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The role of the United States Congress in American Foreign policy toward South Africa: a case study of South african transition from Aprtheid to democracy and congressional participation (1980-1995)

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ABSTRACT

DEPARTMENT OF POLITICAL SCIENCE

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The United States Constitution divides the authority over U.S. foreign affairs between the President and Congress. Both institutions, the executive and legislative, share in the making of foreign policy and each plays important roles that are different but often overlap.

The United States Congress (House of Representatives and Senate), regarded as the tribune of the people, has often been a sounding board for popular discontent and malaise over some controversial foreign policies such as the Vietnam War, Iran Contra and South Africa. Since the 1960s the U.S. Congress has often drawn strength from its discontent with the executive branch to assert a stronger role in American foreign policy. This dissatisfaction with the executive branch often come as a result of arrogation of certain powers in the American foreign affairs by the President. This study examines one
ACKNOWLEDGEMENTS

Any work of this capacity could never materialize without the quality guidance of distinguished professors Dr. R. Benneson Dejanes, Dr. Hashin Gibrill, and Dr. Henry A. Elonge who constituted my Dissertation Committee, and Dr. Abi Awolomo, the mentor. In my heart, they remain the true recipients of my future professional glories.

For their patience, and hard work, my typist Ms. Jacqui Jackson, and editor Miss Gwen Johnson, no doubt earned my deepest appreciation. Above all, I owe a lot to my wife, Chinyelu, whose support, as the task wound to a successful conclusion, is immeasurable.

This project is dedicated to the memory of my parents, Chief Benson and Mrs. Mabel Nwobu, who did not live to see the promise I made to them before leaving Nigeria finally fulfilled.
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LIST OF ABBREVIATIONS

AID Agency of International Development
ALC African Liberation Committee
ANC African National Congress
ARMSCOR Armaments Development and Production Corporation
AZAPO Azanian People's Organization
BCP Black Community Programmes
BLS Botswana, Lesotho, Swaziland
BPC Black People's Convention
CUSA Council of Unions of South Africa
ECA Economic Commission for Africa
EEC European Economic Community
ESCOM Electricity Supply Commission
FNLA National Front for the Liberation of Angola
FOSATU Federation of South African Trade Unions
FRELIMO Front for the Liberation of Mozambique
ISCOR South African Iron and Steel Industrial Corporation
MPLA Popular Movement for the Liberation of Angola
NSSM 39 National Security Study of Memorandum 39
OAU Organization of African Unity
OECD Organization for Economic Cooperation and Development
OPEC Organization of Petroleum Exporting Countries
PAC Pan African Congress
PFP Progressive Federal Party
SACU Southern African Customs Union
SADCC Southern African Development Coordination Conference
SADF South African Defense Force
SAP Southern African Police
SASM South African Students' Movement
SASO South African Students' Organization
SASOL South African Coal, Oil and Gas Corporation
SOEKOR Southern Oil Exploration Corporation
SWAPO South-West African People's Organization
TUCSA Trade Union Council of South Africa
UNITA National Union for the Total Independence of Angola
ZANU Zimbabwe African National Union
ZAPU Zimbabwe African People's Union
CHAPTER ONE

INTRODUCTION

Events have demonstrated that foreign policy initiatives, particularly long-term initiatives, cannot succeed without public support. Due to the fact that members of Congress represent local constituencies, they often tend to be more sensitive to the undercurrents and shifts in public opinions as was the case with American policy toward South Africa during the period 1980-1995. If all politics, as some political scientists have argued, are local, Congress could thus be referred to as an early warning system cautioning that contemplated or on-going executive actions may lack popular backing of the American people. President Reagan's policy of constructive engagement with apartheid South Africa was an example of an unpopular policy. In order to fully and adequately explore the role that the Congress and other actors played in South Africa's transition from apartheid to democracy, it is imperative that the study is preceded with brief background information regarding the problem under investigation. The core study of South Africa's transition will be dealt with in subsequent chapters.

South Africa is a country with an abundance of natural resources including fertile farmland and unique mineral resources. South African mines are world-leading
producers of diamonds and gold, as well as strategic metals such as platinum. The climate, according to observers, is mild and resembles San Francisco Bay area weather more than anywhere in the world. The English and Dutch colonized South Africa in the Seventeenth Century. The English domination of the Dutch descendants, known as the Boers or Afrikaners, resulted in the establishment of new colonies of Orange Free States and Transvaal. After 1870, the rate of change in many parts of Southern Africa accelerated dramatically under the impact of both external and internal forces.

The peak of British imperialism coincided with the identification and exploitation of prolific deposits of diamonds and gold in the Southern African interior, thereby sparking the Boer Wars. As Leonard Thompson noted, following the independence from England on May 31, 1910, an uneasy power sharing arrangement between the two groups continued into the 1940s, when the Afrikaner National Party was able to get a strong majority in the government. After that, the political architects and strategists in the National Party invented “apartheid” as a means of cementing their control over the economic and social systems of the country. Initially, the aim was to maintain a stronghold on white economic and political domination, while entrenching racial separation in the social psyche of the nation.

With the enactment of apartheid laws, in 1948, racial discrimination was formally institutionalized. Race laws, no doubt, touched every aspect of South African social life. In 1950, the Population Registration Act required that all South Africans be racially

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classified into one of three categories: Black (African), White, or Coloured (of mixed descent). As Table 1 shows, South Africa’s population, in 1960, was 16 million. Of these, there were 10.9 million Africans (68.3%), 3.1 million Whites (19.3%), 1.5 million coloured (9.4%), 0.5 million Indians (3%), and 0.4 million Asians (3%).

Table 1. Total Population and Percentage by Race as Designated in Census

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Population (Millions)</th>
<th>White</th>
<th>Coloured</th>
<th>Asian</th>
<th>African</th>
</tr>
</thead>
<tbody>
<tr>
<td>1904</td>
<td>5,174,827</td>
<td>21.6</td>
<td>8.6</td>
<td>2.4</td>
<td>67.4</td>
</tr>
<tr>
<td>1911</td>
<td>5,972,757</td>
<td>21.4</td>
<td>8.8</td>
<td>2.5</td>
<td>67.7</td>
</tr>
<tr>
<td>1921</td>
<td>6,927,403</td>
<td>21.9</td>
<td>7.9</td>
<td>2.4</td>
<td>67.8</td>
</tr>
<tr>
<td>1936</td>
<td>9,587,863</td>
<td>20.9</td>
<td>8.0</td>
<td>2.3</td>
<td>68.8</td>
</tr>
<tr>
<td>1946</td>
<td>11,415,925</td>
<td>20.8</td>
<td>8.1</td>
<td>2.5</td>
<td>68.6</td>
</tr>
<tr>
<td>1951</td>
<td>12,671,452</td>
<td>20.9</td>
<td>8.7</td>
<td>2.9</td>
<td>67.5</td>
</tr>
<tr>
<td>1960</td>
<td>16,002,797</td>
<td>19.3</td>
<td>9.4</td>
<td>3.0</td>
<td>68.3</td>
</tr>
<tr>
<td>1970</td>
<td>21,794,328</td>
<td>17.3</td>
<td>9.4</td>
<td>2.9</td>
<td>70.4</td>
</tr>
<tr>
<td>1980</td>
<td>28,979,035</td>
<td>15.7</td>
<td>9.1</td>
<td>2.8</td>
<td>72.4</td>
</tr>
<tr>
<td>1991</td>
<td>38,268,720</td>
<td>13.2</td>
<td>8.6</td>
<td>2.6</td>
<td>75.6</td>
</tr>
<tr>
<td>1996</td>
<td>40,583,573</td>
<td>10.9</td>
<td>8.9</td>
<td>2.6</td>
<td>76.7%</td>
</tr>
</tbody>
</table>


The Department of Home Affairs handled the classification of South Africans into different racial groups, and non-compliance with the race laws resulted in severe consequences. All black South Africans were required to carry “passbooks” containing fingerprints, photo identification and information on access to non-designated black
areas. In 1951, the Bantu Authorities Act was established as a basis for ethnic
government in the African geographical reserves known as “Homelands” or
“Bantustans”. All political rights, including voting, held by Africans were restricted to
their homelands. The whole idea of the apartheid government was that the citizens of the
homelands would lose their South African citizenship, and any other rights of
involvement with the South African parliament, which held complete hegemony over the
homelands from 1976 to 1981. Four of these homelands were created, thereby
denationalizing millions of South Africans involuntarily. As of 1980, the population of
South Africa was 28.7 million, and of these there were 20.8 million Africans (72%), 4.5
million whites (16%) and 2.6 million colored’s (9%). (See table 1.) The Public Safety
Act and the Criminal Law Amendment Act were both passed in 1953, and they
empowered the apartheid government to declare a stringent state of emergency, and
increased penalties for protesting against the draconian laws. The penalties included
fines, imprisonment and whippings. The climax of brutality came in 1960, when a large
group of black South Africans in Sharpeville refused to carry their passes, and the
government declared a state of emergency. The emergency lasted for about 136 days,
leaving about 69 people dead, and 187 people wounded. During the state of emergency,
which continued until 1989, anyone could be detained for up to six months without a
judicial hearing.

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3 Apartheid the Facts (published by International Defense and Aid Fund for Southern Africa, in

4 Ibid.

Hundreds of individuals died in custody, frequently after gruesome acts of torture by the South African authorities. Those who were tried were either sentenced to death, banished or imprisoned for life, as in the case of Nelson Mandela and other freedom fighters.\(^6\)

While all these atrocities were going on in South Africa, United States policy toward "the country" was cautiously inconsistent. By 1978, Randall Robinson, the Executive Director of TransAfrica, angered by the relative passivity of the United States over South African apartheid, built a coalition of clergy, students, trade unionists, civil rights leaders, and some members of the United States Congress, especially members of Congressional Black Caucus, started anti-apartheid protests which eventually gained a powerful momentum. As Robinson would later exult, "Black and white, young and old, from sea to shining sea, together with now regular television reports of the struggle with South Africa, the campaign built momentum in states and local communities, as well as in the Congress for sanctions."\(^7\)

Under enormous pressure from the American public, coupled with actions by African countries, especially Nigeria, as well as the United Nations, and the European Economic Community (E.U.), the United States Congress finally passed the Comprehensive Anti-Apartheid Act of 1986 (PL 99-440) over President Ronald Reagan's veto. William de Klerk summarized the effect of sanctions unequivocally by saying that, "once the taps of international capital investment and loans had been turned off, apartheid

\(^6\) Ibid.

began to stare the specter of bankruptcy in the face."\(^8\) The importance of the Congressional Act and other legislations on South Africa cannot be over-emphasized because it sent a very strong message to the apartheid government that it had little or no support from the American people. Congress also could be credited for a major modification or change of American policy toward South Africa.

**STATEMENT OF THE PROBLEM**

During the last few decades, the American people have grappled frequently and intensely with the question of legislative versus executive powers over foreign affairs. The aftermath of a disastrous and divisive war like Vietnam triggered a sort of reassessment of the so-called executive supremacy doctrine that was arrogated by the executive branch throughout the previous decades. According to a renowned constitutional scholar, Edward Corwin: "Indeed a measure of tension is built into the structure of the constitution itself, the shared powers and overlapping responsibilities, of legislative and executive branches created another invitation to struggle over foreign policy."\(^9\)

The study focused on the examination and analysis of the transition of South Africa from an apartheid regime to a genuine democracy and the role the United States Congress played in the historical transition. The study concentrated on, but was not limited to, 1980-1995. Consequently, a number of research questions appropriate to the study are raised here: Who were the pivotal actors in the South African transition from


apartheid to democracy, and what critical roles did they play? What are the critical factors responsible for the United States involvement in South Africa? What role did the United States Congress play to promote genuine democracy in South Africa? What efforts and factors led to a reshaping or modification of American policy toward South Africa? Did these reshaping or modifications of American policy affect the transition of South Africa from apartheid to democracy?

The importance of these questions cannot be minimized because of continued struggles and debates over issues such as the roles of the executive and legislative branches in the United States foreign affairs, and what the national interest of the United States should be. At the same time, the constitution, as most political observers think, did not categorically spell out the specific boundaries of the power that each branch should exercise. This has resulted in intermittent conflict between the President and the Congress over foreign affairs. As history has shown, at various times, one branch dominated the other, depending on circumstances at the time.

As former Secretary of State, Dean Acheson put it, "It was Truman's passionately held conviction that the President's position on foreign affairs is supreme." On the other hand, Republican Congressman Joe Martin, in his maiden address as Speaker of the House of Representatives, said that, "Our American concept of government rests upon the idea of a dominant Congress."

