIONS, WITH WHITES RECEIVING THE HIGHEST ANNUITY, "COLOUREDS" AND ASIANS SOMEWHAT LESS, AND BLACKS THE LEAST. PENSION RATES WERE EQUALIZED IN LIKE EMPLOYMENT CATEGORIES, BUT DISPARITY PERSISTED BETWEEN THE PENSIONS OF MANAGEMENT AND CLERICAL WORKERS, WHO WERE USUALLY WHITE, AND THOSE OF MANUAL OR UNSKILLED LABORERS, WHO WERE USUALLY BLACK. THE DISPARITIES BETWEEN MANAGERIAL AND CLERICAL PENSIONS, ON THE ONE HAND, AND THOSE OF MANUAL AND UNSKILLED LABORERS, ON THE OTHER, ARE A REFLECTION OF PAST RACE-BASED DISCRIMINATION IN JOB OPPORTUNITIES.

IN EDUCATION THE DISPARITY IN SPENDING ON BLACKS AND WHITES DECREASED BUT REMAINED GREAT. THE AVERAGE STUDENT-TEACHER RATIO IN WHITE SCHOOLS IS 20:1, WHILE IT IS 38:1 IN BLACK SCHOOLS, EXCLUDING THOSE IN THE HOMELANDS. UNDER CURRENT LAW, PRIMARY SCHOOL EDUCATION IS COMPULSORY ONLY FOR WHITE, ASIAN, AND MIXED-RACE CHILDREN. PRIOR TO MAY, THE GOVERNMENT CHARGED

MATRICULATION EXAMINATION FEES, WHICH PREVENTED MANY POOR BLACK STUDENTS FROM TAKING THE EXAMINATION AND FROM GRADUATING. FORTY PERCENT OF BLACK MATRICULANTS PASSED THEIR 1992 FINAL EXAMINATIONS, COMPARED WITH 97.8 PERCENT OF WHITE MATRICULANTS. AT THE UNIVERSITY LEVEL, 7 OUT OF 10 STUDENTS ARE WHITE. DURING 1993 INCREASING NUMBERS OF WHITE SCHOOLS OPTED TO PERMIT BLACK STUDENTS TO ENROLL. THE DECISION TO ENROLL BLACK STUDENTS DEPENDED UPON THE VOTED CONSENT OF WHITE PARENTS.

THE GOVERNMENT REPEALED ITS POLICY OF MANDATORY MILITARY CONSCRIPTION OF EXCLUSIVELY WHITE MALES. THE GOVERNMENT AND THE ANC BEGAN DISCUSSIONS ON CREATING A NEW DEFENSE FORCE WHICH WOULD INCLUDE SOME OF THE MILITARY WINGS OF LIBERATION MOVEMENTS AND SOME HOMELAND ARMIES. ALTHOUGH THE GOVERNMENT INSTITUTED AFFIRMATIVE ACTION PROGRAMS IN THE SECURITY SERVICES OVER THE LAST 4 YEARS, OVER 90 PERCENT OF OFFICERS ARE WHITE. SIGNIFICANT CHANGES, HOWEVER, ARE IN PROGRESS AS MORE MINORITIES AND WOMEN ARE GRADUATING FROM THE MILITARY ACADEMY.

#### PEOPLE WITH DISABILITIES

SOUTH AFRICA HAS BEGUN TO MOVE FROM A "MEDICAL-WELFARE" CONCEPTION OF DISABILITY TO ONE OF CIVIL RIGHTS AND SELF-EMPOWERMENT.

THE PARTICIPANTS IN THE MULTIPARTY NEGOTIATIONS INCLUDED DISABILITY AS A BASIS FOR NONDISCRIMINATION, ALONG WITH RACE, GENDER, ETHNIC ORIGIN, COLOR, SEXUAL ORIENTATION, AGE, RELIGION, CONSCIENCE, CREED, CULTURE OR LANGUAGE. IN PREPARATION FOR THE 1994 ELECTION, LAWYERS FOR HUMAN RIGHTS AND DISABLED PEOPLE SOUTH AFRICA MADE REPRESENTATIONS TO THE GOVERNMENT ON SUCH ISSUES AS ENSURING THAT POLLING STATIONS WILL BE ARCHITECTURALLY ACCESSIBLE TO WHEELCHAIR-USING VOTERS AND THAT BLIND VOTERS ARE ABLE TO CAST A SECRET BALLOT.

IN 1991 LAWYERS FOR HUMAN RIGHTS, A LEADING ORGANIZATION FIGHTING PREJUDICE AND DISCRIMINATION, ESTABLISHED A DISABILITY RIGHTS UNIT. THIS UNIT HAS INTERVENED IN SOME 50 LEGAL CASES AND REPRESENTED NUMEROUS DISABLED PEOPLE LESS FORMALLY IN THEIR DEALINGS WITH THE BUREAUCRACY. THE MAJORITY OF THESE CASES INVOLVED EITHER ARBITRARY DETERMINATIONS OF INELIGIBILITY FOR SOCIAL ASSISTANCE BENEFITS OR EMPLOYER DECISIONS DENYING EQUAL WORK OPPORTUNITIES ON THE BASIS OF DISABILITY.

IN 1986 ARCHITECTURAL REQUIREMENTS WERE INCORPORATED INTO THE NATIONAL BUILDING CODE TO ENSURE EQUAL ACCESS TO PUBLIC BUILDINGS FOR THE PHYSICALLY DISABLED. HOWEVER, THESE WERE RARELY ENFORCED AND, UNTIL RECENTLY, PUBLIC AWARENESS OF THEM WAS VIRTUALLY NONEXISTENT.

#### SECTION 6 WORKER RIGHTS

##### A. THE RIGHT OF ASSOCIATION

SOUTH AFRICA'S LABOR RELATIONS ACT ENTITLES ALL WORKERS IN THE PRIVATE SECTOR TO JOIN LABOR UNIONS OF THEIR CHOOSING. MEMBERSHIP IN THE 200 REGISTERED TRADE UNIONS WAS APPROXIMATELY

2.9 MILLION IN 1993. AN ADDITIONAL 360,000 WORKERS WERE MEMBERS OF THE 46 UNREGISTERED UNIONS, BRINGING UNION MEMBERSHIP TO 3.26 MILLION WORKERS OR 52 PERCENT OF THE EMPLOYED, ECONOMICALLY ACTIVE POPULATION. PROBABLY MORE THAN HALF OF ALL UNION MEMBERS ARE BLACK.

GROUPS HISTORICALLY EXCLUDED FROM LABOR LAW, ESPECIALLY FARMWORKERS, DOMESTIC WORKERS, AND PUBLIC SECTOR EMPLOYEES, MADE SOME PROGRESS IN 1993. THE BASIC CONDITIONS OF EMPLOYMENT ACT WAS EXTENDED TO FARMWORKERS AND DOMESTIC WORKERS, AND PARLIAMENT PASSED AN AGRICULTURAL LABOR RELATIONS ACT, AFTER CONSIDERABLE CONSULTATION WITH THE CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU) AND THE SOUTH AFRICAN AGRICULTURAL UNION (A FARMERS' ORGANIZATION), WHICH EXTENDS SOME TRADE UNION AND BARGAINING RIGHTS TO FARM WORKERS. NEVERTHELESS, DOMESTIC AND FARMWORKERS DO NOT HAVE THE RIGHT TO STRIKE, AS DEFINED BY SOUTH AFRICAN LABOR LAW. THE PARLIAMENT PASSED ALSO A PUBLIC SECTOR LABOR RELATIONS ACT DESIGNED TO CONSOLIDATE AND CLARIFY PUBLIC SECTOR LABOR LAW.

NEVERTHELESS, SOUTH AFRICAN LABOR RELATIONS CONTINUED TO BE CHARACTERIZED BY A PATCHWORK OF LABOR LAW AND PRACTICE LARGELY DESIGNED TO INHIBIT OR RESTRICT TRADE UNION ORGANIZATION AND ACTIVITY. THE RESULT IS AN UNEVEN AND SOMETIMES VOLATILE LABOR RELATIONS CLIMATE, IN WHICH TRADE UNIONS MUST RELY AS MUCH ON THEIR OWN ORGANIZATION AND STRENGTH AS ON THEIR LEGAL RIGHTS TO ACHIEVE THEIR OBJECTIVES.

TRADE UNIONS CONTINUED TO ACCUSE THE GOVERNMENT AND OTHERS OF USING INTIMIDATION AND VIOLENCE TO UNDERMINE TRADE UNION ACTIVITY. FOR INSTANCE, COSATU, THE COUNTRY'S LARGEST TRADE UNION FEDERATION, CLAIMED THE KWAZULU GOVERNMENT, IN COLLUSION WITH THE IFP AND THE SOUTH AFRICAN GOVERNMENT, BLOCKED COSATU FROM ORGANIZING IN NORTHERN NATAL BY DENYING MEETING VENUES, HARASSING UNION MEMBERS, AND KILLING UNION LEADERSHIP. THE GOLDSTONE COMMISSION, DURING AN INVESTIGATION OF THE KZP, DECLARED ON DECEMBER 8 THAT CREDIBLE EVIDENCE INDICATED THE KZP USED HIT SQUADS TO ATTACK AND KILL ANC AND COSATU MEMBERS IN NORTHERN NATAL. A SAP RAID AGAINST ORGANIZATIONS SUPPOSEDLY LINKED TO APLA RESULTED IN THE OFFICES OF THE NATIONAL COUNCIL OF TRADE UNIONS (NACTU), SOUTH AFRICA'S SECOND LARGEST TRADE UNION FEDERATION, BEING RANSACKED BY POLICE AND SEVERAL OF ITS OFFICERS AND AFFILIATE MEMBERS BEING DETAINED.

COSATU IS FORMALLY ALIGNED WITH THE ANC AND THE SACP. AT A SEPTEMBER SPECIAL NATIONAL CONGRESS, COSATU DECLARED ITS SUPPORT FOR THE ANC IN THE APRIL 1994 ELECTIONS, AND OFFERED 20 FEDERATION AND AFFILIATE MEMBERS TO STAND FOR ELECTION ON ANC SLATES. NACTU, WHILE OFFICIALLY INDEPENDENT FROM POLITICAL GROUPS, HAS CONSIDERABLE CONTACT WITH THE PAC AND THE AZANIAN PEOPLES' ORGANIZATION (AZAPO).

HISTORICALLY, BOTH FEDERATIONS HAVE USED STRIKES AND "STAYAWAYS" TO FACILITATE LIBERATION ALLIANCE OBJECTIVES IN SOUTH AFRICA'S NEGOTIATED TRANSITION TO DEMOCRATIC GOVERNMENT. COSATU HAS PLAYED AN ESPECIALLY IMPORTANT ROLE IN THIS REGARD. ITS MASS ACTION EXPERTISE, INCLUDING ITS MOBILIZATION AND CROWD CONTROL CAPABILITIES, WERE PARTICULARLY EVIDENT DURING THE

NATIONWIDE PROTESTS FOLLOWING CHRIS HANI'S ASSASSINATION.

MOST PRIVATE SECTOR WORKERS REGARDLESS OF RACE ENJOY THE RIGHT TO STRIKE. WORK STOPPAGES TRIGGERED BY COLLECTIVE BARGAINING DISPUTES, AND OCCASIONALLY POLITICAL ISSUES, HAVE BEEN COMMONPLACE. INDUSTRIAL ACTION DURING THE FIRST 9 MONTHS OF 1993 WAS DOWN NEARLY 23 PERCENT FROM THE COMPARABLE 1992 PERIOD, WITH STRIKES ACCOUNTING FOR 2.4 MILLION LOST WORKDAYS.

NATIONWIDE STRIKES BY THE SOUTH AFRICAN DEMOCRATIC TEACHERS UNIONS (SADTU) AND THE SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU) ACCOUNTED FOR NEARLY ALL PUBLIC SECTOR STRIKE ACTIVITY, OR ABOUT 70 PERCENT OF THE LOST WORKDAYS.

WAGE DISPUTES PROVOKED 67 PERCENT OF STRIKE ACTIVITY IN 1993, WHILE GRIEVANCES, RETRENCHMENTS, AND DISCIPLINE ACCOUNTED FOR THE REMAINDER. THE DROP IN STRIKE ACTIVITY DURING 1993 WAS ATTRIBUTABLE TO GREATER UNION CONCERN REGARDING JOB SECURITY AND MORE SOPHISTICATED MANAGEMENT LABOR RELATIONS TECHNIQUES.

STRIKERS AND UNION LEADERS ARE PROTECTED BY LAW FROM RETRIBUTION BY EMPLOYERS FOR UNION ORGANIZING AND PARTICIPATION IN LAWFUL STRIKES. SOME COMPANIES, HOWEVER, USE WHAT THEY DESCRIBE AS RETRENCHMENTS TO REMOVE SHOP STEWARDS AND OTHER UNION OFFICIALS FROM THE WORK FORCE. ALSO, THE PATCHWORK NATURE OF SOUTH AFRICAN LABOR LAW, THE ILLEGALITY OF PUBLIC SECTOR STRIKES, AND THE POLITICAL NATURE OF SOME STAYAWAYS AND OTHER INDUSTRIAL ACTION, LEAVE AMPLE ROOM FOR EMPLOYERS TO TAKE DISCIPLINARY ACTIONS AGAINST TRADE UNIONISTS. ULTIMATELY, A TRADE UNIONIST'S BEST PROTECTION IN SUCH CIRCUMSTANCES COMES MORE FROM THE STRENGTH OF THE UNION THAN THE EFFECTIVENESS OF THE LAW.

HISTORICALLY, PUBLIC SECTOR EMPLOYEES HAVE BEEN LEGALLY PROHIBITED FROM STRIKING. PASSAGE OF A PUBLIC SECTOR LABOR RELATIONS ACT, WHILE CLARIFYING THE COLLECTIVE BARGAINING PROCESS FOR PUBLIC SECTOR EMPLOYEES, STILL SHARPLY RESTRICTS STRIKE ACTIVITY. COSATU HAS ARGUED THAT THE GOVERNMENT'S DEFINITION OF ESSENTIAL SERVICES IS TOO BROAD AND IS SPECIFICALLY DESIGNED TO BLOCK PUBLIC SECTOR STRIKE ACTIVITY. AS WAS EVIDENT BY THE INCREASE IN PUBLIC SECTOR STRIKE ACTIVITY IN 1993, THE ILLEGALITY OF STRIKING DID NOT DETER MAJOR PUBLIC SECTOR UNIONS.

SOUTH AFRICA DOES NOT RESTRICT UNION AFFILIATION WITH REGIONAL OR INTERNATIONAL LABOR ORGANIZATIONS. COSATU AND NACTU ARE AFFILIATED INTERNATIONALLY ONLY WITH THE ORGANIZATION OF AFRICAN TRADE UNION UNITY. MANY OF THEIR AFFILIATES, AS WELL AS INDEPENDENT UNIONS, ARE MEMBERS OF INTERNATIONAL TRADE SECRETARIATS AND HAVE DEVELOPED CONTACTS WITH THEIR COUNTERPARTS IN NORTH AMERICA AND WESTERN EUROPE.

A MEMBER OF THE INTERNATIONAL LABOR ORGANIZATION (ILO) FROM ITS INCEPTION IN 1919, SOUTH AFRICA WITHDREW FROM THE ORGANIZATION IN 1964, BUT REMAINED BOUND BY THE 12 ILO CONVENTIONS IT HAD RATIFIED. A 1992 ILO FACT-FINDING MISSION TO SOUTH AFRICA MADE NUMEROUS RECOMMENDATIONS TO BRING THE COUNTRY'S LABOR REGIME UP TO INTERNATIONAL STANDARDS. TO DATE, ONLY A FEW OF THESE

RECOMMENDATIONS HAVE BEEN IMPLEMENTED.

FOLLOWING COSATU PROTESTS, THE GOVERNMENT DID CONSULT WITH COSATU REGARDING THE PUBLIC SECTOR LABOR RELATIONS ACT. THE LEGISLATION PASSED PARLIAMENT AND WILL GO INTO EFFECT BEGINNING IN 1994. COSATU, WHILE ACKNOWLEDGING THAT THE LAW CLARIFIES THE COLLECTIVE BARGAINING PROCESS FOR PUBLIC SERVANTS, ARGUES THAT THE LAW'S BROAD DEFINITION OF ESSENTIAL SERVICES, AND ITS LIMITATION OF LAWFUL STRIKES TO 30 DAYS, UNDERCUTS TRADE UNIONS' ABILITY TO BARGAIN SUCCESSFULLY. IN NOVEMBER THE ILO'S GOVERNING BODY VOTED TO SUSPEND ITS DECLARATION OF ACTION AGAINST APARTHEID. SHOULD THIS DECISION BE RATIFIED BY THE JUNE 1994 ILO CONFERENCE, THE ILO WILL BE ABLE TO ESTABLISH AN OFFICE IN SOUTH AFRICA AND RESUME DIRECT, IN-COUNTRY CONTACT WITH THE TRADE UNION MOVEMENT.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE GOVERNMENT DOES NOT INTERFERE DIRECTLY WITH UNION ORGANIZING IN THE PRIVATE SECTOR AND GENERALLY HAS NOT INTERVENED IN THE COLLECTIVE BARGAINING PROCESS. THE LAW PROHIBITS DISCRIMINATION BY PRIVATE SECTOR EMPLOYERS AGAINST UNION MEMBERS AND ORGANIZERS. COMPLAINTS REGARDING EMPLOYER DISCRIMINATION AGAINST UNION MEMBERS CAN BE BROUGHT TO THE LABOR COURTS. IN THE CASE OF A JUDICIAL FINDING AGAINST AN EMPLOYER, THE COURT CAN ORDER REINSTATEMENT OF A WORKER OR OTHER COMPENSATION. DISPUTES OVER RECOGNITION ARE RELATIVELY FEW.

BLACK UNIONS HAVE MADE INCREASING USE OF SOUTH AFRICA'S INDUSTRIAL COUNCIL OR CENTRALIZED COLLECTIVE BARGAINING SYSTEM. COSATU VIEWS THE CENTRALIZED COLLECTIVE BARGAINING SYSTEM AS CRUCIAL TO TRADE UNION ECONOMIC INFLUENCE AND HAS SOUGHT TO EXPAND THE SUBJECT OF SUCH BARGAINING BEYOND WAGES AND BENEFITS TO INCLUDE INDUSTRY RESTRUCTURING, JOB GRADING AND TRAINING, AND OTHER PERSONNEL ISSUES. IT HAS SEVERELY CRITICIZED BUSINESS EFFORTS IN SOME SECTORS TO DO AWAY WITH CENTRALIZED COLLECTIVE BARGAINING.

MUCH OF COSATU'S AND OTHER TRADE UNION FEDERATIONS' PARTICIPATION IN THE NATIONAL ECONOMIC FORUM AND THE NATIONAL MANPOWER COMMISSION--TWO TRIPARTITE FORUMS REPRESENTING GOVERNMENT, LABOR, AND BUSINESS--IS DESIGNED TO STRENGTHEN TRADE UNION INFLUENCE OVER LABOR AND ECONOMIC POLICY.

SOUTH AFRICA'S LABOR LAW DOES NOT APPLY TO THE SO-CALLED HOMELANDS, WHERE UNION ORGANIZING IS ACTIVELY DISCOURAGED. NEVERTHELESS, TRADE UNION ACTIVITY IS ON THE INCREASE IN ALMOST ALL THE HOMELANDS. THE STRUGGLE BETWEEN TRADE UNIONS AND HOMELAND GOVERNMENTS, ESPECIALLY IN BOPHUTHATSWANA, HAS BEEN INTENSE AND SOMETIMES VIOLENT. BOPHUTHATSWANA ENACTED REGRESSIVE LABOR LEGISLATION IN 1993 WHICH OUTLAWES ALL FOREIGN TRADE UNIONS AND CRIMINALIZES MEMBERSHIP IN OR BARGAINING WITH SUCH UNIONS. THE LAW HAS ALSO LED TO HARASSMENT AND DETAINMENT OF UNION ORGANIZERS REPRESENTING VARIOUS COSATU AFFILIATES.

MANAGEMENT AND BLACK TRADE UNIONS HAVE VOLUNTARILY RESORTED TO PRIVATE MEDIATION SERVICES TO RESOLVE INDUSTRIAL DISPUTES. THE

LABOR RELATIONS ACT ESTABLISHES AN INDUSTRIAL COURT TO RULE IN LABOR-MANAGEMENT DISPUTES. THE MOST COMMON COMPLAINTS FILED WITH THE COURT CONCERN DISMISSALS, FOLLOWED BY UNFAIR LABOR PRACTICES. A LABOR COURT OF APPEALS OVERSEES THE INDUSTRIAL COURT AND CAN OVERTURN ITS DECISIONS.

SOUTH AFRICA HAS NO EXPORT PROCESSING ZONES.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION DOES NOT PROHIBIT FORCED LABOR; HOWEVER, COMMON LAW DOES NOT PERMIT IT, AND IT IS NOT PRACTICED.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

THE BASIC CONDITIONS OF EMPLOYMENT ACT PROHIBITS THE EMPLOYMENT OF MINORS UNDER THE AGE OF 15 IN MOST INDUSTRIES, SHOPS, AND OFFICES. THE MINES AND WORKS ACT PROHIBITS MINORS UNDER 16 FROM WORKING UNDERGROUND. THERE IS NO RESTRICTION, HOWEVER, ON THE AGE AT WHICH A PERSON MAY WORK IN AGRICULTURE. USE OF CHILD LABOR ON FARMS, OFTEN IN HARSH AND DANGEROUS CONDITIONS, IS COMMON. CHILD LABOR IN THE INFORMAL ECONOMY IS ALSO COMMONPLACE. ENFORCEMENT OF EXISTING CHILD LABOR LAWS BY THE GOVERNMENT IS WEAK AND REACTIVE, DEPENDING LARGELY ON COMPLAINTS BEING LODGED AGAINST SPECIFIC EMPLOYERS.

E. ACCEPTABLE CONDITIONS OF WORK

THERE IS NO LEGAL MINIMUM WAGE IN SOUTH AFRICA. THE LABOR RELATIONS ACT INSTEAD PROVIDES A MECHANISM FOR NEGOTIATIONS BETWEEN LABOR AND MANAGEMENT TO SET MINIMUM WAGE STANDARDS BY INDUSTRY. OVER 100 INDUSTRIES COME UNDER THE PROVISIONS OF THE ACT. ACCORDING TO A LABOR RESEARCH SERVICE SURVEY, CLEANERS, WHO ARE AMONG THE LOWEST PAID OF ORGANIZED WORKERS, EARNED AN AVERAGE MONTHLY SALARY OF APPROXIMATELY 247 (842 RAND). THE SAME SURVEY SHOWED DRIVERS EARNING 428 (1,456 RAND) PER MONTH.

A COMPARISON OF WAGE INFORMATION GATHERED BY THE GOVERNMENT'S CENTRAL STATISTICAL SERVICE AND IN A MARCH 1993 STUDY DONE BY THE UNIVERSITY OF PORT ELIZABETH'S INSTITUTE FOR PLANNING RESEARCH REGARDING HOUSEHOLD SUBSISTENCE LEVELS, SHOWS THAT IN THE MANUFACTURING SECTOR ALONE, ONLY 17 OF 30 SUBSECTORS PAID AN AVERAGE WAGE TO BLACK WORKERS HIGHER THAN THE SUBSISTENCE LEVEL SALARY. IN THE CONSTRUCTION SECTOR, AVERAGE SALARIES FOR ALL SUBSECTORS WERE BELOW SUBSISTENCE LEVEL. WAGES PAID TO WORKERS IN UNORGANIZED SECTORS, SUCH AS AGRICULTURE AND DOMESTIC HOUSEHOLD WORK, ARE ALSO BELOW SUBSISTENCE LEVEL.

MOST INDUSTRIES HAVE A STANDARD WORKWEEK OF 46 HOURS, AS WELL AS VACATION AND SICK LEAVE. OVERTIME IS VOLUNTARY AND LIMITED TO 10 HOURS A WEEK. THE LAW DOES NOT MANDATE A 24-HOUR REST BREAK. THE RECENT EXTENSION OF THE BASIC CONDITIONS OF EMPLOYMENT ACT TO FARMWORKERS AND DOMESTIC WORKERS HAS, FOR THE FIRST TIME, ESTABLISHED WORKWEEK STANDARDS FOR BOTH GROUPS.

ATTENTION TO HEALTH AND SAFETY ISSUES INCREASED IN RECENT YEARS BUT REMAINED INADEQUATE. THE STATE-FUNDED NATIONAL OCCUPATIONAL AND SAFETY ASSOCIATION (NOSA) CLAIMS THE NUMBER OF

WORKERS SUFFERING DISABLING INJURIES ANNUALLY HAS DROPPED SIGNIFICANTLY OVER THE LAST DECADE. NEVERTHELESS, INJURY AND DEATH AT THE WORKPLACE, ESPECIALLY IN HEAVY MANUFACTURING AND MINING, IS STILL COMMON. THE NATIONAL UNION OF MINeworkERS (NUM) REPORTS THAT TWO WORKERS ARE KILLED EVERY DAY IN MINE ACCIDENTS. IN 1993 THE GOVERNMENT AGREED TO THE NUM'S REQUEST FOR A MINES COMMISSION OF INQUIRY TO INVESTIGATE THE OCCUPATIONAL HEALTH AND SAFETY LAWS, BUT ONLY AFTER SEVERAL MINE ACCIDENTS LEFT NEARLY 70 MINERS DEAD.

SOUTH AFRICAN OCCUPATIONAL SAFETY AND HEALTH LAWS, WHILE REQUIRING EMPLOYERS TO AVOID PLACING THEIR WORKERS AT UNREASONABLE RISK, DO NOT GIVE WORKERS THE RIGHT TO REMOVE THEMSELVES FROM A HAZARDOUS JOB. AN EMPLOYEE'S DECISION TO LEAVE A HAZARDOUS WORK SITE COULD POSSIBLY LEAD TO DISMISSAL, BUT MORE PROBABLY WOULD RESULT IN DISCIPLINARY ACTION. THE OCCUPATIONAL SAFETY AND HEALTH LAWS DO PROVIDE PROTECTION FOR WORKERS WHO REPORT OR FILE COMPLAINTS AGAINST UNSAFE WORKING CONDITIONS. SUCH WORKERS MAY NOT BE DISMISSED OR REDUCED IN RANK OR SALARY BECAUSE OF THEIR ACTIONS.

CHRISTOPHER

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#6524

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SECT: SECTION: 01 OF 01

SSN: 6524

TOR: 940120145516 M0834825

DIST:

SIT: VAX

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## Cable

PREC: PRIORITY  
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 RUEHTO/AMEMBASSY MAPUTO 0297  
 RUEHSB/AMEMBASSY HARARE 0550  
 RUEHWD/AMEMBASSY WINDHOEK 1021  
 RUEHRU/AMEMBASSY MASERU 0696  
 RUEHDU/AMCONSUL DURBAN 1184  
 RUEHTN/AMCONSUL CAPE TOWN 1375  
 RUEHMB/AMEMBASSY MBABANE 0868  
 RUEHOR/AMEMBASSY GABORONE 0500  
 SUBJ: SOUTH AFRICA: AZAPO EXPLAINS ITS POLICIES  
 TEXT:

**DECLASSIFIED**  
**PER E.O. 13526**  
 2015-0638-m (1.17)  
 7/31/2018 KBH

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 000995  
 LONDON FOR MCKINLEY PARIS FOR PERLOW  
 E.O. 12356: DECL: OADR  
 TAGS: PREL, PINS, SF  
 SUBJECT: SOUTH AFRICA: AZAPO EXPLAINS ITS POLICIES  
 1. ENTIRE TEXT - ~~CONFIDENTIAL~~.  
 2. SUMMARY: POLCOUNS, EMBOFF AND USAID MISSION  
 DIRECTOR MET JANUARY 14 WITH THE PRESIDENT AND THE  
 FOREIGN SECRETARY OF THE AZANIAN PEOPLE'S  
 ORGANIZATION. THE PURPOSE OF THE MEETING WAS  
 TWOFOLD: (1) TO DETERMINE WHETHER AZAPO HAS  
 SANCTIONED, OR INDIRECTLY PARTICIPATED IN RECENT  
 ACTS OF VIOLENCE; AND (2) TO INVESTIGATE REPORTS  
 THAT AZAPO (WHICH RECEIVES USAID ELECTION SUPPORT  
 TRAINING), WILL BOYCOTT THE ELECTIONS. THE AZAPO  
 LEADERS DENIED BOTH ALLEGATIONS. THEY EMPHASIZED  
 THAT THEIR POLICY HAS ALWAYS BEEN NON-VIOLENT AND  
 THAT THEY CONTROL NO ARMED WING. ON ELECTIONS,  
 THEIR GOAL IS TO EDUCATE PEOPLE ON THE ISSUES SO  
 THAT THEY CAN KNOWLEDGEABLY DECIDE HOW OR WHETHER TO  
 VOTE. END SUMMARY.  
 3. POLICY OF NON-VIOLENCE: AT THE EMBASSY'S

~~CONFIDENTIAL~~

REQUEST, AZANIAN PEOPLE'S ORGANIZATION (AZAPO)  
 PRESIDENT ITUMELENG MOSALA AND FOREIGN SECRETARY  
 MBULELO RAKWENA MET WITH POLCOUNS, USAID MISSION  
 DIRECTOR AND POLOFF ON JANUARY 14. THE REQUEST TO

MEET HAS PROMPTED BY RECENT PRESS REPORTS LINKING AZAPO TO ACTS OF VIOLENCE CLAIMED BY THE AZANIAN LIBERATION ARMY (AZANLA). THE PRESS FREQUENTLY REFERS TO AZANLA AS AZAPO'S ARMED WING. THE AZAPO LEADERS ASSERTED THAT THE ORGANIZATION HAS CONTROL OVER NO ARMED WING AND TAKES NO RESPONSIBILITY FOR AZANLA'S ACTIONS. AZAPO HAS ALWAYS SUBSCRIBED TO A POLICY OF NON-VIOLENCE AND HAS NEITHER ORGANIZATIONAL NOR PRACTICAL CONTROL OVER AZANLA. COMMENT: AZAPO SHOULD NOT BE CONFUSED WITH AZANLA OR WITH THE BLACK CONSCIOUSNESS MOVEMENT OF AZANIA (BCMA) WHICH SHARES THE BLACK CONSCIOUSNESS IDEOLOGY BUT WITH WHICH THERE IS NO STRUCTURAL OR ADMINISTRATIVE CONNECTION. THE BCMA CARRIES OUT ARMED ACTIVITIES AND SOMETIMES RECRUITS ITS MEMBERS FROM AZAPO. END COMMENT

4. AZAPO DOES NOT HAVE DEFENSE UNITS, THOUGH IT DOES NOT OPPOSE THE CONCEPT. MUCH OF THE RECENT PRESS ATTENTION SURROUNDING AZAPO REFERS TO THE NOVEMBER DISCOVERY AND DETENTION OF 41 AZANLA YOUTHS LIVING IN A CAVE AND UNDERGOING MILITARY TRAINING. SOME OF THE YOUTHS CLAIMED AZAPO MEMBERSHIP, AND AZAPO HAS UNDERTAKEN TO RAISE BAIL FOR ALL OF THE DETAINEES.

5. IN THE CURRENT POLITICAL CLIMATE, IT IS AN UPHILL STRUGGLE TO RESIST INTERNAL AND EXTERNAL PRESSURES TO SUPPORT ARMED STRUGGLE, MOSALA SAID. HE ADDED THAT THERE IS AN ONGOING DEBATE WITHIN AZAPO ABOUT THE BENEFITS OF REMAINING NON-VIOLENT, PARTICULARLY AMONG RESTLESS YOUNG MEMBERS LIVING IN AREAS WHERE VIOLENCE IS HIGH. MEMBERS LACK CONFIDENCE IN THE CURRENT POLITICAL PROCESS BECAUSE THEY HAVE SEEN VIOLENCE INCREASE AS THE PACE OF NEGOTIATIONS HAS ACCELERATED AND CONCLUDE THAT NEGOTIATIONS ARE NOT THE WAY TO EFFECT PEACEFUL CHANGE.

6. THE INTERNATIONAL COMMUNITY: WHEN ASKED POINTEDLY WHETHER AZAPO HAD ISSUED PUBLIC STATEMENTS CONDEMNING THE MURDER OF AMCIT AMY BIEHL AND THE DECEMBER 30 HEIDELBERG MASSACRE, MOSALA AND RAKWENA

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REPLIED AFFIRMATIVELY. AT THE SAME TIME, HOWEVER, THEY CRITICIZED THE INTERNATIONAL ATTENTION THAT MURDERS OF WHITES RECEIVE, WHILE KILLINGS OF BLACK PEOPLE PASS WITH LITTLE NOTICE. MOSALA REMARKED DRYLY THAT NON-VIOLENCE SEEMS TO WORK TO AZAPO'S DETRIMENT. ORGANIZATIONS WITH A VIOLENT PAST GET MORE ATTENTION FROM INTERNATIONAL AUDIENCES THAN THOSE WHICH HAVE NEVER HAD ARMED WINGS. THE I

FP RECEIVES ATTENTION AND INTERNATIONAL FINANCIAL SUPPORT DESPITE, OR BECAUSE OF, ITS VIOLENCE AND

~~CONFIDENTIAL~~ SECTION 02 OF 02 PRETORIA 000995  
LONDON FOR MCKINLEY PARIS FOR PERLOW

E.O. 12356: DECL: OADR

TAGS: PREL, PINS, SF

SUBJECT: SOUTH AFRICA: AZAPO EXPLAINS ITS POLICIES BELLIGERENCE. MEANWHILE, IT DOES NOTHING TO MERIT -

- OR CREATE-- LASTING PEACE. AS FOR THE ANC, SUBMISSIONS TO THE GOLDSTONE COMMISSION REVEAL THAT THE ANC IS INVOLVED IN MOST CONFLICT SITUATIONS.

7. THE ELECTION: AZAPO WILL NOT FIELD CANDIDATES IN THE APRIL 27 ELECTION BUT IT IS NOT BOYCOTTING THE PROCESS. AZAPO'S POLICY IS TO EDUCATE THE VOTERS; ENCOURAGE AN ELECTION DEBATE; AND RECOMMEND THAT CITIZENS ASSESS THE PARTIES AND PLATFORMS TO DECIDE FOR THEMSELVES HOW OR WHETHER TO VOTE. MOSALA AND RAKWENA ARGUE THAT ONCE THE ISSUES ARE UNDERSTOOD MANY VOTERS WILL, WITH AZAPO'S ENCOURAGEMENT, STAY AWAY FROM THE POLLS BECAUSE THE OUTCOME OF THE ELECTION WAS WORKED OUT IN ADVANCE AT KEMPTON PARK AND THEREFORE IS FUNDAMENTALLY NON-DEMOCRATIC. AT THE SAME TIME, MOSALA SAID, AZAPO WELCOMES THE ELECTIONS BECAUSE THEY PROVIDE THE OPPORTUNITY TO MAKE A CHOICE AND, AS SUCH, ARE AN AGENT OF EMPOWERMENT FOR THE BLACK COMMUNITY.

8. COMMENT: AZAPO'S DILEMMA ONCE AGAIN POINTS UP THE DICHOTOMY BETWEEN POLITICAL LEADERS OF BLACK LIBERATION ORGANIZATIONS WHO SEE THAT THE TIME FOR ARMED STRUGGLE HAS PASSED, AND MEMBERS IN THE TOWNSHIPS WHO FACE VIOLENCE EVERY DAY AND RESPOND IN KIND. AS ORGANIZATIONS PREACH NON-VIOLENCE, THEY LOSE CONTROL AND DISCIPLINE OVER THOSE WHO ARE ARMED FOR REVENGE OR PROTECTION. MANY, PARTICULARLY YOUTHS, ARE CONVINCED THAT NON-VIOLENCE IS NOT WORKING.

9. AZAPO'S OTHER PROBLEM IS THAT ITS LEADERS ARE INTELLECTUALS WHO MENTALLY MASSAGE ISSUES AND HAVE LITTLE RELEVANCE TO THE DAY TO DAY PROBLEMS OF SURVIVAL IN THE TOWNSHIPS. THE ORGANIZATION DOES NOT PUBLICLY DISCUSS MEMBERSHIP FIGURES OR DEFINE

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REGIONS IN WHICH IT CLAIMS STRENGTH. BUT GIVEN ITS INTELLECTUAL AND PRACTICAL DISTANCE FROM THE MASSES, IT IS NO SURPRISE THAT RECENT OPINION POLLS SHOW THAT SUPPORT FOR AZAPO AMONG THE ELECTORATE IS VERY SMALL.

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**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

**SSN:** 0995  
<^SSN>0995

**TOR:** 940121064253 M0835796  
<^TOR>940121064253 M0835797

**DIST:** SIT: RAGLE VAX WILSON  
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## Cable

PREC: IMMEDIATE  
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 OSRI: RUEHSA  
 DTG: 031208Z FEB 94  
 ORIG: AMEMBASSY PRETORIA  
 TO: RUEHC/SECSTATE WASHDC IMMEDIATE 2393  
 INFO: RUEHTN/AMCONSUL CAPE TOWN IMMEDIATE 1521  
 RUEHTO/AMEMBASSY MAPUTO 0346  
 RUEHLO/AMEMBASSY LONDON 0580  
 RUEHFR/AMEMBASSY PARIS 0495  
 RUEHOR/AMEMBASSY GABORONE 0575  
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 RUEH DU/AMCONSUL DURBAN 1318  
 RUEHMB/AMEMBASSY MBABANE 0979  
 RUEHSB/AMEMBASSY HARARE 0632  
 RUEHBG/AMCONSUL JOHANNESBURG 1742  
 RUEHWD/AMEMBASSY WINDHOEK 1145  
 SUBJ: SOUTH AFRICA: PAC POSITION ON  
 INTIMIDATION AT BIEHL TRIAL

## TEXT:

~~CONFIDENTIAL~~ PRETORIA 001748  
 LONDON FOR MCKINLEY; PARIS FOR PERLOW  
 E.O. 12356: DECL: OADR  
 TAGS: PINS, PREL, SF  
 SUBJECT: SOUTH AFRICA: PAC POSITION ON  
 INTIMIDATION AT BIEHL TRIAL  
 1. ENTIRE TEXT - ~~CONFIDENTIAL~~.  
 2. SUMMARY: A GROUP OF ABOUT 30 INDIVIDUALS  
 HARASSED AMY BIEHL'S MOTHER AND SISTER WHEN THEY  
 ATTENDED THE TRIAL FEBRUARY 1. (CONGEN CAPE TOWN  
 WILL REPORT DETAILS SEPTEL.) THE PAC HAS PROMISED  
 TO ISSUE A STATEMENT CONDEMNING THE GROUP AND TO  
 SEND A DELEGATION FROM HEADQUARTERS TO MONITOR THE  
 REMAINDER OF THE TRIAL. END SUMMARY  
 3. AMBASSADOR MET JANUARY 28 WITH PAC GENERAL  
 SECRETARY BENNY ALEXANDER AND NEC MEMBER AND SENIOR  
 NEGOTIATOR PATRICIA DE LILLE. AMONG OTHER TOPICS  
 (REPORTED SEPTEL) THE AMBASSADOR INFORMED ALEXANDER  
 AND DE LILLE THAT LINDA AND MOLLY BIEHL WOULD BE  
 ATTENDING THE TRIAL OF AMY BIEHL'S ALLEGED KILLERS  
 WHEN IT RESUMED IN CAPE TOWN. AMBASSADOR URGED THE  
 PAC TO ENSURE THAT THERE WERE NO REPEATS OF THE  
 UNRULY PAC SUPPORTERS CHEERING FOR THE ACCUSED,  
 LAUGHING AT THE EVIDENCE, AND INTIMIDATING  
 WITNESSES, WHICH DEFILED EARLIER SESSIONS OF THE  
 TRIAL. FURTHERMORE, IF SUCH AN OCCURRENCE WERE  
 UNPREVENTABLE, IT WAS INCUMBENT ON THE PAC TO

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 PER E.O. 13526

2015-0638-M (1.18)  
 7/31/2018 KBH

CONDEMN IMMEDIATELY THE ACTIVITY AND DISTANCE ITSELF FROM THE PERPETRATORS. FAILURE TO DO SO COULD ONCE AGAIN CAST DOUBT ON THE PAC COMMITMENT TO A FREE, FAIR AND DEMOCRATIC TRANSITION PROCESS IN THE VIEW OF THE USG AND THE AMERICAN PUBLIC. IT COULD ALSO HAVE SERIOUS REPERCUSSIONS FOR PAC PARTICIPATION IN USAID FUNDED ELECTION SUPPORT PROGRAMS.