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Furthermore, in an expressed opinion in 1994, President Bill Clinton said, "To me, bipartisan foreign policy means mutual efforts to unite our official voice at the water's edge so that America speaks with maximum authority against those who would divide and conquer us and the free world."\(^{12}\) On the other hand, Lee Hamilton, a former Chairman of the House Foreign Affairs Committee, stated that, "the preferred stance is to let the President make the decisions, and if it goes well, praise him, and if it does not, criticize him, therefore the President proposes, and the Congress disposes."\(^{13}\)

As the debate on the roles of the executive and legislative branches continued, many other political scientists such as Arthur Schlesinger were worried about the expansion of the presidential powers and the emergence of what he termed "the imperial presidency," especially in the area of foreign and military affairs.\(^{14}\) Schlesinger also contended that the presidency had exceeded constitutional boundaries, and usurped congressional powers in the conduct of United States foreign affairs. Louis Koenig also noted that the growth of the Presidency was accompanied by "excessive reverence for the personality of the President," a phenomenon he called, "The Sun King Complex".\(^{15}\)

Despite all the concern about the executive power surge in American foreign affairs, according to Cumming and Wise, in the late 1960s, and early 1970s, and also as a result of the increasing unpopularity of the Vietnam War, the Congress began to restore


\(^{13}\) Ibid


some of the war powers to the legislative branch. The successful passing of the War Powers Resolution in 1973 despite the threat of President Richard Nixon’s veto, without doubt, culminated this effort of power shift.

Interestingly, though, former Secretary of State William Rogers in the Nixon Administration, disagreed with Schlesinger and Koenig’s argument, and lamented in 1979 that, “Foreign policy has become almost synonymous with law making, and as a result, the Congress placed a strait jacket of legislation around the manifold complexity of our relations with other nations.” Even President Ronald Reagan echoed that same sentiment in 1985 complaining that, “We have got to get to the point where we can run a foreign policy without a committee of 535 telling us what we can do.” In any case, the eventual successful reassertion of congressional authority over American foreign affairs led the columnist Joseph Kraft to conclude that Arthur Schlesinger’s Imperial Presidency had by the 1980s become the “Post Imperial Presidency”.

Despite the fact that Congress tends to be weak in the conduct of American foreign affairs, this case study shows that the Congress has the power, authority and the capacity to influence, and participate fully in the conduct of United States foreign affairs, with South African relations as the foundation for our argument. It can be understood however, that while the Congressional role over the years has been inconsistent, from

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17 Kegley and Wittkopf, p.421

18 Ibid; Note: With regard to Regan’s complaint, we all know that congressional hands off of Regan’s foreign policy resulted in the Iran-Contra debate.

passive to active at times, but that does not necessarily mean that Congress does not have the will and power to fully participate in the foreign affairs, if and when necessary.

Taking into consideration these questions raised, this study explores the transition of South Africa from apartheid to democracy, and the vital roles the United States Congress played to augment the liberation struggle. The analysis demonstrates that, contrary to widespread opinion of those hostile to a strong Congressional role, with the assumption of congressional impotence in the conduct of American foreign policy, the Congress actually has sufficient authority, if nothing else, to effectively compete with the Executive Branch in the conduct of the United States foreign affairs.

OBJECTIVE OF THE STUDY

The primary purpose of the study is to examine and evaluate the United States foreign policy towards South Africa. More specifically, the study:

1. Explores South African transition from apartheid to genuine democracy;
2. Analyzes the role the United States Congress played in the transition, and its authority to play that role;
3. Identifies other actors and their vital roles in the South African liberation; and
4. Identifies the political and economic consequences of congressional actions.

Finally, the study assesses major congressional acts and resolutions passed during the period under study; particularly the Comprehensive Anti-Apartheid Act of 1986, passed over President Reagan's veto, to determine the effectiveness of congressional participation in the American foreign policy toward South Africa, and its transition from apartheid government to a genuine democratically elected government.
SIGNIFICANCE OF THE STUDY

There is no doubt that the developments in South Africa have generated a tremendous amount of interest for scholars in this academic discipline of Political Science, especially the period between 1980 and 1995. At the same time, there has been very little systematic study of other actors like Nigeria, and Congressional participation in American and South African foreign relations.

In fact, most of the studies examining the United States and South African relations mostly covered the actions and decisions of the Executive Branch, from one administration to the other, focusing, for example, on the Reagan administration’s foreign policy toward South Africa, while neglecting congressional contributions and initiatives. Even though observers like Henry Kissinger would like to believe that the Congress has no role in American foreign affairs, the author strongly believes that in the case of South Africa’s transition from apartheid to democracy, the United States Congress played a major historic role, and that a detailed analysis of the congressional participation is necessary and long overdue. It can be argued that the Comprehensive Anti-Apartheid Act of 1986 passed by the Congress put the final nail on the coffin of apartheid in South Africa.

The study is also very significant because both countries share mutual interests and historical commonalities. When Senator Robert F. Kennedy visited South Africa in 1966 and addressed hundreds of white students of the University of Cape Town, he stated:

I came here today because of my deep interest in, and affection, for a land settled by the Dutch in the seventeenth century; a land taken over by the British, and at last, independent, a land in which the native inhabitants were at first subdued, and
the relations with whom are a problem to this day; a land which defined itself on a hostile frontier; a land which was once an importer of slaves and now struggles to wipe out the last traces of that form of bondage; I refer, of course, to the United States of America.  

Kennedy’s statement could easily be applied to South Africa, and that shows the unique intersection and commonality between the histories of South Africa and the United States of America.

It cannot also be forgotten that the United States played, and will continue to play, a very crucial and concrete role in the political and economic advancement of South Africa. It is also a given that the United States, the richest, and the most powerful nation in the world today, can enhance or hinder international diplomatic initiatives when it flexes its superpower “muscle”. Therefore, any shift in any American policy, such as from the “constructive engagement”, to comprehensive sanctions; either greater support for the apartheid government, or greater support for the opposition groups such as the African National Congress, definitely had a dramatic effect on local, regional, and international politics, and therefore, without a doubt, demands significant scholarly attention.

THEORETICAL FRAMEWORK

This study of South Africa’s transition from apartheid to democracy and Congressional participation is approached from the concept of “National and/or Vital National Interest”, as has been advanced by Hans Morgenthau, George Kennan, William Olsen, Henry Kissinger, Joseph Nye, Jr., and others. Here, we are interested in how the

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20 Robert K. Massie, p. XI.
concept of National Interest manifested itself in American foreign policy toward South Africa, and the transition of South Africa from apartheid to democracy, in particular.

In general terms, National Interest is used as a sort of foreign policy version of the term public interest, indicating what is best for the nation in its relation with other states. "The use of the term emphasized not merely the threat to a nation from international "anarchy", but also the external constraints on the freedom of maneuver of the state from treaties, the interests and power of other states, and other factors beyond the control of the nation, such as geographical location and dependence on foreign trade."21

National Interest, as Morgenthau would emphasize, is not a categorical term. He posits that, "The kind of interest determining political action in a particular period depends upon the political and cultural context within which foreign policy is formulated; the goals that can be pursued by nations in their foreign policy can run the whole gamut of objectives any nation has ever pursued or might possibly pursue."22 Morgenthau also sees the "survival of a political unit in its identity as the irreducible minimum of stakes vis-à-vis other units."23

As James Dougherty also rightly observed, "National Interest contains a residual meaning which is inherent in the concept itself, but beyond these minimum requirements, its content can run the gamut of meanings which are compatible with it; thus, foreign


policy of nations must refer to their survival as their minimum requirements.”\(^{24}\) In view of Morgenthau’s and Dougherty’s conclusions, we can posit that National Interest is not actually a definite or categorical concept, but can mean what the political leaders, at any particular time or context, define it to be for their useful purpose. It cannot be forgotten rightly or wrongly, that American involvement in Vietnam to contain communism; involvement in South Africa to maintain the flow of scarce minerals, and the invasion of Iraq to protect America from terrorism, were all done in the name of American Vital National Interest.

Similar to Machiavelli politics, who is regarded in some circles as the grandfather of political realism and National Interest, George Kennan stated that, “The interests of the national society which the government has to concern itself with, are basically those of its military security, and the integrity of its political life, and the well-being of its people; these needs have no moral qualification.”\(^{25}\) It can also be deduced from the foregoing discussion that moralism in some cases invariably did not initially guide the United States policy toward South Africa, but Vital National Interest.

In an interview with Walter Cronkite, in March 1981, President Ronald Reagan portrayed apartheid government of South Africa as an historic friend, asking “Can we abandon a country that has stood by us in every war we ever fought, a country that strategically is essential to the free world in its production of minerals we all must have,


\(^{25}\) George Kennan, Morality and Foreign Policy in Foreign Affairs, Volume 64, Number 2, 1985, p.206
and so forth?" President Reagan no doubt made the National Interest perspective easily defensible by crafting his administration’s major foreign policy objectives in Africa in such a way that the aggressive opposition to communism, and the protection of America’s Strategic Vital Interests in the region served as the centerpiece of the policy.

Joseph Nye, Jr., on the other hand, has a different perspective on National Interest which is more in tune with the modified version of American policy toward South Africa during its transition. Nye stated that, “In a democracy, the National Interest is simply what citizens, after proper deliberation, say it is. It is broader than vital strategic interests, though they are a crucial part. It can include values such as human rights and democracy, particularly if the American public feels that those values are so important to our identity, or sense of who we are, that people are willing to pay a price to promote them.” Nye expanded his view on National Interest by advocating that, “Global interests can be incorporated into a broad and farsighted concept of National Interest.” This argument was based on the idea that, after all, terrorism is a threat to all societies; and that international trade benefits the United States as well as other nations; and that global warming will raise sea levels along all coastlines including American; infectious diseases can arrive anywhere by ship or plane; and finally, financial instability can hurt the whole world economy. As a result of all the concrete interests, Americans should want global values incorporated into American National Interest, and not a myopic


28 Ibid. p.38.
interpretation of National Interest. Kevin Danaher also believed that a more democratic policy required a broader definition of American interests in South Africa. He concluded that, "historically, the interests protected by United States policy have been private (class) interests, not the public (national) interest. Defining the [national] interest mainly in terms of protecting trade and investment severely limits American policy alternatives and places us on the side of a repressive minority. The class-based definition of United States interests also unites policy to a short time horizon."²⁹

Therefore, the author's operational definition of national interest should include not only national and economic security, but also can include such values as human rights and democracy, genocide, terrorism, infectious diseases such as HIV/AIDS, and global financial instability. The expansion of the national interest is imperative due to globalization, because diseases can arrive from anywhere by ship or plane, and also financial instability can destabilize the whole world economy. This expanded view of national interest was applied by Congress in making its South African policy.

RESEARCH METHOD AND DATA SOURCE

A number of methodological approaches exist in the analysis of foreign affairs. This research utilizes evaluative, exploratory, descriptive, and analytical methods. The case study approach is used to systematically analyze the South African transition from apartheid to genuine democracy and the involvement of the United States Congress and other important actors in that historic period of 1980 to 1995.

This research approach is primarily qualitative, although some quantitative analysis is incorporated where appropriate. The qualitative method is chosen because of complexities involved in the relationship between nations, and application of quantitative data, where necessary, is not precluded; therefore, some charts, figures, and statistics are needed in this study to help the author effectively answer some questions, such as: Why did the United States get involved in South Africa; or what are the effects of the comprehensive sanctions? Figures are also used to interpret most Congressional voting behavior with regard to South Africa, and the racial makeup of some constituencies.

The study relies heavily on both primary and secondary sources. The primary information was assembled by reviewing Congressional records which includes committee hearings, speeches, and reports of congressional delegations, expert testimonies, and voting analysis dealing with actions on South Africa from 1980 to 1995. Other primary sources include the census figures for the analysis of the racial makeup of some congressional districts. In addition, other pieces of information for this case study were gathered from secondary sources, consisting of nationally and internationally published works that provided relevant insight on the subject.

Finally, it is well-known that a study which relies somewhat on analyzing the information and data that depend so heavily on the scholarly observation of others, and their assumption, definitions, and personal logic, or lack thereof, may contain possible biases. It, therefore, became very imperative to apply all possible precautionary measures to filter out most of the biased opinions that may be contained in the materials.
LIMITATION OF STUDY

Obviously, in any given study of this nature, some difficulties may present themselves in a manner that makes for an uneasy analysis. With this framework, some problems came to impinge upon the effort as the exercise unfolded. One such problem was the seemingly inexhaustible amount of information dealing with United States foreign relations with South Africa; but the information mostly focused on the Executive Branch, while the focus on Congressional participation was severely limited; and second, the lack of materials dealing with individual African nations who participated in the liberation of South Africa.

LITERATURE REVIEW AND BIBLIOGRAPHICAL ESSAY

It is evident that the application of the criteria on this study, calls for a comparative overview of some existing literature on the author's subject. This overview covering the literature dealing with South Africa's transition from apartheid to democracy, with specific congressional roles in American policy toward South Africa from 1980 to 1995, extends to the United States and African relations, or Southern African relations in general. This comparative approach, no doubt, facilitates this study.

An overall review of the literature dealing with South African transition and Congressional participation in American foreign affairs shows obvious differences in approaches, method and scope. For the author's purpose, only a handful of those works are quite relevant, but they should be seen as representative of what political scholars and observers are reading and writing about the relations between the United States and South Africa.
It also can be observed that most available literature that deals with South Africa exists as part of a much larger body of literature on Southern Africa, and the African continent in general, and the literature often takes the form of sections of a book, or book chapters. Another important fact worth mentioning while reviewing these materials is that, there has been an avalanche of written materials on successive administrations and their foreign policies; but very rare mention of the Congressional roles or participation in those policies.

Even though the majority of the materials come from reviewing and analyzing Congressional and other government documents, it was also important that the author looked at other sources to answer the question of the Congressional role in the South African transition from apartheid to democracy, and executive-legislative relationship in the conduct of American foreign affairs.

The shared powers and overlapping responsibilities of legislative and executive branches created what a renowned constitutional scholar, Edward S. Corwin, termed, "an invitation to struggle" over the United States foreign affairs. 30

Despite Corwin's view, Dean Acheson took a sweeping view in Present at the Creation: My Years at the State Department, that in areas of foreign affairs the President's position is supreme. At the same time, Deshler, Gelb and Lake, in Our Own Worst Enemy: The Unmasking of American Foreign Policy, shared the same view of

30 Edward S. Corwin, p.201.
congressional impotence in foreign affairs, by stating that members have little capacity or
taste for making responsible decisions and accepting their consequence.¹³¹

Another insightful work on executive-legislative foreign affairs powers was done
by Joseph L. Nogee and John Spanier in Congress, the Presidency and American Foreign
Policy. They made the case for presidential dominance by stating that, “national security
necessitates a foreign policy that is adaptable and capable of rapid, and if necessary,
strong action in order to operate in an anarchic international environment; and secondly,
Congressional inability to develop a coherent and flexible foreign policy.”³² Nogee and
Spanier actually made an attractive argument, but evidence and history are not on their
side because the majority of the decisions made on foreign affairs are not made with
rapidity, and studies have shown that the Congress has as many experts on foreign affairs
as the executive branch.

Supporting the argument in favor of the executive is James Lindsey, who
contended that the balance of power between the two branches of government in foreign
affairs favors the President because the President has greater formal and informal powers
in foreign policy, and that the Supreme Court in most cases has deferred to the executive
branch.³³ What Lindsey failed to explain is that the United States Constitution did not
grant any informal powers to the President, but were arrogated by the President over a

¹³¹ M. D. Deshler, Leslie H. Gelb, and Anthony Lake, Our Own Worst Enemy: The Unmasking of

³² Joseph Nogee and John Spanier, Congress, The Presidency and American Foreign Policy, (New

³³ James M. Lindsey, Congress and The Politics of U. S. Foreign Policy, (Baltimore, Johns Hopkins
long period of congressional timidity in foreign affairs that the so called informal powers eventually became precedence.

Concurring with Lindsey is Susan Webb Hammond, who in *The President, the Congress and Foreign Policy*, argued that the presidency and the executive branch as a whole remain the dominant forces in Congress’ foreign policy environment, setting most of its agenda, proposing specific budgetary and programmatic legislation, and serving as a major source of information, influence and pressure.34

John Lehman’s blanket indictment of the Congress in *Making War* concluded:

The deficiencies of Congress are so obvious as to need little repetition, yet its characteristic interests, diffuse authority, paucity of resources, thinness of expertise, lack of hard data available to the executive, plodding and work-delay procedures, freedom from secrecy, lack of continuity, and above all, localism and parochialism are also bases of its power.35

Others who support the Congressional authority of foreign affairs are Cecil V. Crabb, Jr., and Pat M. Holt, in *Invitation to Struggle: Congress, the President and Foreign Policy*. They argued:

Whatever were the precise intentions of the Founding Fathers regarding the role of Congress in foreign affairs, they gave the legislative branch important constitutional prerogatives in the foreign policy field. Also, of the eighteen powers given to Congress in Article 1, Section 8, of the United States Constitution, seven of those powers affect foreign affairs directly, and Congress also has four more constitutional prerogatives that are pre-eminent.36


Kegley and Wittkopf in *American Foreign Policy*, support the above argument and posit, “The Constitution gives Congress farther reaching foreign policy powers than it gives the President and the authority of the Congress over treaties, war, and money, in particular, placed it in a commanding position, enabling it to set overall policy much like a Board of Directors does in a private enterprise.”37 Arthur M. Schlesinger in, *The Imperial Presidency*, also suggested that, “the Constitution, after all, gave Congress the power to provide for common defense, to raise and support armies, and to make rules for the government and regulation of the Land and Naval Force; that the President could not act until the Congress acted, and that its legislation would supercede an otherwise valid order of the President.”38 This, therefore, shows that the so-called expansive power of the President in foreign affairs comes mostly when delegated by the Congress, or the abdication of its constitutional responsibilities.

Another important perceptive on congressional powers came from Lee Hamilton in *How the Congress Works, and Why You Should Care*. He stated that it is worth remembering that in terms of foreign policy powers specifically enumerated in the Constitution, the Congress was granted more than the President; even though the President may be commander-in-chief, Hamilton continued, the constitution gave Congress the power to declare war, make the nation’s laws, and pay for whatever policies the President pursues.39

37 Kegley and Wittkopf, p. 439.
38 Schlesinger; p. 309.
Dismissing the notion of implied constitutional powers which purportedly made the President supreme in foreign affairs, Robert Goldwin and Robert Licht contended in *Foreign Policy and the Constitution* that “As Madison would repeatedly argue, the expansive notion of executive powers would probably have doomed the constitution to rejection had they been advanced in 1787-1788, and were for that reason, illegitimate and incorrect.”40 Paul E. Peterson seconded this line of thought in *The President, the Congress, and the Making of Foreign Policy*, stating that, “there is nothing in the United States constitutional framework that encourages executive dominance of the foreign policing making systems.”41

Answering most critics like Lehman, Lake and Kissinger, on the lack of congressional expertise to conduct foreign policy, Thomas Franck and Edward Weisband dismissed that notion by noting that eighty percent of the congressional staff are college graduates, and about half have graduate degrees. They stated that “the Foreign Affairs Committee” have highly specialized graduates with PhDs, MAs and JDs, and more than forty percent previously held positions in the executive branch.”42

It is absolutely clear that the perceived roles and the resulting lack of clarity in the separation of powers set forth in the American Constitution, as well as subsequent events of 200 years, have led to a commanding clash between the Congress and the Executive.

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In the case of Africa, this was no less true. In an effort to underline that assertion of American foreign policy toward Africa, Henry F. Jackson asserted:

The United States isolated itself in its own ideological vacuum in approaching African states primarily from the standpoint of cold war ideology. American insistence on cold war objectives in opposition to African priorities of national economic development produced needless friction with African states. Because it confined American policy makers to myopic political options in their relations with developing nations, the cold war fixations often motivated the chieftains of American foreign policy to decide, or at least to attempt to decide, the ideological order of the nations which are fundamentally concerned with trade and modernization.43

Another illuminating analysis of United States policy toward South Africa was completed by Robert M. Price in “U.S. Policy Toward Southern Africa: Interests, Choices, and Constraints” in International Politics in Southern Africa. Price stated:

As an arena for United States foreign policy, Southern Africa has represented an area about which there is neither consensus on the nature, or extent of United States interests, nor on the general guidelines that ought to shape the relationship of the United States toward the region. Consequently, between 1960 and the election of Ronald Reagan, the United States adopted no less than four distinct policy postures in respect to Southern Africa: besotted, “benign” neglect, containment-confrontation, containment-crisis management, and accommodation.44

Price finally concluded that the “interaction of increased salience of access to minerals, the collapse of the old political order in Southern Africa, and the direct involvement of Cuba and the Soviet Union in Angola drew Southern Africa into the

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vortex of international tension and propelled it to a top position on the U.S. foreign policy agenda."\(^{45}\)

In *Where Do We Go from Here: Chaos or Community?*, Martin Luther King, Jr. summarized his opinions on South African problems stating the following:

The tragedy of South Africa is not simply its own policy; it is the fact that the racist government of South Africa is virtually made possible by the economic policies of the United States and Great Britain, two countries which profess to be the moral bastions of our western world.\(^{46}\)

Kevin Dancher, *In Whose Interest? A Guide to U.S. South African Relations*, argued that a more democratic policy requires a broader definition of United States' national interest in South Africa. Historically, the interests protected by U.S. policy have been private (class) interests, not the public (national) interest. Defining "national" interest mainly in terms of protecting trade and investment severely limits U.S. Policy alternatives and places the U.S. on the side of a repressive minority. The class-based definition of U.S. interest also limits policy to a short-term horizon. He posited that dominated by the logic of the profit motives the official U.S. viewpoint emphasized current and short term stability of the regime. Instead, the U.S. should be preparing for a certain future of a majority rule South Africa.\(^{47}\)

Another interesting study by Robert Kinloch Massie in *Losing the Bonds, the United States and South Africa in the Apartheid Years*, concluded that the South African narrative shows that one does not need to be famous or powerful, or wealthy to

\(^{45}\) Ibid.


participate in a historic transformation. Though it took a long time to emerge, the sequence of steps through which average Americans contributed to South Africa’s shift to freedom is now clear and incontrovertible. It was an unlikely chain reaction to be sure, in which thousands of small acts of commitment and protests, from demonstrations to letter writing k to voting shares of stock, and many of them derided at the time as inconsequential, steadily accumulated into a force that altered history and brought forth justice to South Africans.48

Finally, hundreds of other books and articles have been published on United States policy toward South Africa, with Congressional participation. The controversy over Congressional powers in the United States foreign affairs will continue, in most cases, depending on whose side the observer is on. Considering most of the selections of the titles listed here and in the bibliography, including the Congressional documents, and the United Nations documents, one may conclude that there is still a lot of work to be done particularly with regard to Congressional authority on foreign affairs, and its participation in South Africa’s transition from apartheid to democracy. One can also argue that most of the literature reviewed concluded that the Congress influences military and economic power, and as a result, has substantial constitutionally mandated powers to influence American foreign policy, especially with regard to apartheid South Africa.

ORGANIZATIONAL OUTLINE

The case study is divided into six chapters. Chapter One gives the general overview of the issue under study. The introductory chapter embodies the greater portion of the research design including statement of the problem, objectives of the study, the

48 Robert Kinloch Massie, p. 695.
significance of the study, research methodology and data collection; literature review, bibliographical essay and the organization of the study.

Chapter Two is a brief chronological and historical review of the South African transition from apartheid to democracy (1948-1994). It also contains a brief note on the United States and South African relations.

Chapter Three discusses both the external and internal actors that played active roles in the transition of South Africa from apartheid to democracy. The analysis will show that actors like the United Nations, Great Britain, African National Congress (ANC), Organization African Unity (OAU), and Nigeria, in particular, played significant roles in the liberation of South Africa. This chapter also describes the efforts of the American public, Civil Rights organizations, Congressional Black Caucus, and the Divestment Campaign to force the change of American policy through protests and divestments.

Chapter Four discusses important congressional actions and reactions that contributed to the transition of South Africa (Comprehensive Anti-Apartheid Act of 1986).

Chapter Five examines the consequences and results of American policy toward South Africa, in the context of South African transition from apartheid to democracy. This chapter also discusses the pros and cons of sanctions and the results.

Chapter Six summarizes the findings, draws conclusions from these discussions, and offers some possible recommendations.
CHAPTER TWO

TRANSITION OF SOUTH AFRICA: A HISTORICAL AND CHRONOLOGICAL REVIEW OF SOUTH AFRICAN TRANSITION (1948-1994)

Apartheid Years (1948-1978)

It is important to note that South African history had shown how effectively a distorted but legalized distribution of power can bring about a warped social system when backed by strong-willed security forces; and how the moral authority of a determined opposition, even outside the legalized structures, can challenge that power, if it can operate from a secure base and receive support from outside.

Apartheid in Afrikaans means “apart-ness” or “separateness,” it refers to the systems of racial discrimination and white political domination.\(^1\) Another interpretation states that apartheid was both a creed and a set of policies and was backed by Biblical references to the division of peoples, and the belief that God’s hand was behind it. “It was God, proclaimed by the Dutch Reformed Church, who had shaped the nations and ordained the existence of races and nations as separate units. It was, therefore, imperative that these creatures be recognized for the sake of natural development through which they could fulfill themselves.”\(^2\)

\(^1\) Roger Beck, p. 125.

The process of institutionalization of apartheid in South Africa started on May 26, 1948, when the white South Africans went to the polls. The National Party, which ran under the apartheid slogan, was the majority; combined with the Afrikaner Party, it formed a government headed by Dr. D. F. Malan. The National Party, dominated by Afrikaners, consolidated its power and systematically eliminated every vestige of black participation in the central political systems of South Africa with Malan as the Prime Minister. ³

The Prohibition of Mixed Marriages Act, which was the first major piece of the new apartheid legislation, was passed in 1949. In reaction, this was followed by the adoption of the Programme of Action by African National Congress (ANC), an organization dedicated to fight apartheid, with Dr. James Moroka as the President-General, and Walter M. Sisulu as Secretary-General. Their Programme of Action called for the pursuit of political rights through the use of boycotts, strikes, civil disobedience, and non-cooperation. It also called for a national day of work stoppage in protest against the racist and reactionary policies of the South African government. ⁴

Major apartheid legislation were passed in 1950, including: the Group Areas Act, which segregated communities and relegated the black population to a racially zoned area; the Population Registration Act, which required the classification of all South Africans by race; and the Suppression of Communism Act, which gave the government vast powers over people and organizations.