4. ALEXANDER AND DE LILLE IMMEDIATELY TOOK THE POINT AND VOLUNTEERED TO WRITE A LETTER TO THE REGIONAL PAC OFFICE INFORMING IT TO TAKE STEPS TO PREVENT THUGGERY AT THE TRIAL. LATER IN THE DAY, POLOFF RAISED THE SAME ISSUE WITH PAC POLITICAL SECRETARY/ PUBLICITY DIRECTOR JAKI SEROKE AND LABOR SECRETARY LESAOANA MAKHANDA. SEROKE AND MAKHANDA AGREED THAT THE BEST WAY TO HANDLE THE PROBLEM WOULD BE TO SEND A DELEGATION FROM JOHANNESBURG TO CAPE TOWN TO ATTEND THE TRIAL AND AVERT INTIMIDATING BEHAVIOR.

5. ON FEBRUARY 2, THE SOUTH AFRICAN PRESS REPORTED THAT A GROUP OF ABOUT 30 SUPPORTERS OF THE THREE YOUTHS ON TRIAL HAD INDEED TAUNTED THE BIEHL FAMILY AND MIMICKED FIRING GUNS AT THEM AFTER THE FEBRUARY 1 PROCEEDINGS. THE SUPPORTERS ALSO REPORTEDLY FOLLOWED THE BIEHL'S TO THEIR CAR, SINGING SONGS AND CHANTING SLOGANS.

6. IN RESPONSE TO AN APPROACH BY POLOFF, JAKI SEROKE SAID THAT THE PAC NATIONAL EXECUTIVE COMMITTEE HAD TAKEN UP THE ISSUE UPON HEARING OF THE EVENTS AT THE TRIAL AND HAD DECIDED TO ISSUE A STATEMENT TO THE MEDIA. THE NEC ALSO RESOLVED TO SEND A DELEGATION FROM PAC HEADQUARTERS IN JOHANNESBURG TO CAPE TOWN TO MONITOR THE TRIAL DAILY. SEROKE SAID THAT HE HAD RECEIVED INFORMATION THAT THE INDIVIDUALS CONFRONTING THE BIEHL'S WERE NOT PAC MEMBERS BUT THEY WERE BEING INCITED BY A DISSIDENT MEMBER. THE DISSIDENT (WHOM SEROKE WAS RELUCTANT TO NAME), IS IN THE PROCESS OF BEING SUSPENDED FROM THE ORGANIZATION AND HAS REFUSED TO RESPOND TO SUMMONSES TO APPEAR AT PAC HEADQUARTERS. SEROKE TOOK THE POINT THAT IT IS ESSENTIAL THAT THE PAC TAKE ACTION IMMEDIATELY. CONSUL GENERAL IN CAPE TOWN HAS ALSO RAISED THE MATTER WITH LOCAL PAC OFFICIALS WHO DESCRIBED THE GROUP AS "MISGUIDED YOUTH" WHO HAVE NOT GOT THE MESSAGE. HE ALSO SAID THAT THE PAC WOULD BE ISSUING A STATEMENT TO THE MEDIA.

7. EMBASSY WILL FAX DEPARTMENT A COPY OF THE PAC'S PRESS STATEMENT REGARDING THE BIEHL TRIALS SOON AS IT IS AVAILABLE.

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#1748

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SECT: SECTION: 01 OF 01

SSN: 1748

TOR: 940203072350 M0861589

DIST:

SIT: DESHAZER RAGLE VAX

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## Cable

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 OSRI: RUEHSA  
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 INFO: RUEHTN/AMCONSUL CAPE TOWN 1643  
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 RUEHWD/AMEMBASSY WINDHOEK 1233  
 RUEHDR/AMEMBASSY DAR ES SALAAM 0046  
 RUEHRU/AMEMBASSY MASERU 0856  
 SUBJ: SOUTH AFRICA: PAC FOREIGN SECRETARY  
 EBRAHIM'S ANALYSES OF POLITICAL DEVELOPMENTS

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.19)  
 7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 002299  
 LONDON FOR MCKINLEY; PARIS FOR PERLOW  
 E.O. 12356: DECL: OADR  
 TAGS: PREL, PINS, SF  
 SUBJECT: SOUTH AFRICA: PAC FOREIGN SECRETARY  
 EBRAHIM'S ANALYSES OF POLITICAL DEVELOPMENTS  
 1. ENTIRE TEXT - ~~CONFIDENTIAL~~.  
 2. AMBASSADOR MET FEBRUARY 10 WITH PAN AFRICANIST  
 CONGRESS FOREIGN SECRETARY GORA EBRAHIM AT THE PAC'S  
 REQUEST. EBRAHIM DISCUSSED THE DEATH OF APLA  
 COMMANDER SABELO PHAMA WHICH HE ACCEPTED AS  
 ACCIDENTAL; THE PAC'S NEED FOR 70,000 RAND TO  
 REGISTER FOR THE ELECTION; EBRAHIM'S CERTAINTY THAT  
 THE IFP WILL PARTICIPATE IN THE ELECTION; AND HIS  
 EXPECTATION THAT THE PAC WILL WIN 25-30 PERCENT OF  
 THE NATIONAL VOTE. EBRAHIM ALSO ASKED EMBASSY TO  
 FORWARD A LETTER TO THE FAMILY OF AMY BIEHL (LETTER  
 FAXED TO AF/S) IN WHICH THE PAC DENOUNCED BOISTEROUS  
 AND INTIMIDATING DEMONSTRATORS AT THE TRIAL. END  
 SUMMARY  
 3. SABELO PHAMA: EBRAHIM SAID THAT THE PAC  
 LEADERSHIP ACCEPTED THE DEATH OF APLA COMMANDER  
 SABELO PHAMA IN TANZANIA AS AN ACCIDENT. ACCORDING  
 TO EBRAHIM'S INFORMATION, PHAMA AND THREE COLLEAGUES  
 WERE DRIVING FROM DAR TO HARARE WHEN THEIR LAND  
 CRUISER COLLIDED HEAD-ON WITH A SCANIA TRUCK.

CLINTON LIBRARY PHOTOCOPY

PHAMA, WHO WAS DRIVING, WAS KILLED INSTANTLY, AN AIDE SITTING BEHIND HIM WAS CRITICALLY INJURED. TWO OTHER PASSENGERS WERE ALSO HURT. EBRAHIM SAID THAT HE WILL TRAVEL TO DAR ON SATURDAY FEBRUARY 12 TO INVESTIGATE THE INCIDENT SO THAT HE CAN REPORT, WITH THE CONCURRENCE OF TANZANIAN AUTHORITIES, THAT PHAMA'S DEATH WAS INDEED ACCIDENTAL. AT THE TIME OF HIS DEATH, PHAMA'S NAME LED THE LIST OF THOSE FOR WHOM THE PAC WAS REQUESTING INDEMNITY FROM THE SAG. PHAMA WILL BE BURIED IN TRANSKEI WHERE HE IS FROM. HE LEAVES A WIFE AND FOUR CHILDREN.

4. EBRAHIM SAID THAT HE DOES NOT EXPECT VIOLENCE FROM THE MEMBERSHIP OVER PHAMA'S DEATH. APLA STRUCTURES WILL ACCEPT THE JUDGEMENT OF ACCIDENTAL DEATH ALTHOUGH THERE WILL ALWAYS BE INDIVIDUALS WHO WILL SAY PHAMA WAS MURDERED. PAC PRESIDENT CLARENCE MAKWETU MAY BE ONE OF THEM. IN A TELEVISION INTERVIEW, MAKWETU WAS LESS DEFINITE THAT PHAMA DIED ACCIDENTALLY. MAKWETU ALLUDED TO PHAMA'S "DEATH UNDER MYSTERIOUS CONDITIONS" AND THE POSSIBILITY OF FOUL PLAY BY "THE ENEMY" ALTHOUGH HE SAID THAT THE PAC IS NOT BLAMING ANYONE AT THIS POINT.

5. STATUS OF NEGOTIATIONS: THE PAC IS NEARING THE END OF NEGOTIATIONS WITH THE SAG. THE PAC'S CONCERNS ON DEFENSE (I.E. THE JURISDICTION OF THE TEC OVER THE SADF) ARE BEING ADDRESSED. MORE MEETINGS ARE SCHEDULED FOR NEXT WEEK. DISCUSSIONS WITH THE SAG ON INDEMNITY FOR PAC MEMBERS STILL IN EXILE ARE GOING WELL AND DE KLERK AND MAKWETU WILL MEET AGAIN SOON. IF ALL GOES ACCORDING TO PLAN, THE PAC WILL JOIN THE TEC WITHIN THE NEXT TWO WEEKS.

6. THE NATIONAL PEACEKEEPING FORCE: EBRAHIM ASKED FOR INTERNATIONAL TRAINERS FOR THE NPKF. HE ARGUED THAT UNDER CURRENT LEADERSHIP, THE NPKF WILL FAIL BECAUSE NONE OF THE PARTICIPANTS ARE TAKING IT SERIOUSLY. MK HAS CONTRIBUTED PEOPLE IT WANTS TO GET RID OF, THE SADF HAS NOT SENT WHITES, AND EVEN MINIMAL MEDICAL AND BASIC TRAINING REQUIREMENTS HAVE NOT BEEN MET. NOW MUTUAL DISRESPECT BETWEEN TRAINERS AND THE MAJORITY OF TRAINEES IS SO GREAT THAT ONLY INTERNATIONAL TRAINERS CAN SAVE THE NPKF. EBRAHIM ARGUED THAT EVEN A HANDFUL (ABOUT 10) INTERNATIONAL TRAINERS COULD SCREEN THE FORCE, KEEP ONLY THOSE WHO ALREADY HAD BASIC TRAINING, AND PRODUCE A VIABLE FORCE IN SIX WEEKS. THE AMBASSADOR POINTED OUT THAT A COMMONWEALTH TEAM OF ADVISORS IS ON ITS WAY.

7. THE ELECTIONS: THE PAC WILL PARTICIPATE WHOLEHEARTEDLY IN THE ELECTION AND WILL FIELD CANDIDATES IN EVERY REGION OF SOUTH AFRICA. THE IMMEDIATE OBSTACLE IS THAT THE PAC NEEDS 70,000 RAND TO REGISTER BY THE FEBRUARY 12 DEADLINE. EBRAHIM ASKED THE AMBASSADOR IF THE US COULD HELP WITH THE MONEY. AMBASSADOR MADE CLEAR THAT THE USG CANNOT  
~~C O N F I D E N T I A L~~ SECTION 02 OF 02 PRETORIA 002299  
LONDON FOR MCKINLEY; PARIS FOR PERLOW  
E.O. 12356: DECL: OADR  
TAGS: PREL, PINS, SF

SUBJECT: SOUTH AFRICA: PAC FOREIGN SECRETARY  
EBRAHIM'S ANALYSES OF POLITICAL DEVELOPMENTS  
FUND POLITICAL PARTIES. (COMMENT: THE PAC  
SUBSEQUENTLY REGISTERED WITH 70,000 RAND, IN CASH.  
END COMMENT

8. EBRAHIM GAVE HIS ANALYSIS OF THE PAC'S REGIONAL STRENGTH. IN HIS VIEW, THE PARTY IS STRONGEST IN THE TRANSKEI AND CISKEI. HE CLAIMED THAT THE PAC HAS SECURED THE ALLEGIANCE OF 208 CISKEI CHIEFS WHICH WILL GIVE THE PARTY AN EDGE IN THAT HOMELAND. THE WESTERN CAPE WILL BE A FOUR WAY RACE BETWEEN THE ANC, PAC, NP, AND DP. THE EASTERN PART OF THE ORANGE FREE STATE IS ANOTHER STRONG PAC AREA. PAC HAS NOT DONE MUCH ORGANIZING IN THE NORTHERN AND NORTHWESTERN TRANSVAAL. SOWETO IS ANYBODY'S GUESS. BECAUSE OF BUDGETARY CONSTRAINTS, THE PAC PLAN IS TO CONDUCT A SHORT CAMPAIGN AS CLOSE TO ELECTION DAY AS POSSIBLE. DESPITE ITS FINANCIAL CRISIS, EBRAHIM PREDICTED THAT THE PAC WILL WIN 25-30 PER CENT OF THE VOTE.

9. IN EBRAHIM'S VIEW THE IFP WILL JOIN THE CAMPAIGN IF IT IS GUARANTEED TWO BALLOTS, REGIONAL AUTONOMY AND A CERTAINLY THAT THE CONSTITUENT ASSEMBLY WON'T REVERSE STATES RIGHTS. BUTHELEZI DOES NOT WANT AN INDEPENDENT KWAZULU, UNLIKE MANGOPE WHO THINKS THAT BOP CAN GO IT ALONE. THE PAC WILL MEET FEBRUARY 12 WITH THE IFP AND DP TO WORK OUT A STRATEGY FOR CONTINUING TO FIGHT FOR A TWO BALLOT ELECTION PROCESS.

10. THE IFP: EBRAHIM EMPHATICALLY TOLD AMBASSADOR THAT THE IFP WILL/WILL PARTICIPATE IN THE ELECTION. THE REAL ISSUE IS THAT BUTHELEZI FEELS LIKE A "DITCHED LOVER", AND THE ANC AND NP ARE FUELING THAT PERCEPTION. THE PAC CAN EASE BUTHELEZI'S ISOLATION BY FORMING AN IFP-PAC ALLIANCE IN WHICH THE PAC WOULD HELP THE IFP NATIONALLY AND THE IFP WOULD PROMOTE THE PAC IN NATAL. THE IFP-PAC ALLIANCE COULD ALSO ATTRACT VOTES FROM YOUTHS WHO DISLIKE THE IFP/RIGHT WING FREEDOM ALLIANCE, BUT WOULD FEEL COMFORTABLE WITH A PAC PARTNER.

11. EBRAHIM REPEATED HIS NOW FAMILIAR ANALYSIS THAT THERE ARE 21 MILLION ELIGIBLE VOTERS, OF WHICH ONLY 4-5 MILLION ARE CARD CARRYING MEMBERS OF ANY PARTY. THE REMAINING 16 MILLION ARE FLOATING VOTERS WHO WILL MAKE THEIR DECISION BASED ON WHICH PARTY CAN DELIVER SECURITY, HOUSING, LAND, EMPLOYMENT, HEALTH AND EDUCATIONAL BENEFITS. MANY OF THESE FLOATERS WILL VOTE PAC.

12. IN CLOSING, EBRAHIM ASKED THE EMBASSY TO DELIVER A LETTER TO THE FAMILY OF AMY BIEHL. THE LETTER (FAXED TO AF/S) CONDEMNED THOSE WHO MISBEHAVE AT THE TRIAL, CALLING THEM UNAFRICANIST AND UNAFRICAN.

13. COMMENT: THE PAC'S ESTIMATE OF ITS VOTING STRENGTH, AND OF ITS INFLUENCE WITH THE IFP, IS EXAGGERATED. NEVERTHELESS, IT IS GOOD TO SEE THE PAC FOCUSING ON ELECTIONS AND ELECTION STRATEGY, RATHER THAN ARMED STRUGGLE. WITH LITTLE FINANCING,

HOWEVER, IT WILL HAVE A HARD TIME REACHING EVEN ITS  
POTENTIAL SUPPORTERS. END COMMENT

LYMAN

BT

#2299

NNNN

**SECT:** SECTION: 01 OF 02

<^SECT>SECTION: 02 OF 02

**SSN:** 2299

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**TOR:** 940215040303 M0881648

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TO: SECSTATE WASHDC PRIORITY 3006  
INFO: \*\*\*\*  
SUBJ: PAC'S GORA EBRAHIM REQUESTS MEETINGS IN  
WASHINGTON

DECLASSIFIED  
PER E.O. 13526

2015-0638-M (1.20)  
7/31/2018 KBH

## TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE PRETORIA 003687

E.O. 12356: N/A

TAGS: SF, PGOV, PREL

SUBJECT: PAC'S GORA EBRAHIM REQUESTS MEETINGS IN  
WASHINGTON

REF: JOHANNESBURG 394

1. PAC'S FOREIGN SECRETARY GORA EBRAHIM IS TRAVELLING TO THE US O/A MARCH 19 TO PARTICIPATE IN A UN MEETING. HE WOULD LIKE TO COME TO WASHINGTON FOR MEETINGS WITH DEPARTMENT OFFICIALS MARCH 23 OR 24.
2. WE RECOMMEND AF/S AND PERHAPS A DAS MEET WITH EBRAHIM. PLEASE ADVISE.
3. ALSO NOTE SEPTTEL THAT WE HAVE REQUESTED EXPEDITED ACTION ON APPROVING EBRAHIM'S VISA EBRAHIM LEAVES SOUTH AFRICA MARCH 18 FOR A STOP IN ZIMBABWE SO NEEDS HIS VISA FROM HERE NLT MARCH 17.
4. COMMENT. EBRAHIM HAS BEEN A PRINCIPAL INTERLOCUTOR AND WAS LONG IN FAVOR OF THE PAC'S ABANDONING THE ARMED STRUGGLE. HE AUTHORED THE LETTER TO MRS. BIEHL EXPRESSING CONDOLENCES AND DENOUNCING DEMONSTRATIONS, ETC. AT THE TRIAL. HE IS A WORTHWHILE INTERLOCUTOR, THOUGH LIKE ANY POLITICIAN EXAGGERATES PAC INFLUENCE AND VOTER SUPPORT. END COMMENT.LYMAN

BT

#3687

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SECT: SECTION: 01 OF 01  
SSN: 3687  
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SIT: RAGLE VAX

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 SUBJ: SOUTH AFRICA'S NEW MINISTER OF JUSTICE

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 SUMMARY  
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## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 03 PRETORIA 007599  
 DEPARTMENT FOR AF/S  
 PARIS FOR PERLOW, LONDON FOR MCKINLEY  
 E.O. 12356: DECL: OADR  
 TAGS: PGOV, PINR, PHUM, KJUS, PINS, SF  
 SUBJECT: SOUTH AFRICA'S NEW MINISTER OF JUSTICE

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 SUMMARY  
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1. ~~(S)~~ DULLAH OMAR, PRESIDENT MANDELA'S CHOICE AS MINISTER OF JUSTICE, HAS WORKED TIRELESSLY AND COURAGEOUSLY IN SUPPORT OF HIS CONCEPT OF AND SOCIAL JUSTICE. HIS CLIENTS READ LIKE A "WHO'S WHO" OF RESISTANCE POLITICS: NELSON MANDELA, PAC OFFICIALS, ROBBEN ISLAND INMATES. OMAR WAS HIMSELF THE SUBJECT OF A WIDELY-HERALDED (AND UNSUCCESSFUL) TEST CASE IN THE MID-80'S AGAINST DETENTION WITHOUT TRIAL. THE JUSTICE MINISTRY'S JUDICIAL NOMINATIONS WILL PROBABLY REFLECT OMAR'S ACTIVISM AND COMMITMENT TO SOCIAL JUSTICE, BUT HIS COMMITMENT TO JUDICIAL INDEPENDENCE AND INDIVIDUAL LIBERTIES IS LESS CLEAR. HE IS ONE OF RELATIVELY FEW UDF STALWARTS INCLUDED IN THE CABINET, AND HIS INFLUENCE IN THAT ENVIRONMENT WILL BE CRUCIAL TO ESTABLISHING THE

BROAD ROLE HE SEEKS FOR THE JUSTICE MINISTRY. END

~~CONFIDENTIAL~~

DECLASSIFIED  
 PER E.O. 13526

2015-0638-M (1.21)

7/31/2013 KBH

## SUMMARY.

2. (U) ABDULLAH ("DULLAH") MOHAMMED OMAR, A PROFESSOR OF LAW AT THE UNIVERSITY OF THE WESTERN CAPE, HAS BEEN TAPPED BY PRESIDENT MANDELA AS SOUTH AFRICA'S NEW MINISTER OF JUSTICE. AN ANC ACTIVIST FOR YEARS, OMAR NARROWLY LOST THE CONTEST WITH ALAN BOESAK TO LEAD THE ANC IN THE WESTERN CAPE AS PREMIER CANDIDATE IN LAST MONTH'S ELECTIONS.

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BACKGROUND  
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3. (LOU) OMAR WAS BORN IN CAPE TOWN ON MAY 26, 1934. HE TOOK B.A. AND LL.B. DEGREES AT THE UNIVERSITY OF CAPE TOWN IN 1955 AND 1957, RESPECTIVELY, AND PRACTICED LAW AT A.M. OMAR AND ASSOCIATES FROM 1961-1980. AS ONE OF THE FEW ATTORNEYS OF COLOR IN THE CAPE TOWN BAR, OMAR QUICKLY ESTABLISHED HIMSELF AS AN EXPERT IN LABOR LAW AND TOOK ON A WIDE RANGE OF CASES CHALLENGING APARTHEID STRUCTURES. HE WAS NAMED AN ADVOCATE TO THE SUPREME COURT IN 1982.

4. (LOU) A LONG-STANDING MEMBER OF THE UNITY MOVEMENT, OMAR LEFT THAT ORGANIZATION IN 1983 TO HELP FOUND THE ANC-ALIGNED UNITED DEMOCRATIC FRONT (UDF). DESPITE INTERMITTENT PERIODS OF INCARCERATION AND BANNING, HE CONTINUED TO BE ACTIVE IN UDF RESISTANCE CAMPAIGNS. IN JULY 1987, AFTER THE UDF LEADERSHIP WAS DECIMATED UNDER A STATE OF EMERGENCY AND RELATED DETENTION WITHOUT TRIAL, OMAR BECAME CHAIRPERSON OF THE WESTERN CAPE UDF.

5. (C) IN 1985, OMAR WAS DETAINED UNDER STATE OF EMERGENCY LEGISLATION AND BROUGHT AN APPLICATION FOR RELEASE. THE JUDGMENT OF SOUTH AFRICA'S HIGHEST COURT IN OMAR V. THE STATE PRESIDENT DREW WIDESPREAD ATTENTION. ALTHOUGH TWO MEMBERS OF THE THREE-PERSON PANEL FOUND AGAINST OMAR, THE THIRD, CAPE JUDGE PRESIDENT FRIEDMAN, FILED A DISSENTING OPINION STILL VIEWED BY HUMAN RIGHTS ACTIVISTS AS A CORNERSTONE IN THE STRUGGLE AGAINST DETENTION WITHOUT TRIAL, A STRUGGLE WHICH SUCCEEDED ONLY EARLIER THIS YEAR. ACCORDING TO EVIDENCE SUBMITTED IN A 1990 INQUIRY INTO THE ACTIVITIES OF THE CIVIL COOPERATION BUREAU

~~CONFIDENTIAL~~

(CCB), OMAR WAS TARGETED FOR ASSASSINATION BY THE CCB IN THE LATE 1980'S.

6. (C) IN 1986, OMAR WAS INSTRUMENTAL IN ORGANIZING THE DEMOCRATIC LAWYERS FOUNDATION, A GROUPING OF PROGRESSIVE ATTORNEYS IN THE CAPE, AND WAS ELECTED ITS CHAIRPERSON. THE FOLLOWING YEAR, OMAR HELPED ESTABLISH THE NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL) AND WAS ELECTED VICE PRESIDENT OF THAT ORGANIZATION. MORE RECENTLY, OMAR SERVED AS A MEMBER OF THE ANC'S COMMITTEE ON CONSTITUTIONAL AND  
~~C O N F I D E N T I A L~~ SECTION 02 OF 03 PRETORIA 007599

DEPARTMENT FOR AF/S

PARIS FOR PERLOW, LONDON FOR MCKINLEY

E.O. 12356: DECL: OADR

TAGS: PGOV, PINR, PHUM, KJUS, PINS, SF

SUBJECT: SOUTH AFRICA'S NEW MINISTER OF JUSTICE

LEGAL AFFAIRS. HE PLAYED A KEY ROLE AS AN ADVISOR ON LEGAL AND CONSTITUTIONAL AFFAIRS DURING THE NEGOTIATIONS LEADING UP THE SOUTH AFRICA'S POLITICAL TRANSITION TO NON-RACIAL DEMOCRACY.

7. (X) OMAR HAS APPARENTLY TRAVELED LITTLE OUTSIDE SOUTH AFRICA. HE VISITED EUROPE AS A TOURIST IN 1972 AND FIRST TRAVELED TO THE U.S. IN AUGUST OF 1990. DURING A PUBLIC MEETING IN WASHINGTON DURING THAT VISIT, OMAR ACCUSED WESTERN GOVERNMENTS OF TRYING TO MAINTAIN APARTHEID. OMAR, A MUSLIM, ALSO STRONGLY CONDEMNED U.S. POLICY TOWARD IRAQ (SEE 90 STATE 291782). HE SUFFERED AT LEAST TWO HEART ATTACKS IN THE LATE 1980'S. HE IS MARRIED TO MARIDA OMAR, A POLITICAL ACTIVIST WHO SERVED AS CHAIRPERSON OF THE WESTERN CAPE DETAINEES' PARENTS SUPPORT COMMITTEE. THEY HAVE TWO SONS AND A DAUGHTER.

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THE FUTURE  
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8. (X) OMAR HAS LONG BEEN A CONTACT OF THE EMBASSY AND CONSULATE GENERAL CAPE TOWN. IN CONVERSATIONS WITH EMBASSY OFFICERS, HE HAS UNDERScoreD THE NEED TO ESTABLISH A BASIS OF LAW AND ORDER UPON WHICH SOCIAL AND POLITICAL PROGRESS CAN BE BUILT. WE EXPECT HIM TO CONTINUE TO ESPOUSE THE SOMEWHAT CONTENDING THEMES OF SECURITY AND SOCIAL JUSTICE DURING HIS TENURE.

9. (X) OMAR'S COMMITMENT TO LEGAL ACTIVISM WILL PROBABLY BE REFLECTED IN HIS MINISTRY'S JUDICIAL NOMINATIONS, AS WILL HIS OPPOSITION TO CAPITAL PUNISHMENT. HE RECENTLY STATED THAT HIS FIRST PRIORITY ON TAKING OFFICE IS IMPLEMENTATION OF THE

~~CONFIDENTIAL~~

PROVISIONS OF THE INTERIM CONSTITUTION: COMPOSITION OF THE JUDICIAL SERVICE COMMISSION AND THE CONSTITUTIONAL COURT (SEPTEL), THE HUMAN RIGHTS COMMISSION, THE COMMISSION ON GENDER EQUALITY, AND THE PUBLIC PROTECTOR'S OFFICE.

10. (X) OMAR IS COMMITTED TO BUILDING A BAR AND BENCH WHICH REFLECT THE DIVERSITY OF SOUTH AFRICAN SOCIETY. HE FAVORS FUSION OF THE TWO-TIER LAWYER SYSTEM OF ATTORNEYS AND ADVOCATES, AND HAS SPOKEN FAVORABLY OF OTHER COUNTRIES' SYSTEMS UNDER WHICH POTENTIAL JUDGES ARE SELECTED AND TRAINED EARLY IN THEIR CAREERS.

11. (X) OMAR HAS OFTEN USED LAW TO FURTHER HIS CONCEPT OF SOCIAL JUSTICE. HE HAS, HOWEVER, BEEN LESS A CHAMPION OF INDIVIDUAL AND MINORITY RIGHTS AND JUDICIAL INDEPENDENCE, AND HAS DEMONSTRATED QUESTIONABLE POLITICAL JUDGMENT. AFTER THE MURDER OF U.S. FULBRIGHT GRANTEE AMY BIEHL, OMAR DISMISSED HER DEATH AS JUST ONE AMONG COUNTLESS OTHERS IN THE TOWNSHIPS AND CRITICIZED THE MASSIVE MEDIA ATTENTION GIVEN TO HER MURDER. IN DECEMBER 1993, WHEN DP NEGOTIATORS WERE (SUCCESSFULLY) PUSHING FOR THE ESTABLISHMENT OF A JUDICIAL SERVICE COMMISSION TO ATTENUATE THE POWER OF THE NEW SAG TO SELECT JUDGES,

OMAR ATTACKED THE DP AS "FEARFUL OF DEMOCRACY ITSELF." THESE INTEMPERATE OUTBURSTS MAY HAVE ARISEN IN PART FROM OMAR'S IMPATIENCE FOR CHANGE TO A SYSTEM OF JUSTICE WHICH PROTECTS THE LONG-IGNORED RIGHTS OF THE MAJORITY POPULATION, BUT THEIR INSENSITIVITY AND BIAS HAVE ALSO FED CONCERNS THAT HIS SUPPORT FOR INDIVIDUAL RIGHTS VARIES WITH THE INDIVIDUAL IN QUESTION. THE REMARKS ABOUT THE DP ALSO REFLECT OMAR'S DESIRE FOR AN ACTIVIST JUDICIARY THAT CAN FURTHER ANC INTERESTS WITHOUT INTERFERENCE OR RESTRAINT FROM THE LEGAL ESTABLISHMENT AND/OR CONSERVATIVE JURISPRUDENCE. IT BEGS, HOWEVER, THE QUESTION OF JUDICIAL INDEPENDENCE.

12. (C) OMAR IS ONE OF RELATIVELY FEW ANC MINISTERS WHO CAME TO PROMINENCE VIA THE UDF, AND HIS  
~~CONFIDENTIAL~~ SECTION 03 OF 03 PRETORIA 007599  
 DEPARTMENT FOR AF/S  
 PARIS FOR PERLOW, LONDON FOR MCKINLEY  
 E.O. 12356: DECL: OADR  
 TAGS: PGOV, PINR, PHUM, KJUS, PINS, SF  
 SUBJECT: SOUTH AFRICA'S NEW MINISTER OF JUSTICE  
 CONNECTIONS WITH TOP ANC LEADERSHIP WILL BE IMPORTANT AS HE SEEKS A BROAD AMBIT FOR HIS MINISTRY. THE DEGREE OF HIS COMMITMENT TO ESTABLISHING A CULTURE OF HUMAN RIGHTS AND THE RULE OF LAW WILL BE TESTED -- SOONER OR LATER -- BY

~~CONFIDENTIAL~~

COMPETING WISHES OF OTHER ANC MINISTERS TO CARRY OUT POLICIES AFFECTING VARIED RIGHTS: OF INDIVIDUALS, OF MINORITY GROUPS, IN PROPERTY, ETC. MUCH OF THE MEANING AND IMPORT OF SOUTH AFRICA'S BILL OF RIGHTS WILL HANG ON THE RESOLUTION OF THOSE CONFLICTS.

13. (U) CONSULATE GENERAL CAPE TOWN HAS CLEARED THIS MESS  
 AGE.  
 LYMAN  
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 #7599  
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SECT: SECTION: 01 OF 03  
 <^SECT>SECTION: 02 OF 03  
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SSN: 7599  
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 SUBJ: SOUTH AFRICA'S NEW MINISTER OF JUSTICE

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 SUMMARY  
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## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 03 PRETORIA 007599  
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 DEPARTMENT FOR AF/S  
 PARIS FOR PERLOW, LONDON FOR MCKINLEY  
 E.O. 12356: DECL: OADR  
 TAGS: PGOV, PINR, PHUM, KJUS, PINS, SF  
 SUBJECT: SOUTH AFRICA'S NEW MINISTER OF JUSTICE

-----  
 SUMMARY  
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1. (C) DULLAH OMAR, PRESIDENT MANDELA'S CHOICE AS MINISTER OF JUSTICE, HAS WORKED TIRELESSLY AND COURAGEOUSLY IN SUPPORT OM HIS CONCEPT OF AND SOCIAL JUSTICE. HIS CLIENTS READ LIKE A "WHO'S WHO" OF RESISTANCE POLITICS: NELSON MANDELA, PAC OFFICIALS, ROBBEN ISLAND INMATES. OMAR WAS HIMSELF THE SUBJECT OF A WIDELY-HERALDED (AND UNSUCCESSFUL) TEST CASE IN THE MID-80'S AGAINST DETENTION WITHOUT TRIAL. THE JUSTICE MINISTRY'S JUDICIAL NOMINATIONS WILL PROBABLY REFLECT OMAR'S ACTIVISM AND COMMITMENT TO SOCIAL JUSTICE, BUT HIS COMMITMENT TO JUDICIAL INDEPENDENCE AND INDIVIDUAL LIBERTIES IS LESS CLEAR. HE IS ONE OF RELATIVELY FEW UDF STALWARTS INCLUDED IN THE CABINET, AND HIS INFLUENCE IN THAT ENVIRONMENT WILL BE CRUCIAL TO ESTABLISHING THE BROAD ROLE HE SEEKS FOR THE JUSTICE MINISTRY. END

DECLASSIFIED  
 PER E.O. 13526

2015-0638-M (1.22)  
 7/31/2012 KBH

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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 PRETORIA 007599  
C O R R E C T E D C O P Y (DELETE CLASSIFICATION IN TEXT)  
DEPARTMENT FOR AF/S  
PARIS FOR PERLOW, LONDON FOR MCKINLEY  
E.O. 12356: DECL: OADR  
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SUBJECT: SOUTH AFRICA'S NEW MINISTER OF JUSTICE

LEGAL AFFAIRS. HE PLAYED A KEY ROLE AS AN ADVISOR ON LEGAL AND CONSTITUTIONAL AFFAIRS DURING THE NEGOTIATIONS LEADING UP THE SOUTH AFRICA'S POLITICAL TRANSITION TO NON-RACIAL DEMOCRACY.

7. (X) OMAR HAS APPARENTLY TRAVELED LITTLE OUTSIDE SOUTH AFRICA. HE VISITED EUROPE AS A TOURIST IN 1972 AND FIRST TRAVELED TO THE U.S. IN AUGUST OF 1990. DURING A PUBLIC MEETING IN DASHINGTON DURING THAT VISIT, OMAR ACCUSED WESTERN GOVERNMENTS OF TRYING TO MAINTAIN APARTHEID. OMAR, A MUSLIM, ALSO STRONGLY CONDEMNED U.S. POLICY TOWARD IRAQ (SEE 90 STATE 291782). HE SUFFERED AT LEAST TWO HEART ATTACKS IN THE LATE 1980'S. HE IS MARRIED TO MARIDA OMAR, A POLITICAL ACTIVIST WHO SERVED AS CHAIRPERSON OF THE WESTERN CAPE DETAINEES' PARENTS SUPPORT COMMITTEE. THEY HAVE TWO SONS AND A DAUGHTER.

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THE FUTURE  
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8. (X) OMAR HAS LONG BEEN A CONTACT OF THE EMBASSY AND CONSULATE GENERAL CAPE TOWN. IN CONVERSATIONS WITH EMBASSY OFFICERS, HE HAS UNDERSCORED THE NEED TO ESTABLISH A BASIS OF LAW AND ORDER UPON WHICH SOCIAL AND POLITICAL PROGRESS CAN BE BUILT. WE EXPECT HIM TO CONTINUE TO ESPOUSE THE SOMEWHAT CONTENDING THEMES OF SECURITY AND SOCIAL JUSTICE DURING HIS TENURE.

9. (X) OMAR'S COMMITMENT TO LEGAL ACTIVISM WILL PROBABLY BE REFLECTED IN HIS MINISTRY'S JUDICIAL NOMINATIONS, AS WILL HIS OPPOSITION TO CAPITAL PUNISHMENT. HE RECENTLY STATED THAT HIS FIRST PRIORITY ON TAKING OFFICE IS IMPLEMENTATION OF THE PROVISIONS OF THE INTERIM CONSTITUTION: COMPOSITION OF THE JUDICIAL SERVICE COMMISSION AND THE CONSTITUTIONAL COURT (SEPTEL), THE HUMAN RIGHTS COMMISSION, THE COMMISSION ON GENDER EQUALITY, AND THE PUBLIC PROTECTOR'S OFFICE.

10. (X) OMAR IS COMMITTED TO BUILDING A BAR AND BENCH WHICH REFLECT THE DIVERSITY OF SOUTH AFRICAN SOCIETY. HE FAVORS FUSION OF THE TWO-TIER LAWYER SYSTEM OF ATTORNEYS AND ADVOCATES, AND HAS SPOKEN FAVORABLY OF OTHER COUNTRIES' SYSTEMS UNDER WHICH POTENTIAL JUDGES ARE SELECTED AND TRAINED EARLY IN THEIR CAREERS.

11. (X) OMAR HAS OFTEN USED LAW TO FURTHER HIS CONCEPT OF SOCIAL JUSTICE. HE HAS, HOWEVER, BEEN LESS A CHAMPION OF INDIVIDUAL AND MINORITY RIGHTS AND JUDICIAL INDEPENDENCE, AND HAS DEMONSTRATED QUESTIONABLE POLITICAL JUDGMENT. AFTER THE MURDER OF U.S. FULBRIGHT GRANTEE AMY BIEHL, OMAR DISMISSED HER DEATH AS JUST ONE AMONG COUNTLESS OTHERS IN THE TOWNSHIPS AND CRITICIZED THE MASSIVE MEDIA ATTENTION GIVEN TO HER MURDER. IN DECEMBER 1993, WHEN DP NEGOTIATORS WERE (SUCCESSFULLY) PUSHING FOR THE ESTABLISHMENT OF A JUDICIAL SERVICE COMMISSION TO ATTENUATE THE POWER OF THE NEW SAG TO SELECT JUDGES, OMAR ATTACKED THE DP AS "FEARFUL OF DEMOCRACY ITSELF." THESE INTEMPERATE OUTBURSTS MAY HAVE

ARISEN IN PART FROM OMAR'S IMPATIENCE FOR CHANGE TO A SYSTEM OF JUSTICE WHICH PROTECTS THE LONG-IGNORED RIGHTS OF THE MAJORITY POPULATION, BUT THEIR INSENSITIVITY AND BIAS HAVE ALSO FED CONCERNS THAT HIS SUPPORT FOR INDIVIDUAL RIGHTS VARIES WITH THE INDIVIDUAL IN QUESTION. THE REMARKS ABOUT THE DP ALSO REFLECT OMAR'S DESIRE FOR AN ACTIVIST JUDICIARY THAT CAN FURTHER ANC INTERESTS WITHOUT INTERFERENCE OR RESTRAINT FROM THE LEGAL ESTABLISHMENT AND/OR CONSERVATIVE JURISPRUDENCE. IT BEGS, HOWEVER, THE QUESTION OF JUDICIAL INDEPENDENCE.