³Leonard Thompson, p. 187.

Poll Laws were enacted, in 1952, which registered blacks to carry passbooks so that the government could regulate their travel throughout the country. This led to a Joint Defiance Campaign by African National Congress (ANC), and South African Indian Congress (SAIC), with the government responding with arrests and banning of the leaders of opposition groups. Additional significant apartheid legislations were passed, in 1953, which included the Bantu Education Act, which gave the government control over African education; the Criminal Law Amendment Act, and the Public Safety Act.

In 1955, a watershed year in the history of Apartheid, Africans were removed from Sophiatown (Johannesburg), and the ANC led a boycott of Bantu educational policies. On June 26, the African National Congress and other opposition groups adopted the Freedom Charter, which became a great beacon for the liberation struggle. As Nelson Mandela noted:

The Freedom Charter is like other enduring political documents, such as the American Declaration of Independence, the French Declaration of the Rights of Man, and the Communist Manifesto, a mixture of practical goals and poetic language. It extols the abolition of racial discrimination and the achievement of equal rights of all. It welcomes all who embrace freedom to participate in making of a democratic, nonracial South Africa. It captured the hopes and dreams of the people and acted as a blueprint for the liberation struggle and the future of the nation.5

In 1956, the apartheid government required the African women to carry passes and successfully removed colored voters from the common voter rolls. The same year, about 156 members of the Congress Alliance were arrested and charged with treason, including Nelson Mandela, Oliver Tambo, and Albert Luthuli, but the final charges were dismissed on March 29, 1961, because the court ruled that the prosecution failed to prove that the

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ANC was a communist organization, or that the Freedom Charter envisioned a communist state.\textsuperscript{6}

In 1960, another further conflict ensued: the Sharpeville massacre where the South African police killed about 69 unarmed protesters further intensifying the struggle for the liberation of South Africa. At the same time the Unlawful Organizations Act was passed which resulted in the banning of the ANC and the Pan African Congress (PAC). Oliver Tambo then departed South Africa to head ANC’s organization in exile, which led to the adoption of armed struggle by the ANC, and the formation of “Umkhonto We Sizwe,” and the beginning of a sabotage campaign against South African installations. It cannot go without mention that the world rejected and condemned in horror and outrage, the Sharpeville killing. The United Nations Security Council, the British Labor Party, and governments of India, the United States of America, and other African countries totally condemned the South African police actions. This led to mass protests on South African embassies around the world. The Sharpeville massacre became a rallying cry for most anti-apartheid movements.\textsuperscript{7}

In 1961, South Africa eventually became a republic and, in 1963, passed the General Laws Amendment Act which allowed the state to hold suspects for ninety days without charging them with an offense. Nelson Mandela and his colleagues were

\textsuperscript{6} Ibid, p.258-261.

convicted of sabotage and trying to overthrow the apartheid regime, and were sentenced to life in prison in 1964.  

LIBERATION STRUGGLES AND ABOLITION OF APARTHEID

By the 1970s, however, the balance of power began to change. The oil price hike of 1973 led to the worldwide inflation, and put so much pressure on living costs of families. As a result, the black South African workers, including the miners, broke the ban on strike activity and were able to obtain important wage gains from their employers. In 1976, a revolt by students in Soweto against an offensive educational system spread like wildfire throughout South Africa, on the heels of a new “Black Consciousness” movement which was set up under the guidance of Steve Biko, to encourage Africans to “walk tall.” The arrest and killing of Steve Biko in South African police custody created fresh outburst of public anger in 1977, which also resulted in the imposition by the United Nations Security Council of a mandatory arms embargo on South Africa.  

At this time, the morale of the apartheid government of South Africa had definitely been shattered by irresistible pressures. Successive “states of emergency” first were instituted after the Sharpeville Massacre and repeated in 1976 and 1985, proved less and less effective. This was because the liberation of Southern Africa had reached South Africa borders with the end of the Rhodesian War, and the collapse of Colonial Mozambique. International trade and boycotts of South Africa escalated due to the fact that South African troops got involved in the war on the Angolan border. At first there

8 Ibid.

was another aspect to the crises in Portuguese-dominated Angola where a major economic and military challenge came, when the World Bank began a financial squeeze of South Africa, and Cuban MIG jets, as well as ground troops came to the aid of the Angolan government, and the South African troops were terribly humbled by the Cuban troops.\textsuperscript{10}

The road to abolition of apartheid and a new South Africa started in August 1989 when P. W. Botha resigned and F. W. de Klerk, who had taken over as leader of the National Party in February, replaced him as State President. Before de Klerk took over, South Africa was already under enormous pressure due to combined international sanctions and internal conflict and, in 1986, the United States Congress passed and overrode President Ronald Reagan’s veto and imposed strict economic sanctions against South Africa.

F. W. de Klerk dramatically caught the world’s attention when he repealed the Separate Amenities Act on November 16, 1989, and on February 2, 1990, at the opening session of the parliament, he announced that the banning orders on the ANC, South African Communist Party (SACP), and 31 other opposition organizations were rescinded.

Such steps, de Klerk stated, were necessary in order to carry out the process of negotiations that he considered, “the key to reconciliations, peace, and a new and just dispensation.”\textsuperscript{11} He shocked the world even more on February 11, 1990 by releasing imprisoned ANC leader Nelson Mandela unconditionally, after serving 27 years in jail.


\textsuperscript{11} Nancy L. Clark, William H. Werger, p. 103.
An ecstatic Mandela said on his release, "I felt – even at the age of seventy-one that my life was beginning anew. My ten thousand days of imprisonment were over."\(^{12}\)

The upshot was a decision by President F. W. de Klerk to release Nelson Mandela and other political prisoners and to proceed to dismantle apartheid systematically by repealing and revoking the Land Act Group, Population Registration Act, and Separate Amenities Act. Also, at this point the ANC’s consistent adherence to the principle of nonracial democracy paid enormous dividends because it created a fundamental base of trust which enabled all political parties, black and white, to meet at the World Trade Center in Johannesburg from 1991 to 1993 and to hammer out a transitional constitution.

South African’s first universal suffrage elections were held on April 26-29, 1994, and ANC won 63% of the votes while the National Party won 20%. On May 10, 1994, Nelson Mandela was inaugurated President and Thabo Mbeki and F. W. de Klerk Deputy Presidents. Under a new brightly coloured national flag, choirs sang the new South Africa’s two national anthems, "Die Stem van Suid Africa" (The Voice of South Africa) and the traditional Christian hymns and long-time anthems of the liberation movement, "Nkosi, Sikelel Africa" (God Bless Africa).\(^{13}\) Nelson Mandela, with these words in his inaugural address as the first democratically elected President of South Africa put the final nail in the coffin of apartheid:

> We have, at last, achieved our political emancipation. We pledge ourselves to liberate all our people from the continuing bondage of poverty, deprivation, suffering, and other discriminations. Never, never, and never again shall it be that this beautiful land will experience the oppression of one by another. The sun

\(^{12}\)Mandela, p. 563.

\(^{13}\)Beck, p. 190.
shall never set on so glorious a human achievement. Let freedom reign. God Bless Africa.\textsuperscript{14}

The most significant achievement of the Government of National Unity was the passage in December 1996 of a new constitution which sought, in the words of its Preamble, to heal the divisions of the past and establish a society based on democratic values, social justice, and fundamental human rights in which government is based on the will of the people and every citizen is equally protected by law.

THE UNITED STATES AND SOUTH AFRICAN RELATIONS

South Africa is often perceived by American policy elites as one of the success stories of United States foreign policy. The abolition of apartheid, the first democratic election in 1994 of Nelson Mandela to the presidency, the new constitution guaranteeing basic human rights for all South Africans, and the establishment of the Truth and Reconciliation Commission, whose primary purpose was to investigate abuses committed during the apartheid regime, are historical successes. United States and South African relations have been very controversial at times, and while much credit is due to many organizations and institutions who influenced and implemented the American policy toward South Africa, the success of South Africa cannot at all be attributed to a coherent well-designed, or well-executed American-crafted policy. Rather it is the result of the people of South Africa, American public, Congressional Black Caucus, and Congressional reaction.\textsuperscript{15}

\begin{footnotes}
\item[14] Mandela, p. 621.
\end{footnotes}
Relations between the United States and South Africa have been based on three major strategic interests. "The first stake is the concentration of U.S. corporate interests in the apartheid state; the second stake, economic and strategic in nature, is the maritime route around the Cape of Good Hope, which is a passageway for petroleum and non-fuel minerals shipped to Western Europe and the United States; the third stake is a security interest, concerns over the perpetual state of racial conflict caused by South Africa's apartheid system, which threatened to engulf the United States in African racial warfare of gigantic proportions." It is these interests or stakes that are seen as vital or strategic to America in that they have a direct impact upon the well-being of the United States as a nation and global power.

Originally, the conceptions of a U.S. military strategic interest in South Africa involved a concern with the possibility of Soviet access to naval bases in the area. As David Rees stated in Conflict Studies 77, "Consolidations of Soviet influence in South Africa would almost certainly be the penultimate stage in the economic strangulation of the West. South Africa's strategic integrity is thus clearly vital for the defense and the survival of the West." The specific policy implementations that can be deduced from the logic is that the United States must ignore the moral and human rights considerations with regard to South Africa, in order to help ensure the survival of a reliable and friendly South African regime.

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16 Henry F. Jackson, p.226.

The Cold War tended to be the guiding principle of the U. S. and South African relations because, under President Dwight Eisenhower (1953-1961), the United States continued to treat South Africa as an ally regardless of its racial politics. The Defense Department and the Central Intelligence Agency (CIA) had unabashed contacts with the South African military and security forces. As a major producer of uranium, South Africa became a member of the International Atomic Energy Board and joined the United States in nuclear research, and an American firm built South Africa’s first nuclear reactor.\(^{18}\) The Sharpeville shootings on March 21, 1960, caused a hardening of United States rhetoric on South Africa, and a temporary withdrawal of American capital, but military, nuclear intelligence, trade, and investment links between the two countries continued uninterrupted during Eisenhower’s Administration.

The Kennedy and Johnson Administrations (1961-1969) were more critical of apartheid and committed the United States to refrain from arms sales to South Africa, but they continued to reject proposals for economic sanctions. Kennedy’s South African policy was strengthened under Johnson’s Administration by tightening the arms embargo, prohibiting the sale of materials that had dual civilian and military use. The Johnson Administration also continued the policy of neither encouraging nor discouraging American investments.

A related aspect of the new policy concerned limitations on U. S. Naval visits to South African ports and on contact with American officials, or visits to the United States by South African military officials. President Johnson therefore suspended U. S. Naval

\(^{18}\) Leonard Thompson, p. 219.
visits to South Africa in 1967. This restriction represented a protest against both apartheid and South Africa’s racism directed against American black sailors. Under Johnson, the United States pressed the U. N. Security Council for “effectiveness measures” to obtain Namibia’s independence, but they continued to reject sanctions, and also the implications for South Africa of President Johnson’s support for civil rights at home were overshadowed by the Vietnam War.