12. (C) OMAR IS ONE OF RELATIVELY FEW ANC MINISTERS WHO CAME TO PROMINENCE VIA THE UDF, AND HIS  
~~C O N F I D E N T I A L~~ SECTION 03 OF 03. PRETORIA 007599  
 C O R R E C T E D C O P Y (DELETE CLASSIFICATION IN TEXT)  
 DEPARTMENT FOR AF/S

PARIS FOR PERLOW, LONDON FOR MCKINLEY

E.O. 12356: DECL: OADR

TAGS: PGOV, PINR, PHUM, KJUS, PINS, SF

SUBJECT: SOUTH AFRICA'S NEW MINISTER OF JUSTICE CONNECTIONS WITH TOP ANC LEADERSHIP WILL BE IMPORTANT AS HE SEEKS A BROAD AMBIT FOR HIS MINISTRY. THE DEGREE OF HIS COMMITMENT TO ESTABLISHING A CULTURE OF HUMAN RIGHTS AND THE RULE OF LAW WILL BE TESTED -- SOONER OR LATER -- BY COMPETING WISHES OF OTHER ANC MINISTERS TO CARRY OUT POLICIES AFFECTING VARIED RIGHTS: OF INDIVIDUALS, OF MINORITY GROUPS, IN PROPERTY, ETC. MUCH OF THE MEANING AND IMPORT OF SOUTH AFRICA'S BILL OF RIGHTS WILL HANG ON THE RESOLUTION OF THOSE CONFLICTS.

13. (U) CONSULATE GENERAL CAPE TOWN HAS CLEARED THIS MESSAGE.

LYMAN

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#7599

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**SECT:** SECTION: 01 OF 03  
 <^SECT>SECTION: 02 OF 03  
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**SSN:** 7599  
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**DIST:** SIT: BRANSCUM NSC VAX  
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## Cable

PREC: PRIORITY

CLASS: ~~CONFIDENTIAL~~

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LINE2: ZNY CCCCC ZZH

LINE3: P 141320Z JUN 94

LINE4: FM AMEMBASSY PRETORIA

OSRI: RUEHSA

DTG: 141320Z JUN 94

ORIG: AMEMBASSY PRETORIA

TO: RUEHC/SECSTATE WASHDC PRIORITY 4692

INFO: RUEHTN/AMCONSUL CAPE TOWN 3076

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RUEHFR/AMEMBASSY PARIS 1077

RUEHMB/AMEMBASSY MBABANE 1942

RUEHWD/AMEMBASSY WINDHOEK 2263

RUEHOR/AMEMBASSY GABORONE 1234

RUEHBU/AMCONSUL DURBAN 2724

RUEHSB/AMEMBASSY HARARE 1382

RUEHRU/AMEMBASSY MASERU 1736

RUEHBG/AMCONSUL JOHANNESBURG 3443

SUBJ: SOUTH AFRICA: REFLECTIONS ON AMNESTY

TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 03 PRETORIA 008314

DEPARTMENT FOR AF/S

LONDON FOR MCKINLEY; PARIS FOR PERLOW

E.O. 12356: DECL: OADR

TAGS: PGOV, PHUM, PINS, KDEM, SF

SUBJECT: SOUTH AFRICA: REFLECTIONS ON AMNESTY

REF: CAPE TOWN 665

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SUMMARY

1. (S) THE JUSTICE MINISTRY'S NEW AMNESTY PLAN FOR POLITICALLY-MOTIVATED CRIMES DIFFERS FROM THE PREVIOUS AMNESTY PROGRAM IN THAT THOSE APPLYING WILL BE REQUIRED TO SPECIFY THE CRIMES FOR WHICH THEY SEEK REPRIEVE AND VICTIMS WILL BE COMPENSATED. CONTACTS AT LAWYERS FOR HUMAN RIGHTS (LHR), WHOSE DIRECTOR WILL CHAIR THE "TRUTH COMMISSION", CONFIRM THAT THE JUSTICE MINISTRY FAVORS EMPLOYING TWO TESTS TO DETERMINE WHO QUALIFIES FOR THE NEW AMNESTY PROGRAM: (1) A REQUIREMENT THAT THE CRIMES WERE COMMITTED PURSUANT TO ORDERS/POLICIES OF "LEGITIMATE" ANTI-APARTHEID LIBERATION GROUPS OR THE (FORMER) GOVERNMENT AND (2) A BAR ON AMNESTYING

RACIALLY-MOTIVATED CRIMES. AS COMPLAINTS FROM QUARTERS AS DISPARATE AS THE CP AND PAC ROLL IN, LHR CONTACTS CONCEDE THAT THE PROPOSED CRITERIA ARE VAGUE AND POTENTIALLY CONTRADICTORY, AND NOTE THAT THE JUSTICE MINISTRY IS COMING UNDER MOUNTING

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PER E.O. 135262015-0638-M (1.23)  
7/31/2018 KBN~~CONFIDENTIAL~~

PRESSURE TO "RATIONALIZE" CRITERIA SO THEY ARE EVEN-HANDED AND THEIR APPLICATION IS REASONABLY PREDICTABLE. THE AMNESTY, PROVIDED FOR IN THE NEW CONSTITUTION, IS AN INTEGRAL COMPONENT OF THE NEW SAG'S PROGRAM TO FOSTER RECONCILIATION. ITS LIKELY COST WILL BE HIGH -- YET ANOTHER WAVE OF THUGS, MURDERERS, AND WORSE CHEATING THE SCALES OF JUSTICE -- BUT THE COST OF BOTCHING THIS EFFORT TO COME TO TERMS WITH THE PAST COULD BE EVEN HIGHER. END SUMMARY.

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BACKGROUND  
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2. (LOU) AS NOTED REFTTEL, JUSTICE MINISTER DULLAH OMAR HAS CONFIRMED THAT HIS MINISTRY IS FINALIZING THE TERMS OF A NEW AMNESTY FOR POLITICALLY-MOTIVATED CRIMES. OMAR TOLD PARLIAMENT LAST WEEK THAT, IN DRAFTING THE RELEVANT LEGISLATION, HIS MINISTRY WOULD BE BOUND BY THE LATEST CUT-OFF DATE AUTHORIZED IN THE INTERIM CONSTITUTION: MIDNIGHT ON DECEMBER 5, 1993. (THE CUT-OFF DATE UNDER THE PRESENT AMNESTY PROGRAM IS OCTOBER 8, 1990.) LIKE THE PRESENT AMNESTY PLAN, WOULD-BE BENEFICIARIES WOULD HAVE TO APPLY FOR THE INDEMNITY, AND THE SAG WOULD BE RESPONSIBLE FOR ACTING ON SUCH APPLICATIONS.
3. (✓) HOWEVER, UNLIKE THE PRESENT AMNESTY PLAN (THE "FURTHER INDEMNITY ACT OF 1992", ENACTED BY NP GOVERNMENT FIAT IN LARGE PART TO INDEMNIFY ITS EMPLOYEES AND AGENTS), THE NEW PROGRAM WILL REQUIRE THAT APPLICANTS SPECIFY THE CRIMES FOR WHICH THEY SEEK REPRIEVE AND WOULD ALSO PROVIDE FOR VICTIM COMPENSATION. ANOTHER NEW ELEMENT IS THE CREATION OF A COMMISSION OF TRUTH AND RECONCILIATION ("TRUTH COMMISSION"), CHARGED WITH ASSEMBLING INFORMATION ON DIRTY TRICKS AND OTHER POLITICAL CRIMES.
4. (✓) ALTHOUGH OMAR STRESSED THAT THE PURPOSE OF THIS COMMISSION WILL BE DISCLOSURE AND RECONCILIATION AND THAT INFORMATION GIVEN TO THE

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COMMITTEE WILL NOT BE USED AGAINST THOSE VOLUNTEERING IT, CRITICS NOTE THAT THE PROPOSED CRITERIA FOR AMNESTY COMBINED WITH THE COMMISSION'S VAGUE GUIDELINES OFFER LITTLE ASSURANCE TO A PERSON GIVING SELF-INCRIMINATING EVIDENCE THAT IT WON'T BE USED TO PROSECUTE HIM.

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LHR MISGIVINGS  
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~~CONFIDENTIAL~~ SECTION 02 OF 03 PRETORIA 008314  
DEPARTMENT FOR AF/S  
LONDON FOR MCKINLEY; PARIS FOR PERLOW  
E.O. 12356: DECL: OADR  
TAGS: PGOV, 60#7., PINS, KDEM, SF  
SUBJECT: SOUTH AFRICA: REFLECTIONS ON AMNESTY

5. (✓) LHR STAFFER JODY COLLAPEN (PROTECT) -- WHO WORKS UNDER LHR DIRECTOR BRIAN CURRIN, NAMED TO HEAD THE TRUTH COMMISSION -- CONCEDES THAT THE TESTS OF NON-RACIAL MOTIVATION AND EITHER SAG OR LIBERATION

GROUP "LEGITIMACY" ARE VAGUE (WHAT DEFINES A "LEGITIMATE" -- AS OPPOSED TO AN "ILLEGITIMATE" -- ANTI-APARTHEID ORGANIZATION?) AND POTENTIALLY CONTRADICTORY.

6. (C) AS A THRESHOLD MATTER, COLLAPEN WAS UNSURE WHETHER THE TWO TESTS WOULD BE ALTERNATIVE OR CUMULATIVE, I.E., WHETHER A PERSON WOULD HAVE TO MEET EITHER CRITERION OR BOTH CRITERIA IN ORDER TO QUALIFY. IF EITHER CRITERION WILL DO, THEN AUTHORS OF SUCH RACIALLY-MOTIVATED ATROCITIES AS THE ST. JAMES CHURCH MASSACRE, THE MURDER OF AMY BIEHL, AND EVEN THE BIOPATHONG MASSACRE COULD BE INDEMNIFIED IF THEY CAN ESTABLISH THAT THEY WERE CARRYING OUT "LEGITIMATE" ANTI-APARTHEID ACTIVITIES/ORDERS/POLICIES. HOWEVER, IF BOTH CRITERIA MUST BE SATISFIED, THEY MAY IN SOME CASES PROVE TO BE MUTUALLY INCOMPATIBLE. FOR EXAMPLE, AN OFFICIAL OF THE FORMER SAG ACTING IN SUPPORT OF A POLICY OF APARTHEID WOULD, IT SEEMS, BE CARRYING OUT A RACIALLY-MOTIVATED ACT PER SE. IF, ON THE OTHER HAND, THE DETERMINING FACTOR IS THE ACTOR'S/ACTOR'S STATE OF MIND, THE COMMISSION'S DETERMINATIONS WILL LIKELY BE FRAUGHT WITH CONSIDERABLE DIFFICULTY, SINCE IN MANY CASES ONLY THE ACTOR KNOWS WHAT HIS MOTIVES WERE.

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STRANGE BEDFELLOWS ATTACK AMNESTY PLAN  
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7. (C) A CONSERVATIVE PARTY SPOKESMAN CONDEMNED THE

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NEW AMNESTY AND TRUTH COMMISSION ON JUNE 9 AS "AN AMBUSH" FOR OPPONENTS OF THE ANC. STILL SMARTING OVER OMAR'S INSISTENCE ON HEWING TO THE DECEMBER 5 CUT-OFF DATE AND NARROWLY DEFINING WHICH ACTS WILL QUALIFY FOR AMNESTY, THE CP CALLED FOR A "GENERAL AMNESTY" OF ALL PEOPLE WHO COMMITTED CRIMES WITH A POLITICAL MOTIVE.

8. (LOU) THE PAC ALSO EXPRESSED CONCERN OVER THE "ONE-SIDEDNESS AND SECTARIAN" TERMS OF REFERENCE FOR THE PROPOSED AMNESTY AND TRUTH COMMISSION. ITS OFFICIAL STATEMENT, ISSUED ON JUNE 8, EXPRESSED "PARTICULAR CONCERN (ABOUT) THE SECTARIAN DISQUALIFICATION OF THE ALLEGED KILLERS OF AMERICAN STUDENT AMY BIEHL FROM AMNESTY OR INDEMNITY." ASSERTING THAT BIEHL'S KILLERS WERE INVOLVED IN A CAMPAIGN IN SUPPORT OF A TEACHERS' STRIKE INITIATED BY THE ANC, THE PAC INSISTED THAT "THE TRUTH COMMISSION MUST TAKE INTO CONSIDERATION THE DEFINITION OF THE ENEMY BY THOSE WHO PURPORTEDLY COMMITTED VIOLENT ACTS."

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WHAT IS A POLITICALLY MOTIVATED CRIME? WHAT IS AN INQUISITION?  
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9. (C) AS NOTED REFTTEL, OMAR HAS LET LOOSE SOME SEEMINGLY CONTRADICTORY STATEMENTS ABOUT THE DEFINITION OF A POLITICALLY MOTIVATED CRIME AND THE

INTENT TO BENEFIT SOME AND NOT OTHERS. HE IS CLEARLY DISCOMFITED AT THE PROSPECT OF FREEING CHRIS HANI'S MURDERERS, AND VOWS TO MAINTAIN THE DECEMBER 5 DEADLINE TO ENSURE THAT RIGHT-WINGERS WHO ATTEMPTED TO DISRUPT THE ELECTIONS THROUGH THE BOMBING CAMPAIGN DO NOT GO FREE.

10. (LOU) AS THE UPROAR OVER OMAR'S COMMENTS GREW, PRESIDENT MANDELA ENTERED THE FRAY ON JUNE 9, GIVING PUBLIC ASSURANCES THAT THE TRUTH COMMISSION WILL NOT CONDUCT AN INQUISITION: "THE TRUTH COMMISSION IS NOT INTENDED FOR RETRIBUTION. WE ARE STARTING NO ~~CONFIDENTIAL~~ SECTION 03 OF 03 PRETORIA 008314 DEPARTMENT FOR AF/S LONDON FOR MCKINLEY; PARIS FOR PERLOW.

E.O. 12356: DECL: OADR

TAGS: PGOV, PHUM, PINS, KDEM, SF

SUBJECT: SOUTH AFRICA: REFLECTIONS ON AMNESTY NUREMBERG TRIALS." MANDELA SAID THE SAG'S POLICY IS ONE OF "HEALING THE WOUNDS OF THE PAST, AND THE TRUTH COMMISSION IS PART OF THAT POLICY." HE WARNED THAT THE AMNESTY WOULD NOT APPLY TO "PEOPLE WHO SAT DOWN TO PLOT MURDER," BUT WENT ON TO OPINE THAT THE

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COMMISSION WOULD GRANT AMNESTY TO APARTHEID-ERA OFFICIALS WHO THOUGHT/THOUGHT THEY WERE CARRYING OUT THEIR DUTIES. SUCH OFFICIALS WERE "ON THE SAME LEVEL AS US" AND WOULD QUALIFY FOR AMNESTY.

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THE IMPORTANCE OF RECONCILIATION -- AND RECOGNITION  
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11. (✓) LLOYD VOGELMAN, A CLINICAL PSYCHOLOGIST AND DIRECTOR OF THE WITS UNIVERSITY CENTER FOR THE STUDY OF VIOLENCE AND RECONCILIATION, ARGUES STRONGLY FOR

THE USE OF A TRUTH COMMISSION. VOGELMAN POINTS OUT THAT VICTIMS REQUIRE RECOGNITION OF THEIR VICTIMIZATION IN ORDER TO COME TO TERMS WITH IT AND TO BEGIN THE HEALING PROCESS. VICTIM COMPENSATION CAN ALSO BE AN IMPORTANT COMPONENT OF THAT PROCESS. VOGELMAN NOTES THAT A TRUTH COMMISSION CAN BE ABUSED, BUT ARGUES THAT AN AMNESTY SYSTEM TIED TO DISCLOSURE IS FAR PREFERABLE TO THE PREVIOUS SYSTEM OF AMNESTYING PERSONS IN GENERAL AND ABSOLUTE TERMS, WITHOUT EVEN AN ADMISSION BY THE VICTIMIZERS THAT THEY WERE RESPONSIBLE FOR SPECIFIC ACTS.

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COMMENT  
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12 (✓) OMAR'S ASSURANCES THAT THE TRUTH COMMISSION WILL NOT BE ABUSED ARE THIN, AND WILL REQUIRE -- AND PROBABLY DRAW -- CONSIDERABLE VIGILANCE FROM HUMAN RIGHTS ACTIVISTS AND OTHER INTERESTED PARTIES. FORTUNATELY, TRUTH COMMISSION (AND LHR) DIRECTOR CURRIN IS A PERSON OF GREAT INTEGRITY WHO, ALTHOUGH HIMSELF A VICTIM OF POLITICALLY-MOTIVATED DIRTY TRICKS, WILL ALMOST CERTAINLY USE HIS POSITION TO GUARD AGAINST ABUSES.

13. (✓) OMAR'S APPARENT INTENTION TO USE CREATIVE

STATUTORY LANGUAGE AND/OR AN EQUALLY CREATIVE LEGAL CONSTRUCTION OF THAT LANGUAGE TO DENY AMNESTY IN CERTAIN CAUSES CELEBRES SUCH AS THE HANI MURDER IS BOTH UNDERSTANDABLE AND TROUBLING: UNDERSTANDABLE BECAUSE HE AND MANY OTHERS NOW IN POWER ARE LOATHE TO GRANT LEGAL ABSOLUTION TO THE MURDERERS AND WORSE INVOLVED IN TERRORISM AGAINST OPPONENTS OF APARTHEID; BUT ALSO TROUBLING, SINCE THE

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DISTINCTIONS NOW BEING PROPOSED ARE SUFFICIENTLY UNCLEAR AS TO DISCOURAGE PERSONS FROM COMING FORWARD TO GIVE INFORMATION, INFORMATION THAT WILL BE ESSENTIAL IF THE TRUTH COMMISSION IS TO CARRY OUT ITS MISSION. IF THE DETAILS OF OMAR'S AMNESTY PLAN FAIL -- OR ARE EVEN PERCEIVED BY MANY SOUTH AFRICANS TO HAVE FAILED -- TO FULFILL THE SPIRIT OF FORGIVENESS AND HEALING VOICED BY MANDELA, RECONCILIATION WILL NOT BE FURTHERED, BUT FURTHER POSTPONED.

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SECT: SECTION: 01 OF 03

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SSN: 8314

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## Cable

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 RUEHTN/AMCONSUL CAPE TOWN 4278  
 RUEHBG/AMCONSUL JOHANNESBURG 4683  
 SUBJ: CONSTITUTIONAL COURT JUSTICES NAMED  
 TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 03 PRETORIA 014724

LONDON FOR YOUNG, PARIS FOR DALSIMER

E.O. 12356: DECL: OADR  
 TAGS: PGOV, PHUM, KJUS, PREL, SF  
 SUBJECT: CONSTITUTIONAL COURT JUSTICES NAMED

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 SUMMARY  
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1. (S) PRESIDENT MANDELA HAS NAMED THE FINAL SIX MEMBERS OF SOUTH AFRICA'S NEW HIGH COURT. WHILE THE SELECTION PROCESS NECESSARILY INVOLVED THE OMISSION OF SOME HIGHLY QUALIFIED CANDIDATES, THE COURT'S MEMBERS ARE GENERALLY TOP-NOTCH. THE ELEVEN-MEMBER PANEL INCLUDES FOUR NON-WHITES AND TWO WOMEN, NO MEAN FEET GIVEN SOUTH AFRICA'S PREDOMINANTLY WHITE, MALE LEGAL ESTABLISHMENT. THE COURT, WHICH WILL BE THE NATION'S ULTIMATE ARBITER OF CONSTITUTIONAL QUESTIONS, IS EXPECTED TO BEGIN HEARING CASES SOON. END SUMMARY.

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 THE NEW COURT  
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2. (LOU) ON OCTOBER 12 PRESIDENT MANDELA ANNOUNCED THE SELECTION OF THE FOLLOWING PERSONS FOR SEATS ON SOUTH AFRICA'S CONSTITUTIONAL COURT:

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 PER E.O. 13526

2015-0638-M (1.25)  
 7/31/2018 KBI

-- JOHANN KRIEGLER, APPEALS COURT JUSTICE AND CHAIRMAN OF THE INDEPENDENT ELECTORAL COMMISSION, WHICH ADMINISTERED THE COUNTRY'S APRIL ELECTIONS;

-- JOHN DIDCOTT, NATAL SUPREME COURT JUDGE AND ANTI-APARTHEID LEGAL ACTIVIST;

-- ALBIE SACHS, SENIOR ANC CONSTITUTIONAL ADVISOR AND PROFESSOR OF LAW AT THE UNIVERSITY OF THE WESTERN CAPE;

-- PIUS LANGA, SENIOR DURBAN ADVOCATE, A MENIAL LABORER WHO STUDIED LAW PART-TIME AND ROSE THROUGH THE RANKS OF THE NATAL LEGAL ESTABLISHMENT;

-- YVONNE MOKGORO, LEGAL SCHOLAR AND MEMBER OF THE HUMAN SCIENCES RESEARCH CENTER; AND

-- CATHERINE O'REAGAN, PROFESSOR OF LAW AT THE UNIVERSITY OF CAPE TOWN.

3. (LOU) THESE SIX, SELECTED FROM A LIST OF TEN CANDIDATES SUBMITTED BY THE JUDICIAL SERVICES COMMISSION (JSC) LAST WEEK, JOIN THE FIVE COURT MEMBERS ALREADY APPOINTED BY MANDELA:

-- ARTHUR CHASKALSON, PRESIDENT OF THE COURT, CO-FOUNDER OF THE LEGAL RESOURCES CENTER (LRC) AND LONG-TIME ANC LEGAL ADVISOR;

-- ISMAIL MOHAMED, TRANSVAAL SUPREME COURT JUSTICE AND ONE OF THE FEW NON-WHITE SENIOR LEGAL FIGURES IN SOUTH AFRICA;

-- RICHARD GOLDSTONE, FORMER APPEALS COURT JUSTICE AND HEAD OF A COMMISSION (BEARING HIS NAME) WHICH INVESTIGATED POLITICAL VIOLENCE;

-- LAURENS ACKERMANN, WHO SERVED ON THE CAPE AND NORTHERN TRANSVAAL BENCHES AND TAUGHT HUMAN RIGHTS LAW AT THE UNIVERSITY OF STELLENBOSCH; AND

-- TOLE MADALA, FORMER JUSTICE OF THE TRANSKEI SUPREME COURT.

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COMPOSITION  
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4. (C) IN MAKING HIS SELECTIONS, MANDELA GIVES SOUTH AFRICA A HIGH COURT WHICH FOR THE FIRST TIME INCORPORATES SIGNIFICANT NUMBERS OF NON-WHITES AND WOMEN, NO MEAN ACHIEVEMENT GIVEN A SOUTH AFRICAN LEGAL ESTABLISHMENT WHICH CONTINUES TO BE DOMINATED BY WHITE MALES. THE NEW COURT INCLUDES FOUR NON-WHITES (THREE BLACKS AND ONE "INDIAN") AND TWO WOMEN (ONE WHITE, ONE BLACK). THIS (RELATIVE) RACIAL AND GENDER DIVERSITY REFLECTS THE WINNOWING OF THE JUDICIAL SERVICES COMMISSION (JSC), WHICH NARROWED AN ORIGINAL LIST OF 24 CANDIDATES -- HEAVILY WHITE AND PREDOMINANTLY MALE -- TO A LIST OF TEN WHICH INCLUDED FIVE WHITES AND FIVE BLACKS. BOTH WOMEN SHORT-LISTED BY THE JSC WERE APPOINTED TO THE COURT.

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OMISSIONS  
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5. (C) MANDELA'S SELECTION NECESSARILY LEFT IN ITS WAKE SOME HIGHLY QUALIFIED ALSO-RANS. THE FOUR UNSUCCESSFUL CANDIDATES SHORT-LISTED BY THE JSC WERE:

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 PRETORIA 014724

LONDON FOR YOUNG, PARIS FOR DALSIMER

E.O. 12356: DECL: OADR

TAGS: PGOV, PHUM, KJUS, PREL, SF

SUBJECT: CONSTITUTIONAL COURT JUSTICES NAMED

-- JOHN DUGARD, LEGENDARY ANTI-APARTHEID HUMAN RIGHTS ACTIVIST AND LEGAL GADFLY, WITS UNIVERSITY LAW PROFESSOR, FOUNDER AND FORMER DIRECTOR OF THE WITS CENTER FOR APPLIED LEGAL STUDIES, AND (WITH CHASKALSON) CO-FOUNDER OF THE LEGAL RESOURCES CENTER;

-- LOUIS SKWEYIYA, SENIOR ADVOCATE, LRC ACTIVIST, AND COUSIN OF ZOLA SKWEYIYA, SAG MINISTER OF PUBLIC WORKS AND ADMINISTRATION;

-- CHARLES DHLAMINI, RECTOR OF ZULULAND UNIVERSITY; AND

-- BERNARD NGOEBE, SENIOR ADVOCATE AND HUMAN RIGHTS ACTIVIST.

6. (C) NOTEWORTHY CANDIDATES WHO FAILED TO MAKE THE JSC'S SHORT LIST INCLUDED:

-- JUNE SINCLAIR, WITS UNIVERSITY DEPUTY VICE-CHANCELLOR AND PROFESSOR OF LAW, WHO WAS GRILLED BY SOME JSC MEMBERS ABOUT HER ROLE IN OPPOSING RECENT CAMPUS CHAOS FOSTERED BY BLACK STUDENT ORGANIZATIONS;

-- ANTONIE GILDENHUYS, CHAIRMAN OF THE NATIONAL PEACE SECRETARIAT AND A LEADING FIGURE IN THE STRUGGLE AGAINST POLITICAL VIOLENCE AND INTOLERANCE;

-- PIERRE OLIVIER, SUPREME COURT JUSTICE AND PILLAR OF THE AFRIKANER LEGAL ESTABLISHMENT, WHO PLAYED A CENTRAL ROLE IN GAINING NP (THEN-SAG) SUPPORT FOR THE COUNTRY'S FIRST BILL OF RIGHTS;

-- FIKILE BAM, NON-ALIGNED LEGAL AND HUMAN RIGHTS ACTIVIST FORMERLY ASSOCIATED WITH THE UNITY MOVEMENT;

-- JUSTICE POSWA, MEMBER OF THE UNITY MOVEMENT, HARSH CRITIC OF THE CONCEPT OF A GOVERNMENT OF NATIONAL UNITY, AND DEFENSE COUNSEL FOR THOSE ACCUSED OF MURDERING AMERICAN FULBRIGHT SCHOLAR AMY BIEHL.

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SELECTION PROCESS  
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6. (C) THE JSC, A 17-MEMBER COMMISSION LED BY APPEALS COURT CHIEF JUSTICE CORBETT, DREW BROAD PRAISE FROM OBSERVERS FOR THE "TRANSPARENCY" OF ITS PROCESS. HEARINGS AT WHICH THE 24 NOMINEES WERE SCRUTINIZED BY THE JSC WERE OPEN TO THE PUBLIC, AND RESULTS WERE WIDELY REPORTED IN THE MEDIA. THIS EXPERIENCE HAS LEFT A BIAS IN FAVOR OF PUBLIC HEARINGS FOR FUTURE JUDICIAL NOMINEES -- A

PRACTICE UNKNOWN IN APARTHEID SOUTH AFRICA.

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 REACTIONS TO APPOINTMENTS  
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7. (X) MOST LEGAL SCHOLARS AND PUNDITS HAVE WELCOMED THE COURT APPOINTMENTS. CHASKALSON IS UNIVERSALLY PRAISED FOR HIS FINE LEGAL MIND AND COMMITMENT TO SOCIAL JUSTICE. SACHS' APPOINTMENT DREW SOME FIRE AFTER JSC QUESTIONING FOCUSSED ON HIS ROLE IN ISSUING A REPORT ON ANC HUMAN RIGHTS ABUSES WIDELY REGARDED AS A WHITEWASH. HIS PUBLIC "WITHDRAWAL FROM POLITICS" IN APRIL 1994 AND ASSOCIATED REPORTS THAT HE HAD BEEN GUARANTEED A SLOT ON THE COURT ALSO CREATED SOME CONTROVERSY. ASIDE FROM HIS SELECTION, AND SCATTERED COMPLAINTS ABOUT THE JSC'S -- AND THE COURT'S -- PRO-ANC BIAS, THERE WERE FEW COMPLAINTS ABOUT THOSE SELECTED. RATHER, THE EXCLUSION OF SUCH LUMINARIES AS DUGARD AND SINCLAIR DREW FIRE.

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 THE ROAD AHEAD  
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8. (X) THE COURT WILL BE THE ULTIMATE ARBITER OF THE COUNTRY'S NEW HIGHEST LAW: THE CONSTITUTION. (HERETOFORE, ACTS OF PARLIAMENT WERE SUPREME; THERE WAS NO FACTOR HIGHER THAN LEGISLATIVE INTENT BY WHICH THEY COULD BE JUDICIALLY EVALUATED AND, IF INDICATED, OVERRULED.) THE COURT IS EXPECTED TO BEGIN HEARING CASES AS SOON AS POSSIBLE, BUT PRACTICAL IMPEDIMENTS ABOUND: THE COURT IS STILL SETTING UP ITS ADMINISTRATIVE STAFF AND RESEARCH FACILITIES, AND NEW APPOINTEES MUST LEAVE PRIVATE PRACTICES AND WRAP UP DUTIES RELATED TO EXISTING JUDICIAL AND/OR ACADEMIC POSITIONS.

9. (X) ADDITIONALLY, THE COURT MUST FORMULATE RULES ABOUT WHEN AND BY WHAT MANNER(S) AN APPELLANT CAN BRING CASES BEFORE IT. NOTWITHSTANDING ITS GREATER PRESTIGE, THE CONSTITUTIONAL COURT WILL LIKELY OPERATE PARALLEL TO, RATHER THAN ABOVE, THE APPEALS COURT, WHICH PREVIOUSLY SAT ALONE ATOP SOUTH AFRICA'S JUDICIAL WIRING  
 C O N F I D E N T I A L SECTION 03 OF 03 PRETORIA 014724

LONDON FOR YOUNG, PARIS FOR DALSIMER

E.O. 12356: DECL: OADR  
 TAGS: PGOV, PHUM, KJUS, PREL, SF  
 SUBJECT: CONSTITUTIONAL COURT JUSTICES NAMED

DIAGRAM. (INSIDERS TELL US THAT THE CONSTITUTIONAL COURT WILL ONLY PREEMPT THE APPEALS COURT WHEN CONSTITUTIONAL ISSUES ARE IN QUESTION, BUT READILY ADMIT THAT THE DEVIL WILL BE IN THE DETAILS OF MAKING SUCH DISTINCTIONS. COURT PRESIDENT CHASKALSON JOVIALY CONCEDES THAT HE AND HIS COLLEAGUES ARE LIKELY TO BE KEPT BUSY.)

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 COMMENT  
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10. (X) THE COURT IS INDEED HEAVILY PRO-ANC, BUT THIS WAS EXPECTED. SACHS, LANGA, MOKGORO AND O'REAGAN TOLD THE JSC THAT THEY WERE ANC MEMBERS AND WOULD RESIGN FROM THE ANC IF APPOINTED TO THE COURT.

ANOTHER 3-4 COURT MEMBERS ALSO HAVE ANC TIES. ALL COURT MEMBERS ACTIVELY DEMONSTRATED THEIR OPPOSITION TO THE APARTHEID SYSTEM, AND BRING WITH THEM A CREDIBILITY WHICH WILL BE VITAL IN CONFRONTING THE LEGAL AND SOCIAL LEGACIES OF APARTHEID. WHILE IT IS TOO EARLY TO PREDICT THE COURT'S VIEWS ON SPECIFIC CONSTITUTIONAL ISSUES, WE EXPECT PRAGMATISM TO TAKE PRECEDENCE OVER STRICT JURISPRUDENCE. THIS WILL BE CENTRAL NOT ONLY TO THE RULINGS DELIVERED BY THE COURT, BUT ALSO IN ITS DECISIONS ABOUT HOW AND WHEN IT WILL CONSIDER CASES.

11. (X) A TRICKIER QUESTION IS THE COURT'S PREPAREDNESS TO TAKE ON AN ANC-DOMINATED GOVERNMENT. WHILE THE COURT IS STRUCTURALLY INDEPENDENT, THE PRO-ANC HISTORIES OF MANY JUSTICES HAVE RAISED QUESTIONS ABOUT THEIR WILL TO EXERCISE THAT INDEPENDENCE. A PERCEIVED SAG ABUSE OF NEWLY-WON FUNDAMENTAL RIGHTS WOULD PRESENT AN ESPECIALLY DIFFICULT CASE, IN THE VIEW OF MANY. ON BALANCE, WE BELIEVE THAT PERSONAL AND INSTITUTIONAL DYNAMICS WILL FOSTER, RATHER THAN LIMIT, THE COURT'S INDEPENDENCE. AS WAS THE CASE WITH THE U.S. SUPREME COURT IN ITS EARLY YEARS, SOUTH AFRICA'S CONSTITUTIONAL COURT IS COMPRISED OF THE "NEW ESTABLISHMENT" REPRESENTED IN OTHER PARTS OF THE GOVERNMENT BUT IS ALSO UNIQUELY POISED TO EXPAND ITS OWN POWER WITHIN THE NEW GOVERNMENTAL SYSTEM. GIVEN THESE FACTORS, A SOUTH AFRICAN VERSION OF MARBURY V. MADISON IS PROBABLY NOT FAR OFF. CLAPP

BT

#4724

NNNN

SECT: SECTION: 01 OF 03  
 <^SECT>SECTION: 02 OF 03  
 <^SECT>SECTION: 03 OF 03

SSN: 4724  
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DIST:

PRT: SIT  
 SIT: DESHAZER NSC SARTOR STEINBERG SUM SUM2 VAX

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## Cable

PREC: PRIORITY  
 CLASS: ~~CONFIDENTIAL~~  
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 RUEHSA/AMEMBASSY PRETORIA 7432  
 INFO: RUEHBG/AMCONSUL JOHANNESBURG 7287  
 RUEHDU/AMCONSUL DURBAN 0571  
 SUBJ: BIEHL MURDER TRIAL

DECLASSIFIED  
 PER E.O. 13526

2015-0638-M (1.26)  
 7/31/2018 KBN

## TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE STATE 282926

E.O. 12356: N/A  
 TAGS: CASC, SF  
 SUBJECT: BIEHL MURDER TRIAL

REF: CAPE TOWN 01353

1. DEPARTMENT APPRECIATES THE UPDATE ON THE STATUS OF THE BIEHL MURDER TRIAL BUT IS CONCERNED BY THE FINAL COMMENT THAT MOST OBSERVERS BELIEVE THE THREE DEFENDANTS WILL RECEIVE AMNESTY IF CONVICTED. IS THIS AMNESTY LIKELY TO BE GRANTED AT THE TIME OF SENTENCING OR WOULD IT BE AN ISSUE TO BE RESOLVED BY THE YET TO BE INSTITUTED TRUTH AND RECONCILIATION COMMISSION?

2. SHOULD THE FORMER BE THE CASE AND IT APPEAR LIKELY THE DEFENDANTS WILL NOT BE SENTENCED, OR WILL BE SENTENCED BUT THEN GRANTED AMNESTY, WE BELIEVE WE MUST TRY TO PREEMPT SUCH A DECISION. EMBASSY PRETORIA AND CONGEN CAPE TOWN SHOULD APPROACH THE RELEVANT AUTHORITIES TO MAKE THE FOLLOWING POINTS:

- WE UNDERSTAND THAT NEW WITNESSES GREATLY INCREASE THE PROSPECTS FOR A CONVICTION IN THE MURDER TRIAL OF AMY BIEHL.

- THE UNITED STATES GOVERNMENT ATTACHES GREAT IMPORTANCE TO THE RESOLUTION OF THIS CASE. BECAUSE MS. BIEHL WAS AN AMERICAN CITIZEN AND AN ANTI-APARTHEID ACTIVIST, IT GOES WITHOUT SAYING THAT MANY IN THE U.S. ARE FOLLOWING THE CASE CLOSELY AND THAT IT COULD, FOR MANY AMERICANS, BECOME A SYMBOL OF THE JUSTICE SYSTEM OF THE NEW SOUTH AFRICA.

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- WE HAVE HEARD RUMORS THAT THE THREE DEFENDANTS, IF CONVICTED, MIGHT BE OFFERED SOME SORT OF AMNESTY.
- WE ARE VERY TROUBLED BY SUCH RUMORS AND HOPE THAT THEY ARE UNTRUE.
- WE STRONGLY OPPOSE AMNESTY FOR MS. BIEHL'S KILLERS. MURDER IS NOT A POLITICAL CRIME BUT A CRIMINAL ACT AND ITS PERPETRATORS SHOULD BE PUNISHED AS SUCH.
- THE UNITED STATES GOVERNMENT RECOGNIZES THE DIFFICULT TASK FACED BY SOUTH AFRICA'S JUDICIAL SYSTEM IN HANDLING CASES INVOLVING CRIMES WITH POLITICAL OVERTONES. HOWEVER, THIS BRUTAL MURDER WAS UNQUESTIONABLY A CRIMINAL ACT. THE DEFENDANTS' ASSOCIATION WITH ANY POLITICAL ORGANIZATION CAN NOT TRANSFORM IT INTO A POLITICAL OFFENSE WORTHY OF AN AMNESTY. IN THE CASE OF A CONVICTION, WE EXPECT TO SEE JUSTICE SERVED IN THE SENTENCING OF THOSE RESPONSIBLE FOR AMY BIEHL'S MURDER.

CHRISTOPHER  
BT  
#2926

NNNN

SECT: SECTION: 01 OF 01  
SSN: 2926  
TOR: 941018213807 M1312290  
DIST: SIT: VAX NSC  
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CLASS: ~~CONFIDENTIAL~~  
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RUEHTN/AMCONSUL CAPE TOWN 7540  
RUEHMB/AMEMBASSY MBABANE 0407  
RUEHLO/AMEMBASSY LONDON 2394  
SUBJ: SOUTH AFRICA: PAC ATTACKS TRUTH AND  
RECONCILIATION COMMISSION AND SLOW PACE OF LAND  
REDISTRIBUTION

## TEXT:

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE PRETORIA 009575

LONDON FOR YOUNG

E.O. 12356: N/A

TAGS: PINS, SF

SUBJECT: SOUTH AFRICA: PAC ATTACKS TRUTH AND  
RECONCILIATION COMMISSION AND SLOW PACE OF LAND  
REDISTRIBUTION

1. SUMMARY: ON JULY 29, PAC FIREBRAND AND MEMBER OF PARLIAMENT PATRICIA DE LILLE TOLD A TOWNSHIP AUDIENCE IN GUGULETU THAT THE PAC WOULD NOT RECOGNIZE THE TRUTH AND RECONCILIATION COMMISSION, NOR WOULD PAC MEMBERS TESTIFY BEFORE THE BODY. DE LILLE ALSO URGED PAC MEMBERS TO INVAD E WHITE FARMS AND TAKE THEM BY FORCE. PAC DEPUTY PRESIDENT DR. MOTSOLO PHEKO TOLD POLOFF THAT WHILE MS. DE LILLE'S REMARKS ON THE TRUTH AND RECONCILIATION COMMISSION DO REFLECT PAC POLICY, HER FARM INVASION COMMENTS DO NOT. END SUMMARY

2. DURING THE JULY 29 WEEKEND, PAN AFRICANIST CONGRESS MEMBER OF PARLIAMENT PATRICIA DE LILLE TOLD AN AUDIENCE IN THE CAPE TOWN TOWNSHIP OF GUGULETU THAT THE PAC DOES NOT RECOGNIZE THE AUTHORITY OF THE

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2015-0638-M (1.27)

7/31/2018 KBH

TRUTH AND RECONCILIATION COMMISSION. SHE PROMISED THAT NO MEMBER OF THE PAC WOULD TESTIFY BEFORE THE COMMISSION AND CALLED FOR NUREMBURG-STYLE TRIALS FOR CRIMES COMMITTED IN SUPPORT OF APARTHEID.

3. POLOFF SUBSEQUENTLY SPOKE TO PAC DEPUTY PRESIDENT DR. MOTSOLO PHEKO ABOUT DE LILLE'S REMARKS. PHEKO WAS EMPHATIC THAT THERE SHOULD BE NO AMNESTY FOR THE PERPETRATORS OF APARTHEID-ERA CRIMES AND THAT THE COMMISSION HAS NO RIGHT TO PASS JUDGEMENT ON ACTIONS COMMITTED BY THE "SURVIVORS AND VICTIMS OF APARTHEID". HE LIKENED THE PROCESS TO THE NUREMBURG TRIALS IN WHICH NO ONE CONSIDERED PENALIZING THOSE WHO FOUGHT AGAINST GENOCIDE AND ASKED WHY AFRICANS SHOULD BE TREATED ANY DIFFERENTLY. PHEKO REFUTED THE IDEA THAT MEMBERS OF THE PREVIOUS REGIME HAVE ANY RIGHT TO INDEMNIFY FREEDOM FIGHTERS WHO, BY DEFINITION, HAD NO CRIMES TO ANSWER FOR. "WHO'S INDEMNIFYING WHOM?", HE ASKED RHETORICALLY. FURTHERMORE, PHEKO COMPLAINED THAT APPROXIMATELY 300 PAC MEMBERS REMAIN IN PRISON FOR POLITICAL CRIMES WHILE FORMER PRESIDENT DE KLERK INDEMNIFIED 3,500 CRIMINALS FROM THE SECURITY FORCES JUST BEFORE THE APRIL 1994 ELECTIONS.

4. LAND RIGHTS: DR. PHEKO SIDESTEPED DE LILLE'S CALLS FOR BLACKS TO INVADE AND SEIZE WHITE FARMS. WHEN ASKED, HE DENIED THAT SUCH ACTION REPRESENTED PAC POLICY. HOWEVER, HE ATTACKED THE LAND COURT AS BEING DOOMED TO FAILURE ON THE GROUNDS THAT ITS EFFORTS WOULD JUST BE A DROP IN THE OCEAN AFTER 300 YEARS OF ILLEGAL LAND EXPROPRIATION BY WHITES.

5. COMMENT: THE PAC HAS A HISTORY OF USING FIERY RHETORIC, OFTEN WITH DISASTROUS CONSEQUENCES. NOT ONLY HAVE THE INNOCENT SUFFERED (AS IN THE CASE OF AMCIT AMY BIEHL WHO WAS MURDERED BY A MOB OF PAC SYMPATHIZERS); BUT SENIOR PARTY MEMBERS HAVE ADMITTED TO POLOFF THAT THE PAC'S "ONE SETTLER, ONE BULLET" SLOGAN ALIENATED MANY BLACK SOUTH AFRICANS AND CONTRIBUTED TO ITS DISMAL 1.2 PERCENT SHOWING IN THE 1994 ELECTIONS. DEPUTY PRESIDENT PHEKO SEEMS TO HAVE LEARNED THE LESSON THAT INCENDIARY LANGUAGE WORKS TO THE PAC'S DISADVANTAGE. MS. DE LILLE HAS NOT. END COMMENT  
LYMAN  
BT  
#9575

NNNN

SECT: SECTION: 01 OF 01  
SSN: 9575

**TOR:** 950802085221 M1791478

**DIST:**

SIT: MCCORMICK NSC RICE

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 RUFGNOA/USCINCEUR VAIHINGEN GE//ECPLAD//  
 RUCJACC/USCINCCENT MACDILL AFB FL  
 SUBJ: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

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2015-0638-m (1.28)  
 7/31/2018 KBH

NSC FOR AFRICA DIRECTORATE, USUN FOR SHESTACK AND CANIL,  
 LONDON FOR YOUNG, PARIS FOR MORAN, BRUSSELS FOR O'HARA,  
 USEU FOR REGAN, LISBON FOR LEBOURGEOS, ROME FOR DEMPSEY

## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

NSC FOR AFRICA DIRECTORATE, USUN FOR SHESTACK AND CANIL,  
 LONDON FOR YOUNG, PARIS FOR MORAN, BRUSSELS FOR O'HARA,  
 USEU FOR REGAN, LISBON FOR LEBOURGEOS, ROME FOR DEMPSEY  
 AND EMBASSY VATICAN, USCINCEUR FOR POLAD, USCENTCOM FOR ED  
 FUGIT ONLY, USUN FOR AMBASSADOR RICHARDSON AND  
 VICKI RIVAS-VAZQUEZ

1. (U) CLASSIFIED BY MICHAEL THOMAS, AF STAFF ASSISTANT.  
 REASON: 1.5 (D).

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2. (U) THE AF FRIDAY REPORT FOLLOWS. SOME OF THE INFORMATION CONTAINED IN THE REPORT IS SENSITIVE, DEALING WITH INTERAGENCY MATTERS CURRENTLY UNDER DISCUSSION OR REVIEW. DISTRIBUTION SHOULD THEREFORE BE CONFINED TO STATE DEPARTMENT PERSONNEL.

3. (U) BEGIN TEXT: FRIDAY REPORT, 12 JULY 1997

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4. (Ø) AF/C

BURUNDI

-- NO REPORT.

CAMEROON

-- BASIC AGREEMENT ON ESAF:

FOLLOWING THE VISIT OF AN IMF TEAM LAST MONTH, THE IMF AND GRC HAVE AGREED ON A NUMBER OF ACTIONS WHICH SHOULD PERMIT THE SIGNING OF AN ESAF LETTER OF INTENT BY THE END OF JULY. THE IMF CREDITS THE GRC WITH MAKING A GENUINE EFFORT TO MEET IMF REQUIREMENTS. AN ESAF AGREEMENT WOULD ALLOW FUTURE REVENUES TO BE USED FOR INTERNAL INVESTMENT, DESPERATELY NEEDED AFTER YEARS OF ECONOMIC DECLINE.

CENTRAL AFRICAN REPUBLIC

-- AN UNEASY CALM PREVAILS:

REBELS HAVE TURNED IN ABOUT HALF OF THE HEAVY WEAPONS THEY HAVE HELD SINCE LAST YEAR; REBEL LEADERS ARE CLAIMING THAT SOME OF THE REMAINING WEAPONS ARE NO LONGER IN THEIR POSSESSION. MEANWHILE, ABOUT 60,000 PEOPLE ARE STILL HOMELESS; UN AGENCIES HAVE ANNOUNCED AN APPEAL, AND ARE MOVING TO PROVIDE FOOD, MEDICAL CARE AND SHELTER.

-- GERMANS CLOSE EMBASSY:

THE FEDERAL REPUBLIC OF GERMANY TEMPORARILY SUSPENDED OPERATIONS IN BANGUI, AND WITHDREW GERMAN STAFF. THEY PLAN TO RETURN AS SOON AS THE SECURITY SITUATION PERMITS.

CHAD

-- NO REPORT.

CONGO, DEMOCRATIC REPUBLIC OF THE

-- CONGOLESE NATIONAL DAY:

IN HIS JUNE 30 NATIONAL DAY ADDRESS, PRESIDENT KABILA  
HAILED THE CONGO'S "SECOND INDEPENDENCE" FOLLOWING THE  
OVERTHROW OF MOBUTU. THE SPEECH ANNOUNCED NO NEW  
INITIATIVES, AND THE CEREMONY WAS PERHAPS MOST NOTEWORTHY  
FOR THE HIGH-LEVEL ATTENDANCE FROM NEIGHBORING AFRICAN  
~~C O N F I D E N T I A L~~ SECTION 02 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

COUNTRIES. PARTICIPANTS INCLUDED HEADS OF STATE FROM  
BURUNDI, ZAMBIA, GHANA, RWANDA, NAMIBIA, AND THE CENTRAL  
AFRICAN REPUBLIC PLUS -- REMARKABLY -- THE OTHER CONGO.  
REPUBLIC OF CONGO PRESIDENT LISSOUBA'S BRIEF VISIT TO  
KINSHASA, DESPITE THE CIVIL CONFLICT IN HIS COUNTRY,  
APPEARS TO HAVE BEEN INTENDED AS A PEACE-OFFERING TO  
KABILA. LISSOUBA HAD SUPPORTED MOBUTU UNTIL THE BITTER  
END.

-- JET-SETTING FOREIGN MINISTER:

NEW CONGOLESE FOREIGN MINISTER BIZIMA KARAHA INFORMED THE  
EMBASSY MID-DAY JULY 3 THAT HE WOULD VISIT WASHINGTON AND  
NEW YORK JULY 6 - 11. IT WILL BE THE FIRST TRIP TO THE  
U.S. BY A SENIOR OFFICIAL OF THE NEW GOVERNMENT. WE ARE  
ARRANGING MEETINGS WITH THE NSC, COMMERCE, TREASURY, AID,  
AND CONGRESS, AS WELL AS IN THE DEPARTMENT.

CONGO, REPUBLIC OF THE/GABON

-- CONTINUED CONSULTATIONS ON CONTINUED INSECURITY:

FOLLOWING CONSULTATIONS IN PARIS ON A JOINT U.S.-FRENCH  
DEMARCHE TO THE BRAZZAVILLE BELLIGERENTS, AMBASSADOR HOOKS  
ARRIVED IN LIBREVILLE ON JULY 2. HOOKS MET WITH PRESIDENT  
BONGO TO SHARE THOUGHTS ON THE INTERNATIONAL MEDIATION  
EFFORT BEING LED BY BONGO AND WILL STAY ON TO MEET WITH  
SRSYG SAHNOUN NEXT WEEK AND DELIVER THE DEMARCHE.  
MEANWHILE, IN BRAZZAVILLE, THE ONCE-AGAIN EXTENDED  
CEASE-FIRE IS STILL ONLY BEING HONORED IN THE BREACH, AS  
BOTH SMALL AND HEAVY WEAPONS FIRE CONTINUES THROUGHOUT THE  
CITY.

EQU/TORIAL GUINEA

-- PR CALL (7/2/97):

REPRESENTATIVES OF E-G'S PUBLIC RELATIONS FIRM, BLACK,  
KELLY, SCRUGGS, AND HEALEY, CALLED ON THE E-G DESK OFFICER  
JULY 1. THEY WERE PARTICULARLY CONCERNED BY THE RECENT  
ALLEGED COUP ATTEMPT BY OPPOSITION LEADER SEVERO MOTO.  
THEY ALSO RAISED ONCE AGAIN THE ISSUE OF U.S.  
REPRESENTATION IN MALABO, AND SAID THAT PLANS ARE AFOOT TO  
PUT THROUGH LEGISLATION REQUIRING A USG PRESENCE THERE, IN  
RESPONSE TO LOBBYING FROM OIL COMPANIES.

RWANDA

-- NO REPORT.

5. AF/E

ERITREA/SUDAN

(C) ERITREA PROTESTS AGAINST SUDAN IN UNSC  
ON JULY 4, ERITREA PRESENTED A REQUEST TO THE UN SECURITY COUNCIL URGING IT TO "TAKE APPROPRIATE ACTION AGAINST THE NIF REGIME" FOR PLOTTING THE ASSASSINATION OF PRESIDENT ISALAS. IT IS NOT CLEAR WHAT FURTHER ACTION ERITREA WILL TAKE AGAINST THE CAPTURED SUSPECT OR WHETHER THE ALLEGED ASSASSIN WILL BE TRIED IN ERITREA OR BY THE SUDANESE REBELS. THE U.S. RESPONSE WILL DEPEND ON THE CREDIBILITY OF THE ALLEGED ASSASSIN'S TESTIMONY, WHICH IS BEING PROVIDED TO US BY THE ERITREAN GOVERNMENT.

KENYA

(U) "SABA SABA" DAY BRINGS MOST SERIOUS VIOLENCE THIS YEAR THE SEVENTH ANNIVERSARY OF A JULY 7 DEMONSTRATION FOR MULTIPARTYISM WAS NEARLY AS VIOLENT AS THE FIRST, WITH 15 DEATHS OFFICIALLY REPORTED IN CLASHES BETWEEN SECURITY FORCES AND DEMONSTRATORS. REPORTS OF MORE DEATHS ARE UNCONFIRMED. TWO MORE DAYS OF CLASHES, CENTERED ON THE UNIVERSITIES, FOLLOWED JULY 8 AND 9, WITH THE GOK CLOSING (AND EMPTYING) THE UNIVERSITIES ON THE 9TH. CALM RETURNED JULY 10. OPPOSITION AND CIVIL SOCIETY LEADERS WERE DIVIDED ON NEXT STEPS -- SOME ADVOCATING AN ELECTIONS BOYCOTT, OTHERS INTENSIFYING DEMANDS FOR IMMEDIATE CONSTITUTIONAL CHANGE. FOR ITS PART, THE GOK APOLOGIZED FOR ITS RAID ON ALL SAINTS CATHEDRAL JULY 7, BUT DEFENDED ITS RESPONSE TO UNLICENSED RALLIES. THE NEWS EDITOR AT  
~~C O N F I D E N T I A L~~ SECTION 03 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

KENYAN TELEVISION WAS SUSPENDED, REPORTEDLY FOR ALLOWING LIVE BROADCASTS OF INDISCRIMINATE POLICE BEATINGS. A STRONGLY WORDED US STATEMENT DEPLORED THE BEHAVIOR OF SECURITY FORCES. THE KENYAN SCHILLING DROPPED 10 PERCENT DURING THE WEEK.

MADAGASCAR

(SBU) DECISION NEARS ON AIRCRAFT PURCHASE

THE GOM WILL REPORTEDLY RELEASE A REPORT ON JULY 17 WHICH RECOMMENDS THAT AIR MADAGASCAR ACQUIRE AN AIRBUS RATHER THAN A BOEING. THE U.S. EMBASSY IMMEDIATELY RESPONDED TO

THE REPORT BY ASKING WASHINGTON TO CONTACT BOEING AND URGE ITS REPRESENTATIVES TO PRESENT THEIR OWN ARGUMENTS ON TECHNICAL MERITS. BOEING REPS TOLD DESKOFF THEIR COMPANY REMAINS VERY INTERESTED, AND FELT THEY COULD COUNTER THE ARGUMENTS FAVORING AN AIRBUS. EXIM CONFIRMS IT WILL FACILITATE SALE/PURCHASE OF A BOEING, BUT NOT AN AIRBUS.

MAURITIUS

(U) NEW FOREIGN MINISTER NAMED  
PRIME MINISTER RAMGOOLAM NAMED RAJKESWUR PURRYAG TO REPLACE PAUL BERENGER AS DEPUTY PRIME MINISTER AND FOREIGN MINISTER. BERENGER AND OTHER MINISTERS FROM THE MMM PARTY WERE SACKED JUNE 27 AND HAVE SINCE FORMED A PARLIAMENTARY BLOC IN OPPOSITION TO RAMGOOLAM'S LABOR PARTY GOVERNMENT.

6. AF/EPS

(SBU/NOFORN) RUSSIAN PARTICIPATION AS PARIS CLUB CREDITOR:

ON THE EVE OF THE DENVER SUMMIT, THE PARIS CLUB SECRETARIAT REACHED AGREEMENT WITH RUSSIA ON BROAD TERMS FOR RUSSIA'S PARTICIPATION AS A PARIS CLUB CREDITOR. PARIS CLUB MEMBERS HAVE NOT YET APPROVED THE AGREEMENT BUT WILL PROBABLY DISCUSS IT AT THEIR JULY 15 MEETING. IF IT GOES FORWARD, FURTHER NEGOTIATION WILL BE NEEDED TO IRON OUT TECHNICAL ISSUES BEFORE RUSSIA BEGINS TO PROVIDE RELIEF ON ITS DOLLARS 123 BILLION IN CLAIMS ON DEVELOPING COUNTRIES. THE AGREEMENT WOULD PRESERVE HISTORIC RUBLE-DOLLAR EXCHANGE RATES FOR THE VALUATION OF MOST RUSSIAN LOANS THAT COME BEFORE THE PARIS CLUB, BUT RUSSIA WOULD PROVIDE UP-FRONT DISCOUNTS RANGING FROM 35 TO 80 PERCENT BEFORE APPLYING PARIS CLUB TERMS. THE DEEPEST DISCOUNTS WOULD BE FOR COUNTRIES WITH A VERY HIGH PROPORTION OF EX-USSR MILITARY DEBT. AFRICAN COUNTRIES THAT STAND TO BENEFIT FROM THIS AGREEMENT INCLUDE ANGOLA, ETHIOPIA, MOZAMBIQUE, GUINEA BISSAU, MALI, SOMALIA, TANZANIA, ARID ZAMBIA.

(U) EPS COMMENDS THE FOLLOWING CABLES:

(C) LOME 2788: TOGO'S ESAF REVIEW: VIGNETTES FROM AN ADJUSTMENT EFFORT. THE LATEST IN A SERIES OF INSIGHTFUL REPORTS FROM LOME ON TOGOLESE ECONOMIC REFORM AND COMPLIANCE WITH IFI CONDITIONALITY, THIS CABLE DREW PRAISE FROM USED/IMF FOR PROVIDING "IMPORTANT CONTEXTUAL OBSERVATIONS THAT WERE VERY PERTINENT" TO THE IMF BOARD DISCUSSION OF TOGO THIS WEEK. LOME'S REPORTING NOT ONLY

GIVES WASHINGTON READERS A HEADS UP ON IFI THINKING BUT ALSO PROVIDES AN INDEPENDENT ASSESSMENT THAT INTEGRATES GOVERNANCE ISSUES THE IFI'S SOMETIMES AVOID.

(U) WINDHOEK 2287: OKAVANGO PIPELINE WILL NOT BE BUILT IN HASTE. POST REPORTING ON THIS ISSUE HAS BEEN TIMELY, CONSISTENT AND USEFUL. THIS IS JUST THE TYPE OF PROJECT U.S. NCOS SUBJECT TO CLOSE SCRUTINY ON ENVIRONMENTAL GROUNDS. POST'S INDEPENDENT EVALUATION IS MUCH

APPRECIATED BY AF AND OES.

7. (U) AF/EX

COM CONFERENCE PLANS: VERY VERY TENTATIVELY, WE ARE LOOKING AT HOLDING A CHIEFS OF MISSION CONFERENCE IN WASHINGTON DURING THE WEEK OF NOVEMBER 17-21, GIVEN THE ~~C O N F I D E N T I A L~~ SECTION 04 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

FACT THAT OUR NEW FRONT OFFICE IS NOT IN PLACE, THAT WE HAVE NO IDEA WHAT NEXT YEAR'S FUNDING LEVELS WILL LOOK LIKE, AND THAT WE HAVEN'T EVEN DECIDED ON A FACILITY FOR AN OFF-SITE PORTION TO THE CONFERENCE, WE HOPE YOU WILL UNDERSTAND THAT THIS PLAN IS NOT CAST IN STONE. DESPITE THE FACT THAT A CERTAIN DEPUTY IN THIS OFFICE, WHEN ASKED BY SEVERAL OF YOU ABOUT PROSPECTS FOR A COM CONFERENCE IN 1997, REPLIED "NO WAY," THE FRONT OFFICE-IN-WAITING WANTS TO TAKE AN EARLY OPPORTUNITY TO GET TO KNOW OUR COMS AND DISCUSS NEW POLICY DIRECTIONS. THE NOVEMBER DATE WAS CHOSEN TO ALLOW AS MUCH TIME AS POSSIBLE FOR THE CONFIRMATION PROCESS, TO COINCIDE WITH AID/AFR'S MISSION DIRECTORS CONFERENCE THE SAME WEEK, AND TO GIVE YOU ALL TIME TO REJOIN YOUR FAMILIES FOR THE HOLIDAYS. WATCH THIS SPACE FOR MORE DETAILS.

ATTENTION '98 BIDDERS: JULY 25 IS THE TARGET DATE FOR BID PACKETS TO BE SENT TO 98 BIDDERS. THE BIDDING TOOL WILL BE SENT TO POSTS ABOUT THE SAME TIME. (BE SURE AND CHECK OUT ALL THOSE AF VACANCIES FIRST!).

UNDER SECRETARY PICKERING ATTENDED THE JULY 8 BUREAU STAFF MEETING. HE RECALLED HIS AF EXPERIENCE AND SAID THAT AF IS NOT FORGOTTEN, ADDING THAT THE SECRETARY WANTS TO SPEND TIME IN AFRICA SOON. HE STRESSED THAT PROCESS IS AS IMPORTANT AS STRUCTURE. HE INDICATED THAT THE UNDER SECRETARIES SHOULD NOT BECOME A LAYER BETWEEN THE SECRETARY AND THE ASSISTANT SECRETARIES, PARTICULARLY THE REGIONAL A/S'S WHO HAVE ACTION RESPONSIBILITIES. HE QUESTIONED THE UTILITY OF SOME "INSIDE THE BELTWAY" PROCESSES SUCH AS TALKING POINTS WHICH SOMETIMES SERVE INTERNAL INTERESTS RATHER THAN CONTRIBUTE TOWARDS

ACHIEVING A GOAL IN A FOREIGN CAPITAL. U/S PICKERING ALSO STRESSED THE IMPORTANCE OF FEEDBACK ON THE REORGANIZATION PROCESS AND CONSTRUCTION COMMENTS ON POLICY ISSUES. (SEE STATE 120848).

8. (U) AF/RA

NO REPORT THIS WEEK.

9. AF/S

ANGOLA

-- (U) JOINT COMMISSION CONDEMNS UNITA: THE JOINT COMMISSION IN LUANDA, WHICH INCLUDES UNITA, THE GOVERNMENT, AND THE THREE OBSERVER COUNTRIES (THE U.S., THE PORTUGUESE AND RUSSIANS) CONDEMNED UNITA JULY 11 VIOLATING OF THE LUSAKA PROTOCOL BY ATTACKING VILLAGES NEAR THE NORTHEASTERN BORDER. IT FURTHER EXPRESSED CONCERNS THAT LAND MINES HAVE BEEN REPLANTED IN THAT AREA AND ELSEWHERE.

-- (U) PRESIDENT DOS SANTOS VISITS ITALY: PRESIDENT DOS SANTOS RETURNED TO ITALY THIS WEEK FOR MEETINGS WITH ITALIAN OFFICIALS AND SIGNING AGREEMENTS ON AID AND TRADE. ITALY HAS IMPORTANT INVESTMENT (AND DEBT) IN ANGOLA, AND ITALIAN BUSINESS HAS AGREED TO REHABILITATE THE BENGUELA RAILROAD.

-- (U) ANGOLA ESTABLISHES RELATIONS WITH HOLY SEE: DOS SANTOS WAS RECEIVED BY THE POPE IN PRIVATE AUDIENCE, WHICH WAS FOLLOWED BY THE ESTABLISHMENT OF DIPLOMATIC RECOGNITION BETWEEN THE TWO GOVERNMENTS. THE VATICAN HAD HELD BACK ON THIS STEP UNTIL THE FORMATION OF THE UNITY GOVERNMENT IN APRIL 50 AS NOT TO APPEAR TO FAVOR EITHER SIDE IN ANGOLA.

BOTSWANA

-- (U) BOTSWANA PRESS UP IN ARMS OVER DRAFT MEDIA LEGISLATION: THE GOB HAS CREATED A TASK FORCE TO REVISE NEW MEDIA LEGISLATION DRAFTED BY THE GOB AFTER REPRESENTATIVES OF THE PRESS AND SEVERAL DIPLOMATS, INCLUDING THE AMBASSADOR, QUESTIONED THE IMPACT OF THE PROPOSED REGULATIONS ON FREEDOM OF EXPRESSION. HEADLINES  
~~C O N F I D E N T I A L~~ SECTION 05 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

CHARGING "CENSORSHIP," "DEMOCRACY IN DANGER," AND "SHOWDOWN LOOMS" REFLECTED THE PRESS' ALARM OVER THE DRAFT BILL, WHICH EXPANDS GOVERNMENT REGULATION OF THE MEDIA

WITHOUT ESTABLISHING CLEAR STANDARDS AND PROCEDURES TO PRESERVE THE PRESS' INDEPENDENCE. BY FAILING TO INVOLVE THE PRESS CONSTRUCTIVELY IN THE INITIAL DRAFTING STAGES, THE GOB IS NOW IN THE AWKWARD POSITION OF HAVING TO DEFEND ITSELF AGAINST CHARGES OF ATTEMPTING TO STIFLE A FLEDGLING MEDIA JUST BEGINNING TO TEST ITS WINGS. THE COMBINATION OF DIPLOMATIC, INTERNATIONAL AND LOCAL PRESSURE APPEARS TO

HAVE PERSUADED THE GOB TO BACK OFF ON RUSHING THE NEW REGULATIONS THROUGH PARLIAMENT AND BROUGHT HOME THE NEED FOR GENUINE DIALOGUE.

-- (U) ENCOURAGING POLITICAL DEBATE OUTSIDE GABORONE: EMBASSY'S DHRF MONIES RECENTLY HELPED SPONSOR A LIVELY DEBATE IN FRANCISTOWN, NORTH EAST DISTRICT, AMONG REPRESENTATIVES FROM THE RULING BOTSWANA DEMOCRATIC PARTY (BDP), BOTSWANA NATIONAL FRONT (BNF), AND BOTSWANA PEOPLES PARTY (BPP). ALTHOUGH GENERAL ELECTIONS ARE STILL TWO YEARS AWAY, BOTSWANA'S MAJOR POLITICAL PARTIES HAVE BEGUN TO PROMOTE THEIR PLATFORMS WITH AN EYE ON 1999. THREE BOTSWANA DEVELOPMENT STRATEGIES EMERGED FROM FRANCISTOWN, WITH THE BDP ADVOCATING A MIX OF FISCAL CONSERVATISM AND PRIVATE SECTOR INVESTMENT, THE LEADING OPPOSITION BNF PARTY PROMOTING A MODERATE POSITION INCORPORATING PRO-BUSINESS AND PRO-PEOPLE ELEMENTS, AND THE MARGINAL NATIONALIST BPP REVEALING AN OVERTLY ANTI-FOREIGN BUSINESS AND PRO-BATSWANA AGENDA. THE EMBASSY NOTES THAT GABORONE TRADITIONALLY DOMINATES POLITICAL DISCOURSE IN BOTSWANA AND IN FACILITATING POLITICAL DEBATE OUTSIDE THE CAPITAL, THE EMBASSY'S DEMOCRACY AND HUMAN RIGHTS FUND IS ALSO FULFILLING THE GOAL OF ENCOURAGING DIVERSE POLITICAL PARTICIPATION.

#### NAMIBIA

-- (Ø) KABILA'S STATE VISIT: DROC PRESIDENT KABILA VISITED WINDHOEK JULY 7-8. TALKS WITH PRESIDENT NUJOMA AND SENIOR GRN OFFICIALS CENTERED ON TRADE, THE NAMIBIAN PROPOSAL TO DRAW WATER VIA PIPELINE FROM THE CONGO RIVER, DROC MEMBERSHIP IN SADC, ECONOMIC COOPERATION, AND REGIONAL PEACEKEEPING ISSUES IN CENTRAL AFRICA. AT THE STATE DINNER IN HIS HONOR, KABILA ACCUSED THE WEST OF ENGAGING IN A "SMEAR CAMPAIGN" AGAINST THE DROC. SPECIFICALLY MENTIONING FRANCE, KABILA SAID THE "GREAT POWERS ... DID NOT CONGRATULATE THE ALLIANCE FOR OVERTHROWING A DICTATORSHIP, BUT INSTEAD ARE ACCUSING THE REGIME OF HUMAN RIGHTS VIOLATIONS." AT THE SAME EVENT, NUJOMA ADVISED KABILA TO FOLLOW NAMIBIA'S PATH OF DEMOCRATIZATION, RECONCILIATION, AND RESPECT FOR HUMAN

RIGHTS.

#### SOUTH AFRICA

-- (U) THE PARTY'S JUST BEGUN: TWO FORMER TOP OFFICIALS FROM THE ANC AND THE NATIONAL PARTY HAVE ANNOUNCED THEIR INTENTION TO JOIN FORCES AND LAUNCH A NEW POLITICAL PARTY ON SEPTEMBER 27. FORMER NP SECRETARY-GENERAL ROELF MEYER AND FORMER ANC DEPUTY MINISTER BANTU HOLOMISA ALREADY HAVE SOMETHING IN COMMON: EACH WAS EFFECTIVELY EJECTED FROM HIS FORMER PARTY. MEYER ALSO SAID HE HAD CONDUCTED EXTENSIVE POLICY TALKS WITH THE DEMOCRATIC PARTY WITH THE AIM OF FURTHER CONSOLIDATING OPPOSITION FORCES.

-- (U) FULBRIGHT STUDENT'S KILLERS APOLOGIZE, ASK AMNESTY: THE FOUR CONVICTED MURDERERS OF FULBRIGHT

STUDENT AMY BIEHL TESTIFIED BEFORE THE TRUTH AND RECONCILIATION COMMISSION JULY 8, SAYING THEY REGRETTED THE AUGUST 25, 1993, CAPE TOWN MURDER AND ASKED BIEHL'S PARENTS, WHO WERE IN ATTENDANCE, FOR FORGIVENESS. THE KILLERS SAID THEIR ACTIONS WERE POLITICALLY MOTIVATED AND INSPIRED BY THE PAN-AFRICANIST CONGRESS (PAC) SLOGAN "ONE SETTLER, ONE BULLET." ASKED WHETHER HE WOULD HAVE KILLED BIEHL HAD HE KNOWN SHE WAS A SUPPORTER OF THE ANTI-APARTHEID STRUGGLE, ONE OF THE GROUP REPLIED, "BY ~~C O N F I D E N T I A L~~ SECTION 06 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

KILLING A WHITE PERSON, WE KNEW WE WOULD GET THE LAND BACK TO THE AFRICANS." THE TRC IS ALSO CONSIDERING AMNESTY APPLICATIONS FROM PAC SUPPORTERS CONVICTED OF TOSSING HAND GRENADES INTO A CROWDED CAPE TOWN CHURCH IN 1993.

ZAMBIA

--(U) POSITIVE ATMOSPHERICS AT U.S. JULY 4 RECEPTION. THE OFFICIAL RECEPTION HOSTED BY AMBASSADOR RENDER BROUGHT OUT HIGH-LEVEL ATTENDEES FROM THE FEUDING MMD AND OPPOSITION. DURING HIS TOAST, GRZ SCIENCE AND TECHNOLOGY MINISTER KAVINDELE ACKNOWLEDGED THE PRESENCE OF THE OPPOSITION, A RARE GESTURE FROM A MINISTER AT NATIONAL DAY EVENTS. THOUGH MOST OF THE OPPOSITION LEADERS, INCLUDING FORMER PRESIDENT KAUNDA, ARRIVED TOO LATE TO HEAR KAVINDELE'S TOAST, ALL TOOK NOTE OF IT UPON LEARNING ABOUT IT. DURING A PRIVATE CONVERSATION WITH KAUNDA AND OPPOSITION LEADERS, AMBASSADOR RENDER REMINDED KAUNDA THAT ANY USE OF VIOLENCE WOULD NOT BE ACCEPTABLE TO THE U.S. KAUNDA REPLIED THAT HE HAS ALWAYS BELIEVED IN NON-VIOLENT STRUGGLE. ON JULY 5, AN OPPOSITION RALLY AT WHICH VOTER CARDS WERE BURNED IN DEFIANCE OF THE GOVERNMENT WENT OFF PEACEFULLY.

10. AF/W

GUINEA BISSAU:

-- (U) CFA CONVERSION LEADS TO LIQUIDITY CRISIS: WITH THE CASHEW BUYING CAMPAIGN IN FULL SWING, G-B IS EXPERIENCING ITS FIRST SEVERE ECONOMIC PROBLEMS FROM JOINING UEMOA. THE COUNTRY LACKS CFA TO FACILITATE AGRICULTURAL PURCHASES. FARMERS ARE ALREADY WITHHOLDING CASHEW NUTS FROM POTENTIAL BUYERS WHO ARE UNABLE TO PAY CASH. EITHER PRICES WILL DROP ON AGRICULTURAL GOODS OR EXPORTERS WILL NOT MEET THEIR ORDERS. EITHER WOULD BE DETRIMENTAL TO ECONOMIC DEVELOPMENT.

LIBERIA

-- POLITICAL PARTIES SEEK POSTPONEMENT: 12 OF LIBERIA'S 13 POLITICAL PARTIES ISSUED A STATEMENT THIS WEEK CALLING FOR POSTPONEMENT OF THE JULY 19 ELECTION. CHARLES TAYLOR'S PARTY DID NOT JOIN THE STATEMENT. THE DOZEN PARTIES CLAIMED WIDESPREAD IRREGULARITIES IN THE VOTER REGISTRATION PROCESS AND THAT THE CAMPAIGN PLAYING FIELD IS SKEWED IN CHARLES TAYLOR'S FAVOR DUE TO HIS FINANCIAL AND MEDIA ADVANTAGES. WHILE PRIVATELY LOBBYING FOR A POSTPONEMENT, ELECTIONS COMMISSION (LECOM) CHAIRMAN ANDREWS ANNOUNCED THAT THE DECISION WAS FOR ECOWAS TO MAKE. NIGERIAN FOREIGN MINISTER IKIMI, ON BEHALF OF ECOWAS CHAIRMAN ABACHA, STATED IN ABUJA THAT THE ELECTIONS WOULD GO FORWARD JULY 19.

-- VOTER REGISTRATION: IMPERFECT BUT CREDIBLE: VOTER REGISTRATION ENDED JULY 10. NOTWITHSTANDING THE CLAIMS OF THE POLITICAL PARTIES, INTERNATIONAL OBSERVERS IN LIBERIA, INCLUDING UN AND U.S. NGO PERSONNEL, BELIEVE THE REGISTRATION PROCESS WAS BASICALLY SOUND. WHILE THERE IS ANECDOTAL EVIDENCE OF IRREGULARITIES, THE OBSERVERS SAY NO EVIDENCE OF MASSIVE WRONGDOING HAS BEEN UNCOVERED THUS FAR. THE TEN DAY PERIOD TO CHALLENGE THE VALIDITY OF THE REGISTRATION LISTS ENDS JULY 14.

-- US-FUNDED ELECTIONS SUPPORT ARRIVES: IN WHAT PROMISES TO BE A HIGHLY PUBLICIZED EVENT IN MONROVIA TODAY, AMBASSADOR MILAM WILL TURN OVER TO LECOM CHAIRMAN ANDREWS THE BALLOT PAPERS AND OTHER ELECTION DAY MATERIAL WE HAVE FUNDED THROUGH IFES. THIS HAND-OVER CEREMONY AND OUR PRESS STATEMENT ON JULY 10 OUTLINING OUR SUPPORT PACKAGE FOR THE ELECTIONS EFFECTIVELY REFUTES A CLAIM MADE EARLIER

IN THE WEEK BY FM IKIMI THAT THE INTERNATIONAL COMMUNITY, INCLUDING THE U.S., HAS NOT CONTRIBUTED TO ELECTIONS PREPARATIONS. SPECIAL ENVOY JETER IS SCHEDULED TO MEET IKIMI IN NEW YORK ON JULY 12 TO DISCUSS THE STATUS OF THE ELECTION PREPARATIONS.

~~C O N F I D E N T I A L~~ SECTION 07 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

MALI

-- (U) OUR DEEPEST SYMPATHIES TO AMBASSADOR RAWSON WHOSE FATHER DIED JULY 4.

MAURITANIA

-- (U) WARM WISHES FOR A SPEEDY RECOVERY TO AMBASSADOR SAMPAS WHO IS RECOVERING FOLLOWING HER MEDEVAC TO LONDON.

## NIGER

-- (S) THE D/G DEBATE: AF/W AND AID HAD A SECOND MEETING WITH THE NSC ON THE SUITABILITY AND UTILITY OF NEW DEMOCRACY AND GOVERNANCE PROGRAMS FOR NIGER IN LIGHT OF THE 1996 COUP, SECTION 508, AND THE DECISION TO CLOSE OUT THE AID MISSION. THE NSC IS CONCERNED NEW MONEY AND PROGRAMS -- ALTHOUGH THE AID PROPOSAL IS NOT BILATERAL ASSISTANCE -- COULD BE INTERPRETED AS A SOFTENING OF THE U.S. POSITION. THE BUREAU AND AID ENDORSE D/G ACTIVITIES TO STRENGTHEN NIGER'S DEMOCRATIC MAJORITY. THE ISSUE HAS BEEN REFERRED TO ADMINISTRATOR ATWOOD FOR FURTHER REVIEW.

## NIGERIA

-- (SBU) ASHLAND DISPUTE: THE GON HAS SENT ASHLAND A LETTER CONFIRMING THAT ITS EXPLORATION AND PRODUCTION LICENSE IS CANCELED. THE NIGERIAN NATIONAL PETROLEUM CORPORATION IS ALREADY TAKING OVER ASHLAND'S OPERATIONS. WE ARE NOTING TO GON OFFICIALS THE CHILLING EFFECT THIS COULD HAVE ON THE FOREIGN INVESTMENT CLIMATE, THAT INTERNATIONAL LEGAL STANDARDS CALL FOR PROMPT COMPENSATION OF EXPROPRIATED PROPERTY, AND THAT THERE ARE AMENDMENTS TO THE FOREIGN ASSISTANCE ACT WHICH BLOCK FAA AID TO COUNTRIES WHICH EXPROPRIATE THE PROPERTY OF A U.S. COMPANY. (MOST FAA AID TO NIGERIA IS ALREADY BLOCKED BECAUSE OF NARCOTICS DECERTIFICATION.) WE ARE URGING THE GON TO RECONSIDER ITS POSITION.

11. (U) THIS WEEK IN CONGRESS

SFRC AF SUBCOMMITTEE HEARING ON THE DEMOCRATIC REPUBLIC OF THE CONGO (DROC)

AT THE JULY 8 HEARING ON THE DROC, THE SENATE FOREIGN RELATIONS AFRICA SUBCOMMITTEE (SFRC AF) CHAIRMAN JOHN ASHCROFT (D-MO.) AND PRIVATE WITNESSES CHESTER CROCKER (PROFESSOR - GEORGETOWN UNIVERSITY, FORMER AF ASSISTANT SECRETARY), PETER ROSENBLUM (PROJECTS DIRECTOR AT HARVARD LAW SCHOOL'S HUMAN RIGHTS PROGRAM) AND KIRKPATRICK DAY (FIELD REPRESENTATIVE FOR REFUGEES INTERNATIONAL) CRITICIZED THE ADMINISTRATION'S CENTRAL AFRICA POLICY. THEY SAID A LARGELY "REACTIVE" AND "AD HOC" CLINTON ADMINISTRATION INCLUDED: INACTIVITY IN HELPING RESOLVE THE HUTU REFUGEE CRISIS - A CRISIS WHICH BECAME A PRETEXT FOR RWANDAN MILITARY ACTION IN ZAIRE; SENDING MIXED SIGNALS OF OUR INTENTIONS TO OUR ALLIES, THE REBEL ALLIANCE AND THE SUPPORTERS OF THE ALLIANCE BECAUSE WE DISPATCHED, BUT DID NOT USE, TROOPS FOR A MULTINATIONAL FORCE; INSUFFICIENTLY COORDINATING WITH THE EU AND OTHERS TO HELP THE DROC ESTABLISH A TRANSITIONAL FRAMEWORK; AND NOT FULLY INVOKING THE REAL POWER BEHIND KABILA'S VICTORIES (UGANDA, RWANDA, ANGOLA, ERITREA) TO INFLUENCE HIM.