The United States and South African relations under Richard Nixon and Gerald Ford (1969-1977) were placed in the context of wider strategic considerations. This was embodied in the National Security Study Memorandum 39 (NSSM39), one of a number of United States foreign policy reviews ordered by Henry Kissinger, Nixon’s National Security Advisor. The review stated that “the aim of present policy is to try to balance our economic, scientific, and strategic interests in the white states with the political interests of disassociating the U. S. from the white minority regimes and their repressive racial policies”.19

Of the five policy options offered, Kissinger chose Option Two as the basis for American policy. Option Two proceeded from the following premise:

The whites are here to stay and the only way that constructive change can come about is through them. There is no hope for the blacks to gain the political rights they seek through violence. We can, through selective relaxations of our stance toward the white regimes, encourage some modification of their current racial and colonial policies. Our tangible interests form a basis for our contacts in the region, and these can be maintained at an acceptable political cost.20


20 Ibid.
Henry Kissinger chose Option Two, which appealed to President Nixon and his advisors, but without doubt subordinated African rights and moral issues to U. S. economic and geopolitical interests. As Baker put it, "Just as a concern for civil rights and support from black leaders had contributed to Kennedy’s and Johnson’s measured opposition to South Africa, Nixon’s “southern strategy” of courting racial conservatives made closer ties with Pretoria government more attractive."21

Evidence of a policy shift under Nixon’s and Ford’s Administration included resumption of gray-area sales of light air planes, helicopters, and communication equipments, relaxation of restrictions on Export-Import Bank financing, exchanges of high level officials, a softening of American criticism of the apartheid government at the United Nations, and the White House’s refusal to back the State Department in lobbying against a Byrd Amendment which removed the United States ban on Rhodesian chrome. That memorandum led to increased official contacts with the white South African officials, pro South African United Nations votes, and the appointment of an Ambassador to South Africa, who showed minimal concern for the lot of black South Africans, and was reported to have gone hunting on Robben Island with political prisoners as beaters.22

Under Ford’s Administration, the 1974 military coup in Portugal, which eventually resulted in the independence of Angola and Mozambique under Marxist governments, marked the turning point in the United States and South Africa affairs. Kissinger adopted a more active and flexible approach to South Africa, focusing on

21 Pauline H. Baker, p. XII

22 Time Running Out, p. 353.
Rhodesia, and enlisted the assistance of the African "front-line" States as well as South Africa. Ian Smith, the apartheid leader of Rhodesia, agreed to the principle of majority rule within two years, and to negotiate with the Black Nationalists movements, but subsequent talks in Geneva collapsed in late 1976.²³

The Carter Administration (1977-1981) went through a broad reassessment of international and domestic trends affecting foreign policy with the intention of changing both the style and substance of the Administration’s African policy. His administration sought to reverse the Nixon/Ford policies in pursuit of his human rights approach to American foreign policy. Carter considered the South African government to be a liability to the Western Alliance rather than an ally. He and his closest advisors saw African nationalism, and not communist aggression, as the driving historical force in Southern Africa; a force deemed largely consistent with American interests. First, he rescinded Nixon’s policy on the export of dual-purpose equipments. Second, the Commerce Department promulgated new and more stringent export regulations in February 1978 to further U. S. foreign policy regarding the preservation of human rights by denying access to U. S. origin commodities and technical data by the military and police entities of the Republic of South Africa and Namibia.²⁴

In an extraordinary shift from the Nixon policy, Carter’s regulations embargoed not only military related commodities, but all items under the Commerce Department jurisdiction, including technical data and consumer goods that an exporter knows that are

²³ Baker, ibid.
²⁴ Washington Post, December 12, 1975
purchased or used by South Africa's military or police. These amendments constituted
the most definitive interdiction of U. S. supplies to South Africa since the embargo of
1963. They indicated Washington's clear intention to at least deny American support to
the coercive forces of apartheid.\textsuperscript{25}

The differences between Carter's Administration and the apartheid government
became obvious at a meeting between Vice President Walter Mondale and Prime
Minister John Vorster in Vienna in early 1977. Mondale made it clear that the United
States supported the principle of majority rule with universal suffrage; the ANC formula
of one person one vote. Later in the year, relations between the U. S. and South Africa
sharply deteriorated.

Changes in style of American policy toward South Africa were clear under Carter,
but substantive shifts in major policies were less obvious, particularly in the second half
of his term, when the Administration became wary of Soviet and Cuban intentions in
Southern Africa. As Baker noted,

"While its anti-apartheid rhetoric was strong, the Carter Administration seemed
very reluctant to end all nuclear cooperation with apartheid South Africa,
unwilling to consider the threat of economic sanctions, and inclined to encourage
American businesses to stay and play an active role in South Africa."\textsuperscript{26}

The Reagan Administration's goals in South Africa and the region were somehow
similar to its predecessors. Calling its policy "constructive engagement", the
Administration chose to work quietly with the South African government, stressing

\textsuperscript{25} Henry F. Jackson, pp. 226-239.

\textsuperscript{26} Baker, p. XIII.
common strategic interests, empathizing with white peers, and utilizing a unilateral approach to diplomatic negotiations.  

In reference to South Africa's rigid systems of racial segregation, President Reagan defended American support on both moral and strategic grounds:

As long as there is a sincere and honest effort being made by the South African government, based on our own experience in our own land, it would seem to me that we should be trying to be helpful. He asked, can we abandon a country that strategically is essential to the free world in its production of minerals we all must have and so forth?  

The first evidence of a rupture of established U. S. policy toward South Africa followed when senior South African military and intelligence officers secretly visited and consulted with Reagan Administration's NSC officials and the Pentagon's Defense Intelligence Agency which violated longstanding U. S. policy.

What increased the insidious character of the U. S. – South African exchanges was that the same week the South African officials secretly visited the Reagan Administration officials, the Administration declared its eagerness to repeal the Clark amendment, which prohibited covert U. S. assistance against the regime in Angola. The severity of these developments provoked the African group at the United Nations, consisting of representatives from fifty African member states to alert the U. N. Secretary-General of the "dangerous consequences" that could result from a change in

27 Ibid, p.3.

American policy toward South Africa.\textsuperscript{29} However, the Clark amendment was eventually repealed on July 10, 1985. By the end of Reagan’s first term, the United States had brokered the Lusaka Agreement (a limited security pact between South Africa and Angola), and the Nkomati Accord (a broader non-aggression treaty between South Africa and Mozambique).

In Reagan’s second term, South Africa emerged as one of the most prominent and divisive foreign policy debates. Four interrelated factors mentioned by Baker are: the highly publicized black South African uprising against apartheid, which began in 1984 and lasted for more than two years before subsiding into sporadic protests, sensitizing Americans to the human rights issue; second, grass-roots initiatives in the United States, in which the growing political power of American blacks was a major force, transformed public sentiment into sustained political action that pushed Congress into a direct confrontation with the Administration; third, President Reagan’s own idiosyncratic views of South Africa, combined with conflicts over policy inside the Administration and within the Republican Party, confused the debate, undermined the President’s supporters in the Congress, and gave ammunition to the anti-apartheid movement. Finally, the failure of constructive engagement to produce tangible results left the policy virtually defenseless when it came under concerted attack.

However, the final outcome of Reagan’s policy toward South Africa was the signing of two interlocking treaties at the United Nations in December 1988. Due to U.S. pressure, South Africa agreed to withdraw from Namibia and to permit the U. N. to

supervise pre-independence elections; and Angola agreed to the withdrawal of Cuban troops. Finally, President Reagan’s policy toward South Africa, which was somehow ambivalent, could be substantiated by his remark early in his administration; the President jokingly admitted that there was some confusion about where he stood in relation to his conservative supporters. “Sometimes our right hand doesn’t know what our far-right hand is doing.”

In addition to Chester Crocker, Assistant Secretary of State for African Affairs, who was very unpopular with the conservative wing of the Republican Party, President Reagan and others also, played a large part in shaping the public’s perception of the Administration’s policy toward South Africa. There is no doubt that the Reagan Administration presented itself as the friendliest administration the Pretoria government could ever hope to have in Washington. Its opposition to corporate divestment and other economic pressures called for by various anti-apartheid protesters was the incentive it used to induce South Africa to cooperate (carrot and sticks).

President Reagan’s Administration also viewed the government of apartheid South Africa President, P. W. Botha as “a modernizing regime and his military as a body of reforming patriots.” As a result, the Administration gave minimum attention to black politics and to black leaders in South Africa. A small scholarship program for black South Africans was, however, started in 1980, with a view of training the unskilled blacks. This was initially regarded as a token gesture, but was later significantly expanded by the United States Congress to include funds for the promotion of human

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rights and black leadership. In this regard, the Administration’s emphasis was on “black economic empowerment,” and not “black political liberation”. It should be noted that the aid program, though hotly debated in Congress, was not central to the Reagan Administration’s goals, but its emphasis continued to be on the achievement of regional and geopolitical objectives by working with the South African government.

The Reagan Administration emphasized South Africa’s geopolitical role as an ally against Soviet infiltration into Southern Africa and against the spread of communism in Africa. South Africa, also taking advantage of favorable American policy, hardened its bargaining position in Namibian negotiations, embarked on a concerted military and economic campaign to establish regional dominance by intimidating and destabilizing neighboring states, particularly Angola, Mozambique, Zimbabwe, and Lesotho; and also failed to make a real persuasive commitment to move toward meaningful civil and political rights for the black South Africans.

Despite the fact that President Reagan’s policy of “constructive engagement” was met with a high degree of criticism, especially in the Congress, the White House adopted the role of mediator between South Africa and its neighbors. They were successful in brokering an agreement between Angola and South Africa in February 1984, called the Lusaka Accord, to disengage their forces in southern Angola. In March 1985, also, South Africa and Mozambique agreed to a non-aggression pact, called the Nkomati Accord. Finally, in 1988, a tripartite settlement was signed between Angola, Cuba and South
Africa, providing for the withdrawal of Cuban troops in Angola and the implementation of United Nation’s Resolution 435 for the independence of Namibia.31

The Bush Administration (1989-1992), like President Reagan, embraced “constructive engagement” initially as a sound American policy toward Southern and South Africa. At the same time, President George Bush attempted to accommodate the new realities in South Africa of eventual freedom for the black majority. Although President Bush was opposed to economic sanctions, he was unable to effectively tamper with existing sanctions imposed by Comprehensive Anti-Apartheid Act of 1986, which required that South Africa take certain specific measures in eliminating apartheid before sanctions are terminated. However, the Bush Administration engaged in programs designed to broaden participation and acceptance by all South Africans of a market-based economic system in South Africa.

It should also be noted that President Bush, whatever his feelings about sanctions against South Africa, was anxious to demonstrate his strong feelings about apartheid. In a major policy statement, he gave guarded but increased backing to the three central policy thrusts of the State Department’s African Desk and their regional orientation. First, recognition and support for Black Nationalism as the dominant historical force in the region; second, economic development as the major goal to be supported by the United States; and third, the belief that Cold War competition should be excluded as far

as possible from Africa.\textsuperscript{32} These policy assumptions, no doubt represented a fundamental and highly significant departure from the Reagan Administration policies.

To silence his critics on African policy, President Bush, on June 30, 1989, established new personal links to the Africa National Congress (ANC), by meeting at the White House with Mrs. Albertina Sisulu, Co-President of the United Democratic Front (UDF).\textsuperscript{33} Subsequent meetings with South African black religious leaders, such as Archbishop Desmond Tutu and Reverend Alan Boesak, later took place. The meetings definitely signaled a new chapter in the United States policy toward apartheid in South Africa. Bush also encouraged President de Klerk to accelerate the repeal of apartheid laws, to engage in negotiations with the representatives of South African black majority, release the political prisoners, and to end the State of Emergency.


\textsuperscript{33} \textit{The Atlanta Constitution} (July 8, 1989), p. A21.
CHAPTER THREE
EXTERNAL ACTORS IN THE SOUTH AFRICAN
LIBERATION STRUGGLE

According to Pauline Baker, South Africa’s success in the abolition of apartheid can be attributed to a long, difficult, and persistent struggle among different constituencies, interest groups (both within and outside South Africa and the United States) and international government agencies.¹

Among the notable external actors whose actions helped to pressure the apartheid government to embrace real democracy in South Africa included the United Nations (U.N.) and the Organization of African Unity (O.A.U.). There is no doubt that international influence also played a major role in bringing the Congress into the center of the United States policy toward South Africa until it imposed a new policy on President Reagan’s Administration, by passing the CAAA of 1986.

UNITED NATIONS

The United Nations, which was formed in 1945 after the Second World War, differed radically from its predecessor, the League of Nations. Whereas the European powers had dominated the League of Nations (which the United States never joined), the then Soviet Union, China, France, Britain, and the United States had permanent seats and vetoes in the United Nations Security Council. Other countries also, including

developing countries, served in turn on the Security Council, and formed a majority in the General Assembly.

In the 1950s, both the United States’ and the United Nations’ reaction to the growing institutionalization of apartheid were largely “hortatory.” From 1952 onward, the United Nations General Assembly passed annual resolutions condemning apartheid. Then, as the number of independent African and Asian countries increased, each occupying a seat in the General Assembly, the United Nations began to devote more and more serious attention to apartheid and racism in South Africa. Actually, the U.N. General Assembly passed several resolutions on South Africa during the decade, but as Boutros Boutros-Ghali put it, “they went no further than setting up a study commission, and urging South Africa to respond to its pleas.”

Following the South African police shooting at peaceful demonstrations in Sharpeville against pass laws for Africans on March 21, 1960 (69 men, women and children were killed and about 200 wounded), representatives of 29 African and Asian members requested an urgent meeting of the Security Council on the South African situation. On April 1, 1960, The United Nations Security Council, in its first action on South Africa, adopted Resolution 134 (1960) deploring the policies and actions of the South African government, and called on the government to abandon its policies of

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apartheid and racial discrimination." Not until 1963 for the first time, did the United Nations Security Council call for the the cessation of military sales to South Africa. This resulted in the adoption of Resolutions 181 and 182 calling upon all states "to cease forthwith the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to South Africa." It should be noted that these resolutions required voluntary compliance.

The Security Council passed another toothless Resolution 282 (1970) calling again on states to take a series of measures to strengthen the arms embargo against South Africa. The vote was 12 in favor and 3 abstentions (France, United Kingdom and United States of America). Later in October 1970, in a declaration on the 25th anniversary of the United Nations, the General Assembly described apartheid as a "crime against the conscience and dignity of mankind" in Resolution 2627 (XXVI).

In 1977, after the South African police were known to have killed Steve Biko, and its government had suppressed numerous anti-apartheid movements, the United Nations Security Council unanimously voted a mandatory arms embargo against South Africa. That was the first time the United Nations sanctioned a member state. The Security Council on July 26, 1985, urged member states to adopt a wide range of economic measures against South Africa in Resolution 569. This resolution was, however, not

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5 Ibid.
6 Ibid.
7 Leonard Thompson, p. 214.
binding on member states, but in 1986 the United States Congress passed a comprehensive anti-apartheid legislation, thereby slapping South Africa with sanctions.

Over the years, numerous conferences were held and the United Nations passed numerous resolutions condemning the South African apartheid system, including the World Conference Against Racism in 1978 and 1983. A significant divestment movement supported by the United Nations emerged that pressured investors to refrain from investing in South African companies, or companies that did business with South Africa. South African sports teams were also barred from participation in international events, and South African culture and tourism were boycotted by member states.8

Following the unconditional release by Nelson Mandela from prison, in 1990, the successful negotiations between de Klerk and Mandela, and the final transition from apartheid to real democracy, the Security Council adopted Resolution 919 (1994), lifting its 1977 Arms Embargo and other restrictive measures, thereby removing all the remaining United Nations sanctions against South Africa.

Finally, in June 1994 the General Assembly of the United Nations approved the credentials of the South African delegation, thereby admitting then to the family of nations. The United Nations therefore removed the item on apartheid from its agenda, after noting with great satisfaction the establishment of a united, non-racial and democratic government of South Africa.9

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8 E. S. Reddy, ibid.

9 Ibid.
GREAT BRITAIN

Great Britain, which established South Africa as a Crown Colony in 1806, has been argued to have contributed significantly to the process of white domination by enacting the South African Act of 1909, which made the territory self-governing. This law, as Jackson posits, “Extended a long standing British policy of granting white settlers power to manage the country with no participation, or even consultation, of the native majority.”10 The argument of a British contribution to the process of apartheid emanated from the fact that, by transferring its authority as a colonial master to the dominant white minority of European settlers, they invariably created the dual nature of the independent Afrikaner (South African) government as both “motherland” and colonial power. Time ultimately led to the Afrikaners, in their relation to the black majority, assuming political control in South Africa as a European Elite in command of an internal colony with a subject population.11

There is no gainsaying that the British policy toward apartheid South Africa was as inconsistent as the American counterpart. The post-war world was quite a different place from the imperialist world of the 1930s. The United Kingdom, in particular, made the transformation of their ties with former colonies a centerpiece of their foreign policy. To demonstrate this commitment, the British Prime Minister, Harold MacMillan, undertook a month long tour through Africa, and arrived in South Africa on the first week of February 1960, to participate in the celebration of the golden anniversary of the Union

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10 Henry Jackson, p. 249.

11 Ibid.
of South Africa. MacMillan addressed the members of both houses of South African parliament on February 3, 1960, with a sweeping assessment of the role of nationalism in the world, and how he was deeply impressed by the power of that same nationalist sentiment in every African country.

In the address, Mr. MacMillan dramatically announced:

The wind of change is blowing through this continent, and Britain viewed these changes as positive because such a historical force could not be stopped. For the British government, the goal was to assist in the creation of societies which allow citizens an increasing share in political power and responsibilities and in which individual merit was the only criterion for political and economic achievement. As a fellow member of the commonwealth, we always try, and I think, have succeeded in giving to South Africa our full support and encouragement, but I hope you won’t mind my saying frankly that there are some aspects of your policies which make it impossible for us to do this without being false to our deep convictions about the political destinies of free men to which in our own territories we are trying to give effect.

Prime Minister MacMillan’s statement clearly signaled a modification of the British policy toward apartheid South Africa. As a result, the South African and British relations became strained until Mrs. Margaret Thatcher took over as the British Prime Minister in 1979. Thatcher, the new conservative Prime Minister, and who before her election had often spoken in favor of a renewal of normal relations with the apartheid government, announced that South Africa would be permitted to purchase oil from the British fields in the North Sea. Thatcher also went further to remove an ongoing problem for the South African government by finally forcing the parties in the Rhodesian conflict

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13 Ibid.
to the negotiating table at the Lancaster House.\textsuperscript{14} After months of discussion, under the guidance of the British Foreign Secretary Ian Smith’s minority government, Britain finally relinquished control, under a new constitution, to the majority population of the new nation of Zimbabwe.

Prime Minister Thatcher showed her resolve in support of her policy of rapprochement toward South Africa, and President Reagan’s policy of constructive engagement. Despite a large crowd of about fourteen thousand anti-apartheid protesters who snarled traffic in central London, she adamantly received P. W. Botha at Chequers, her official residence in Buckinghamshire.\textsuperscript{15} Finally, events in South Africa, and the United States, especially the Congress, overtook the hard-line of Margaret Thatcher for the eventual liberation of South Africa.

THE OAU AND THE LIBERATION OF SOUTH AFRICA

The Organization of African Unity (OAU), which has now been replaced by African Union (AU), was founded in 1963 at Addis-Ababa, Ethiopia, to promote unity and solidarity among African states. The organization also vowed to eliminate all vestiges of colonialism and apartheid in the continent.

Just ten years after the apartheid regime came to power in South Africa in 1948, President Kwame Nkurumah made his famous speech on the eve of the decade of Africa’s decolonization in the 1960’s: “The freedom and independence of Ghana is meaningless unless it is linked up with the total liberation of Africa.” That commitment was inscribed five years later in the charter of the Organization of African Unity (OAU),

\textsuperscript{14} Ibid., p. 457.
\textsuperscript{15} Ibid., p. 551
Article II of which declared one of its purposes to be to "eradicate all forms of colonialism from Africa."\textsuperscript{16}

OAU member's role in the affairs of South Africa has been, by far, the most crucial element in the international involvement in that region. Not only did the OAU members contribute directly through their active support to the liberation movements and by their efforts to isolate the regime of South Africa, they also strongly influenced the role and policies of the international powers.

At the inaugurations of the OAU, a strategy for liberation of Africa was formulated in a rather general term. The three main elements in the strategy were, (a) the isolation of the South African apartheid regime, by proscribing diplomatic ties between OAU members and the white minority regimes; and maintaining an economic boycott of South Africa. (b) The second element of the liberation strategy was to involve the international community in backing the policy of isolation. The United Nations General Assembly proved to be a particularly receptive area for the OAU's campaign. The sharp cutting edge of OAU's campaign at the U.N. was the demand for a program of international sanctions against South Africa. The high point of the campaign was when Article 41 of the U.N. Charter, which provided for mandatory sanctions, was successfully invoked. (c) The third element of the OAU strategy of African liberation was support for armed struggle of the liberation's movement in South Africa.\textsuperscript{17}


\textsuperscript{17} Ibid.
At its inception, the OAU established a standing multinational Liberation Committee through which to channel African economic and military support to the guerilla movements recognized by OAU. The liberation committee became the channel through which foreign military assistance was to flow to the liberation movements.

Apart from the "strategy of liberations," the other key document in the OAU's approach towards the problems of South Africa was the Lusaka manifesto of 1969. It was originally signed by thirteen governments, but was later endorsed by the OAU, which then lodged it as a formal declaration of its policy with the U.N. The manifesto opened with the following statement:

> When the purpose and basis of state's international policies are misunderstood, there is introduced into the world a new and unnecessary disharmony. Disagreements, conflicts of interests, or different assessment of human priorities, already provoked an excess of tension in the world and disastrously divide mankind at a time when united action necessary to control modern technology and put it to the service of man. It is for this reason that discovering widespread misapprehension of our attitudes and purposes in relation to South Africa we, the leaders of East and Central Africa states, meeting in Lusaka on April 16, 1969 have agreed to issue this manifesto.\(^{18}\)

The Manifesto also set out the collective African view towards the nature and problems of the societies in Southern Africa, stating that:

> We which to make it clear, beyond all shadow of doubt, our acceptance of the belief that all men are equal, and have equal rights to human dignity and respect, regardless of colour, race, and religion, or sex. On the basis of these beliefs we do not accept that anyone group within a society has the right to rule any society without the continuing consent of all the citizens.\(^{19}\)

Guided largely by OAU polity and the Manifesto, African states, whatever their political and ideological differences, united as a block in the United Nations on issues of

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\(^{18}\) Ibid.

\(^{19}\) Ibid.
South Africa. They also spear-headed efforts which resulted in South Africa’s withdrawal from the British Commonwealth and its exclusion from the Economic Commission for Africa (ECA), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and other technical and scientific bodies. OAU members led efforts to expel South Africa from the United Nations, but were frustrated by the Security Council vetoes of the United States, France and Great Britain in 1974.\(^\text{20}\)

Since the establishment of OAU, resolutions calling for commercial, diplomatic, and political sanctions against South Africa have been introduced regularly at the United Nation’s by the African states. In 1970, the OAU began a campaign for an effective arms embargo against South Africa. This embargo was adopted by the UN as a recommended action \(n1975\), and as a mandatory policy by the Security Council in 1977. OAU was also credited with influencing the 1974 and 1981 decisions by the UN General Assembly to reject the credentials of the South African delegation.\(^\text{21}\)

The OAU heavily lobbied the Arab states to impose an oil embargo against South Africa, and in 1973, the Organization of Petroleum Exporting Countries (OPEC) imposed oil embargo on South Africa. In 1976, the OAU also condemned France for its sale of nuclear reactors to South Africa and passed a resolution that effectively interrupted South Africa’s participation in international sports events, including the Olympics.\(^\text{22}\)

Looking back, the triumph for the OAU occurred when South Africa, under majority rule with Nelson Mandela as President, joined the OAU in 1994, which was

\(^{20}\) Ibid.

\(^{21}\) "Time Running Out," pp. 296-300.

\(^{22}\) Ibid.
unimaginable back in 1963. The apartheid regime seemed as solid as a rock then, and there was also the extension of South African white supremacy rule over settler regime in Southern Rhodesia (now Zimbabwe), and was determined to hold power as the Portuguese colonial rulers did. But even against what seemed as heavy odds, the OAU and its member states went beyond encouraging words in supporting resistance against apartheid governments in Africa, it created the OAU Liberation Committee with the headquarters in Dares Salam, Tanzania, to channel assistance. The Liberation Committee established camps for the refugees from South Africa, providing them with rare bases for educational and military training.

Earlier in 1960, and following the Sharpeville massacre of peaceful demonstrators against racial discrimination, 29 African and Asian states successfully mustered support for a United Nations Security Council resolution that called upon the South African government to initiate immediate measures to abandon its policies of apartheid; and recognized that the situation in South Africa had led to international friction and, if continued, might endanger international peace and security.23 As a result of this resolution, (134-1960), apartheid was no longer considered only a violation of human rights, a criterion which had previously generated controversy over the competence of the United Nations to deal with the issue, but also a threat to international peace and security, the maintenance of which was one of the main purposes of the United Nations.

The efforts of the OAU finally met with some success when in the 17th session, the U. N. General Assembly adopted Resolution 1761 (XII) calling for diplomatic and

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economic sanctions against South Africa, and for the formation of a special committee to keep South African racial policies under review when the Assembly was not in session. In addition, the Security Council was urged to consider if necessary, the expulsion of South Africa from the United Nations.24

There is no doubt that the persistent African pressure to adopt sanctions coupled with the rising tide of African nationalism, which would no longer tolerate racial discrimination anywhere on the continent, added urgency to the need for strong actions by the United Nations and the world community. Clear also was the increasing number of African states represented at the U. N. which added to the voting strength and helped to exert a strong influence on the changing position of the United Nations. These countries prodded the General Assembly at every stage until the U. N. acted.

Finally, and ten years after Rhodesia became the independent state of Zimbabwe under majority rule, and in the face of African resistance within South Africa, international sanction and world hostility, the South African government finally granted independence to Southwest Africa as Namibia, and later, released Mandela, lifted the ban on ANC, dismantled apartheid system, and brought in the democratically elected multi-racial government in 1994. Following that, a special summit was held by the OAU at Arusha in Tanzania on August 15, 1994, and the members voted to finally dissolve and end the mandate of the Liberation Committee and welcomed South Africa into the organization.

THE NIGERIAN FACTOR

Taking into consideration the difficult struggle of the Organization of Africa Unity (OAU) in its major role of completing the unfinished task of the total decolonization and eradication of racism and apartheid in Southern Africa, Nigeria, the most populous and the most powerful black African state at that time began to move the spirit behind most of the policies and postures of the OAU, and elsewhere that related to Southern Africa.

Nigeria spearheaded the move that led to the withdrawal of South Africa from Commonwealth countries at the Prime Ministers’ meeting in London in March 1961.25 A decade later, General Yakubu Gowon, the Nigerian Head of State, blocked the proposal for dialogue with the South African apartheid government at the June 1971 OAU Summit Meeting in Addis Ababa, Ethiopia. Nigeria clashed with the United States by its opposition in 1975 to U. S. policies in Angola, which it interpreted as support for the South African invasion of that country. A series of policy disagreements over American policies in Southern Africa led to the denial of requests by American Secretary of State, Henry Kissinger, to visit Lagos three times, partly because of Kissinger’s efforts to secure a Rhodesian settlement opposed by Nigeria.