SENATOR RUSS FEINGOLD (D-WISC.), THE ONLY OTHER

SUBCOMMITTEE MEMBER AT THE HEARING, CONCURRED WITH ASHCROFT'S CONCERNS ABOUT ACTIVE, PREVENTIVE DIPLOMACY WHICH WOULD FORESTALL THE NEED FOR U.S. TROOPS. HE CITED THIS CONCERN AS A MAJOR REASON FOR HIS SUPPORT OF THE AFRICAN CRISIS RESPONSE INITIATIVE. BUT FEINGOLD NOTED THE ADMINISTRATION'S EFFORTS TO MINIMIZE BLOODSHED AND PREPARE A "SOFT LANDING" UPON THE ARRIVAL OF THE ALLIANCE FORCES IN KINSHASA.

ON A POSITIVE NOTE - THE SENATORS, PRIVATE WITNESSES, AND THE ADMINISTRATION CONCURRED THAT: THE DROC IS IMPORTANT  
~~C O N F I D E N T I A L~~ SECTION 08 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002

TAGS: PREL, ECON, AMGT, XA

SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

BECAUSE OF ITS SIZE, REGIONAL LOCATION, AND RESOURCES. THUS THE DROC DESERVES U.S. AND INTERNATIONAL SUPPORT AND INFLUENCE AT THIS CRITICAL TIME TO HELP IT STABILIZE AND EMBRACE DEMOCRATIC AND ECONOMIC REFORMS. THE WITNESSES ALSO AGREED THAT, THUS FAR, THE KABILA GOVERNMENT MERITS A MIXED REVIEW VIS-A-VIS OUR OBJECTIVES FOR POST-MOBUTU CONGO. WITNESSES GAVE THE NEW GOVERNMENT HIGH MARKS FOR IMPROVEMENTS OVER THE MOBUTU REGIME IN PLANS FOR ELECTIONS, DIVERSIFICATION OF THE CABINET AND REGIONAL GOVERNORSHIPS, BETTER DISCIPLINED AND LESS CORRUPT SECURITY FORCES AND COOPERATION IN INITIAL CONTACTS WITH INTERNATIONAL FINANCIAL INSTITUTIONS. THEY ALSO AGREED THAT THE FOLLOWING WERE NEGATIVE DEVELOPMENTS IN THE

DROC: DETENTION OF OPPOSITION LEADER TSHISEKEDI AND OTHERS; CREDIBLE REPORTS OF MASSACRES OF REFUGEES AND DENIAL OF HUMANITARIANS ACCESS TO SOME AREAS OF THE COUNTRY.

ACTING AF ASSISTANT SECRETARY WILLIAM TWADDELL AND USAID CHIEF OF STAFF RICHARD MCCALL REPRESENTED THE ADMINISTRATION AT THE HEARING. TWADDELL'S TESTIMONY DETAILED U.S. ACTIONS AND INTERESTS IN THE CONGO, ASSESSED THE NEW GOVERNMENT'S MIXED RECORD IN PURSUING POLICIES WHICH WE BELIEVE TO BE IN THE DROC'S INTEREST, AND OUTLINED NEXT STEPS FOR U.S.-CONGO RELATIONS.

MCCALL'S TESTIMONY UNDERScoreD TWADDELL'S OBSERVATIONS AND SPECIFICALLY DISCUSSED PLANS TO ALLOCATE SOME DOLLARS 10 MILLION DURING FY 1997 TO ASSIST THE DROC'S TRANSITION. MCCALL ASSURED THE SUBCOMMITTEE THAT THE ADMINISTRATION WILL NOT COMMIT FUNDS WITHOUT THOROUGH CONSULTATIONS WITH CONGRESS.

ASHCROFT'S QUESTIONS OF THE ADMINISTRATION: ASHCROFT ASKED ABOUT THE JUNE WASHINGTON POST REPORT OF A PLANNED 50 MILLION DOLLARS U.S. CONTRIBUTION TO THE DROC (MCCALL

SAID THIS WAS INACCURATE AND ACCEPTED BLAME FOR WHOMEVER MADE THE INACCURATE LEAK); HOW WE WOULD OVERCOME LEGISLATIVE RESTRICTIONS ON AID TO THE CONGO (MCCALL SAID WE COULD WAIVE THESE RESTRICTIONS BUT WOULD BE RELUCTANT TO USE THIS AUTHORITY; HE PROMISED TO CONSULT WITH CONGRESS BEFORE PROVIDING AID TO THE NEW GOVERNMENT); ABOUT BENCHMARKS FOR ASSISTANCE; (MCCALL SAID THESE INCLUDE THE STRICTER STANDARDS OF PERFORMANCE IN HUMAN RIGHTS, POLITICAL INCLUSIVENESS, DEMOCRATIC REFORMS, ELECTION PREPARATIONS, PUBLIC ACCOUNTABILITY AND FREE MARKET ECONOMIC POLICIES); AND ABOUT THE EXTENT OF FOREIGN TROOPS AMONG THE MILITARY IN THE CONGO (TWADDELL SAID MOST OF THESE HAD DEPARTED, SAVE PERHAPS SOME UNITA TROOPS; HE ADDED THAT, AT SOME TIME, KABILA MUST RATIONALIZE HIS TROOPS TO REFLECT CIVILIAN RULE AND THE END OF THE CONFLICT, E.G. DOWNSIZING AND RESTRUCTURING THE MILITARY. TWADDELL SAID WE COULD ADVISE THE DROC ON HOW TO DO THIS SHOULD THEY SEEK OUR COUNSEL.)

SENATOR FEINGOLD ASKED: WHETHER THE ANNAN DECISION TO REPLACE GARRETON ON THE INVESTIGATIVE TEAM WOULD SET A PRECEDENT OF YIELDING TO PRESSURE FROM THOSE WHO ARE THE OBJECTS OF HUMAN RIGHTS INVESTIGATIONS (TWADDELL SAID HE DID NOT THINK IT WOULD, ADDING THAT IT WAS MOST IMPORTANT TO GET CONCURRENCE AND SPEEDY DEPLOYMENT OF THE TEAM TO

THE CONGO. MCCALL ADDED THAT IT WAS NOT A BAD PRECEDENT, GIVEN THE HISTORICAL CONTEXT OF THE MASSACRES OF THE TUTSIS); WHETHER THE UNITED STATES HAD BEEN PROACTIVELY INVOLVED IN THE CONGO (TWADDELL EXPLAINED THAT WE HAD EARLY CONTACTS WITH KABILA, HAD HELPED MINIMIZE THE VIOLENCE AT THE FINAL STAGE OF THE REBEL TAKEOVER; THAT WE HAD ENGAGED THE CONGO'S NEIGHBORS TO INFLUENCE MINIMAL BLOODSHED; HAD SUPPORTED THE EFFORTS OF THE SOUTH AFRICANS, THE OAU, AND THE SECRETARY GENERAL'S REPRESENTATIVE TO PEACEFULLY RESOLVE THE CRISIS); AND WHETHER AMEMBASSY KIGALI HAD HELPED MITIGATE RWANDA'S INTERVENTION IN THE FORMER ZAIRE.

ASHCROFT ASKED A FINAL QUESTION ON BEHALF OF SENATOR FRIST (R-TENN.) CONCERNING THE DOLLARS 300,000 CIVIL JUDGMENT  
~~C O N F I D E N T I A L~~ SECTION 09 OF 09 STATE 131119

STADIS

FOR AMBASSADOR, DCMS, PRINCIPAL OFFICERS ONLY, FROM AF

E.O. 12958: DECL: 12 JULY 2002  
TAGS: PREL, ECON, AMGT, XA  
SUBJECT: AFRICA BUREAU FRIDAY REPORT, 12 JULY 1997

AWARDED TO SOME TENNESSEE INVESTORS SWINDLED BY THE CURRENT DROC MINISTER OF COOPERATION. (MCCALL AND TWADDELL SAID THIS WAS A SERIOUS PROBLEM AND CONCURRED THAT THE USG DOESN'T WANT TO DEAL WITH CORRUPT OFFICIALS.)

RECOMMENDATIONS OF PRIVATE WITNESSES: CROCKER EMPHASIZED THAT THE CONGO NEEDED U.S. ASSISTANCE, BUT NOT AS THE

"UNDERFUNDED, TIMID COWBOY"; HE ADVOCATED U.S. PARTICIPATION IN AN INTERNATIONAL DONOR ALLIANCE. HE ALSO CALLED ON THE ADMINISTRATION TO ENGAGE THE LOCAL NGOS, THE CONGOLESE POPULACE, AND THE CONGO'S NEIGHBORS. CROCKER STRESSED THAT THE CONGO IS ON THE EDGE; WHETHER IT EMBRACES SOUND ECONOMIC AND POLITICAL VALUES AND SURVIVES OR WHETHER IT COLLAPSES, LARGELY DEPENDS ON THE INTERNATIONAL COMMUNITY'S INFLUENCE.

ROSENBLUM RECOMMENDED THAT: THE GOVERNMENTS OF UGANDA AND RWANDA ACCEPT THEIR SHARE OF RESPONSIBILITY FOR INVESTIGATING ABUSES OF REFUGEES; THE KABILA GOVERNMENT ACT WITHIN A LEGAL FRAMEWORK; THE DROC ENCOURAGE LOCAL INITIATIVES; THERE BE A FOCUS ON SOLUTION OF THE ETHNIC CONFLICT IN THE KIVUS AND THE INTERNATIONAL COMMUNITY SUPPORT A NEW CIVILIAN POLICE FORCE FOR THE CONGO.

DAY SAID THE USG SHOULD CONDITION ANY AID TO THE CONGO ON KABILA'S PROSECUTION OF THOSE RESPONSIBLE FOR KILLING THE REFUGEES. HE ALSO CALLED ON CONGRESS TO DENOUNCE RWANDA'S INVOLVEMENT IN THE KILLINGS.

UPCOMING HEARING -

JULY 16 - UNDER SECRETARY PICKERING TESTIFIES ON THE DROC BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE.

APPROPRIATIONS - FOREIGN OPERATIONS

HOUSE - NO FLOOR ACTION SCHEDULED, THOUGH THE COMMITTEE HOPES TO GET THE BILL TO THE FLOOR NEXT WEEK.

SENATE - MAY TAKE THEIR VERSION OF THE BILL TO THE FLOOR ON JULY 16 OR 17..

AUTHORIZATION - FOREIGN ASSISTANCE  
THE HOUSE AND SENATE BILLS STILL AWAIT CONFERENCE.

12. (U) BUJUMBURA MINIMIZE CONSIDERED.  
PICKERING

SECT: SECTION: 01 OF 09  
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 RUEHFR/AMEMBASSY PARIS 1132  
 RUEHWD/AMEMBASSY WINDHOEK 1657  
 SUBJ: SECRETARY ALBRIGHT'S VISIT TO SOUTH AFRICA

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.29)  
 7/31/2018 KBH

CLASSIFIED BY AMBASSADOR JAMES A. JOSEPH. REASON 1.5  
 (B)

## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 013348

LONDON FOR PFLAUMER; PARIS FOR MORAN  
 NSC FOR SENIOR DIRECTOR WILSON

E.O. 12958: DECL: 12/19/07  
 TAGS: PREL, SF  
 SUBJECT: SECRETARY ALBRIGHT'S VISIT TO SOUTH AFRICA

CLASSIFIED BY AMBASSADOR JAMES A. JOSEPH. REASON 1.5  
 (B)

1.  SUMMARY: SECRETARY OF STATE ALBRIGHT'S VISIT TO SOUTH AFRICA DECEMBER 12-14 SCORED A SOLID SUCCESS AMONG BOTH THE POLITICAL LEADERSHIP AND OPINION-MAKERS. HER AVOWED WILLINGNESS TO LISTEN AND BE GUIDED BY AFRICAN VIEWS WAS WIDELY APPLAUDED AS A MARK OF U.S. RECOGNITION OF AFRICA'S COMING-OF-AGE. U.S. AND SOUTH AFRICAN POSITIONS WERE REMARKABLY CLOSE ON A FULL RANGE OF ISSUES OF MUTUAL CONCERN. PERSONAL CHEMISTRY BETWEEN THE SECRETARY AND PRESIDENT MANDELA AS WELL AS WITH DEPUTY PRESIDENT MBEKI WAS WARM AND EFFUSIVE. IT IS CLEAR THAT A SOLID FOUNDATION HAS BEEN LAID FOR EVEN MORE IMPROVED RELATIONS BETWEEN

SOUTH AFRICA AND THE U.S. AS A RESULT OF THE SECRETARY'S VISIT. END SUMMARY.

2. (S) THE SECRETARY'S VISIT TO SOUTH AFRICA RECEIVED CONSIDERABLE LOCAL MEDIA ATTENTION DESPITE ITS FALLING ON THE EVE OF THE AFRICAN NATIONAL CONGRESS' 50TH CONFERENCE, WHICH WOULD SEE NELSON MANDELA BOW OUT AS ANC LEADER TO BE REPLACED BY THABO MBEKI. DESPITE THE PRESSING CONCERNS RELATED TO THE IMMINENT CONFERENCE, BOTH MANDELA AND MBEKI AUTHORIZED THEIR STAFFS TO PERMIT AMPLE TIME FOR SERIOUS AND SUBSTANTIVE DISCUSSIONS. MBEKI HAD THE FULL RANGE OF SENIOR FOREIGN POLICY ADVISORS (INCLUDING FOREIGN MINISTER NZO AND DEPUTY FOREIGN MINISTER PAHAD) JOIN HIM WHILE, MANDELA, AS IS HIS WONT, KEPT HIS MEETING SMALL.

3. (S) IN PUBLIC COMMENTS AFTER THE MEETINGS, BOTH MANDELA AND MBEKI STRESSED THE CLOSENESS IN RELATIONS BETWEEN THE TWO COUNTRIES (MBEKI EVEN QUIPPING THAT HE COULDN'T FIND ANY ISSUES ON WHICH TO DISAGREE). PRESIDENT MANDELA DELIVERED STRONG PUBLIC PRAISE FOR PRESIDENT CLINTON, EXPRESSING THE HOPE FOR A PRESIDENTIAL VISIT IN 1998.

4. (S) PRESS COVERAGE WAS OVERWHELMINGLY POSITIVE. SABC, THE COUNTRY'S ONLY BROADCAST TV NETWORK, INCLUDED FOOTAGE OF ALL PUBLIC PORTIONS OF THE SECRETARY'S VISIT IN ITS EVENING NEWSCAST ON DECEMBER 13. WIDESPREAD PRESS COVERAGE INCLUDED THE NATION'S HIGHEST CIRCULATION DAILY, THE SOWETAN, WHICH TARGETS A BLACK AUDIENCE, IN AN EDITORIAL ENTITLED "U.S. FOCUSES ON AFRICA," THE WRITER CONCLUDED THAT THE TRIP WAS A SIGN OF NEW U.S. INTEREST IN THE CONTINENT.

5. (S) THE SECRETARY'S MEETING WITH PETER AND LINDA BIEHL AT THE COMMEMORATION OF THE AMY BIEHL FOUNDATION IN CAPE TOWN WAS EQUALLY MOVING. A LARGE MEDIA PRESENCE AT THE LAUNCH RESULTED IN EXTENSIVE COVERAGE OF TV, RADIO AND THE LOCAL PRINT MEDIA, WHICH CARRIED PICTURES OF A RELAXED SECRETARY DOING THE "MADIBA SHUFFLE" WITH MEMBERS OF THE NEW CROSSROADS YOUTH GROUP. THE SUNDAY "CAPE TIMES" HIGHLIGHTED THE VISIT, PRAISING THE LACK OF PROTOCOL AND POMP ON AN OCCASION IN WHICH "ONE OF THE MOST POWERFUL WOMEN IN THE WORLD...CAME DOWN AN UNTARRED DUSTY STREET INTO A SMALL CHURCH BUILDING AND WAS GREETED BY A PRIEST IN A TRACK SUIT TOP, A HANDFUL OF POLITICIANS, AND SOME COMMUNITY WORKERS."

6. COMMENT: ALL OUR SOUTH AFRICAN INTERLOCUTORS RECOGNIZED THAT SOUTH AFRICA FELL INTO A DIFFERENT CATEGORY FROM THE "CRISIS" COUNTRIES WHICH SHE VISITED ON THE TRIP. THEY CLEARLY FELT HER VISIT MARKED OFFICIAL RECOGNITION OF THE SOUTH AFRICAN 'DIFFERENCE'; THAT IT IS A SOCIETY WHICH, DESPITE HAVING BEEN RIVEN BY APARTHEID, IS UNDERGOING DEMOCRATIC TRANSFORMATION AND IS ON THE ROAD TO BROAD-

BASED ECONOMIC PROSPERITY BASED ON SUPPORT OF MARKET  
~~CONFIDENTIAL~~ SECTION 02 OF 02 PRETORIA 013348

LONDON FOR PFLAUMER; PARIS FOR MORAN  
NSC FOR SENIOR DIRECTOR WILSON

E.O. 12958: DECL: 12/19/07  
TAGS: PREL, SF  
SUBJECT: SECRETARY ALBRIGHT'S VISIT TO SOUTH AFRICA

ECONOMIC POLICY. THE DEEPENING OF RELATIONSHIPS WITH  
THE LEADERS OF SOUTH AFRICA WHICH SECRETARY ALBRIGHT  
ACCOMPLISHED WILL SERVE THE U.S. TO EFFECTIVELY  
INFLUENCE THE SAG AND BETTER MANAGE OUR RELATIONSHIP  
BOTH IN AREAS WHERE WE FUNDAMENTALLY AGREE AND THOSE  
FEW, BUT IRRITATING ZONES OF DIVERGENCE. ALL IN ALL,  
A HUGE SUCCESS. END COMMENT. JOSEPH

**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

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 INFO: RUEHTN/AMCONSUL CAPE TOWN 9139  
 SUBJ: BNC ISSUES

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.30)  
 7/31/2018 KBN

CLASSIFIED BY AMB JAMES A. JOSEPH, PER 1.5 (B/D).

## TEXT:

~~CONFIDENTIAL~~ SECTION 01 OF 02 PRETORIA 000096

STATE FOR AF/DAS CARSON; ALSO FOR AF/S BLANEY AND MURPHY  
 WHITE HOUSE FOR OVP FUERTH AND BABBIT

E.O. 12958: DECL: 01/06/09  
 TAGS: PREL, SF  
 SUBJECT: BNC ISSUES

CLASSIFIED BY AMB JAMES A. JOSEPH, PER 1.5 (B/D).

1. (U) FOLLOWING ARE SOME VERY PRELIMINARY THOUGHTS ON THE FEB 16-18 BNC WHICH WE HOPE WILL BE HELPFUL FOR THE OVP-CHAired PREPARATORY MEETING ON JAN 7.

-----  
 VENUE  
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2. (SBU) THE SOUTH AFRICANS ARE ASSUMING A CAPE TOWN VENUE. GIVEN THAT FEB 17 IS BUDGET SPEECH DAY AND THAT ALL OF THE SAG THAT COUNTS WILL BE IN CAPE TOWN, AN ALTERNATE VENUE ON THE AGREED UPON DATES WOULD PROBABLY BE IMPOSSIBLE. GIVEN ADEQUATE PREPARATION, WE BELIEVE THAT THE SECURITY PROBLEMS IN CAPE TOWN CAN BE MANAGED. IN THIS RESPECT, WE WILL BE WATCHING PM BLAIR'S CAPE TOWN VISIT THIS WEEK WITH INTEREST. THE KIRSTENBOSCH CONFERENCE CENTER WHICH THE SAG HAS PICKED AS THE PLENARY SITE, SHOULD BE EXCELLENT AND CERTAINLY A GREAT IMPROVEMENT OVER THE CRAMPED CASTLE QUARTERS USED IN 1997. ONE CAVEAT: THE KING OF SPAIN WILL JUST BE COMPLETING A STATE VISIT, AND THE PRIME MINISTER OF BELGIUM WILL HAVE JUST FINISHED AN OFFICIAL VISIT WHEN THE VP ARRIVES.

ACHIEVING SAG OWNERSHIP: A WORTHY IDEAL WHICH WE MUST KEEP STRIVING FOR, BUT...

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3. (SBU) WE WHOLEHEARTEDLY AGREE THAT THE SAG (AS HOSTS) SHOULD TAKE THE LEAD IN SUGGESTING THEMES AND CONTENT (ONE-ON-ONE AGENDA; RICE-PAHAD

SIDEBAR AGENDA; SITE VISITS, ETC.). THE PROBLEM IS THAT WE MAY NOT GET

WHOLLY DEVELOPED SAG THOUGHTS ESPECIALLY ON THE DETAILS IN THE TIME REMAINING. A MAMMOTH DFA REORGANIZATION MEETING/COM WILL BE A MAJOR DISTRACTION THROUGHOUT MOST OF JANUARY. BOTTOM LINE: WE SHOULD NOT EXPECT RAPID FEEDBACK OR BE HESITANT TO TABLE OUR OWN SUGGESTIONS ASAP.

4. (SBU)

THIS SHOULD NOT BE CONSTRUED AS MEANING THAT THE SAG IS NOT INTERESTED IN THIS BNC. THEY ARE INDEED, FOR A VARIETY OF REASONS, KEENLY INTERESTED IN A SUCCESSFUL, FULL-SCALE BNC IN THIS SOUTH AFRICAN ELECTION YEAR. THE ONE THING THEY LIKE LESS THAN BEING ORDERED AROUND BY THE UNITED STATES IS BEING IGNORED OR DOWNGRADED. HOWEVER THESE SENTIMENTS DO NOT IMPLY A CAPACITY TO DELIVER ORGANIZED THOUGHTS WEEKS AHEAD OF AN EVENT. THEY ARE INDEED OVERSTRETCHED.

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A THEME  
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5. (SBU)

WE LIKE THE IDEA OF A THEME FOCUSING ON EMPLOYMENT/JOB CREATION. WE THINK THE SOUTH AFRICANS WILL ALSO LIKE IT ONCE THEY UNDERSTAND WHAT WE ARE SUGGESTING. AS WE UNDERSTAND THE CONCEPT, IT MEANS A PUBLIC (TO BE EXPRESSED BY THE PRINCIPALS) EMPHASIS ON STRESSING JOB CREATION IN BNC ACTIVITIES. IN FACT, MOST OF WHAT WE ARE ALREADY DOING IS HIGHLY RELEVANT TO EMPLOYMENT/JOB CREATION. EDUCATION, THE ENVIRONMENT, HOUSING, TRADE AND INVESTMENT, DEFENSE ISSUES, HIV/AIDS, AGRICULTURE -- IN EVERY CASE THERE IS A STRONG LINK TO EMPLOYMENT/JOB

CREATION (WE WOULD BE HAPPY TO SPELL OUT THESE LINKS IN MORE DETAIL IN A SEPTEL SHOULD ANYONE NEED CONVINCING). A PROMINENTLY ENUNCIATED

THEME WILL HELP US TO MAKE THAT CLEAR, WHICH IN TURN WILL ILLUSTRATE THE FUNCTIONAL UTILITY OF THE BNC TO A SOMETIMES SKEPTICAL PUBLIC, WHILE GENERATING SOME USEFUL THINKING AT COMMITTEE LEVEL ON HOW THEIR WORK CAN BE MORE JOB-CREATION ORIENTED.

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ONE-ON-ONE AGENDA  
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6. (C) FOREIGN POLICY TOPICS MUST INCLUDE CONGO, ANGOLA, AND OUR THOUGHTS ON US-SADC COOPERATION. THESE WILL PRESUMABLY HAVE ALREADY BEEN DISCUSSED AT THE RICE-PAHAD SIDEBAR EARLIER IN THE DAY. WE ASSUME MBEKI WILL WANT TO TALK ABOUT LIBYA AND MAYBE IRAQ.

-- PHARMACEUTICALS:

IT WILL BE IMPOSSIBLE TO AVOID AT LEAST A BRIEF MENTION OF THIS HARDY PERENNIAL BUT THE SITUATION IS IN FLUX AND WE

SHOULD NOT PROPOSE CONTENT UNTIL THE LAST POSSIBLE MOMENT.

-- ARMSCOR FOLLOW-UP: DITTO

-- TRADE ISSUES: HOPEFULLY WE WILL BE ABLE TO REJOICE IN THE ACHIEVEMENT OF A TIFA AS A STEP TOWARD MATURE MANAGEMENT OF NETTLESOME TRADE DISPUTES.

-- Y2K: SOUTH AFRICA IS AWARE OF THE PROBLEM BUT PREPAREDNESS IS SPOTTY.

-- PROLIFERATION: WE WOULD SUGGEST THAT THE VP TABLE A BRIEF REFERENCE TO THE DIFFICULTIES POSED BY LACK OF COORDINATION BETWEEN SA DIPLOMATS, INTELLIGENCE TYPES AND THE DEPUTY PRESIDENT'S STAFF, ON PROLIFERATION ISSUES, MOST NOTABLY THE RESIDUE OF APARTHEID-ERA CBW PROGRAMS. (THIS WILL BE EXPLAINED FURTHER IN A SEPTTEL.)  
~~C O N F I D E N T I A L~~ SECTION 02 OF 02 PRETORIA 000096

STATE FOR AF/DAS CARSON; ALSO FOR AF/S BLANEY AND MURPHY  
WHITE HOUSE FOR OVP FUERTH AND BABBIT

E.O. 12958: DECL: 01/06/09  
TAGS: PREL, SF  
SUBJECT: BNC ISSUES

-- AID POLICY: WHATEVER PROBLEM(S) THERE WAS/WERE SEEM TO HAVE BEEN RESOLVED; NO NEED TO RAISE IT/THEM.

-- MISSION EXPANSION: ANOTHER (HOPEFULLY) RESOLVED PROBLEM BUT VP MIGHT WISH TO THANK THE DP FOR HIS COOPERATION (E.G. APPROVAL FOR FBIS TO RELOCATE HERE), EXPLAIN OUR RATIONALE FOR MISSION EXPANSION (HOPEFULLY WE ARE OVER THE PEAK) AND MAKE SURE THE DP DOES NOT HARBOR RESIDUAL SUSPICIONS ABOUT US ACTIVITIES (E.G., BUILDING AN INTELLIGENCE BASE IN SOUTHERN AFRICA).

-- US-SA PRIVATE SECTOR DEFENSE COOPERATION, ESPECIALLY FOSTERING BUSINESS PARTNERSHIPS: (SEE 98 PRETORIA 16796)

-- THE NEW "RULE OF LAW" COMMITTEE: ASSUMING WE AND THE SAG WILL HAVE GOTTEN OUR DUCKS IN A ROW RE COMPOSITION CHAIRS, AND TERMS OF REFERENCE, SOME ONE-ON-ONE DISCUSSION ON THIS NEW UNDERTAKING WILL PROBABLY STILL BE DESIRABLE.

-- FUTURE OF BNC: WE PRESUME THE TWO PRINCIPALS WILL WANT TO DISCUSS THIS AGAIN.

-----  
SITE VISITS (ETC.)  
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7. (SBU) GIVEN TIME LIMITATIONS ON FEB 17 (WHICH WILL BEGIN WITH A CALL ON MANDELA AND END WITH THE AMBASSADOR'S RECEPTION AND THE ONE-

ON-ONE DINNER) WE ASSUME THAT ALL SITE VISITS WILL HAVE TO TAKE PLACE IN THE CAPE TOWN AREA, WITH ALL THAT IMPLIES FOR SECURITY AND TRAFFIC RPT TRAFFIC CONSIDERATIONS. THERE IS NONETHELESS A LONG LIST OF POSSIBILITIES, INCLUDING SOME OF THOSE THAT WERE PLANNED FOR THE ABORTED 1997 MEETING. TIME MAY BE EVEN SHORTER IF THE SCHEDULE INCLUDES

ADDITIONAL TIME WITH MBEKI (E.G., A POSSIBLE WORKING LUNCH ON A THEME TBD,

BETWEEN THE CABINET MEETING AND THE BUDGET SPEECH). SITE VISIT POSSIBILITIES (ETC.) INCLUDE:

-- MEDIA ROUNDTABLE: THE VICE PRESIDENT'S PARTICIPATION IN A ROUNDTABLE DISCUSSION WITH THE MEDIA DURING THE FEBRUARY 1997 BNC WAS AN EFFECTIVE MEANS OF FOCUSING MEDIA ATTENTION ON THE SUBSTANCE OF THE BNC RATHER THAN ON FATUOUS ISSUES SUCH AS BNC-RELATED TRAFFIC PROBLEMS. WE RECOMMEND THAT THE VICE PRESIDENT AGAIN MEET WITH A SELECT GROUP OF ABOUT 20 AMERICAN AND SOUTH AFRICAN JOURNALISTS IN A ROUNDTABLE SETTING TO DISCUSS THE BNC AND THE US-SOUTH AFRICA RELATIONSHIP.

INTER ALIA, IT WOULD BE A USEFUL WAY TO FOCUS ATTENTION ON THE JOBS THEME,

IF WE DECIDE TO GO THAT ROUTE. US MEDIA FOUNDATION "THE FREEDOM FORUM" WOULD BE AN EFFECTIVE AND EAGER CO-HOST FOR SUCH AN EVENT.

-- A DROP-BY AT THE INAUGURAL MEETING OF THE NEW FULBRIGHT COMMISSION, A MAJOR BNC ACCOMPLISHMENT WHICH MAY ALSO BECOME THE FOCAL POINT OF U.S.-SA COOPERATION ON HIGHER EDUCATION GENERALLY, REPLACING OR SUBSUMING THE PROPOSED HIGHER EDUCATION FORUM.

-- A MEETING OR LUNCH WITH THE AMERICAN CHAMBER OF COMMERCE (PROPOSED BY THEM).

-- A VISIT TO AN USAID HOUSING OR SMALL ENTERPRISE SITE (BOTH RELEVANT TO JOB CREATION).

-- A VISIT TO THE USAID-SUPPORTED AMY BIEHL FOUNDATION (RECONCILIATION AND JOB CREATION THEMES).

-- A VISIT TO THE GE/BAYGEN WIND-UP RADIO PLANT (JOB CREATION; ENVIRONMENTALLY FRIENDLY TECHNOLOGY).

-- A GLOBE EVENT: THE GLOBE PROGRAM IS POISED TO EXPAND IN 1999 WITH A REGIONAL TRAINING CONFERENCE TO TRAIN CERTIFIED GLOBE TRAINERS (DATE AS YET UNSPECIFIED). A GLOBE EVENT WOULD UNDERScore OUR INTEREST AND INVOLVEMENT IN EDUCATION, ENVIRONMENT, SCIENCE AND TECHNOLOGY.

-- A CAPE PENINSULA NATIONAL PARK EVENT. THIS NEW WORLD-CLASS NATIONAL PARK, CREATED WITH SIGNIFICANT U.S. SUPPORT THROUGH THE GEF (GLOBAL ENVIRONMENTAL FACILITY) IS HIGHLY RELEVANT TO BIODIVERSITY PRESERVATION AND TOURISM/JOB CREATION. THE FEB 18 PLENARY WILL TAKE PLACE AT

KIRSTENBOSCH BOTANICAL GARDENS WHICH BORDERS ON THE NEW PARK, SO THIS EVENT COULD BE A SIDEBAR TO THE FEB 18 SCHEDULE.

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OTHER DELIVERABLES

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8. (SBU) THEY INCLUDE, HOPEFULLY, TIFA, AN EXTRADITION TREATY,  
COMPLETION OF MOST POST-ARMSCOR ISSUES, POSSIBLE COOPERATION ON  
SOFTWARE PIRACY, AND ANNOUNCEMENT OF INTENDED PEACE CORPS EXPANSION.  
JOSEPH

**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

**SSN:** 0096  
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 RUEHSAJ/AMCONSUL JOHANNESBURG 0342  
 SUBJ: COURT HEARING ON AMNESTY FOR CHRIS  
 HANIQS KILLERS: THE NEW SOUTH AFRICA FACES  
 OFF AGAINST THE OLD

DECLASSIFIED  
 PER E.O. 13526  
 2015-0638-M (1.31)  
 7/31/2018 KBH

CLASSIFIED BY MARGUERITA RAGSDALE, POLITICAL

TEXT: ~~CONFIDENTIAL~~ SECTION 01 OF 03 CAPE TOWN 001993

PRETORIA PLEASE PASS TO DURAN

E.O. 12958: DECL: 12/01/10  
 TAGS: PGOV, PHUM, SF  
 SUBJECT: COURT HEARING ON AMNESTY FOR CHRIS  
 HANIQS KILLERS: THE NEW SOUTH AFRICA FACES  
 OFF AGAINST THE OLD

CLASSIFIED BY MARGUERITA RAGSDALE, POLITICAL  
 COUNSELOR. REASON: 1.5 (B/D).

1. (C) SUMMARY: IN A THREE-DAY COURT HEARING IN CAPE TOWN, AN ADVOCATE FOR FORMER CONSERVATIVE PARTY (CP) MEMBER OF PARLIAMENT CLIVE DERBY-LEWIS AND POLISH IMMIGRANT JANUZS WALUS ARGUED FOR THE REVERSAL OF THE DECISION BY THE TRUTH AND RECONCILIATION COMMISSION (TRC) TO DENY AMNESTY TO THE TWO, WHO WERE CONVICTED FOR THE 1993 MURDER OF SOUTH AFRICAN COMMUNIST PARTY (SACP) LEADER CHRIS HANI. ADVOCATES FOR THE TRC AND THE HANI FAMILY ARGUED THAT THE DENIAL OF AMNESTY FOR THE KILLERS, WHO ARE SERVING A LIFE SENTENCE, SHOULD STAND BECAUSE THEY HAD NOT MADE FULL DISCLOSURE DURING THEIR HEARING AND HAD NOT DEMONSTRATED THAT THEY WERE ACTING ON BEHALF OF THEIR PARTY. OVER A DOZEN CONSERVATIVE PARTY MEMBERS, INCLUDING PARTY LEADER FERDIE HARTZENBERG AND A NUMBER OF EX-MP'S, APPEARED AT THE HEARING TO DEMONSTRATE SOLIDARITY WITH THEIR FORMER PARLIAMENTARY COLLEAGUE. ANC MP AND SACP DEPUTY SECRETARY-GENERAL JEREMY CRONIN TOLD POLOFF THAT HE IS CONFIDENT THAT THE DENIAL OF AMNESTY WILL BE UPHELD. HE EXPRESSED REGRET THAT THE FULL TRUTH ABOUT RIGHT-WING ACTIVITIES

IS UNLIKELY EVER TO EMERGE, BUT FOUND REASSURANCE IN THE FACT THAT THE RIGHT-WING STALWARTS ARE ALL ELDERLY, INDICATING THAT THEY DO NOT POSE A DANGER FOR THE FUTURE. END SUMMARY.

2. (U) A THREE-JUDGE PANEL OF THE CAPE HIGH COURT CONVENED ON NOVEMBER 27-29 TO HEAR AN APPLICATION TO REVIEW THE DENIAL OF AMNESTY TO FORMER CONSERVATIVE PARTY MP CLIVE DERBY-LEWIS AND POLISH IMMIGRANT JANUSZ WALUS FOR THE 1993 MURDER OF SACP LEADER CHRIS HANI. THE TRUTH AND RECONCILIATION COMMISSION RULED IN 1999 THAT DERBY-LEWIS AND WALUS, WHO ARE SERVING LIFE SENTENCES FOR THE KILLING, WERE INELIGIBLE FOR AMNESTY BECAUSE THEY HAD FAILED TO DEMONSTRATE THAT THEY WERE ACTING ON BEHALF OF THE CONSERVATIVE PARTY, WHICH HAD AN OFFICIAL POSITION AGAINST VIOLENCE, AND BECAUSE THEY HAD NOT MADE FULL DISCLOSURE REGARDING THE ASSASSINATION.

3. (U) ARGUING ON BEHALF OF DERBY-LEWIS AND WALUS, ADVOCATE JURG PRINSLOO, A FORMER CONSERVATIVE PARTY PARLIAMENTARIAN, ASSERTED THAT THE COURT SHOULD FIND THAT THE TRC DID NOT HAVE A RATIONAL BASIS FOR ITS DECISION -- THE STANDARD REQUIRED FOR A REVERSAL OF THE TRC'S DECISION. IN A FULL DAY OF ARGUMENT, PRINSLOO DEFENDED A NUMBER OF ASSERTIONS MADE BY DERBY-LEWIS AND WALUS IN THE TRC HEARING, INCLUDING THEIR CLAIM THAT DERBY-LEWIS'S WIFE GAYE, A POLITICAL ACTIVIST HERSELF, WAS UNAWARE OF THE ASSASSINATION PLOT. (MRS. DERBY-LEWIS WAS ACQUITTED IN THE CRIMINAL TRIAL.) PRINSLOO ALSO ARGUED THAT IT WAS REASONABLE FOR DERBY-LEWIS TO BELIEVE THAT THE CONSERVATIVE PARTY WOULD TACITLY SUPPORT THE KILLING IN SPITE OF ITS DECLARED POLICY OF NON-VIOLENCE, SINCE THE PARTY CONSIDERED THAT SOUTH AFRICA WAS IN A STATE OF WAR.

4. (U) ADVOCATES REPRESENTING THE TRC AND THE HANI FAMILY, INCLUDING WELL-KNOWN ADVOCATE GEORGE BIZOS, ARGUED THE TRC HAD ACTED PROPERLY. THEY RIDICULED A NUMBER OF CLAIMS IN DERBY-LEWIS'S AND WALUS' AMNESTY APPLICATION, SUCH AS THE ASSERTION THAT A LIST OF POLITICAL OPPONENTS THAT WAS PREPARED BY MRS. DERBY-LEWIS AND FOUND IN WALUS' POSSESSION SHORTLY AFTER HE KILLED HANI WAS NOT A HIT LIST BUT RESEARCH FOR A STORY MRS. DERBY-LEWIS WAS WRITING ABOUT THE LUXURIOUS LIFESTYLES OF ANC MEMBERS. IF THIS WAS SO, THE LAWYERS ASKED, WHY DID THE LIST INCLUDE INFORMATION ABOUT THE SECURITY FEATURES AT THE PEOPLE'S HOMES?

5. (U) THE JUDGES CLOSELY QUESTIONED BOTH SIDES' ADVOCATES, DISPLAYING FEW INDICATIONS OF THEIR VIEWS. ONE EXCEPTION CAME WHEN PRINSLOO, IN HIS CONCLUDING REMARKS, STATED THAT, IN THE CONTEXT OF THE HIGH TENSIONS OF THE TIME IN QUESTION, IT COULD REASONABLY BE ASSERTED THAT THE ELIMINATION OF A POLITICAL PARTY'S OPPONENT WAS IN THE PARTY'S INTEREST. JUSTICE JOCK COMRIE RESPONDED, "I REACT

WITH HORROR TO THAT." AT THE END OF THE PROCEEDINGS, JUDGE-PRESIDENT JOHN HLOPE STATED THAT THE COURT WOULD RESERVE JUDGMENT BUT WOULD, IN LIGHT OF THE IMPORTANCE OF THE MATTER, ATTEMPT TO HAND DOWN A DECISION WITHIN SEVERAL WEEKS.