The Nigerian government continued to pressure the United States on its South African policies by deciding to recognized the MPLA, (Popular Movement for the Liberation of Angola) led by Agostinho Neto as the legitimate government of Angola which turned the scales against its American supported opponents, Jonas Savimbi’s UNITA (National Union for the Total Independence of Angola) and Holden Roberto’s

FNLA (National Front for the Liberations of Angola). Nigerian recognition of the MPLA government was soon followed by most of the other African states, and eventually by all Western countries except the United States.26

Nigeria’s consistent opposition to the Ian Smith regime in Rhodesia and his successor, Bishop Abel Muzorewa, led to a collision course with the United Kingdom after they declared the 1979 election as fair and free. Without warning, on May 24, 1979, the same day that Mrs. Thatcher received a positive report on the election, Nigeria rejected all British tenders for a mammoth port project, asserting that until Thatcher’s conservative government clarified its attitude toward Rhodesia (Zimbabwe), no proposals from British companies would be considered.27 This action was followed by the nationalization of the British Petroleum share of Shell BP in July to make sure that strict oil embargo on South Africa was enforced. Nigeria’s action led the frontline states to invite it to participate in their planning to prevent the threatened recognition of Zimbabwe, if necessary, by joining the guerilla struggle, and this also shocked the new British conservative government.

Early in 1980, President Shagari of Nigeria declared at Niamey in the Niger Republic that his government would take all necessary measures to ensure the speedy independence of Namibia. At the OAU Summit Meeting in July 1980, he asserted that

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26 Ibid, p. 129.

“Namibia must be independent next year” (1981) and added that its “independence without Walvis Bay is a sham.” He also reaffirmed Nigeria’s support for Namibia’s and South Africa’s liberation movements. In his address to the U. N. General Assembly on October 6, 1980, President Shagari again condemned the continued illegal occupation of Namibia by South Africa, and pledged that Nigeria would “continue to assist, encourage and support the struggle for independence in Namibia, and the elimination of apartheid in South Africa, with all our might and resources.” He called the termination of apartheid and racism in South Africa “the challenge of our decade.” In November 1980 President Shehu Shagari said that Nigeria was prepared to start an arms race with South Africa if Pretoria continues its arms buildup.

In fact, in his first address to the Nigerian National Assembly on October 16, 1979, President Shagari declared that one of his foreign policy objectives would be to promote the interest of all black peoples throughout the world. Shagari repeated this commitment elsewhere. Stressing the importance of the black man everywhere, President Shagari declared at the U. N. General Assembly on October 6, 1980 that “the

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28 Address by His Excellency Alhaji Shehu Shagari, President of the Federal Republic of Nigeria, to the OAU Assembly of Heads-of-State and Government in Freetown, Sierra Leone July 1-4, 1980.

29 Ibid.

30 Address by President Alhaji Shehu Shagari, of the Federal Republic of Nigeria, to the 35th Session of the U. N. General Assembly on October 6, 1980.

31 Ibid.


33 President Shehu Shagari’s address to the meeting of the National Assembly on October 16, 1979.
destiny of Nigeria is inextricably linked with the fortunes of all the countries of Africa, and all the peoples of African descent abroad.\textsuperscript{34}

Given the fact that Nigeria, at that time, was the largest black country in the world, with a population of nearly 85 million, and given its relative wealth, it is understandable that it should be championing the cause of black peoples in Africa, especially in Namibia and South Africa. Nonetheless, by dramatizing the exploitation and oppression of black people in Southern Africa, the Nigerian government succeeded in whipping up greater support for black solidarity among African leaders and intelligentsia, which led to the establishment of the Southern Africa Liberation Fund and the Southern Africa Relief Fund.

Recognizing the great importance of a strong United States-Nigerian relation and the role that Nigeria plays as a barometer of African sentiment on issues that affect the continent, the American Congressional Delegation set out to meet with Nigerian government officials to ascertain Nigerian views on the situation in Southern Africa, and to assess the current status of the relations between the United States and Nigeria.

In 1981, the United States Congress sent a Congressional Study Mission to six African countries including Nigeria. The delegation, which included Representatives Shirley Chisholm, David Bowen, George Crockett, and Harold Wolpe, who was the Chairman of the Subcommittee on Africa and leader of the delegation, met with the Nigerian government for four days.

\textsuperscript{34} President Shagari's address to the United Nations General Assembly, October 6, 1980.
It also cannot go without mention that the politics of oil was in the minds of each side judging the fact that during and after the Middle East War of 1973, and the subsequent oil embargo, Nigeria emerged as the second largest supplier of crude oil to the United States. The oil exports to the United States represented 16% of total American oil imports, and accounted for 46.8% of the Nigerian oil exports in 1979. (See Table 2,)

Table 2. Nigerian’s Exports to Some Western Countries Total Value and Percentage of Oil Exports

<table>
<thead>
<tr>
<th>Country</th>
<th>1977</th>
<th>1978</th>
<th>1979</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$Mill.</td>
<td>%</td>
<td>$Mill.</td>
</tr>
<tr>
<td>USA</td>
<td>2,995.3</td>
<td>41.8</td>
<td>2,382.1</td>
</tr>
<tr>
<td>UK</td>
<td>446.2</td>
<td>6.3</td>
<td>141.2</td>
</tr>
<tr>
<td>France</td>
<td>549.3</td>
<td>7.8</td>
<td>610.4</td>
</tr>
<tr>
<td>Netherlands</td>
<td>720.6</td>
<td>10.2</td>
<td>713.0</td>
</tr>
<tr>
<td>W. Germany</td>
<td>367.8</td>
<td>5.2</td>
<td>405.1</td>
</tr>
</tbody>
</table>

Total Value and Percentage of Non-Oil Exports

<table>
<thead>
<tr>
<th>Country</th>
<th>1977</th>
<th>1978</th>
<th>1979</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$Mill.</td>
<td>%</td>
<td>$Mill.</td>
</tr>
<tr>
<td>USA</td>
<td>60.7</td>
<td>10.9</td>
<td>79.1</td>
</tr>
<tr>
<td>UK</td>
<td>171.3</td>
<td>30.7</td>
<td>185.5</td>
</tr>
<tr>
<td>France</td>
<td>16.4</td>
<td>2.9</td>
<td>61.1</td>
</tr>
<tr>
<td>Netherlands</td>
<td>134.2</td>
<td>24.1</td>
<td>99.6</td>
</tr>
<tr>
<td>W. Germany</td>
<td>89.1</td>
<td>16.0</td>
<td>115.9</td>
</tr>
</tbody>
</table>


The oil factor notwithstanding, the Congressional delegations to Nigeria knew that there existed the possibility that American companies with involvement in both Nigeria and South Africa might be adversely affected by changes in United States policy toward Africa. Nigerian government policy at that time was to prohibit investment by companies who did business in South Africa. Such measures had been invoked before
the delegation's visit to Nigeria, in the case of nationalization of British Petroleum (BP), as a way to move the British on the questions of independence for then Rhodesia.35

As the Congressional delegation noted, the prevailing attitude appeared to be that the basis of the United States-Nigerian relationship turns on the issue of racial justice in Southern Africa, and the prospects for closer relations with the United States will be evaluated in terms of official American policy toward Southern Africa. In this regard, the Nigerians' perceptions of substantive changes in the Reagan Administration's posture with respect to Southern Africa did not bode well for the prospect of improved relations between the United States and Nigeria.36

In their discussions with the Congressional delegation, the Nigerian officials noted that since the Reagan victory, South Africa had launched a new campaign of aggression, both internally with a new wave of banning and detentions, and externally in renewed efforts to destabilize the neighboring nations in Southern Africa. "This stepped up activity was attributed by the Nigerians to friendlier American policies toward South Africa, and numerous statements made in past months by various administration officials which, in effect, gave the South African Government the confidence that such activities would pass without condemnation.37


36 Ibid. 51.

37 Ibid. 52.
The Nigerian government reminded the Congressional delegation that the United States, no doubt, had the economic and political wherewithal to bring about racial justice in South Africa. Nigerians also expected that, "as the world’s greatest power, the United States had the responsibility to be consistent with its own constitutional ideals of equality, and to play an active role in resolving the crisis in South Africa."38 In broader terms, the United States African policies were criticized as inconsistent and characterized by a tendency to view the continent in excessively East/West geopolitical terms. Such an approach, Nigerians felt, led to a portrayal of African liberation groups as communist or under the direct influence of Cuba or the Soviet Union. This view failed to appreciate the realities of nationalism and nonalignment in Africa, thereby resulting in irrational fears of Soviet influence.39

The Congressional delegation came away with the opinion that there was a genuine desire within Nigeria to strengthen the relationship between Nigeria and the United States. However, there was a great concern about the United States changing policies in Africa, particularly with respect to South Africa and Namibia. Representative Harold Wolpe, who was the chairman of the Subcommittee on Africa and leader of the Congressional delegation, remarked that the issues of apartheid in South Africa cannot be settled by the use of force, and appealed to the African leaders not to misinterpret the U.S. "peace formula" as support for South Africa. Mr. Wolpe also stated that the peace formula would solve the problem if given the necessary support by the African leaders as

38 Ibid. 52.

39 Ibid. 52.
it did in the case of Angola and Zimbabwe. The Congressman pledged that his committee would work hard to persuade the Secretary of State, General Alexander Haig, that a redirection of American policy on apartheid was essential to peace and stability in South Africa.\(^{40}\)

While there had been many actors involved in bringing about the resolution of one of Africa's toughest problems, the liberation of South Africa from apartheid to democracy, the Nigerian role had been among the more decisive and compelling. It is also safe to posit that the Nigerian government, in its small diplomatic way, contributed in pressuring the United States Congress to take action against the apartheid government of South Africa.

AFRICAN NATIONAL CONGRESS (ANC)

The analysis of South African transition from apartheid to democracy will not be complete without giving due credit to the African National Congress (ANC), and other South African liberation movements who shed their sweet blood to dismantle apartheid in South Africa.

African National Congress is a South African political organization that has been the country's ruling party since 1994. That year, under the leadership of Nelson Mandela, the ANC won South Africa's first election in which the black majority could vote. Nelson Mandela was elected the nation's first black president. In 1997, Thabo Mbeki replaced Mandela as ANC president. The ANC returned to power I 199 elections

\(^{40}\) Ibid. 61.
and selected Mbeki to succeed Mandela as ANC president. Jacob Zuma succeeded Mbeki as the ANC president in 2007.\textsuperscript{41}

The ANC was founded in 1912 as a non-violent civil rights organization that worked to promote the interest of black Africans. With a mostly middle class constituency, the ANC stressed constitutional means of change through the use of delegations, petitions, and peaceful protests. In 1940, Alfred Xuma became ANC’s president and began recruiting younger, more outspoken members that included Nelson Mandela, Oliver Tambo, and Walter Sisulu, and later became the organization leading members.\textsuperscript{42}

The membership of ANC greatly increased as of the 1950s after South Africa’s white minority government began to implement apartheid, a policy of rigid segregation, in 1948. In 1955, the ANC issued its freedom charter which stated that “South Africa belonged only to black Africans formed a rival party called the Pan Africanist Congress (PAC) in 1959. In March of 1960 PAC organized mass demonstrations, the apartheid government declared a state of emergency and banned all black political organizations, including the ANC and PAC.\textsuperscript{43}

In 1961, after the government had banned ANC, it formed a military wing called Umkhonto we Sizwe (“Spear of the Nations”), which began a campaign of sabotage against the apartheid government. During the unrest of the next several years, Mandela

\textsuperscript{41} "Unity in Action, A Short History of the African National Congress," (South Africa), Accessed on October 22, 2008, \url{http://www.anc.org.za/ancdoc/history/unity.html}

\textsuperscript{42} Ibid.

\textsuperscript{43} Ibid.

\textsuperscript{44} Ibid.
and Sisulu were sentenced to life in prison for their ANC activities, and Tambo left South Africa to establish an external wing of the ANC.  

The apartheid government of South Africa finally lifted a ban of ANC and other black African organizations in 1990. In that year, Mandela was released from more than 27 years in prison as the recognized leader of the ANC. In 1993, the ANC and the apartheid government agreed to a plan that would form a transitional government to rule for five years after the country’s first all-race elections scheduled for April 1994. Millions of South Africans participated in the country’s first democratic elections, and on May 2, after the ANC victory, President F. W. de Klerk conceded the presidency to Nelson Mandela, who promised a new multi-racial government for South Africa.  

INTERNAL ACTORS

THAT CONTRIBUTED TO CONGRESSIONAL ACTION

"There’s nothing unusual or deplorable about the definition of public values from below. Our standards of conduct are often framed first by the protests of private citizens and institutions." Congressional role in the transition of South Africa from apartheid to democracy was enhanced by a number of internal factors.

American public opinion pressured the Congress through divestment campaigns, and mass protests. Before the divestment campaigns and mass protests could pick up

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44 ibid.
45 ibid.
momentum, attempts were made to avert the impending consequences of public pressure. This resulted in the promotion of the “Sullivan Principles.”