CONSERVATIVES GATHER IN SUPPORT OF THEIR COLLEAGUE

~~CONFIDENTIAL~~ SECTION 02 OF 03 CAPE TOWN 001993

PRETORIA PLEASE PASS TO DURAN

E.O. 12958: DECL: 12/01/10

TAGS: PGOV, PHUM, SF

SUBJECT: COURT HEARING ON AMNESTY FOR CHRIS

HANIQS KILLERS: THE NEW SOUTH AFRICA FACES

OFF AGAINST THE OLD

6. (U) THE MORIBUND CONSERVATIVE PARTY, WHICH PARTICIPATED IN CONSTITUTIONAL NEGOTIATIONS BUT WITHDREW FROM ELECTORAL POLITICS BEGINNING WITH THE 1994 ELECTION, WAS PRESENT AT THE HEARING IN FULL FORCE. PARTY LEADER FERDIE HARTZENBERG ATTENDED THE FIRST DAY OF HEARINGS, AND ABOUT TWENTY OTHER CP SUPPORTERS, INCLUDING A NUMBER OF FORMER MP'S, ATTENDED VARIOUS PARTS OF THE HEARING. HARTZENBERG TOLD POLOFF BEFORE THE HEARING BEGAN THAT THE PARTY SUPPORTED DERBY-LEWIS'S APPLICATION FOR AMNESTY. EVEN THOUGH THE PARTY DID NOT SUPPORT HIS ACTION, HE SAID, IT BELIEVED THAT DERBY-LEWIS HAD BEEN SUBJECTED TO A "DOUBLE STANDARD." HE CITED THE CASE OF AMY BIEHL'S KILLERS, WHO HAD BEEN GRANTED AMNESTY EVEN THOUGH THEY WERE NOT ACTING UNDER ORDERS OF THEIR PARTY (AN ANALOGY PRINSLOO ALSO MADE IN THE HEARING).

7. (S) DURING A BREAK IN THE PROCEEDINGS, POLOFF ASKED FORMER CONSERVATIVE PARTY MP PIKKIE COETZEE HOW THE CP RECONCILED THE PARTY'S REJECTION OF VIOLENCE AND CONDEMNATION OF HANI'S MURDER, ON THE ONE HAND, WITH ITS SUPPORT FOR DERBY-LEWIS'S ARGUMENT THAT HE COULD REASONABLY BELIEVE THAT HE WAS ACTING ON BEHALF OF THE PARTY, ON THE OTHER. COETZEE SAID THAT HE COULD NEVER SUPPORT WHAT DERBY-LEWIS DID, SINCE IT WAS AGAINST HIS RELIGION. HOWEVER, HE CONTINUED, IN THE CONTEXT OF THE TIME, WHEN IT APPEARED THAT THE COUNTRY WAS ABOUT TO GO TO WAR, HE UNDERSTOOD HOW DERBY-LEWIS COULD HAVE BELIEVED THAT HE WAS ACTING IN THE INTEREST OF THE CONSERVATIVE PARTY. THE CURRENT COURT CASE, HE SAID, WAS BEING FUNDED BY CP MEMBERS AND SUPPORTERS WHO HAD DONATED ANYTHING FROM 10 RAND (ABOUT A DOLLAR AND A HALF) TO, IN ONE CASE, 50,000 RAND (ABOUT 7000 DOLLARS). IF THE CAPE HIGH COURT REJECTS THE APPLICATION, HE SAID, DERBY-LEWIS PLANS AN APPEAL TO THE SUPREME COURT.

8. (S) ASKED BY POLOFF TO CLARIFY THE CURRENT STATUS OF THE CP, WHICH WAS RUMORED TO HAVE DISBANDED ABOUT A YEAR AGO AFTER CESSATION OF ITS PUBLICATION "DIE PATRIOT" (THE PATRIOT), COETZEE SAID THAT THE ORGANIZATION STILL EXISTS, BUT PLANS TO RECONSTITUTE ITSELF AS A CULTURAL ORGANIZATION INSTEAD OF A POLITICAL PARTY. NOT MUCH PROGRESS HAS YET BEEN MADE IN THIS REGARD, HE ACKNOWLEDGED. HE ASSERTED THAT AFRIKANER POLITICAL PARTIES THAT REMAIN ACTIVE IN ELECTORAL POLITICS, INCLUDING THE FREEDOM FRONT, WILL SOON DISAPPEAR. THIS FATE WILL ALSO EVENTUALLY BEFALL THE DEMOCRATIC ALLIANCE, IN HIS OPINION. COETZEE EXPRESSED THE VIEW THAT THE UNITED STATES GOVERNMENT IS OPPOSED TO THE ANC GOVERNMENT, BUT PRETENDS TO SUPPORT IT AS PART OF A PLOT, IN WHICH SECRET ORGANIZATIONS SUCH AS THE ILLUMINATI ARE ALSO INVOLVED, TO OBTAIN DIAMONDS AND OTHER NATURAL RESOURCES FROM SOUTH AFRICA.

9. (S) COETZEE ASSERTED THAT HE HAD NEVER BEEN A RACIST AND THAT HE HAS ALWAYS CONDEMNED RACISM. AS AN EXAMPLE OF WHAT HE DEPICTED AS HIS "LIBERAL" VIEWS, HE RECALLED THAT ON ONE OCCASION ONE OF HIS SONS HAD ADDRESSED A BLACK DOMESTIC SERVANT USING A HIGHLY OFFENSIVE RACIAL EPITHET. HE HAD PUNISHED HIS SON BY BEATING HIM SO BADLY THAT HE WAS UNABLE TO GO TO SCHOOL THE NEXT DAY.

10. (S) LATER IN THE PROCEEDING, AN OBSERVER WHO IDENTIFIED HIMSELF ONLY AS A FRIEND OF THE DERBY-LEWIS FAMILY TOLD POLOFF THAT GAYE DERBY-LEWIS IS IN POOR HEALTH, DUE IN PART TO THE STRESS OF HER HUSBAND'S IMPRISONMENT. HE SAID THAT SHE HAD TOLD HER HUSBAND THAT, IF HE IS RELEASED FROM JAIL, HE MUST NOT BECOME ACTIVE IN POLITICS AGAIN; IF HE DOES, SHE WILL LEAVE HIM. (NOTE: GAYE DERBY-LEWIS, WHO IS ORIGINALLY FROM AUSTRALIA, WAS A HIGH-PROFILE RIGHT-WING ACTIVIST, JOURNALIST, AND ONETIME CP POLITICAL CANDIDATE. END NOTE.)

SACP VIEWS  
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11. (S) FEW FRIENDS, RELATIVES, OR SUPPORTERS OF CHRIS HANI ATTENDED THE HEARING, POSSIBLY BECAUSE THE HANI FAMILY IS BASED IN GAUTENG (WHERE THE MURDER TOOK PLACE), AND THE SACP IS HEADQUARTERED THERE. HOWEVER, ANC MP JEREMY CRONIN, WHO SERVES AS DEPUTY SECRETARY-GENERAL OF THE SOUTH  
~~C O N F I D E N T I A L~~ SECTION 03 OF 03 CAPE TOWN 001993

PRETORIA PLEASE PASS TO DURAN

E.O. 12958: DECL: 12/01/10

TAGS: PGOV, PHUM, SF

SUBJECT: COURT HEARING ON AMNESTY FOR CHRIS HANIQS KILLERS: THE NEW SOUTH AFRICA FACES

OFF AGAINST THE OLD

AFRICAN COMMUNIST PARTY, ATTENDED PART OF THE HEARING. HE TOLD POLOFF THAT ALL SIGNS POINT TO A DECISION BY THE HIGH COURT TO UPHOLD THE AMNESTY DECISION. CRONIN SAID THAT THE ANC AND SACP CONTINUE TO BELIEVE THAT DERBY-LEWIS AND WALUS WERE PART OF A WIDER CONSPIRACY THAT ALSO INCLUDED A COMPLICATED WEB OF COMPLICITY AND MUTUAL EXPLOITATION BETWEEN VARIOUS RIGHT-WING FORCES SUCH AS THE ORDE BOEREVOLK (ORDER OF BOER PEOPLE) AND ELEMENTS OF THE SECURITY FORCES. (NOTE: IN THE TRC'S FINAL REPORT, THE BODY NOTED THAT "THE COMMISSION WAS UNABLE TO FIND EVIDENCE THAT THE TWO MURDERERS CONVICTED OF THE KILLING OF CHRIS HANI TOOK ORDERS FROM INTERNATIONAL GROUPS, SECURITY FORCES, OR FROM HIGHER UP IN THE RIGHT WING ECHELON." END NOTE.)

12. (✓) CRONIN ADDED THAT HE HAD BEEN DISAPPOINTED THAT DERBY-LEWIS AND WALUS HAD NOT SHED LIGHT ON THESE MATTERS IN THE AMNESTY HEARING, AND NOTED THAT IT APPEARS INCREASINGLY UNLIKELY THAT THIS WILL EVER HAPPEN. WHILE THE ANC HAS MORE URGENT MATTERS TO DEAL WITH, SUCH AS HIV/AIDS, IT WOULD IN HIS VIEW BE DESIRABLE, FOR THE SAKE OF HISTORY, TO HAVE THESE UNANSWERED QUESTIONS RESOLVED. CRONIN SAID THAT HE TOOK REASSURANCE FROM THE FACT THAT DERBY-LEWIS'S SUPPORTERS ARE ELDERLY AND, THEREFORE, REPRESENT A POLITICAL ELEMENT THAT WILL SOON DISAPPEAR. (NOTE: ALL BUT ONE OF THE RIGHT-WING SUPPORTERS PRESENT AT THE HEARING APPEARED TO BE AT LEAST SIXTY YEARS OLD. END NOTE.) WHILE CRONIN SAID THAT IT IS NOT INCONCEIVABLE THAT THE RIGHT WILL AT SOME POINT IN THE FUTURE ONCE AGAIN POSE A DANGER (FOR EXAMPLE, IN A "ZIMBABWE-TYPE SCENARIO"), THE POLITICAL THREAT FROM THE RIGHT HAS, IN HIS VIEW, LARGELY DISAPPEARED.

COMMENT

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13. (✓) COMMENT: MOST OF THE ARGUMENTS MADE BY THE LAWYERS IN THE HEARING HAD BEEN SET OUT AT MUCH GREATER LENGTH AT THE TRC HEARING. THE HIGH THRESHOLD THAT DERBY-LEWIS'S LEGAL TEAM MUST OVERCOME MEANS THAT CRONIN'S OPTIMISM ABOUT THE UNLIKELIHOOD OF A REVERSAL APPEARS REALISTIC. WHAT WAS MOST INTERESTING ABOUT THE HEARING, FROM A POLITICAL POINT OF VIEW, WAS THE JUXTAPOSITION OF FORCES REPRESENTING SOUTH AFRICA'S PAST AND ITS PRESENT (AND, PROBABLY, FUTURE). ON THE ONE HAND WAS A GROUP OF ELDERLY HARD-LINERS WHO REMAIN WEDDED TO AN APARTHEID-ERA IDEOLOGY. ON THE OTHER SIDE WERE A NUMBER OF REPRESENTATIVES OF THE CURRENT POLITICAL ESTABLISHMENT, INCLUDING CRONIN, WHO LITERALLY EMBODIES THE "ROOI GEVAAR" (RED PERIL) THAT WAS THE RIGHT WING'S FOREMOST FEAR. RATHER

THAN ENGAGING IN THE VIOLENT CONFLICT BOTH SIDES HAD EXPECTED, THE TWO OPPOSING CAMPS WERE SITTING SIDE BY SIDE IN A COURT OF LAW, AWAITING A DECISION THAT, REGARDLESS OF THE OUTCOME, WOULD CONSTITUTE NOT SO MUCH A VICTORY FOR ONE SIDE OR THE OTHER AS A DEMONSTRATION OF THE SUPREMACY OF THE RULE OF LAW IN SOUTH AFRICA. END COMMENT.  
NOLAN

TOR: 12/14/00 03:47:29

DIST: SIT: BABBITT BANBURY BYRNE NSC HARRISG MCLEAN NAPLAN PATTEN SCHWARTZ  
SHEA SMITH SMITHP WILCOX

## NATIONAL SECURITY COUNCIL

31-Jan-1994 08:41 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Jennifer C. Ward  
(WARD)

SUBJECT: Questions you had asked

**DECLASSIFIED**  
**PER E.O. 13526**  
2015-0638-M (1.32)  
7/31/2018 KBH

1) South Africa (PAC): We support the decision to bring the PAC back into the democratic transition process. The PAC leadership has not been implicated in Amy Biehl's murder, to our knowledge. After the murder, PAC Secretary for International Affairs expressed regret for her murder but said the situation needed to be looked at in its entirety: he said PAC did not support the untimely teachers' strike which created the climate of violence in which Amy was killed.

2) Liberia: We do not think it would be wise to involve President Carter at this point, since he was perceived at the last Yamoussoukro conference to be quite partisan (pro-Charles Taylor). A/S Moose expects to meet with all three Liberian "leaders" on the margins of the Houphouet funeral, and is asking for the re-engagement of ECOWAS leaders, to include Soglo of Benin and Compaore of Burkina. Reports late last week indicate Gordon-Somers might be making a little headway on the UNOMIL deployment and humanitarian relief deliveries.

## Distribution:

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FOR: Cathy Millison	( MILLISON )
CC: Records	( RECORDS )

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Date Modified: 31-Jan-1994 08:41  
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Message Priority: FIRST\_CLASS

## M S M a i l

DATE-TIME 09 June 95 20:22  
 FROM Rice, Susan E.  
 CLASSIFICATION ~~SECRET~~  
 SUBJECT ~~SECRET~~ Africa Update  
 TO Baker, Jane E.  
 Bass, Peter E.  
 Cicio, Kristen K.  
 Darby, Melanie B.  
 Emery, Mary C.  
 Gray, Wendy  
 Hall, Wilma G.  
 Hawkins, Ardenia R.  
 Joshi, M. Kay  
 Millison, Cathy L.  
 Veit, Katherine M.

DECLASSIFIED  
 PER E.O. 13526  
 2015 - 0638 - M (1.33)  
 7/31/2018 KBH

CARBON\_COPY Battenfield, Pat  
 Deshazer, Macarthur X.  
 Hilliard, Brenda I.  
 McCormick, Shawn H.  
 Rice, Susan E.

## TEXT\_BODY

[[ UPDATE21.DOC : 5150 in UPDATE21.DOC ]]  
 PPlease pass to TL and NS (for return book). Thanks.

ATTACHMENT  
 FILE DATE 9 June 95 20:21

ATTACHMENT  
 FILE NAME UPDATE21.DOC

Africa Update  
 June 9, 1995

Burundi

With the consent of President Ntibantunganya, yesterday the hard-line Tutsi Prime Minister Nduwayo ordered army troops into three Bujumbura neighborhoods to ferret out extremist Hutu gangs. Several hundred government troops supported by tanks and bulldozers entered Kamenge, Kinama and Gasenyi entered

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at dawn. Less than 40 people were reportedly killed, many of them shot during the course of the proceeding week of violence. Casualty figures were low because the Army showed some restraint in allowing civilians to leave before they entered Kamenge in full force. In addition, the gangs that were holed up in the suburbs apparently fled along with possibly as many as 120,000 people to hills surrounding the capital before action began. In an unusual degree of transparency, Nduwayo invited foreign military observers, human rights activists, and the SRSG to observe this process.

Ambassador Krueger reports that "the Burundi army and Tutsi extremists have now heavily dismembered Burundi's democracy." He argues the success of Tutsi extremists has pushed more of the populace into recognizing Hutu moderates as ineffectual and, therefore, enhanced support for Hutu extremists.

While Bujumbura may be a more secure place for Tutsis, the growth of armed extremist Hutus gangs in the nearby countryside poses an increasing security threat. Indeed, Highway 1 leading north to Rwanda is already closed, and Highway 5 toward Cibitoke in the contested northwest operates only intermittently. This hampers the work of various NGOs. Cibitoke has become a virtual no-go zone for Tutsis -- only 30 miles from Bujumbura.

The meeting to discuss emergency contingency planning with our allies will be held at USUN on June 12, despite the grumblings of participants. Many are responding with low-level representation.

UNHCR is in fact holding a meeting June 13 on regional refugee issues, including Burundi. We are actively pressing UNHCR to focus needed attention on Burundi contingencies.

## Rwanda

The GOR accepted our counsel to permit 2,330 UNAMIR troops for a three-month period under a revised mandate to be ratified today by the Security Council. Milobs and civpol are in addition to this figure. A gentlemen's agreement will stand to reduce the troop level to 1,800 after that point if the situation permits, milobs and civpol also in addition.

Meanwhile, military events in the southwest have taken a new twist with infiltration teams of ex-FAR increasing from squad to platoon size. Sources indicate that this may be part of a larger effort to establish a permanent base in the dense national forest just inside the border. The government has also increased its force level in the northwest to 10,000; one-quarter of their estimated strength. This only heightens concern that RPA forces may use a "hot pursuit" excuse to launch a major attack at camps near Goma.

During a meeting Wednesday, Director of Cabinet for President Bizimungu, Gasana, told us that his government wants the Zairian refugee camps moved farther from the border so that legitimate refugees would more naturally separate from the extremist armed elements. (He also delivered a letter from the President to TL). As we have reported, the RPA has warned us repeatedly it will have no choice but to respond with force to threats from the camps if the international community does not take action.

Nigeria: The treason trial of 23 civilian and military arrested for conspiring to overthrow the military government of General Abacha opened Thursday in Lagos after some delays. Many observers say holding the trial at this time is a ploy to deflect public attention from the second anniversary of the cancelled June 12 elections. There could be demonstrations in various parts of the country associated with the anniversary.

Noble Laureate Wole Soyinka told an audience at CSIS on Wednesday that, for the United States to be effective in Nigeria, it must replace Ambassador Carrington. He also stated the opposition in

Nigeria has exhausted all peaceful options and in order for it to become effective, it must use urban guerrilla tactics. "I cannot see how he {Abacha} can be dislodged except through organized violence." Needless to say, this is not a good sign.

Liberia: Although the May 15-20 Abuja summit failed to produce agreement on ending the war, the peace process may be proceeding on a different track. The Burkinabe and Ivorians are active diplomatically. Charles Taylor's meeting with General Abacha produced no substantive agreement but it apparently did ease tensions and open lines of communication. Meanwhile, the Nigerians are pressing hard for the Security Council to renew the UNOMIL mandate (expires June 30) for an additional six to eight weeks, in order not to disrupt the peace process now at a

delicate stage. The SYG is expected to recommend an extension. The main issue is UNOMIL's role and whether it should be downsized. The interagency Peacekeeping Core Group is meeting next week to consider the issue.

Sudan -- Expulsion of Diplomats: Secretary Christopher is likely to be asked next week to decide whether to expel two Sudanese diplomats implicated in the NY bombing plot. FBI's first request for expulsion was withdrawn several weeks ago at the request of the New York state's attorney.

An expulsion would present some risks. The most immediate question is how Khartoum might retaliate against our personnel there. Sudan will almost certainly expel one or more U.S. officials in Khartoum. Coming on the heels of the agreement denial, relations at present are sufficiently strained that we cannot rule out the possible breaking of diplomatic relations. Losing our intelligence would impair our ability to monitor Sudan's role in international terrorism and the activities of members of several terrorist groups residing in

Khar  
toun.

We will send a memo forward to you shortly soliciting your views to provide to State

. If a decision is made to

expel one or both diplomats, we will need to decide whether to make a public announcement of the expulsion.

This information will undoubtedly reach the public in any case. Hence, it may be wise to be up front with the information rather than react to the press's characterization. State is working on a possible statement.

President Carter is coming to Washington next Tuesday to testify before Congress on

Bosnia and wants also to

discuss with you or Sandy our Sudan policy. We assume Carter's office has contacted you for these

arrangements. We will meet with Vince Farley, Carter's Africa person -- don't know if this will obviate a meeting with you.

The denial for the agreement request for the Sudanese Ambassador-designate Fathi Irwa will go out this weekend.

Ambassador Petterson will approach the Foreign Minister and ask that the GOS withdraw the request for agreement.

Finally, Malawi, yes Malawi, as Chair of the Common Market for East and Southern Africa (COMESA), has embarked on an initiative to ease tensions between Uganda and Sudan. President Muluzi flew to Khartoum this week. Bashir and possibly Museveni are expected in Lilongwe this weekend. We don't know where this is headed but we'll keep you posted.

Southern Africa Drought

AID, WFP, and FAO are well-coordinated and in front of the curve on the upcoming crop shortfall expected later

this year in southern Africa. The two-plus million ton deficit will largely be made up by commercial purchases and international donations that are largely committed (PL-480 has earmarked \$21 million for the sub-region). A major difference between this year and the crisis of 1991-92 is the macro-economic free market reforms across the sub-region that have allowed for the commercial market to respond to the situation.

#### South Africa

Mandela's announcement Wednesday that he personally ordered ANC activists to fire up on marching IFP members in front of Shell House last March caused a uproar of criticism ranging from the PAC on the left to the FF on the right. The universal chorus to such an announcement is less surprising, however, than is the revelation itself. Mandela once again has proven that he is not above reproach and will take the lead to instill accountability in government. While intellectually this will become accepted by the elites, it only serves to intensify the rift between the ANC and Inkatha activists. Tensions in KwaZulu/Natal remain high as sporadic killing continue, including 21 deaths just last weekend. In another note, a fourth person was convicted this week in the murder of Fulbright scholar Amy Biehl.

Mauritania: State is recommending changes in our policy that will allow the U.S. to consider loans for Mauritania on economic and technical merit, rather than on human rights grounds. A recent policy review determined that Mauritania has made significant progress in fulfilling the needs of refugees and dependents of purged military personnel, freedom of expression, and residual slavery. Due to its relatively small levels of eligible debt to the U.S., this would not be a substantial financial benefit to Mauritania. It could, however, help improve our relations with other Paris Club creditors, which have been critical of our inability to share

fully the burden of Naples Terms  
debt reduction for policy as well as budgetary reasons. Treasury will consult with

Congress before implementing  
this change.

## Exchange Mail

DATE-TIME 8/28/98 11:07:42 PM  
 FROM Barks-Ruggles, Erica  
 CLASSIFICATION ~~CONFIDENTIAL~~  
 CLASSIFICATIONREASON 1.5(d)  
 DATECLASSIFIEDON 08/28/1998  
 DECLASSIFYON 08/28/2008  
 SUBJECT While I am away [~~CONFIDENTIAL~~]  
 TO Smith, Gayle E.

**DECLASSIFIED  
 PER E.O. 13526**

2015-0638-M (1.37)  
 7/31/2018 KBH

CARBON\_COPY Barks-Ruggles, Erica  
 Battenfield, Pat A.  
 Prendergast, John P.  
 Sanders, Robin R.  
 Smith, Gayle E.  
 Weinstein, Jeremy M

TEXT\_BODY Gayle/John/Pat (and hopefully Dorothy)

Following is as best as  
 I can do to outline where everything is in my tired brain and my  
 battered portfolio. I promise the Nigerians won't intervene in Congo  
 while I'm gone, but other than that, I won't even take a chance on  
 predicting. The folders referred to in the email are the ones piled  
 up next to my STU. The rest of my stuff is a bit of a mess. My  
 apologies.

Please don't hesitate to call if you need to. It may  
 take a few hours to get back to you as scuba diving means I will  
 be inaccessible -- and underwater -- for about three hours in the  
 morning and two in the afternoon each day :) (Got to love a sport  
 that insulates you from your beeper and cell phone!!) I will have  
 my cell phone with me and will be reachable in Miami between 1:30  
 and 4:30 on Saturday and again between 3:30 and 6:30 on Labor Day.  
 I am home at 8:25 p.m. Labor Day.

- Erica

## TRANSLATED\_ATTACHMENT

Pending Items 898.doc  
Pending Items While Erica is Out

South Africa:

Mandela Medal Ceremony - there are fairly large problems with this that have been aggravated by the absence of the lead WH scheduler, Brenda Hilliard and Mara this past 10 days. Info and emails in yellow folder on my desk. Questions for which we need answers from Brenda ASAP on Monday are as follows:

- 1) How many of Mandela's delegation can stay at Blair House (they have about 25 right now including all his security folks, chief of staff, etc.)?
- 2) Can they have an Operations Center for Mandela at Blair House? (They set one up when he was here in 1994, so they are expecting a yes on this one).
- 3) Can they host a breakfast at Blair House for the original cosponsors of the bill plus Mr and Mrs. Biehl (their daughter was the Fulbright scholar killed in a township the day before she was to return home), and plus former Congressman Dellums (an original co-sponsor)? This would be about 30 people in all. They are willing to pay for it if needed because of legal restrictions. [They do not want to move Mandela around too much as this is supposed to be a rest day for him.]
- 4) Where are we on negotiations with the Hill re: use of the Rotunda? Keeping in mind they have to pass a resolution to use the Rotunda, time will be short once Congress returns.
- 5) When do we think ceremony will be (I told them 85% sure on the 22nd and would be in the afternoon, per Brenda's instructions). They are now looking for a time.
- 6) Who decides on the invitations for the Rotunda (I also have this question as this is going to be a NIGHTMARE -- everybody and their brother will

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want in -  
with Congress going en masse we lose over 1/2 the available space  
straight off  
the bat.)?

7) Who will speak? (Obviously POTUS and Mandela, but  
member/leadership of  
Congress?)

8) Remind schedulers that SAG and Mandela would like a brief  
courtesy call with  
the POTUS either just before or just after the medal ceremony is  
preferable.

9) Speaker Gingrich will not be available on the 22nd. SAG is aware.  
Gina is  
the point on working with the Hill, Hennie du Toit (745-6606) is POC  
at the South  
African embassy. Hennie is going back to check one more time what  
time of day  
Mandela needs to leave for Canada on the 23rd and if there is any flex  
for that  
day. I have asked him to go through us NOT DIRECTLY TO THE  
HILL with this  
information as we do not want to get the POTUS crosswise with  
separate planning  
between the Hill and the SAG. I think he'll follow-through.

Bombings - Latest info indicates that bombs were the work of  
Muslims Against  
Global Oppression (aka Qibal) - affiliated with PAGAD. Saturday  
protest outside  
the Consulate is being strictly controlled by police and hopefully will  
not  
result in violence. Cape Town 886 (DTG 261433Z) goes over security  
measures  
being taken.

NAM Summit - Gayle knows where this is. We need to really work  
the Sudan  
inspection angle.

Nigeria:

UPDATE - Revised per Erskine Bowles and resent on 8/28. Copies on  
Pat's desk.

POTUS letter - Package #5797 is up with SRB as of COB 8/28. We  
may need to  
change the paragraph about Daley trip if Daley decides not to go.

They will have  
to re-pen if that is the case as Daley will not decide until he is on his  
way to  
Moscow with POTUS and we need the POTUS signature before then.

Daley trip - Need to nail down which minister he is going to meet.  
Cleared  
Commerce cable on Friday from them to Lagos requesting advice on  
Minister of  
Finance. Problem with Minister of commerce is that he is a military  
guy who ran  
the alleged coup plot tribunal in 1995. Min. of Finance is an unknown,  
has more  
control over macro-economic issues (problem 3rd most powerful after  
oil and  
foreign affairs), but the present one is an unknown. This, of course  
will be OBE  
if Daley decides not to go (see below).

AID assessment teams in region - Valerie may call with an update.

NDI/IRI/Carter Center/IFES - may send assessment teams to region in  
the next week  
(probably not until after I get back). State, we, AID and they ALL  
agreed that  
we would not do formal visas requests for them, but that if they run  
into  
delays/problems getting visas, they are to call David Abel at the desk  
(647-2214)  
and he will call the Embassy to try and help. AF front office may  
waffle on this  
- be insistent ( we have good policy reasons not to do the heavy-  
handed  
intervention - liability, problems with others wanting help,  
maintaining NGO  
independence, etc.)

Supplemental:

New Draft - of SRB meeting memo on Gayle's chair. This is basis for  
a  
principal's conference call on MONDAY morning. (I think it is 10:00,  
but I may  
be mistaken). Old stuff in green folder on my desk.

Daley Trip:

Security - This is obviously the big issue. Gayle is fully up to speed.  
See  
email 8/28.

Book Clearance - Per meeting on 8/25, Commerce is supposed to be getting final clearances on books this weekend and giving good draft to Daley to take with him to Russia. They were to have shared all BNC stuff with us and Jim Babbit, and all trade bill and partnership stuff with us and with State at a minimum, and all bilateral HOS meetings with us. I have seen nothing. Judith agreed to give us a copy of the ENTIRE draft book once Daley is wheels up so we can read, do corrections, and get back to them by COB 9/3 (when the Russia trip gets back).

Substance follow-on - We need to make sure they have thoroughly cleared with Rosa at USTR anything related to TIFAs, trade negotiations, and (especially for South Africa) IPR issues. All this should also be run past Jim Babbit.

#### Trade Bill:

Briefing for Ambassadors (AF and CBI) - Gina and Andrew Mayock are honchoing this. The actual briefing will be on Tuesday, September 8. All principals have agreed except WH Leg and USTR. Need, however, to get time nailed. Need to

ensure they get the following done ASAP on Monday:

1) Janae Roscoe/Ben Johnson in OPL should call first thing in the morning on

Monday with a time for the Roosevelt Room (inform Gina) - this should be

between 10:30 and 1:00 on 9/8. Room set up theater style.

2) Call Andrew and ask him to call Melissa Green BEFORE NOON on the time so

she can get it on Gene's schedule. Her direct line is x65385.

3) Call Gina and ask her to coordinate with WHLeg, USTR (Richard Fisher is

preferred briefer) and call Annette to get Susan's schedule locked down.

4) Call Ted Piccone in Inter-Am to coordinate with A/S Pete Romero.

Briefers will be: Gene Sperling, Richard Fisher, Larry or Chuck (WH Leg), Susan and Pete. There will be a staff level call that Andrew&Gina will organize to get everyone on script for the briefing.

JJ Trip:

GAYLE YOU MUST CALL JJ ABOUT DATES AND CONFLICTS WITH 9/11 MEMORIAL SERVICE. Pat

- package 5384 in my outbox. Please kill. No reply needed to POTUS remark that

JJ is proud of SL agreement. Draft trip ideas memo I did is OBE.

Airplane request - State is holding to see results of Gayle consulting with JJ.

I told them Susan should call as well - they are passing the buck as John

Underiner does not want to do the scut work on this - too bad - we need to

enforce a bit with them. According to Yuri (last I spoke with him was Thursday

around 10:00 p.m.) it seems that his countries are not as nailed down as we

thought. He should be going to Ghana, Sierra Leone and Nigeria (not necessarily

in that order). I told them we must have before I go, but this has not appeared

yet. There is NO plane for the 8-15th time. There is only one for the 9/4-11

time frame, and Dole has put in a request for it. We need to move quickly on JJ

if he wants that week.

Conflict with Memorial - Ed has confirmed that the memorial service for the

bombing victims will be on September 11. POTUS likely to speak (see separate

email with schedule proposal). JJ has been asked to give the sermon, so he will

need to be back from Africa by 9/11 morning - this also shoots down the 9/8-15

time frame.

Substance - I called Denise in AF/W to make they were aware of itinerary (she

had not been told) and to ask her (she agreed) to share drafts of briefing papers

with us as soon as possible. Dorothy should go to the Vicki/Jeter prebrief for

JJ (time, date, place TBD). I have asked that we be included as before and have

gone over with John Underiner how this system has worked in the past, so it

should be OK.

Countering Sudan PR:

Gayle knows where the substance stands. I have left a clipped bunch of emails and documents pertaining to this in her inbox.

Education Initiative:

Invitations for Tech. Briefing - Pat, these are fine, they should go out ASAP on Monday morning as long as Susan and Vivian are confirmed and it is nailed on Gayle's schedule. Briefing will be on 9/10 in RR at 11:00. Briefers are Susan and Vivian with me as backup. VP has been asked to do a drop by. He is in DC that day, and domestic staff supports. Schedulers should make a decision by Tuesday. Jim is aware and up to speed on substance of initiative and proposal for VP drop by.

OVP participation -

\* Tech Briefing drop by - we have provided draft talking points already for VP.

If he needs more leave me a note and I will do when I return.

\* Roll out - not locked down. OVP scheduling meeting on Tuesday should solidify if Minneapolis rollout in October will work. Jim will call with answer.

Coordinator - We need Susan to give us her rank ordering - she has had the list for over 2 (admittedly very stressful) weeks. We need this by mid-week. Gayle please ask her.

Tech. Talking Points - Lane Smith (Pat has his number) at USAID is supposed to give updated and complete set of talking points by COB Tuesday (draft was given to all agencies and revisions sent to Lane). We also need Tech Q&A's finalized (I have a draft in brown "Education" folder on my desk). We need them on diskette so Pat can install and format nicely.

Hill briefing - Valerie to notify you all about her setting up a briefing

for  
doubting appropriator staffs. Some combination of she, I and Susan  
will brief.  
This can be done while I am out IF Susan is going. AID got creamed  
last time and  
should NOT go alone and should NOT bring their leg. staff. We now  
have two holds  
on this money because of this. AID should have a Q&A package to us  
on MONDAY.  
PAT - PLEASE ASK VALERIE FOR THIS AND FAX TO ME.  
Economic Forum:

Items due -  
Susan reclama on dates to MKA. Susan needs to do appeal because  
Secretary's  
people are holding December 10 and 11 on her schedule after we  
moved the dates at  
her request. All other participants locked down (Barshefsky holding to  
firmly  
commit until MKA is firm).

Sally Miller to call us on Monday with info on whether private sector  
can do  
their workshops and reception on the 9th vice the 10th to avoid  
conflicts with  
cabinet-level meetings.

Jerry Wolgin and Valerie (USAID) by COB Tuesday to produce a  
more coherent plan  
for NGO participation.

John Reese (AF/EPS) by COB Tuesday to have sent to us 1) draft  
cable outlining  
possible shape of forum - no need to clear yet, but need draft (could  
you fax to  
me in Honduras?) 2) talking points on eligibility for use at African  
Ambassadors' briefing (see below) - ask if cleared interagency, if not  
ask him  
to fax to small group only, 3) amalgamated set of talking points for  
briefers on  
all Cabinet-level participation, topics, etc., 4) updated planning  
timeline.

African briefing - We would like to set up briefing for all the African  
Ambassadors on September 11 to tell them what we are thinking, lay  
out the  
potholes coming up in the road, and solicit all of their input. We will  
use this  
meeting as a reminder that all of them will not be Level II eligible and  
will not

, therefore, have ministerial representation at meeting, but we value their input and want to structure flexible and responsive forum, so all of them are essential to the process. PAT - PLEASE RESERVE THE INDIAN TREATY ROOM - table shaped like BIG square. Do invites after Gayle is OK with this. Gayle - important for you and Susan to brief. I can get you both up to speed when I come back, but need commitment from you for time and date BEFORE Pat issues invites.

Sierra Leone:

UN - Stalled out in getting useful PKO forces out there. Not something we need to push, but Len may swing by. I updated him this week.

UK - If you speak to Charles Gray you might mention that we are concerned that we have stalled out complete on donor country support for ECOMOG, demobilization plan and rebuilding of SL, and on ECOMOG troop contributions. UK has, however, given 2 million pounds to continue support of PA&E contractor supplying ECOMOG helo lift, vehicle maintenance and logistics/commo support. This should stretch ECOMOG into the end of the year.

Guinea-Bissau: Some more good news from W.Africa. Cease-fire brokered by Lusophone group and ECOWAS signed by both sides. Next meeting for face-to-face reconciliation scheduled for Sept. 11. Gayle - cable in your box.

Friend in Ghana - I have a good friend named Patricia Sordoni out in Ghana at the moment. Have asked the embassy to look out for her. If she or her mom calls and it's an emergency, please help them and then get in touch with me in Honduras.  
Thanks.

Jeremy's badge - I forgot to turn it in to security for him - they told him to give it to me as he had to stay very late on the Friday he left. It is in an

envelope on Pat's desk. Please turn into Admin Security guy for me.

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## Exchange Mail

DATE-TIME 3/12/98 9:58:45 PM  
 FROM Battenfield, Pat A.  
 CLASSIFICATION ~~CONFIDENTIAL~~  
 CLASSIFICATIONREASON 1.5(d)  
 DATECLASSIFIEDON 03/12/1998  
 DECLASSIFYON 03/12/2008  
 SUBJECT africa boook [~~CONFIDENTIAL~~]  
 TO Millison, Cathy L.  
 Joshi, M. Kay

DECLASSIFIED  
 PER E.O. 13526  
 2015 - 0638 - M (1.38)  
 7/31/2018 KBH

## CARBON\_COPY

## TEXT\_BODY

more South Africa  
 scenesetter for Robben Island  
 SOUTH AFRICA  
 BACKGROUND PAPERS

TRANSLATED\_ATTACHMENT SARobben.doc

## SCENESETTER: VISIT TO ROBBEN ISLAND

Robben Island is one of the best-known and most poignant symbols of the oppression of the apartheid regime. From the 1950s-1991, the prison on Robben Island housed black opposition figures, union organizers, and militant activists. The prison's most famous inmate was President Nelson Mandela, who spent 18 years there for his role as a leader of the anti-apartheid movement. Robben Island has since been converted into a museum; tens of thousands of South Africans and foreigners visit every year for a tour of the Island, the prison facility, and

the chance to see Mandela's cell. Tours are conducted by former inmates and prison guards.

Lying 13 kilometers off Cape Town, Robben Island was named by the Dutch after the numerous seals ('rob') that lived there. Portuguese sailors in the 15th century, as well as Dutch and British traders and colonists, used the island as an outpost and prison. Beginning late in the 17th century, the Dutch East India Company regularly imprisoned criminals and political opponents on the island. In the 1800s, it was used as a hospital, an asylum for the mentally ill, and a place to isolate lepers. In this century, the island also functioned as a military installation.

During its years as a political prison under the apartheid regime, Robben Island housed approximately 3,000 black prisoners. Criminal and political prisoners were held separately. The last of the political prisoners was released in 1991.

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SApolitical.doc

SOUTH AFRICA: POLITICAL OVERVIEW

Last December's historic meeting of the African National Congress (ANC) national conference witnessed the anointing of Deputy President Thabo Mbeki as ANC president, the stepping stone to succeeding Mandela as State President in 1999.

It was the penultimate step in a carefully crafted plan that has turned Mbeki into the de facto day-to-day president and overseer of South Africa's

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political  
fortunes.

Despite a drop in popularity among a populace clamoring for services, the ANC's national dominance appears assured for the foreseeable future. The implosion of the National Party, sealed by the departure of F.W. de Klerk, has continued, and its new leader, Marinus van Schalkwyk, has yet to formulate an effective program. The multi-racial, newly organized United Democratic Movement is weak. Chief Buthelezi's Inkatha Freedom Party, strong in Kwazulu-Natal province, does not have a national base. Critics worry about the emergence of a state dominated by one party, and there are growing calls for decentralization and federalism. The ANC will come under increasing pressure in the post-Mandela era from populist leaders who seek to exploit various economic, political, and cultural grievances.

As Mandela retires, Mbeki and his senior ANC colleagues will be called upon to demonstrate the same wise, moderate and inclusive leadership that has characterized Mandela's successful tenure. In addition to fostering democracy in the context of a weak opposition and a still extremely fractious society, other difficult challenges abound: the lack of government resources and the inability to deliver services to a populace with unfulfilled expectations in housing, education, and especially jobs; the disaffection of whites and coloreds who feel they are being passed over in the building of a new society; the inordinately high level of violent crime; narcotics trafficking and consumption; reported burgeoning corruption in the government and other social structures; and massive illegal immigration. The government is still wrestling with social needs, and will be for some time to come.

In spite of these problems, such developments as the successful establishment of

a multi-racial, 40% female Parliament as the primary locus of national politics,  
and the adoption of a new constitution prohibiting discrimination on any basis,  
have made South Africa a beacon for democracy in Africa and beyond.

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### SOUTH AFRICA: ECONOMIC OVERVIEW

In the run-up to the 1999 elections, the South African Government (SAG) will be under close domestic and international scrutiny as it balances the competing needs and expectations of South African society and business, as well as international investors. The main challenge for the SAG will be to usher the economy towards the growth and job creation envisaged in its macroeconomic policy document -- Growth, Employment and Redistribution (GEAR)-- while living up to its 1994 campaign promise to provide housing, education, essential services, and health care to the historically disadvantaged.

Many of the pressures on the South African economy are legacies from the insular economic policies of the apartheid regime, but new challenges have arisen, including repercussions from the Asian financial crisis. Thus far, the South African economy has weathered the chill emanating from Asia better than most emerging economies--there are positive inflows from abroad, modest depreciation of the rand against the dollar, strong export performance, and favorable access to international capital markets. Nevertheless, economists are concerned that declining exports of minerals and metals, combined with falling gold prices, and increased competition in certain industries, could cause a downturn in

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exports and aggravate unemployment. An additional point of vulnerability is the approximately \$15 billion net open forward position maintained by the South African Reserve Bank (SARB). The SARB's forward exposure exceeds reserves.

With unemployment already in the range of 30% to 40% among a population of 38 million, it is likely South Africa will experience a further spike in 1998. Layoffs in the mining, manufacturing, and commercial banking sectors are anticipated in the tens of thousands as companies downsize to lower costs and increase competitiveness, and marginal gold mines close. One further point of concern is the lack of fiscal restraint in provincial spending.

On the positive side, the SAG has made great strides in putting many of its economic fundamentals back on track. Inflation, which had been running in the double digits for over 20 years, stood at 6.1% in December. The fiscal deficit will probably shrink to 4.3% by March 1998. In addition, the SAG has gone from virtually no foreign reserves to almost ten weeks of import cover. The rand weathered 1997 well, losing only 4% on the year. And in January 1998, the Finance Ministry took yet another step in relaxing foreign exchange controls.

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#### SOUTH AFRICA: U.S. ASSISTANCE/PEACE CORPS

The political situation in apartheid-era South Africa prompted most countries of the world to suspend aid or impose economic sanctions in the mid-1980s. U.S. sanctions were accompanied by an expansion of USAID assistance to non-governmental organizations (NGOs) in South Africa. Our assistance, which

focused on strengthening the majority population to assume leadership roles, grew from \$7 million in FY 1985 to \$80 million in FY 93.

In April 1994, to support the new democratic government and help redress the legacy of apartheid, the U.S. announced a three-year assistance package of nearly \$600 million, superseded in 1996 by a ten year, \$435 million program.

USAID's South Africa program, planned to continue through 2005, broadly supports the objectives of the South African government's Reconstruction and Development Program. The overall goal is "sustainable transformation" -- helping South Africa to consolidate democracy and put in place the basic systems and policies for social services delivery. Our assistance focuses on six strategic objectives: Democracy and Governance, Education, Health, Economic Policy Capacity, Private Sector Development, and Housing and Urban Services. The program features provision of credit, technical assistance, and training to transfer skills to a wide range of South Africans, including education and health care professionals, government officials, NGOs, and small business owners.

In response to recent concerns raised by President Mandela, USAID and the South African government are reviewing the USAID program to ensure it remains responsive to government objectives. The U.S. has made clear our readiness to shape the program in a way that will find strong mutual support.

Including a group of trainees that arrived in January 1998, there are now 68 Peace Corps Volunteers in South Africa. Serving in rural areas, Volunteers work with primary school teachers to improve math, science, and English teaching skills.

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## SOUTH AFRICA: BILATERAL RELATIONS

The United States and South Africa should be natural partners: both have diverse and open societies, an attachment to democratic principles, and a shared vision of a peaceful and prospering international community. Since apartheid ended in 1994, we've succeeded in establishing a relationship befitting two sophisticated and democratic states. The Binational Commission (BNC) is testimony to the rapidity with which our relations have expanded. Government, business, and personal links are burgeoning.

The BNC and regular visits by high-level U.S. officials underscore the growing bonds between our two countries. South Africa regards official and private sector support from the United States as crucial to its efforts to redress the socio-economic legacy of apartheid. South African expectations of U.S. support are high. With aid levels set to decline rapidly and end over the next several years, the United States and South Africa must solidify a friendship not defined by levels of developmental aid, but rather by a range of interests and commercial ties.

The United States has encouraged South Africa to be active in regional and global affairs. Over the past year, it has begun to play a leadership role on the continent and in multilateral fora like the Conference on Disarmament. Mandela is the chairman of the Southern African Development Community (SADC), and in August South Africa will assume the chair of the Non-Aligned Movement (NAM).

There are frictions in our relationship, not surprising given the occasionally

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differing interests of world superpower and a regional power and developing nation. South Africa's new leaders value close relations with us, yet they retain a wariness of U.S. power and its foreign policy interests in Africa. Others, mostly civil servants and holdovers from the apartheid regime, resent U.S. policy toward the former government. President Mandela maintains close ties to pariah states such as Libya and Iran, largely in gratitude for support to the ANC during apartheid. His two visits in October 1997 to Libya were recent examples of policy decisions that have caused glitches in on our relations.

We can expect to continue to see intermittent disagreements in the course of our relations with the new South Africa, but in

the long run mutual interests combined with the determined efforts of both governments auger well for an enduring partnership.

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#### SOUTH AFRICA: STATUS OF WOMEN

Since taking office in 1994, the post-apartheid government of South Africa has

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made significant progress in raising the status of women after the difficult and discriminatory days of apartheid. The Government's Reconstruction and Development Program focuses on the position and interests of women; and National Women's Day is a public holiday. Taking an aggressive approach to enacting legislation to benefit women, the Government in March of 1996 established an Office on the Status of Women, located in the Deputy President's Office, to develop strategies to ensure women's integration into policy and planning. The Commission on Gender Equality Bill established a government body to advise Parliament on legislation affecting women. A bill legalizing abortion is now in effect, and a domestic violence act, passed in 1993, was strengthened in 1997.

The African National Congress (ANC) pledged in the 1994 elections that 33% of its elected positions in government would go to women. Over a quarter of the seats in the National Assembly are held by women; the Speaker and Deputy Speaker are women, along with four of 26 Ministers and eight of 14 deputy ministers. On the provincial and local levels, women are not as well represented.

Although the equality and rights of women are enshrined in the South African Constitution, South Africa has far to go in establishing equality for women. Girls are 50% of primary and secondary school populations but have a considerably lower graduation rate than boys. Although over 45% of university students are women, they lag far behind in the sciences, business and engineering fields. Traditional law continues to stymie women and conflicts with their constitutionally guaranteed rights.

Violence toward women is a major problem. Although the absence of comprehensive statistics makes a definitive statement on the prevalence of violence difficult, it is widespread, occurs across all socio-economic and racial groups, and is on

the increase. South Africa has a serious and growing rate of rape. Although statistics are notoriously unreliable, 50,481 rapes were reported in 1996 (the last year for which statistics were available). Police believe the majority of rapes go unreported.

On the economic front, women of all races are employed less in the formal sector than men with a 5-16% higher unemployment rate, and earn less than their male counterparts in every sector of the economy. For all racial groups, women-headed households are significantly poorer than the average.

USAID programs on women's issues include support of primary health care, HIV/AIDS prevention, support shelters for victims of abuse, micro-finance, and housing lending.

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SAanc.doc

**SOUTH AFRICA: ANC POLITICS - THE CHANGING OF THE GUARD**

December's 50th National Congress of the African National Congress (ANC) was a watershed event for the organization and for South Africa. Mandela formally relinquished the ANC presidency. His speech took a more confrontational approach to white South Africa's participation in transformation, and did not spare the ANC in targeting corruption at its senior levels. Rallying the faithful and demonizing the opposition, the ANC passed the baton to Deputy President Mbeki and a new generation of leaders.

The Congress produced one of the largest leadership overhauls in ANC history, as all six of the top positions changed hands. Winnie

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Mandela's anticipated challenge for the Deputy President slot, effectively derailed by the party leadership, did not materialize. The new National Executive Committee also reflected significant turnover (19 out of 50 members), with the popular Cyril Ramaphosa, an Mbeki rival, topping the list of vote-getters. Winnie Mandela managed only 15th place.

While ANC officials continue to stress the theme of unity in public, the difficult transition from liberation movement to governing party has exposed strains in the collective decision-making that has been an ANC hallmark: the cleavage between top leadership and grass-roots membership; the emergence of semi-independent power bases within the ANC; and the growing distance between the ANC and its communist and labor alliance partners, who look askance at the ANC-supported centrist macroeconomic policy. The ANC knows its strengths--broad support, functioning structures, capable leadership--and is aware of its

weaknesses-- accountability, lack of women leaders, incoherent approach to its alliance partners, diminished resources. While political observers believe that ANC cleavages are very real, they also believe that the ANC will not fragment as some opponents predict (or hope) but will hold together regardless of strains.

The ANC is entering a new period prepared to focus on implementing a transformation agenda rather than on the internal squabbles that have occupied it in the past two years. Mbeki's challenge is to manage the strains, build on the successful Congress, implement the policies espoused by the ANC, and convince those in South Africa who feel threatened that transformation as promulgated by the ANC is in their best interest.

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TRANSLATED\_ATTACHMENT SAarmscor.doc

## SOUTH AFRICA: ARMSCOR-STATUTORY DEBARMENT AND DISCLOSURE

Statutory Debarment: In a six-year old case involving the illegal acquisition of U.S.-origin defense articles, the South African parastatal Armscor and related entities agreed in February 1997 to a settlement of the criminal and civil charges in the case. As part of that settlement, a period of statutory debarment was imposed against the companies until an appropriate, mutually agreed-upon compliance program could be established. Following a compliance review visit in mid-February, the Department of State concluded that appropriate compliance programs had been established. Vice President Gore and South African Deputy President Mbeki announced debarment had been lifted on February 27. Lifting of statutory debarment opens the way for normal case-by-case consideration of government-to-government and commercial sales of munitions list items, and is a key element in development of a normal security relationship with South Africa.

Disclosure: In a separate but related matter, the Departments of State and Justice also need to deal with the South African inventory of U.S.-origin goods acquired illegally during the apartheid era. The number of items is unknown, but intelligence and South African speculation point to dozens, if not hundreds of possible items to be disclosed. Disclosure of this material is an important element in normalizing the South Africa-U.S. security and defense relationship. During meetings on the margins of the July BNC, the South Africans agreed to work on the disclosure issue as part of a process that would be parallel but not linked to the compliance program. This is a highly sensitive issue,

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inasmuch as disclosure of the items raises for the South Africans the fear of additional Armscor-like legal actions against South African entities. An interagency team has met with the South Africans to discuss disclosure and establish a mechanism to handle it. Once this mechanism is in place and both sides have had an opportunity to consider the complexities of the legal issues involved in disclosure, South Africa and the U.S. will be in a position to deal with specific cases being disclosed.

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TRANSLATED\_ATTACHMENT SABnc.doc

SOUTH AFRICA: U.S.-SOUTH AFRICA BINATIONAL  
COMMISSION

President Clinton and President Mandela decided to create the U.S.-  
South Africa  
Binational Commission during Mr. Mandela's October 1994 state visit  
to  
Washington, designating Vice President Gore and Deputy President

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Thabo Mbeki as co-chairs. Formally launched during Deputy President Mbeki's March 1995 visit to Washington, the BNC is modeled after the Gore-Chernomyrdin Binational Commission. It is designed to: 1) revitalize a relationship which had lain largely dormant for nearly two decades; 2) cut bureaucratic "red tape" by focusing high-level attention on problems and opportunities in the bilateral relationship; 3) facilitate cooperation in areas key to South Africa's development; and 4) provide a concrete demonstration of the breadth and depth of the U.S. commitment to South Africa.

The BNC is composed of seven committees: Trade and Investment, Agriculture, Human Resource Development and Education, Conservation and Environment, Sustainable Energy, Science and Technology, and Defense. In addition, there are sub-committees on Labor, Housing, and Higher Education. Since the initial meeting in March 1995, the BNC has met four times. A fifth meeting in February was postponed due to the Iraq crisis.

In the three years since its inception, the BNC has come of age. Already a core element of our relationship with South Africa, the BNC has an impressive list of accomplishments to its credit, and Deputy President Mbeki has made it clear that South Africa deeply appreciates the attention the United States has bestowed on the BNC. Each of its committees has sponsored numerous projects to support South Africa's transformation to non-racial democracy, spur economic growth and development, and improve the everyday life of average South Africans.

Moreover, the BNC has provided the impetus for more fundamental developments in normalizing the relationship. These include conclusion of a new Civil Aviation Agreement, signature of a bilateral Tax Treaty, establishment of a U.S.-South

African Fulbright Commission, development of a cooperative effort to combat crime and violence in South Africa, and resolution of the U.S. case against the South African armaments parastatal Armscor.

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### SOUTH AFRICA: THE TRUTH AND RECONCILIATION COMMISSION

South Africa's Truth and Reconciliation Commission (TRC) was established in 1995 to enable apartheid-era politically motivated crimes to be investigated.

Archbishop Desmond Tutu is its chairman. The Commission provides a means for all South Africans to deal with their past, to establish the truth of apartheid-era events, and to lay the basis for genuine reconciliation, based on knowledge, for all citizens.

The Commission functions through three committees: the high-profile Amnesty Committee; the Human Rights Violations Committee; and the Reparation and Rehabilitation Committee, which is to compensate victims but lacks funds.

Although funded primarily through the Parliamentary budget process, the Commission relies on donor funding for some requirements. The U.S. has contributed \$650,000 through USAID's Administration of Justice Program.

Amnesty can be granted to persons who make "full disclosure" of facts relating to "acts associated with a political objective" taking place between 1960 and 1994. Amnesty applicants have shed light on some of the apartheid era's most

sensational abuse cases, including the 1977 killing of Black Consciousness leader Steve Biko, and the 1993 murder of U.S. citizen and Fulbright Scholar Amy Biehl. Individuals from every stratum of society have testified, and over 6,000 amnesty applications await adjudication.

The TRC has generated considerable controversy, and has been described variously as a witchhunt, whitewash, travesty of justice, and triumph for reconciliation.

While Deputy President Mbeki and other ANC officials have sought amnesty through

the TRC, former presidents F.W. de Klerk and P.W. Botha have refused to apply.

Botha has also defied subpoenas to testify and a lawsuit against him is currently

in process. The blanket granting of amnesty to prominent ANC members angered

critics, especially white South Africans. The controversy of the amnesty process

has been further highlighted by the refusal of injured families, such as that of

Steve Biko, to be reconciled and by conspicuous and acrimonious testimony such as

Winnie Mandela's December 1997 testimony before the TRC.

While the TRC has on balance well served reconciliation, it is entering its last

four months far behind on amnesty adjudications, mired in controversial court

cases, short on

support for victims, and in need of more time. Its final report, due in July, is

critical to its reputation and success.

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## SOUTH AFRICA: BLACK ECONOMIC EMPOWERMENT

Despite the transfer of political power to black South Africans, numerous constraints have hindered the rapid transfer of economic power to the black majority. The African National Congress (ANC) government voices its support for black economic empowerment at every opportunity, but has not mandated rapid and radical economic redistribution for fear of retarding economic growth.

Nevertheless, with South Africa suffering from one of the highest income inequalities in the world, the government has begun to take steps to address the problem and create opportunities for blacks to enter the economic mainstream.

The SAG revised its public procurement and tendering rules to encourage black participation; it also plans to create an "empowerment fund" to benefit black investors. Government and most businesses have affirmative action programs. The government's small, medium, and micro-enterprise promotion policy aims to promote job creation for the black population, where unemployment runs as high as 40%.

As the government privatizes parastatals, guidelines mandate participation by black buyers. In the private sector, black empowerment groups now control roughly ten percent of the shares of the Johannesburg Stock Exchange. Black-owned enterprises are springing up around the country and banks have begun to extend more credit to black business people.

At the individual level, the ANC has created black empowerment opportunities such as improved health care, access to better housing, and greater labor mobility.

Admissions policies have been altered to allow more black students

entrance into colleges and universities and there has been progress in terms of enrollment and pass rates for black students.

Despite increasing opportunities, living conditions for most black South Africans still lag far behind their white compatriots. This is particularly true for

black farm laborers in rural areas. Economic empowerment of the black majority will continue to be a major policy focus of the ANC government. USAID programs contribute to black economic empowerment by leveraging funds from microenterprise and small business loans; supporting government business assistance programs; providing capital; introducing franchising; and increasing access to financial services.

SENSITIVE

SENSITIVE

TRANSLATED\_ATTACHMENT SAhousing.doc

#### SOUTH AFRICA: HOUSING - PROGRESS AND CHALLENGES

Providing affordable housing to the poor and dispossessed of South Africa is a key policy objective of the South African government (SAG). The legacy of apartheid has distorted housing patterns, leaving poor areas with limited basic services while rich suburbs enjoy high levels of infrastructure services. In 1994 the SAG unveiled an ambitious social agenda, the Reconstruction and Development Program (RDP), which included plans to build one million new houses by 1999, South Africa's election year. The Ministry of Housing (MOH) will not meet that target. Estimates on homes built since 1994 range from 60,000 to 300,000 units, indicating the South Africans have fallen far behind in

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their goal  
of constructing 200,000 homes a year.

Moreover, South Africa's need for housing continues to increase exponentially. Even if the SAG had been able to meet its goals for annual housing construction, demographics would have outrun these plans, since estimates indicate that at least 200,000 new households are formed each year. South Africa's population is expected to double by 2024. In addition to thousands of illegal immigrants who enter South Africa each year, there is also a homeless population, underhousing in rural areas, and growth of squatter settlements near urban centers. An estimated 2 million households are in line for housing assistance, the majority of them black. Experts believe that removing the housing backlog could require as much as two decades.

Assistance for housing is complicated by several factors: most of the unhoused are poor; there is a history of boycotts and non-payments by tenants; finance mechanisms and persistently high interest rates are evolving slowly; costs are rising for building materials and utilities; and banking and building industries are reluctant to put resources into the low-income sector.

The MOH has developed a framework for delivery of low-income housing. The current policy includes a Subsidy Scheme, which supplies up to 15,000 rand (about \$3,000) per household, depending on income level (MOH estimates 594,000 have been approved since 1994); provision by the National Housing Finance Corporation of loans and insurance to entities which loan to low-income tenants; and a Mortgage Indemnity Fund which insures private banks against the non-payment risk.

As part of their activities in the U.S.-South Africa Binational Commission, MOH and HUD plan to sign an MOU to guide technical assistance and exchange visits

between the two organizations. For example, Fannie Mae is helping to develop a secondary mortgage market. In addition, over \$50 million has been leveraged for low-income housing under USAID's housing guarantee program.

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**TRANSLATED\_ATTACHMENT**

SAcrime.doc

**SOUTH AFRICA: CRIME AND VIOLENCE**

South Africa's rate of violent crime is among the highest in the world. Illegal immigration, money laundering, drug trafficking, financial crimes, illegal arms trafficking, and serious domestic violence (rape and murder) are priority areas of governmental attention. In 1996, 25,700 murders were committed, a per capita rate eight times higher than in the U.S. Organized crime elements are increasingly powerful. Transnational drug trafficking and other criminal organizations take advantage of South Africa's porous borders, modern infrastructure, numerous air links and airports, and its convenient location between Asia and South America.

The government has launched a National Crime Prevention Strategy (NCPS). Its efforts have not yet yielded significant results. The police are understaffed, poorly trained, ill-equipped and inadequately paid. Trained officers, often white, are leaving in droves and approximately 500 officers per year are killed in the line of duty. The criminal justice system is overburdened by an enormous workload, personnel shortages, and budgetary constraints. The understaffed police forces handled more than 16,000 carjackings in 1996 - 22 per day in the Johannesburg/Pretoria area alone.

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Crime is at the top of the public policy debate. Despite police statistics of uncertain reliability showing that crime has decreased, the perception violent crime is out of control is widespread, both in the poor black townships and in the wealthy white suburbs, leading to a rise in vigilantism.

Politically-motivated violence among South Africa's disparate communities has decreased dramatically since the 1994 election, but tensions remain high in some areas. Political opponents are quick to use the crime problem to attack each other. The Inkatha Freedom Party (IFP) has accused the ANC or rogue elements of its former armed-wing of being behind some recent armed robberies. The ANC, for its part, frequently accuses apartheid groups of fomenting crime.

In July 1996, Vice President Gore and Deputy President Mbeki signed an Anti-Crime Memorandum of Understanding, which has led to increasing bilateral cooperation. In addition to numerous U.S. training programs, the FBI, DEA, and INS have opened offices in South Africa. We are also negotiating extradition and mutual legal assistance treaties with SAG.

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## Exchange Mail

**DATE-TIME** 7/30/98 1:22:25 PM  
**FROM** Barks-Ruggles, Erica  
**CLASSIFICATION** ~~SECRET~~  
**CLASSIFICATIONREASON** 1.5(b)(d)  
**DATECLASSIFIEDON** 07/29/1998  
**DECLASSIFYON** 07/29/2008  
**SUBJECT** FW: More BNC Materials... ~~[SECRET]~~  
**TO** Weinstein, Jeremy M  
  
**CARBON\_COPY**  
**TEXT\_BODY**

**DECLASSIFIED  
PER E.O. 13526**

2015-0638-M (1.39)  
7/31/2013 KBN

-----Original Message-----

From: Boulton, Darrien D.  
 Sent: Wednesday,  
 July 29, 1998 5:39 PM  
 To: Barks-Ruggles, Erica  
 Subject: More BNC  
 Materials... ~~[SECRET]~~  
 Importance: High

Erica, a round of backgrounders  
 we just got from State for your review; expect a new batch in the  
 morning...

**TRANSLATED\_ATTACHMENT** Anti-Crime Initiatives Backgrounder.doc

**CRIME AND U.S. ANTI-CRIME INITIATIVES**

South Africa's rate of violent crime is among the highest in the world.  
 Illegal  
 immigration, money laundering, drug trafficking, financial crimes,  
 illegal arms  
 trafficking, and serious domestic violence (rape and murder) are  
 priority areas  
 of governmental attention. Organized crime elements, increasingly  
 powerful, are  
 a growing concern. Transnational drug trafficking and other criminal

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organizations take advantage of South Africa's porous borders, well-developed infrastructure, numerous air links and airports, and its convenient location between Asia and South America.

In late 1996, senior cabinet officials of the South African government (SAG) sought USG assistance in that government's efforts to combat a crime problem of international proportions. Anti-crime cooperation has become a strong bilateral foreign policy as a result of high-level discussions on the margins of the last two Binational Commission (BNC) meetings.

Cooperating with the Ministers of Justice (MOJ) and Safety and Security (MSS), the Department of State has developed with the SAG a law enforcement program directed to providing expertise and training to South Africa's underdeveloped criminal justice system. This infrastructure building is focused on helping the SAG convert its investigative and prosecutorial sectors into instruments for the democratic delivery of justice in conformance with the 1994 Constitution, and with the Minister of Justice's goals for the year 2000.

Specific priorities of assistance to the SAG have been identified in the critical problem areas of violent crime, smuggling of arms and drugs, illegal immigration, money laundering and counterfeiting. USG support conforms with anti-crime objectives addressed in the US/SA Binational Commission. The following bilateral initiatives are underway, with policy and financial support from State (INL):

- Investigative training for the South African Police Service (SAPS) at the new Silverton detective academy which will also train SADC-country police forces;
- Provision of USG expert who is assisting the MOJ to develop training programs to integrate cooperation between prosecutorial and investigative sectors, including development of a prototype training curriculum.

-- Full functioning of the newly-established Independent Complaints Directorate (ICD) formed to investigate citizen complaints of police brutality;  
 -- Establishment of police/prosecutor task forces to address crimes by organized criminal enterprises;  
 -- Follow-on border security training (by Customs and INS) to Jan. 1997  
 INS/Customs port assessment.

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UNCLASSIFIED

TRANSLATED\_ATTACHMENT Arms Control Policy backgrounder.doc  
 ARMS EXPORT POLICY

When the South African cabinet established a National Conventional Arms Control Committee (NCACC) in August 1995, the Mandela government took a major step to implement a systematic arms control policy for South Africa. The NCACC's role in licensing conventional arms exports complements the role of the Non-Proliferation Council (NPC), which regulates imports and exports of non-conventional and dual-use items. The NCACC meets at the ministerial level and makes the final decision on applications to market and export conventional arms, after weighing the recommendations of a lower-level Scrutiny Committee. Major arms decisions may be referred to the National Assembly, where the Foreign Affairs Committee exercises parliamentary control over key export decisions. This was the case in the proposed Syrian arms deal in 1997, when Deputy President Mbeki played a key

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role in resolving one of the most contentious arms control and trade issues the U.S. and South Africa have addressed to date by essentially shelving the potential deal.

The NCACC is guided in its decisions by a set of principles and guidelines that emphasize human rights and regional security considerations, the percentage of a country's income spent on arms, and the sale's capacity to increase regional tensions. Seven Ministers and four Deputy Ministers sit on the NCACC. The Ministry of Defense administers the new system with the head of the Defense Secretariat the accountable officer.

Arms exports are prohibited to 12 countries, among which are Libya, Sudan, and Iraq. Nine additional countries reportedly have been under NCACC review to determine whether South African arms should be sold to them, including North Korea, Iran, Syria, and Kenya. Once a review is complete, the country can be moved to the "prohibited" list, if appropriate.

Steps by the South African Government (SAG) to rationalize its arms transfer and trade policy are significant, but reports of possible sales to countries on the United States terrorism or embargo lists (e.g., Libya and Syria) have highlighted continuing policy disputes in South Africa between those who support a relatively relaxed arms export policy (primarily the defense industrial establishment) and the emergent, but not always united, foreign policy decision makers. We do not believe that these cases represent a considered South African policy to allow its armaments industry to participate unsupervised in the international arms trade. Nevertheless, they do suggest that the SAG is still wrestling with policy questions and political controls, and that the U.S. therefore should remain engaged and keep channels of consultation open between the U.S. and the SAG

regarding sensitive arms control matters. An informal channel exists between the DFA and the Embassy regarding problematic arms sales. The South African defense community, including the Ministry of Defense, plays a lead role in arms sales and is not always friendly, with some of its members continuing to harbor suspicions about the U.S. and its motives.  
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BILATERAL RELATIONS BACKGROUNDER.DOC  
BILATERAL RELATIONS

The United States and South Africa have much in common: diverse and open societies, an attachment to democratic principles, and a shared vision of a peaceful and prospering international community. Since apartheid ended in 1994, we have made great progress toward establishing close and cooperative relations. The Binational Commission (BNC) is testimony to the rapidity with which those relations have expanded. Government, business, and personal links are burgeoning. The conclusion of the Armscor case removes a longstanding major irritant and opens new doors in our defense and security relations. The

President's March 26-29 visit provided considerable forward momentum in our friendship as the 21st century approaches and South Africa prepares for the post-Mandela era.

There are frictions in the relationship, not surprising given the sometimes differing interests and outlooks of a world superpower and a regional

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power and developing nation. South Africa's new leaders value close ties with us but are determined not to develop an over-reliance on the U.S. or, for that matter, any other nation or group of nations. Some officials retain a wariness of the U.S. and its intentions in Africa. Some, Mbeki included, have a vision of leading the developing world and acting as a bridge between North and South. Mbeki is concerned that South Africa not be perceived internationally as a U.S. client or partner. Moreover, Mandela and other ANC veterans cherish longstanding friendships with pariahs like Libya and Cuba. In the government bureaucracy, Afrikaners still play a strong role, and many resent U.S. policy toward the former regime. The combination of African and Afrikaner pride with nationalistic fervor sometimes results in policies inconsistent with our own. Finally

high-level officials like Trade and Industry Minister Alec Erwin, believing mistakenly that the U.S. singles South Africa out unfairly, react emotionally to commercial disputes that have arisen between us.

South Africa regards official and private sector support from the U.S. as crucial to its efforts to redress the socio-economic legacy of apartheid. It's expectations of continuing U.S. support, both in terms of USAID programs and in other critical areas such as law enforcement, are high.

The United States has encouraged South Africa to be proactive in regional affairs, and over the past year it has begun to play an increasing role. Mandela is the chairman of SADC, and in August South Africa will assume the NAM chair.

In sum, we can expect to see intermittent friction in the course of our relations with the new South Africa, but in the long run mutual interests combined with the determined efforts of both governments auger well for a sound bilateral relationship.

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**TRANSLATED\_ATTACHMENT** BNC Backgrounder.doc  
THE BINATIONAL COMMISSION

President Clinton and President Mandela decided to create the U.S.-South Africa Binational Commission during Mr. Mandela's October 1994 state visit to Washington, designating the Vice President and the South African Deputy President as co-chairs. Formally launched during Deputy President Mbeki's March 1995 visit to Washington, the BNC is designed to: 1) revitalize a relationship that had lain largely dormant for nearly two decades; 2) cut bureaucratic red tape by focusing high-level attention on problems and opportunities in the bilateral relationship; 3) facilitate cooperation in areas key to South Africa's development; and 4) provide a concrete demonstration of the breadth and depth of the U.S. commitment to South Africa.

BNC accomplishments include the signing of a Civil Aviation Agreement and a bilateral Tax Treaty, establishment of a U.S.-South Africa Fulbright Commission, development of a cooperative effort to combat crime and violence in South Africa, and agreement on a framework to resolve the U.S. case against the South African arms parastatal Armscor. The July 1997 BNC meeting in Washington witnessed some notable progress: the establishment of the Defense Committee and Minister Modise's productive visit,

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which has generated Secretary Cohen's return counterpart visit, scheduled for September; the number of ministerial level participants was unprecedented, and our respective secretaries and ministers made considerable progress in establishing personal relationships and substantive dialogue. Mbeki noted his pleasure that the talks were carried out in a spirit of equality and collegiality.

The August 5-6 BNC meeting in Washington will be the fifth in the series. The BNC is composed of seven committees: Trade and Investment, Agriculture, Human Resource Development and Education, Conservation and Environment, Sustainable Energy, Science and Technology, and Defense. In addition, there are sub-committees on Labor, Housing, and Higher Education.

The BNC process is not without problems. Perhaps more than previously, U.S. members of BNC committees have noted the SAG's inability to consult closely on preparations and to implement initiatives in a timely manner. Most committees have not met since last July (although the Defense Committee held very productive sessions in South Africa in June and other committees continue implementing projects and conducting exchanges). The SAG is stretched extremely thin -- a problem exacerbated by its policy of establishing bilateral commissions and working groups with many nations. With the BNC now in its third year, it may be timely to review with the SAG ways that we might strengthen a process that has become a principal vehicle for developing our bilateral relations.

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THE BNC: LOOKING AHEAD

The BNC, which has functioned well under the stewardship of the Vice President and Deputy President Mbeki, is already being transformed as Mbeki prepares for the 1999 presidential campaign and, most likely, assuming South Africa's presidency in less than a year. The tightly focused "meeting of the principals" on August 6, as well as the very successful meeting of the Defense Committee in South Africa during June 1998, point the way toward a follow-on BNC structure that can maintain the momentum of deepening bilateral cooperation on a wide range of issues. Under any scenario, however, the key to success will be a clear mandate for action from the principals and vigorous, personal involvement by committee co-chairs and senior committee officials.

Among the possible configurations of the evolving BNC are the following:

-- Status quo: Keep the Gore/Mbeki relationship as BNC co-chairs intact. It is highly unlikely, however, that South Africa will agree, for reasons of appearance and protocol, to have its president interact as equivalent with the U.S. vice president. Once he becomes president, Mbeki's role as BNC co-chair must, from the South African perspective, change.

-- New South African co-chair is new Deputy President: Beginning in 1999, the Vice President's counterpart will be South Africa's new deputy president; Plenary sessions are held biannually (or possibly annually); Committee structure and practice remains the same; Possible new committees (e.g., law enforcement, transportation). The critical shortcoming of this scenario is that the new Deputy President is unlikely to bring the same commitment and

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authority to the  
BNC as Mbeki. This argues for Mbeki's continued participation in  
some form.

-- End the BNC: The BNC was designed to jump-start moribund  
relations across a  
broad range of issues. It has succeeded. The two sides could declare  
that the  
BNC has fulfilled its function and the cooperative activities that have  
been  
established will continue at the working level without the need for  
high-level  
involvement. The weaknesses of this scenario are, 1) our relations and  
activities in many areas are too tenuous to be sustained without high-  
level  
impetus; and 2) it could be politically untenable to end the U.S.-South  
Africa  
BNC even as South Africa is establishing new BNCs and similar  
entities with key  
friends around the world.

Assuming South Africa agrees that the BNC should continue, the  
following proposal  
takes into account the shortcomings of the scenarios listed above and  
outlines a  
possible way forward:

-- At the principals' level, Mbeki is succeeded in 1999 by South  
Africa's new  
deputy president. Mbeki's successor may well be a vigorous and  
committed  
advocate of better U.S.-South Africa relations, but not necessarily. At  
a  
personal level, the Vice President and Deputy President over the  
coming months  
should lay the groundwork for Mbeki's continued involvement in the  
BNC -- perhaps  
as "co-chair emeritus" or simply "featured speaker" at BNC plenary  
sessions.  
Mbeki's continued interest and personal involvement, if only episodic,  
will help  
keep the BNC momentum going.

-- Hold the BNC plenary sessions annually, alternating in the U.S. and  
South  
Africa. (The first such meeting under this new arrangement could be  
in  
connection with an Mbeki State Visit to the U.S.)

-- Between the annual plenary sessions, hold a working "energizing" meeting at the level of the principals' most senior advisers. The purpose of this small and low-key meeting would be to deal with problems and renew mandates to the committees.

-- The committees will be given a clear mandate to carry out their work more independently. The June 1998 meeting of the Defense Committee demonstrated that committed committee leaders can make significant progress absent the participation of the principals. Committees and their working groups should meet and otherwise interact as they see fit independent of the cycle of plenary sessions.

-- It is unrealistic to expect that committee co-chairs will be able to devote much attention to the day-to-day work of the committees. The co-chairs must, however, remain committed to the process and ensure that senior committee and working group personnel take the effective day-to-day lead.

-- The number of committees may expand, but the projects and activities of individual committees should be commensurate with the ability (commitment, personnel, and resources) of each to implement them effectively. The general mandate would be for committees to concentrate on a few projects and ensure that each had reached the point of sustainability before embarking on new ventures. Most activities should be genuine two-way partnerships, not one-way conduits for U.S. assistance.

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TRANSLATED\_ATTACHMENT Defense Trade Relations Backgrounder.doc  
DEFENSE TRADE RELATIONS AND DISCLOSURE

Defense Trade Relations: The suspension of statutory debarment in February 1998 against Armscor and its related entities as a result of the establishment of appropriate, mutually agreed-upon compliance programs by the South Africans has pointed the way for the development of a normal security relationship with South Africa through which government to government and commercial sales of munitions list items can go forward. While compliance programs remain relatively untested, the South Africans have made it clear that they are prepared to meet U.S. export and import controls, and the State Department has certified the programs as meeting U.S. standards. Although compliance has been proceeding smoothly, we have concerns about that part of the agreement that stipulates that the companies would provide \$6.25 million in suspended civil fines to the South African Government to support its national export control regime. We are in the process of sorting out with the South Africans the remaining questions on the use of this money.

Since debarment's suspension, there has been an upsurge in license applications by U.S. firms eager to sell munitions-list military equipment to South Africa, and the majority of these have been approved. American companies have also asked

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to be included in South Africa's procurement of new military equipment, including aircraft, ships, and armored vehicles. Defense Minister Modise has made it clear on several occasions that the defense modernization bidding process, which was closed October 1997, would not be reopened to include U.S. firms. At that time, statutory debarment was still in effect pending successful implementation of elements of the Armscor settlement, precluding U.S. defense industry participation. The procurement issue has been revisited with the South Africans at a high level, including the U.S. Ambassador to South Africa, without result. While we have continued to urge the South Africans to reconsider their procurement decision, there has been no indication that they will do so. Any future procurements should give U.S. companies and products a level playing field, although some South African defense officials are not eager to do business with U.S. firms. The U.S. was invited to bid in the recently opened fighter trainer aircraft competition.

South Africa-U.S. defense trade relations are also developing through the activities of the BNC Defense Committee and the work of its Acquisition and Technology Working Group. In spite of U.S. exclusion from the modernization procurement, good opportunities exist for other defense trade and cooperative projects. U.S. industry sub-components are well represented in two procurement offers in which the South Africans have expressed strong interest: the Canadian light utility Bell Helicopter and the Swedish Gripen fighter aircraft.

Disclosure: The Departments of State and Justice are preparing to meet with the South Africans on the issue of disclosure of U.S.-origin goods and technology acquired illegally during the apartheid era and possibly afterwards that are part of the South African inventory of military equipment. Disclosure of this material is crucial to normalizing the South Africa-U.S. security

and  
defense relationship and is on our list of high-priority foreign policy  
issues.  
It is also a highly sensitive issue, inasmuch as disclosure of the items  
raises  
for the South Africans the fear of additional Armscor-like legal  
actions against  
South African entities. During meetings on the margins of the July  
1997  
Binational Commission, the South Africans agreed to work on the  
disclosure issue  
as part of a process that would be parallel but not linked to the  
compliance  
program. A State/Justice interagency team, led by then PM Assistant  
Secretary  
McNamara, met December 5 with a South African team led by  
Deputy Foreign Minister  
Pahad to discuss disclosure. As a followup, U.S. Deputy Assistant  
Attorney  
General Mark Richard sent a letter to South Africa U.S. Counsel  
Lennox Hinds  
suggesting an approach to get disclosure under way.

The legal issues involved in disclosure are complex, and the South  
Africans have  
proposed an August 4-5 meeting just before the BNC to discuss the  
handling of  
disclosure as it relates to specific cases and the circumstances under  
which  
disclosure cases might be previewed. Because of its sensitivity,  
disclosure is  
being handled by Mbeki's office with DFA participation. Deputy  
President Mbeki's  
Legal Adviser, Mojanku Gumbi, will lead the South African team.  
The U.S. has  
agreed to the meeting. Mbeki follows this issue closely.

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ECONOMIC OVERVIEW

In the run-up to the 1999 elections, the SAG will be under close domestic and international scrutiny as it balances the competing expectations of various sectors of South African society and business, as well as investors. The main challenge for the ANC Government will be to usher the economy towards the growth and job creation envisaged in its June 1996 macroeconomic policy document: Growth, Employment and Redistribution (GEAR), while at the same time living up to the 1994 ANC campaign promise to provide housing, education, essential services, and health care to the previously disadvantaged community.

There are numerous pressures on the South African economy, many of them structural rigidities and insular economic policies left over from the apartheid regime. However, new challenges have arisen, including recent repercussions from the ongoing financial crisis in Asia. Until June, the South African economy had weathered the chill emanating from Asia better than many emerging

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economies --  
there were positive inflows from abroad, strong export performance,  
and continued  
favorable access to international capital markets. Since faulty central  
bank  
intervention in June to defend a depreciating rand compounded by  
inconsistent  
interest rate policies, the South African currency has lost more than 20  
percent  
of its value due to the Asia financial crisis and worsening financial  
and  
economic conditions at home. A point of vulnerability is the  
approximately \$22  
billion net (i.e. above the level of reserves) open forward dollar  
position  
maintained by the South African Reserve Bank (SARB). Economists  
are concerned  
that declining exports of minerals and metals, combined with a falling  
gold price  
and increased competition in certain industries, and higher interest  
rates as the  
central bank moves to prevent further rand depreciation, could hurt  
growth and  
aggravate unemployment.

Although black unemployment is already around 35-40%, it is likely  
to surge the  
next year. Layoffs in the tens of thousands in the mining,  
manufacturing, and  
commercial banking sectors are anticipated as companies downsize to  
lower costs  
and increase competitiveness, and low gold prices force marginal  
mines to close.  
Labor is restive--as evidenced by a riot at Saldanha Steel early this  
year and  
increasingly strident criticism of the GEAR and SAG economic policy  
by COSATU  
officials. A further strain on the South African economy is the lack of  
fiscal  
restraint in provincial spending. It is estimated that of nine provinces,  
seven  
have accumulated a total of \$500 million in unauthorized overdrafts  
with  
commercial banks to avoid cutting expenditures.

These ongoing problems should not obscure the strides the SAG has  
made since  
1994. in putting many of its economic fundamentals back on track.  
Inflation,  
which had been running in the double digits for over 20 years, is

under control.

Consumer price inflation was just at a 5.1 % year-on-year rate

in May. The new government inherited a fiscal deficit of 6% of GDP in 1994 and

reduced it moderately to 4.4% by March 1998. Although it has had a turbulent

June and July, the rand weathered 1997 and the first half of 1998 well and

monetary policy was well-handled. The Finance Ministry has gradually loosened

capital controls. Most recently, in January 1998, it took another step by

removing the ceiling on foreign exchange holdings for commercial banks.

Nonetheless, with real growth now at less than 1%, the SAG is not meeting its

socio-economic goals (especially job creation) which are key to long-run

stability.

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TRANSLATED\_ATTACHMENT Economic Relations Backgrounder.doc  
U.S.-SOUTH AFRICA ECONOMIC RELATIONS

South Africa and the United States have a maturing, though still very much evolving, economic relationship now that sanctions and the apartheid era are behind us.

Since 1994, the United States has negotiated, signed and implemented an OPIC agreement and a bilateral tax treaty with South Africa. EXIM Bank and the Trade Development Agency also operate in South Africa. The USG proposed initiating negotiation of a bilateral investment treaty (BIT) to the SAG, but due to IPR linkages and limited bureaucratic resources South African officials rebuffed the idea.

The United States is the largest source of foreign direct investment (FDI) to South Africa, followed by Malaysia and the UK. U.S. FDI to South Africa was \$2.4 billion from April 1996 to May 1997 -- double UK FDI. The UK remains South Africa's largest foreign investor in terms of total existing net FDI, Germany is second and the United States is third. In addition to Southwestern Bell Corporation's high visibility minority stake in the state

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telecommunications monopoly undergoing privatization, smaller U.S. high tech, biotech, and manufacturing firms are investing in South Africa. South Africans invest just a very small share of their FDI in the United States.

U.S. exports to South Africa were \$3 billion in 1997. Top U.S. exports include: Aircraft and related parts, bituminous coal, and rice. Imports from South Africa were \$2.5 billion that year. Since April 1998, South Africa has enjoyed a trade surplus with the United States.

The recent volatility of the rand and criticism from within the governing coalition has raised questions about the SAG's commitment to continue relatively restrictive fiscal and monetary policies and to implement needed structural reforms such as labor market reform, privatization and trade liberalization as called for in the Growth, Employment and Redistribution (GEAR) program. Secretary Rubin emphasized the importance of staying on "the right track" during his July 14 visit. The USG is designing a medium-term strategy for engaging SAG officials on economic issues to stiffen their resolve on GEAR reforms.

Some SAG officials (although not Deputy President Mbeki) have publicly espoused dirigiste industrial policies, import substitution in the context of regional integration, and non-market tools to achieve social and economic goals. Many of these ideas run counter to U.S. commercial and economic interests and discourage foreign investment. Without true liberalization, South Africa will not attract investment and encourage the growth needed to create jobs and increase government tax revenue. Finance Minister Manuel and others have pursued market-oriented economic policies. Should social and political pressures build, these competing camps may clash.  
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TRANSLATED\_ATTACHMENT Education Backgrounder.doc  
EDUCATION

Education in South Africa was severely warped by apartheid. Separate education systems for each race and each region resulted in 19 different Ministries of Education and huge disparities in resources and services. The quality of education was high for a privileged 20 percent of the population; for most South Africans, it was very poor. The South African Government sees its educational challenge, perhaps its most daunting problem, not only as extending quality education to all its citizens but as providing education that will allow the country to meet the future challenges of the global economy.

While the enormous task of reorganizing the 19 ministries into one National Ministry of Education has been completed, severe problems remain. Government efforts focused on attaining equality of educational resources and opportunities are well underway, but will take decades to achieve. The education budget is being revised to equalize funding distributions, but the inequities built up under apartheid are huge. At the school level, the inequality of education resources among the various ethnic groups is shocking. New curricula are needed to incorporate much needed modern content and teaching practices. Policy reforms are concentrated on equalizing student/teaching ratios, but the manpower requirements to deliver on government promises are overwhelming. Most critical

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is the lack of qualified teachers at all levels.

In higher education there are similar challenges. South Africa's 15 Historically Disadvantaged Institutions (HDIs), like the technikons or technical training schools, suffer from inadequate facilities, over-crowding, insufficient funding, and under-qualified teaching and administrative staff. Once the preserves of the elite, the country's world-class universities now are majority black institutions; it is here that the clash of cultures in the new South Africa is most apparent. With many of the disadvantaged students entering from comparatively poor educational backgrounds, the universities are becoming battlegrounds over "standards" in education, with student strikes and disruptions over racial politics, tuition, academic requirements, and grades regular features of the campus scene.

Education has always been a field of primary concern for Americans involved in South Africa--and the U.S. is the largest bilateral donor in education (FY '97 - \$28.5 million). In addition to USAID's Tertiary Education Linkage Project (TELP), which represents a 10-year, \$50 million commitment to South African education, President Clinton agreed in 1996 to provide \$19 million through USAID for math and science teacher training in answer to President Mandela's request. There are now 68 Peace Corps volunteers in country; the last group of trainees arrived in January, 1998. Serving in rural regions of the country, the volunteers have made teacher training one of their highest priorities. In addition to these programs, the BNC's Higher Education Forum will promote collaboration on critical higher educational issues. USIA budgets about \$6 million per year for Fulbright educational exchanges and its College and University Affiliations Program in South Africa. The terms of the new Fulbright Commission are being finalized.

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FoPo Military Backgrounder.doc  
U.S.-SOUTH AFRICAN FOREIGN POLICY  
AND MILITARY COOPERATION

The Binational Commission (BNC) process has lent considerable impetus to U.S. efforts to enhance our dialogue with South Africa on foreign policy and military/security affairs. In the context of an African National Congress (ANC) leadership wary of U.S. intentions in Africa and South Africa itself, our growing cooperation in these critical areas is noteworthy. Nevertheless, as we seek further improvement it is critical to remember that U.S. and South African objectives are rarely identical and in some cases stand in conflict. Our general policy of patient, low-key engagement with the South African Government (SAG) should continue to guide our efforts.

In the foreign policy realm, our contacts are steadily deepening. During 1997, the U.S. and South Africa worked closely to facilitate a "soft landing" in Kinshasa at the time of Mobutu's ouster. In December 1997, Secretary Albright held substantive talks with President Mandela and Deputy President Mbeki. On the margins of the BNC meetings, State Department African Affairs Assistant and Deputy Assistant Secretaries hold regular talks with Deputy Foreign Minister Aziz Pahad. State's bureaus for International Organizations and Political-Military Affairs have held very productive substantive talks with the SAG at

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senior levels

on a range of issues. At South Africa's invitation, we plan to attend the August 1997 Non-Aligned Movement (NAM) summit in Durban.

Similarly, U.S.-South African cooperation in the military/security field is

progressing steadily. Minister of Defense Modise, initially reluctant to engage

with us, is now receptive to cooperation; he will host Secretary Cohen in

September. The Defense Committee has made good progress in establishing valuable

contacts, cooperation, programs and, not least, mutual trust between our two

defense establishments. The International Military Education and Training (IMET)

program is beginning to flourish. On peacekeeping, the SAG continues to debate

internally the merits of cooperating with us on the African Crisis Response

Initiative (ACRI). In the meantime, it is becoming more actively involved in

regional peacekeeping exercises, having participated in the Zimbabwe-hosted Blue

Hungwe and itself hosting Blue Crane, scheduled for November 1998, pending

adequate funding from the SAG and donors (including a request for U.S. support).

We must continue to be patient on ACRI, keeping the SAG informed about

developments and awaiting the resolution of its internal debate.

We must also retain flexibility in our ACRI approach to be able to respond to

different circumstances and capabilities from country to country. In South

Africa's case, for example, there is a desire to look at the broad spectrum of

crisis management, with a focus on crisis prevention. Through further political-level dialogue, we hope to underscore the complementary nature of U.S.

and South African efforts to promote peace and stability.

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HOUSING

Providing affordable housing to the poor and dispossessed of South Africa is a key policy objective of the South African government (SAG). The legacy of apartheid has entrenched severely distorted housing patterns, unsustainable levels of infrastructure services in wealthier suburbs, and enormous unmet needs for basic services in poorer areas. As part of its ambitious social agenda, the Reconstruction and Development Program (RDP), the government in 1994 announced plans to build one million new houses by 1999, South Africa's election year. There is no possibility that the Ministry of Housing (MOH) will meet that target. Estimates on homes built since 1994 range from 60,000 to 300,000 units, indicating the South Africans have fallen far behind in their goal of constructing 200,000 new homes a year.

Moreover, South Africa's urgent need for housing continues to increase exponentially, as population growth saps progress. Even if the SAG had been able to meet its goals for annual housing construction, demographics would have outrun these plans, since estimates indicate that at least 200,000 new households are formed each year. In addition to South Africa's rapidly expanding population--expected to double by 2024--other factors adding to the complexity of the situation are the virtually unchecked entry of tens of thousands of illegal immigrants each year, an undocumented homeless population, significant underhousing in rural areas, and the unregulated growth of squatter settlements near urban centers. An estimated 2 million households are already in line for housing assistance, the overwhelming majority of them black. Experts

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believe  
that removing the housing backlog would require as much as two  
decades.

Assistance for housing is complicated by several factors: the poverty  
of the  
overwhelming majority of the unhoused, the history of boycotts/non-  
payments by  
tenants, slowly evolving finance mechanisms and high interest rates,  
rising costs  
for building materials and utilities, and banking and building  
industries that  
are reluctant to put resources into the low-income sector. These  
factors make  
private sector participation in the housing question problematic and  
handicap the  
government's ability to be responsive.

Over the past several years, the MOH has developed a framework for  
delivery of  
low-income housing. The current policy includes a Subsidy Scheme,  
which supplies  
up to 15,000 rand (about \$3,400) per household, depending on income  
level (MOH  
estimates 594,000 have been approved since 1994); provision by the  
National  
Housing Finance Corporation of loans and insurance to entities which  
loan to  
low-income tenants; and a Mortgage Indemnity Fund which insures  
private banks  
against the non-payment political risk on loans to low-income  
borrowers.

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Oil Imports Backgrounder.doc  
SOUTH AFRICAN OIL IMPORTS

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South Africa imports approximately 60% of the 480,000 barrels of oil it consumes daily. Iran has targeted the South African market by pricing its crude below other suppliers, but the falling price of oil has narrowed the gap. In 1995, 70% of South Africa's oil imports came from Iran. This figure declined to 57% in 1996 and fell again in 1997.

While South Africa's four oil refineries operate most efficiently with Iranian crude, they can use Saudi Arabian light crude without a large impact on yield. The main drawback is that Saudi crude costs more because of high demand for the environmentally superior crude on world markets. U.S.-owned CALTEX is the only refiner that does not import Iranian crude, and as a result, is at a disadvantage vis-a-vis competitors.

The government-owned Central Energy Fund (CEF) imports crude for South Africa's strategic oil storage facilities, and also imports to operate an oil trading facility. Approximately 65% of the oil imported by CEF is Iranian. An oil storage/trading deal signed between the CEF and the Iranian National Oil Company was quietly shelved in mid-1997 after both environmental impact assessments and economic feasibility studies concluded that the proposal failed to meet targets.

In the past two years, the South African Government (SAG) has sought ways to diversify its oil imports, and recent events suggest that Saudi Arabia is the preferred alternative source. In 1997, the SAG and the Saudi's hosted two high-level bilateral visits. Prince Sultan Bin Abdul-Aziz Al Saud, Riyadh's Defense Minister, stopped in South Africa for a six-day state visit in September. In addition to meeting with President Mandela, Deputy President Mbeki, and Defense Minister Modise, Prince Sultan also met with Panuella Maduna, Minister for

Minerals and Energy Affairs. In November, Mandela, Modise and Maduna paid a return visit.

At the time of the Saudi Arabia visit, Mandela announced the two countries had signed an MOU to boost oil imports and to have a Saudi company build an oil refinery in South Africa. The agreement with the Saudi's may be a result of discussions held by Vice President Gore and Leon Fuerth with the Prince Sultan in February 1997. While the details of the MOU are sketchy, refiners note that a state-brokered deal would require that the SAG negotiate prices with them. Thus far, none have reported such discussions. This indicates that the deal has not yet reached a stage where delivery is anticipated soon.

Speculation also abounds that the Saudi oil deal will include a counter-trade agreement for South Africa's G-6 artillery piece and for anti-aircraft missiles. The closest the SAG has come to confirming a guns-for-oil deal is a November press interview where Modise said he expected such an agreement "in the near future." There is no U.S.-South Africa policy impediment to such a sale, particularly since we favor any arrangement that would lessen dependence on Iranian crude.  
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RELATIONS WITH PARIAH STATES

South Africa maintains good relations with Libya, Iran, and Cuba. In

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the context of its forthcoming chairmanship of the Non-Aligned Movement (NAM), it has informed us of its intention to establish relations with Iraq and North Korea, although it will not open resident missions in those countries.

South Africa's relations with pariahs -- particularly Libya -- is an intermittent source of contention in our relations. In October 1997, Mandela visited Libya twice and attacked the U.S. for our restatement of longstanding policies regarding Libya, relevant UN Security Council Resolutions, and Lockerbie. Other South African government (SAG) officials, including Mbeki, later downplayed the significance of this episode, but Mandela highlighted South African friendship with Libya and Cuba during his joint press conference with President Clinton in Cape Town in March 1998. Also, South Africa was an enthusiastic supporter of the OAU resolution authorizing defiance of UNSC Libya sanctions and could lead the NAM in a similar direction at the August summit in Durban. Although we have not yet made a decision, our consideration of permitting a trial of the Pan Am 103 suspects in the Netherlands under a Scottish court may help moderate South Africa's position on this issue at the NAM.

The SAG's desire to pursue friendly relations with pariah states derives from several considerations: support for the African National Congress (ANC) during the anti-apartheid struggle; suspicion by some in the ANC of the West; established trade ties (e.g., Iranian oil imports); an unwillingness to close doors to states that may be potential markets for South Africa's defense industry (although it has denied all arms sales to Libya, Iraq, and Iran); OAU and NAM solidarity; and a continued strong sense of South African nationalism and sensitivity to appearing subservient to the United States. Mandela stresses that the ANC will never "turn its back" on those nations that supported it

during the long years of struggle. Both Castro and Qadhafi have standing invitations to make a state visit to South Africa. Castro is the more likely, as Qadhafi is constrained by UN resolutions from easily traveling abroad, although the recent OAU resolution could make African travel more feasible for the Libyan leader.

Apart from its pro-Libya policies, which appear to be attributable to Mandela's personal loyalty to Qadhafi, South Africa has become more sensitized to our concerns about pariah states. For example, the SAG has been careful in its handling of high level Iranian visits, and is seeking to lessen its dependence on Iranian oil, an effort that includes increasing contacts with Saudi Arabia. In a confrontation with us over potential arms sales to Syria, the SAG gave ground.

We have made it clear to the SAG that we will continue to defend our laws and policies. We have also made clear that we are committed to managing our differences so that our bilateral relations are not damaged. The problem is manageable as long as South Africa does not directly attack our policies, which it is coming perilously close to doing in the case of Libya.  
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## PHARMACEUTICALS AND IPR

The South African Medicines Act, signed into law by President Mandela in November 1997, contains a broadly worded provision that appears to give the Health Minister unlimited authority to override pharmaceutical patent rights. While the South African Government (SAG) claims the law meets WTO TRIPS (Trade Related Intellectual Property Rights) agreement exceptions for public health and national emergencies, USG experts believe the law may violate the letter as well as the spirit of TRIPS.

The U.S. pharmaceutical industry (represented by PhRMA) has lobbied the SAG vigorously over the bill's provisions. Both PhRMA and the SAG staked out confrontational positions that left little room for maneuver. The USG has voiced its concerns frequently with parliamentarians and SAG officials, including Deputy President Mbeki. The SAG has responded by inviting us to make use of WTO dispute resolution.

On April 30, South Africa was named in the Special 301 review as a "Watch List" country. This designation, shared by Canada, the EU and other key U.S. trading partners, has no statutory standing. Only a "Priority Foreign Country" Special 301 designation requires USTR to seek consultations and/or pursue dispute settlement. On June 30, the USG granted four South African requests for additional GSP trade preferences, but implementation is being held in abeyance pending adequate progress on IPR protection.

It is likely that the SAG will want to discuss both the Special 301 designation and the GSP issue since on numerous occasions Trade Minister Erwin has made clear the SAG's aversion to unilateral trade measures.

U.S. agencies hope that implementing regulations currently being written in South

Africa will address some of our concerns. However, PhRMA insists that nothing short of a WTO case or a fundamental change in the law will resolve this issue.

The industry has also asked the Administration to consider additional ways to punish South Africa, including restricting its benefits from the Africa Growth and Opportunity Act. U.S. and European firms fear that the law sets a dangerous precedent for other developing countries and may well undermine TRIPS' patent provisions. In February, 47 Members of Congress wrote to USTR supporting PhRMA's position, and urged USTR to pursue all options including a WTO case.

PhRMA believes the USG has a good WTO case because the medicines law singles out the pharmaceutical industry, and because TRIPS in its totality implies that a country cannot

roll back its IPR protection or revoke a patent except in certain prescribed cases. USTR and Patent Office lawyers, however, have expressed reservations about whether we could win a legal case at the WTO.

In May, the South African delegation to a WHO drugs conference launched a campaign to codify WHO rules to undermine or suspend pharmaceutical patent protection when public health considerations dictate. The U.S., several European countries and Japan strongly oppose this move. Final decision on this issue within the WHO has been delayed until January 1999.

During French President Chirac's July state visit to South Africa, French officials also raised their concerns about the pharmaceutical patent issue and recent developments in the WHO.

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PRESIDENT CLINTON'S VISIT TO AFRICA

President Clinton and the First Lady made an historic trip to Africa,  
March 22 to  
April 2. Clinton was the first sitting President to make a  
comprehensive visit  
to the continent and the first President ever to visit the six countries of

Ghana, Uganda, Rwanda, South Africa, Botswana, and Senegal.

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The President's March 26-29 State Visit to South Africa was quite successful, albeit an occasionally blunt-spoken Nelson Mandela provided some awkward moments. The President exchanged views with Mandela on bilateral and multilateral issues and addressed a joint press conference. Among other highlights were his speech to the National Assembly in Cape Town and a private visit with President Mandela to Robben Island. The President and First Lady visited a housing project near Cape Town, discussed South Africa's future with young people in a township near Johannesburg, and paid homage to the sacrifices of South Africa's youth in the anti-apartheid struggle during a visit to the Hector Peterson Memorial in Soweto. At the Ron Brown Center in Johannesburg, the President highlighted trade and investment issues, including the willingness of the U.S. to negotiate free trade agreements with strongly performing countries in Southern Africa. He also noted his intention to work with Congress to restore assistance to its historic high level and cited U.S. support for bilateral debt relief and the Highly Indebted Poorest Countries Program (HIPC).

Although Mandela was a gracious host, he publicly highlighted key U.S./South Africa policy differences, perhaps in an effort to underscore for national and international audiences South Africa's willingness to tread a path different from that of the U.S. At the joint press conference in Cape Town, Mandela said that South Africa found the Growth and Opportunity Act "unacceptable." Mandela has since softened this stance. (Earlier in the visit, Mbeki had explained privately to President Clinton South Africa's concerns about the Act's "conditionality," and Africa's continued need for both trade and aid, but said South Africa supports the Act's goals.) At the press conference, Mandela also proudly proclaimed South Africa's friendship with Cuba and Libya.

The President launched six major initiatives during his Africa visit: He pledged to work with Congress to increase U.S. official assistance to Africa to its peak figure of about \$815 million. He announced his intention to seek a package of programs worth nearly \$120 million over two years to augment African, USAID, and other donor efforts to improve education. In Johannesburg he elaborated on the Partnership for Economic Growth and Opportunity. At a regional summit in Kampala, the President expanded upon the elements of the Great Lakes Justice Initiative first announced by Secretary Albright last December.

The proposed \$30 million initiative would rebuild military and civil justice systems in the Great Lakes and offer additional support for the International Criminal Tribunal for Rwanda. In Senegal, President Clinton and Transportation Secretary Slater launched an initiative to improve air safety and security in Africa. Also in Senegal, the President announced that the U.S. would build a Center for Security Studies in Africa modeled after the Marshall Center in Europe.

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POLITICAL SITUATION

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Although South Africa's transformation to multiracial democracy is by no means complete, current indications are that political stability will prevail over the medium-term, and that the 1999 national elections will witness a credible transfer of power to a new African National Congress (ANC) government under the leadership of current Deputy President Thabo Mbeki.

Mbeki, who succeeded Mandela as ANC president in December 1997, is already South Africa's de facto day-to-day President. He has succeeded in placing his supporters in key positions in the party and government and has been vigorous in defending the ANC's conservative, fiscally-responsible economic program from attacks by the party's labor and communist allies. Both labor and the communists -- who are well-represented in the ANC government -- have said they will maintain their alliance with the ruling party through the 1999 elections.

Mbeki and the ANC are all but certain to win the elections. Conventional wisdom holds that the party may win as much as two-thirds of the vote, but dissatisfaction with the pace of change, apathy, and regional/ethnic restlessness (e.g., in Kwazulu-Natal and Western Cape provinces) may erode the ANC support base. Mbeki can be expected to devote ever greater attention to the elections over the coming months, and after January 1999 both his schedule and his policy calculations will be heavily influenced by electoral considerations.

The opposition, while very weak, is not without prospects, particularly if it can forge an effective electoral coalition. Although such a coalition would not defeat the ANC nationally, it could make significant inroads at the parliamentary and provincial government levels in selected provinces. Among the opposition, the National Party (NP) has suffered a dramatic loss of support as its new leadership seeks a message and direction. It remains a force in the Western Cape, however. The new, multiracial United Democratic Movement

(UDM), led by former NP member Roelf Meyer and the popular ANC castoff Bantu Holomisa, shows promise of gaining limited support, especially in Holomisa's Eastern Cape homeland. Chief Buthelezi's Inkatha Freedom Party (IFP) is strong in Kwazulu-Natal province but lacks a national base. There are indications that Buthelezi may make a deal with Mbeki to remain in the government next year. Radicals such as the communists and the Pan Africanist Congress are unlikely to be major factors in the vote.

The weakness of the opposition has resulted in worried speculation about the emergence of a one-party state, and there are calls for decentralization and federalism. For its part, the ANC will be called upon to resist autocratic and centralizing tendencies or risk exacerbating resistance in the provinces and inflaming racial tensions.

The bottom line: Mbeki and his senior ANC colleagues must demonstrate the same wise, moderate, and inclusive leadership that has characterized Mandela's successful tenure while dealing effectively with critical social problems.  
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SADC AND REGIONAL ECONOMIC INTEGRATION

In the past few years, the Southern African Development Community (SADC) countries have become increasingly aware of the potential benefits of

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regional economic integration. In August 1996, all but one (Angola) of the then-12 SADC countries signed the Protocol on Trade and Investment, a trade agreement touted as the instrument which will move the region towards a free trade area (FTA) in eight years. In reality, however, the SADC Trade Protocol is more of a framework than a comprehensive agreement. The primary weakness is that the protocol does not include a tariff reduction schedule. In addition, some signatories reportedly are dissatisfied with the protocol's dispute settlement mechanism and rules of origin provision.

Thus far, only three of the signatory countries, Mauritius, Tanzania and Botswana, have ratified the agreement. Delays in protocol implementation have led to the creation of a web of interim bilateral and multilateral measures to ensure access to markets in the region. While some pundits believe the delay is more a question of political will than trade policy, a block of five SADC countries, including South Africa, have taken the understandable stance that they will not ratify the protocol until negotiators agree on tariff schedules. Tariff negotiations stalled in October because SADC countries were slow to produce required lists of sensitive items for exclusion from the protocol. SADC trade experts believe that the impasse may be settled in the first half of 1998.

While SADC countries embrace the idea of integration, they continue to look warily at South Africa, concerned that decisions made on behalf of the region will unduly benefit their southern-most neighbor. They are well-aware that South Africa, accounting for approximately 80% of southern Africa's GDP, dwarfs the economy of every other SADC country. The SAG is trying to overcome regional suspicions and in the past year has launched a development corridor initiative for the region. These planned corridors will run East to West and are

designed  
to promote trade throughout the region, rather than the typical North -  
South  
trade patterns with South Africa.

The proposed South Africa - EU FTA is of great concern to South  
Africa's SADC and  
SACU (Southern African Customs Union) partners. The SAG has said  
that before  
concluding a deal with the EU, it will consult with SADC/SACU  
partners regarding  
potential trade diversion effects on the region. SACU countries have  
expressed  
heightened concern, and the EU has agreed to send a trade expert to  
the region to  
assess the potential impact on SACU countries. Thus far, analysts  
suggest these  
potential impacts on the region: 1) SADC products currently sold to  
South Africa  
could be displaced by heavily-subsidized EU products. 2) High-priced  
South  
African products could become more competitive, displacing SADC  
goods sold to the  
EU. 3) EU products entering South Africa duty-free could cause an  
overall  
decrease in SACU customs revenues. (Currently, some SACU  
members earn a  
substantial portion of their GDP from the customs union.)

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SOUTH AFRICAN FOREIGN POLICY

South Africa's foreign policy has evolved rapidly since Mandela's  
African  
National Congress (ANC) assumed office in 1994. Initially reluctant  
to assume  
leadership in Africa and beyond, by 1997 the South African

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government (SAG) had begun to develop the complex framework that now underpins its increasingly activist policies. This new activism is evident not only in Mandela's often highly personal forays into the international arena, but also in many other areas, ranging from the SAG's agreement to host the forthcoming Non-Aligned Movement (NAM) summit, its high-profile leadership of efforts to ban landmines, and its cooperation with the U.S. to promote a relatively non-violent transfer of power in Zaire in 1997.

Deputy President Mbeki is an avid exponent of a world view that sees South Africa, first and foremost, as a leading member of the South, and also as a key bridge between the South and the industrialized North. Under this construct, the SAG views the U.S. as the most powerful nation in the world -- hence the critical need for good bilateral relations. Yet the U.S. is but one of the constellation of northern nations that the SAG seeks to involve in promoting the development of both South Africa and its southern brethren. Among the highest SAG priorities are developing "strategic" relationships with key countries of the South, promoting commerce and trade within the South, and striving to negotiate -- jointly with its southern partners -- improved terms of trade and the reduction of debt burdens to reverse the South's increasing marginalization in the global economy. With ambitions to lead the South, South Africa may also be positioning for a run at a permanent United Nations Security Council seat.

Although the SAG's world view portends continuing periodic disagreement with the U.S. on some issues (e.g., Libya and Pan Am 103, Cuba), its global objectives are consistent with broad U.S. policies and ideals, promising abundant areas of future cooperation. As enunciated by Deputy Foreign Minister Aziz Pahad (one of Mbeki's closest advisers) in May 1998, these objectives include the

following:

- To seek to prevent conflicts and promote the peaceful resolution of disputes;
- To promote democratization, disarmament, and respect for human rights;
- To advance environmentally sound, sustainable development and poverty alleviation.

The global scope of SAG foreign policy notwithstanding, much of the government's focus is closer to home: the Organization of African Unity (OAU) and the Southern African Development Community (SADC). The SAG is increasingly active and influential in the OAU, and, while sensitive to the prerogatives of its SADC neighbors, has a leading role in promoting political and economic cooperation in south Africa.

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U.S.-SOUTH AFRICA TRADE AND INVESTMENT

With sanctions and the apartheid era behind us, the United States and South Africa have made good progress in re-establishing normal commercial relations. South Africa enjoys a trade surplus with the U.S. Nonetheless, several trade irritants remain and could fester.

Intellectual property rights (IPR), which have been raised in the past over trademarks disputes, have reemerged in connection with a patent issue. South

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Africa's 1997 Medicines Act contains a broadly worded provision that seems to grant the Health Minister unlimited authority to override pharmaceutical patent rights. The U.S. pharmaceutical industry has demanded that the USG take action under Special 301 and at the WTO. (See paper, "IPR and Pharmaceuticals" for details.)

The SAG has expressed concern that laws such as the Cuba Act, codified by Helms-Burton, and the Iran/Libya sanctions can adversely affect bilateral trade relations. This issue predates but is compounded by Dow Chemicals' purchase last year of Sentrachem, a South African company whose subsidiaries have a long-term contract to provide agricultural chemicals to Cuba. Early this year, Dow applied to Treasury's Office of Foreign Asset Control (OFAC) for a waiver to ship to Cuba only after the chemicals were en route. Despite OFAC's instructions to offload the shipments temporarily at port warehouses, one of the two ships completed its delivery in Havana. OFAC declined Dow's waiver request and will pursue an enforcement action.

The SAG is also concerned about U.S. anti-dumping legislation and practices. The United States signed a suspension agreement with ISCOR, a South African steel company, on an anti-dumping investigation of carbon steel plate. Companies from three other countries negotiated similar agreements based on the same complaint, but since South Africa was the only market economy in the group, South Africa's arrangement differed; the SAG believes its arrangement disadvantages its exporters.

SAG officials also criticize the USG's use of countervailing duties (CVD) to address subsidization in South Africa. Columbus steel's exports of steel coils is currently under investigation by the Department of Commerce under U.S. CVD

law.

South Africa's Competition Act is ineffective. It fails to prohibit conduct, acquisition or monopoly situations. Since 1994, the SAG has been developing a new competition law, but has made little progress. The U.S. Department of Justice is providing SAG officials with technical assistance and has been invited by South Africa to comment on future draft legislation.

Should South Africa and the EU ever reach agreement on an FTA, Pretoria will likely cut tariffs for EU goods in sectors where U.S. producers enjoy a significant market share. President Clinton said during his visit that the United States would be prepared to negotiate at an appropriate time a free trade agreement with one or more southern African countries.  
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THE TRUTH AND RECONCILIATION COMMISSION

South Africa's Truth and Reconciliation Commission (TRC) was established in 1995 to lay the basis for genuine reconciliation by helping the nation come to terms with its past. Archbishop (emeritus) Desmond Tutu is its chairman. The Commission has three goals: to uncover the truth about apartheid-era abuses; to offer amnesty to those who confess their role in atrocities; and to make recommendations for reparations.

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Although funded primarily through the Parliamentary budget process, the Commission relies on donor funding for some requirements. The U.S. has contributed \$650,000 through USAID's Administration of Justice Program.

The TRC functions through three committees: Amnesty; Human Rights Violations; Reparation and Rehabilitation. The Finance Ministry has budgeted the Justice Ministry R100 million (\$16.6 million) to pay reparations in 1998, R200 million in 1999, and R300 million in 2000, far below the TRC's request of R3 billion over six years. Tutu proposes that victims or their families receive reparations of \$2,500 to \$4,000 per year for six years.

Amnesty may be granted to persons who make "full disclosure" of facts relating to "acts associated with a political objective" taking place between 1960 and 1994, when the new government came to power. Amnesty applicants have shed light on some of the apartheid era's most sensational cases, including the 1977 killing of Black Consciousness leader Steve Biko, and the 1993 murder of U.S. citizen Amy Biehl. Fifteen thousand individuals representing every stratum of society have testified, and over 7,000 amnesty applications have been received.

Given the TRC's sensitive mandate, it is not surprising that it has been dogged by controversy. Elements of the opposition, especially the National Party and the Inkatha Freedom Party, have attacked the Commission in the press and in court for its alleged pro-ANC bias. The Amnesty Committee's erroneous decision to grant amnesty in 1997 to 37 senior ANC members, including Deputy President Mbeki and Tutu's son, lent credence to the opposition's claims. The TRC was forced to appeal the Amnesty Committee's decision, and the courts have overruled the granting of amnesty to the ANC leaders. Their cases will be reconsidered, and

the ANC has promised cooperation. Other controversial episodes have included hearings on Winnie Mandela's alleged crimes, F.W de Klerk's refusal to acknowledge responsibility for abuses, P.W. Botha's refusal to testify and subsequent contempt trial, and examination of the former government's chemical and biological warfare program.

The Commission's final report is scheduled to be submitted to President Mandela in October, although investigation of many abuses will be incomplete and the amnesty and reparation process will carry at least into 1999. The quality and balance of the report will be critical to the TRC's ultimate credibility and its effectiveness in promoting reconciliation.  
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TRANSLATED\_ATTACHMENT US Assistance Backgrounder.doc  
U.S. ASSISTANCE

U.S. sanctions against the apartheid government in South Africa were accompanied by an expansion of USAID assistance to non-governmental organizations (NGOs). The focus of USAID assistance was and still is on strengthening the majority population capacity for leadership and full participation in South Africa's development; funding grew from \$7 million in fiscal year (FY) 1985 to \$80 million in FY 1993.

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In April 1994, South Africa entered a new stage of nonracial participatory democracy with the election of Nelson Mandela as President. To support that change and help redress the legacy of apartheid, President Clinton announced a three-year assistance package of nearly \$600 million, superseded in 1996 by the current ten-year, \$435 million program. Mandela, however, has criticized privately and publicly our assistance levels as inadequate.

USAID's program in South Africa will continue through 2005. Development assistance levels have declined sharply from the initial \$80--\$120 million per year beginning in 1994 to a level of \$45-\$50 million anticipated for 1999 and 2000. During the President's trip, Mbeki started to criticize the United States for being too trade-versus-aid oriented. However, we were able to indicate that the U.S. thinks that continued assistance is important in Africa, including South Africa. In that context the President has pledged to seek to restore assistance levels. We intend to review the issue of extending the end date of our assistance to South Africa at the U.S.-South African donor consultations in late spring 1999.

The overall goal of USAID assistance to South Africa is "sustainable transformation" -- assisting South Africa to the point at which democracy is consolidated, and the basic policies and systems for social service delivery are in place. This includes the development of management and technical capacity in the majority population, as well as institutional change. Emphasis is on empowerment and increasing the participation of the majority population.

USAID assistance focuses on six strategic objectives (with the following support in FY 98): Democracy and Governance (\$16.8 million), Education (\$16.4 million), Health (\$11.6 million), Capacity for Economic Policymaking (\$4.0 million),

Private Sector Access to Financial Markets (\$6.0 million), and Housing and Urban Services (\$6.5 million). USAID also provides support to the Southern Africa Enterprise Development Fund (\$5 million is expected to be provided each year for 1999 and 2000). USAID's program in South Africa features technical assistance and training that transfers necessary skills to a wide range of South Africans: education and health professionals, government officials, NGOs, and small business owners.

USAID's country strategy for South Africa was developed in close cooperation with the South African Government (SAG), civil society, university and private sector communities and international donors. This strategy broadly supports the objectives of the SAG's Reconstruction and Development Plan.

Following initiation of the U.S.-South Africa Binational Commission (BNC) and USAID's provision of support to some BNC activities, the South Africans had expressed concern that the focus of the USAID program did not include some areas now felt to be priorities, e.g., agriculture. USAID has indicated a willingness to be responsive, recognizing resource limitations and the need to retain focus. A dialogue is ongoing and a joint program evaluation will be completed prior to the 1999 USAID-South Africa donor consultations, at which point the parties will seek to agree on reshaping the program.

During the past year, the SAG voiced concerns about the USAID-South Africa donor relationship. This occurred first in a speech by Nelson Mandela to the ANC, which was followed by a formal note to the U.S. Following meetings between USAID and the SAG Department of Foreign Affairs and Ministry of Finance, and the annual U.S.-South Africa donor consultation meeting, indications are that the concerns have been alleviated. A joint program evaluation will occur in early 1999 and

next year's donor consultations will address program modifications to permit inclusion of South African priorities not currently within the program.

USAID also provides support for numerous activities that are an outgrowth of the BNC. The USAID Administrator chaired the Human Resource Development and Education Committee and the Housing Working Group until this year when leadership of the former was turned over the U.S. Secretaries of Education and Labor.

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U.S. POLICY

Since the advent of constitutional democracy in 1994, South Africa (SA) has become a leading member of the international community. The United States seeks

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to solidify its already close relations with the "new" South Africa and establish long-term cooperation on the many bilateral and multilateral issues of critical importance to both countries. Essential to this cooperation is a stable, democratic, and prosperous South Africa. Our overarching objective, therefore, is helping South Africa achieve a transition to an inclusive, pluralistic, market-oriented, and economically sustainable democracy.

Critical elements of our policy, as set forth in Embassy Pretoria's FY1999 Mission Performance Plan, seek to advance the following U.S. strategic goals:

-- Democracy: Strengthen democratic institutions and processes through civil society participation.

-- Broad-Based Growth: Assist in the development of key socioeconomic policies and the provision of improved social services for the majority.

-- Regional Stability: Enhance stability in Africa by strengthening South Africa's capacity (and through it that of the Southern African Development Community - SADC) to participate in peacekeeping and respond to humanitarian crises.

-- Weapons of Mass Destruction: Enhance SA's bilateral and multilateral cooperation in preventing proliferation of weapons of mass destruction.

-- Open Markets: Obtain SA's support for the World Trade Organization and other multilateral trade regimes and work with SA on a broad range of policies and sectors to open the SA and Southern African economies to U.S. products and services.

-- Expand U.S. Exports: Increase U.S. exports to SA and expand the U.S. commercial presence in SA and SADC.

-- International Crime: Improve U.S.-SA cooperation to combat

international  
crime and help SA to develop an effective criminal justice system  
respectful of  
human and civil rights.

-- Illegal Drugs: Improve U.S.-SA cooperation to combat drug  
trafficking and  
money laundering.

-- Environment: Encourage SA to pursue environmentally sustainable,  
market-based  
development while also playing a constructive role in international  
environmental  
policy.

-- Health: Assure the sustainable transformation of SA's health care  
system to  
reduce the spread of infectious diseases and improve the health of the  
majority.  
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