SULLIVAN PRINCIPLES

Leon Sullivan, a member of General Motor’s (GM) Board of Directors, advocated that GM should withdraw from South Africa, but his apostasy was rebuffed. Therefore, after nearly eighteen months of private push, debating and cajoling, on March 1, 1977, Sullivan finally announced the “Statement of Principles of U. S. Firms with Affiliates in the Republic of South Africa” which called for the following:

1. non-segregation of the races in all eating, comfort, and work facilities;
2. equal and fair employment practices for all employees;
3. equal pay for all employees doing equal or comparable work for the same period of time;
4. initiation of and development of training programs that will prepare, in substantial numbers, blacks and other non-whites for supervisory, administrative, clerical, and technical jobs;
5. increasing the number of blacks and other non-whites in management and supervisory positions; and
6. improving the quality of employees' lives outside the work environment in areas such as housing, transportation, schooling, recreation, and health facilities.47

47 Robert Kuhloch Massie, p. 408.
The South African apartheid government responded to the "Sullivan Principles" with cautious approval, while the anti-apartheid groups were less enthusiastic. George Houser and Jennifer Davis at the American Committee on Africa intently attacked the Principles as "an exercise in triviality." They argued that the workplace reforms, even if implemented, could not make up for the massive material, financial, and psychological support American corporations provided to the South African apartheid government.

As Davis posited, "There is no demand for any change in the fundamental structure of apartheid, no demand for black political rights, and closer to home, no commitment to negotiating with black trade unions or demands for their recognition by the government." As a result, Davis concluded that "there is no way that a continued U.S. corporate presence in South Africa can serve any purpose except to reinforce white rule." Sullivan's guidelines were resisted by a majority of American multinationals on one hand, and condemned by black and other American spokespeople on the other, and this led to unsuccessful implementation of the principles.

AMERICAN PUBLIC PRESSURE ON CONGRESS

A number of organizations contributed to the divestment campaign and Congressional action against South Africa, including American Friends Service Committee (AFSC), American Committee on African (ACOA), and some other local groups in the United States. The ACOA, based in New York, carried on a campaign for ending the U.S. bank loans to, and corporate investment in, South Africa. In a leaflet,

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49 Massie, p. 409.
“South Africa: Taking Stock of Investment,” the ACOA summarized its criticism against the United States policy toward South Africa for more than forty years. United States banks had been investing in South Africa, and were not merely aware of the repressive system, but clearly defending it. United States banks had also bolstered the apartheid economy with more than $2.2 billion in recent loans. The uprising, the killing of black consciousness leader Stephen Biko in 1977, and numerous reported bannings and arrests are a telling sign that apartheid not only continued in South Africa, but was becoming even more repressive. It was time to end U. S. support for the apartheid system by withdrawing corporate investment and ending bank loans that were so crucial to its survival.50

ACOA intensified its work to support the liberation of South African blacks. According to its annual report for 1981, ACOA stated, “With the heightened awareness of Africa in the United States, we respond to numerous requests for specific information (about the situation in South Africa) from congressional offices, states and municipal legislators, churches, universities, civic organizations and unions.”51 ACOA also provided information to Columnist Jack Anderson, the New York Times, and the Washington Post to aid the successful effort to defeat Ernest Lefever’s nomination as


head of the U. S. Department Human Rights Bureau. Lefever was perceived to be too close to the apartheid government of South Africa.\footnote{52}{Ibid.}

At the state level, the Georgia Coalition for Investment, and other groups, particularly the American Friends Service Committee’s (AFSC) office in Atlanta, made major efforts to encourage corporate and individual divestment of holdings in corporations which operated in South Africa. "The Georgia Coalition for Divestment in South Africa was instrumental in persuading M&M Products, formerly of Atlanta, Georgia, to sever all ties with Vivid Distributors, who served the Southern African region.\footnote{53}{Kema Irogbe, \textit{The Roots of United States Foreign Policy Toward Apartheid South Africa, 1969-1985}, (New York, The Edwin Mellen Press, 1997) p. 145.}"

There was nowhere else the campaign for corporate divestment was more vocal than on university and college campuses. The United States’ college students, who shared a common perception of the situation, formed organizations to express their support for the struggles of black South Africans, and demanded that their institution’s stockholdings in the United States corporation that maintained direct links in South African subsidiary or affiliate companies, be divested.\footnote{54}{Lawrence F. Stevens and James C. Liberttkin, “American Universities and South Africa”, in the \textit{American People and South Africa: Publics, Elites, and Policymaking Process}, eds. Alfred O. Hero, Jr. and John Barrat (Lexington, Massachusetts, Lexington Books, 1976) pp. 123-127.} The student divestment campaign contributed to a lot of colleges and universities divesting their stockholdings from the corporation that had links to South Africa.
Finally, the contribution of the Washington Office on Africa cannot be overemphasized. It was founded in 1972 as a church and trade unions sponsored lobby which worked to promote a progressive American Foreign Policy toward Southern Africa. Since 1981, the Washington Office on Africa lobbied to end the United States-South African nuclear collaboration, stop United States support for IMF loans to South African government, and ensure the passage of four South Africa related provisions in the Export Administration Act of 1979, which was designed to restrict trade relations with the apartheid regime. The office worked closely to supply the mass media and some members of the U. S. Congress with pertinent and relevant information on Southern Africa, with a view of alerting and mobilizing United States citizens across the country on developments in Southern Africa, and the American policy toward the region.55

CONGRESSIONAL BLACK CAUCUS

One of the major engines that drove the comprehensive Anti-Apartheid Act of 1986 to a successful passage was the Congressional Black Caucus (CBC). Established in 1971, fighting apartheid became its major policy concern. It should be noted that African American interest and activism in the anti apartheid movement began decades before Congress finally passed the CAAA of 1980. However, the movement holds great significance in both the CBC and American history because it firmly established the voice of the black community in a major United States foreign policy.

In 1959, Representative Charles Diggs of Michigan became the first black chairman of the House Subcommittee on Africa.56 In this role, Diggs used the subcommittee as a place to raise the interest and levels of awareness concerning the political and social situations in Southern Africa. The subcommittee was also a driving force in the mobilization of the anti-apartheid activists in the United States. Its hearings on South Africa provided an important forum for discussing alternatives to existing United States policy, and gave a platform to the Africanists and black Americans to raise their concerns on the issues of apartheid.

The CBC's first bill concerning apartheid was introduced by Congressman Ronal V. Dellums of California in 1972. The purpose of the bill was to establish the CBC's position on apartheid and to end other racist practices in South Africa. Despite the fact that it took about sixteen years before the CAAA finally passed in Congress, the CBC members were credited with passing at least 15 separate bills that sought to pressure South African Apartheid government to dismantle apartheid.

In 1977, the CBC helped to establish Trans-Africa, a foreign policy advocacy organization led by Randall Robinson and designed to fierce attention on issues concerning Africa and the Caribbean Islands.57 It began immediately to mobilize opposition to US support of apartheid. The anti-apartheid movement resulted in about 5,000 Americans being arrested, including some members of CBC, for protesting in the

56 "Congressional Black Caucus", (accessed on October 10, 2008), http://www.avoiceline.org/aam/history.html

57 Ibid.
front of the South African Embassy. It also led to the heightened awareness among Americans of the atrocities of apartheid.

A major concern of the CBC was the important financial relationship between the United States government and the South African government. Therefore, in 1985 Representative William Gray of Pennsylvania, Chairman of the Committee as Budget, introduced H.R. 1460, a bill that will prohibit loans and new investment in South Africa and enforce sanctions on imports and exports with other nations. The bill also introduced sanctions on Rhodesia, United States business involvement in South Africa and political repression in the region.\textsuperscript{58}

Congressional Black Caucus members debated on the House and Senate floors, calling for a US-South African policy of sanctions and economic disengagement, and reminded Congress of the tremendous financial support America gave to South African apartheid government. CBC members in the debate recognized that because of its corporate and government involvement, the United States provided the financial fuel for the apartheid machinery. Although some of the congressional black caucus members agreed with the fact the apartheid system was very deplorable, a strong policy of economic disengagement was sharply contested. Opponents of the sanctions argued that divestment in South Africa would be very detrimental to black South Africans, but eh CBC members defend the proposed sanctions. After extensive debates, the bill passed on October 2, 1986 over President Regan’s veto. The override of the CAAA of 1986 (PL 99-440) marked the first time in the 20\textsuperscript{th} century that a popular president had a major foreign policy veto overridden.

\textsuperscript{58} Ibid.
The Anti-Apartheid Act triggered sanctions in Europe and Japan, and the loss of confidence by the global banking community in the economy of South Africa. There is no doubt that the Congressional Black Caucus, through Congress, was greatly instrumental in bringing an end to South African apartheid system, and less than five years after the passage of the Comprehensive Anti-Apartheid Act of 1986. The world witnessed the dismantling of the most heinous, inhumanity called apartheid, and the release of political prisoners such as Nelson Mandela.

Below were the names of members of The Congressional Black Caucus that participated in the historic process of dismantling apartheid in South Africa in the 99th-100th Congress:

Representative William L. Clay, Sr. Democrat of Missouri
Representative Cardis Collins Democrat of Illinois
Representative John Conyers Democrat of Michigan
Representative George W. Crockett Democrat of Michigan
Representative Ronald V. Dellums Democrat of California
Representative Julian C. Dixon Democrat of California
Representative Mervyn M. Dymally Democrat of California
Representative Walter E. Fauntroy Democrat of the District of Columbia
Representative Harold E. Ford, Jr. Democrat of Tennessee
Representative William H. Gray, III Democrat of Pennsylvania
Representative Augustus F. Hawkins Democrat of California
Representative Charles A. Hayes Democrat of Illinois
Representative Mickey Leland Democrat of Texas
Representative Parren J. Mitchell Democrat of Maryland
Representative Major R. Owens Democrat of New York
Representative Charles B. Rangel Democrat of New York
Representative Gus Savage Democrat of Illinois
Representative Louis Stokes Democrat of Ohio
Representative Edolphus Towns Democrat of New York
Representative Alton Waldon, Jr. Democrat of New York
Representative Alan D. Wheat Democrat of Missouri

*Source: Congressional Quarterly Almanac: 1980: pp. 50H-51H
TRANSAFRICA'S ROLE

One of the very vocal anti-apartheid organizations which sought to influence the formation of the United States policy toward Africa, particularly South Africa, was TransAfrica. It strived to introduce the views of African Americans into the decision making process and generally to increase public awareness on the issues of apartheid.

TransAfrica, led by Randall Robinson, had an insider's knowledge of the American political process, as well as the interest group focus on American politics. Robinson began lobbying the House of Representatives in May 1978, directing his pro-African appeals to legislators whose congressional districts accounted for a substantial portion of black electorate. Using political contacts and a small team of volunteers, he set out "to have a systematic capacity in each congressional district, where blacks have more than ten percent of the population, to move opinions from the population to the Congressperson, or to the President or to the Secretary of State." 59

With deep roots in the American political system, TransAfrica advocated economic sanctions against South Africa, and in order to achieve its goal, it communicated the policy views of its constituency to the Congress, to the mass media, and to the United States executives in the form of mass protests, oral and written formats. To be more efficient and effective, TransAfrica developed a close working relationship with such civil rights organizations as the National Association for the Advancement of Colored People (NAACP), the People United to Save Humanity (PUSH), and the Congressional Black Caucus.

Randall Robinson also consulted regularly with such members of the Carter Administration as Assistant Secretary of State for African Affairs, Richard Moose, and with Congressional leaders such as Stephen J. Solarz, who replaced Diggs on the House

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59 As quoted in South Africa, January 1980, p. 5, also see Henry Jackson, p. 124.
Subcommittee on Africa. Major results of TransAfrica’s lobbying appeared in 1979 as follows:

Without our work, the United States would have lifted the economic sanctions on trade with Rhodesia long before this year, and the London Conference (which prepared the way for black majority rule in Zimbabwe) would not have happened. When he was Prime Minister, Muzorewa tried to get Washington to lift the sanctions as a step toward recognizing his regime; we were able to stop that from happening.\(^{60}\)

Other contributions by TransAfrica included helping to prolong the U. S. embargo on chromium imports from Rhodesia, and pressures for increased American foreign assistance to Africa.

Finally, as was the case most of the time, when American corporations felt threatened through the divestment campaign, and coupled with the pressures from other anti-apartheid organizations, the Congress listened. One of the factors which also nudged the Congress into action, or reaction, was a survey conducted by the Response Analysis Corporation (Princeton, New Jersey) at the request of the Carnegie Endowment for International Peace. It was based on telephone interviews conducted on February 15 to March 16, 1979, with 1,000 adult men and women around the United States.\(^{61}\) The report in Table 3 was presented for hearings before the Sub-Committee on Africa, of the Committee on Foreign Affairs, House of Representatives.

Table 3. Do you think the United States should do something to try to get the white South African Government to change its racial policies?

<table>
<thead>
<tr>
<th>Total</th>
<th>College Grad</th>
<th>Republican</th>
<th>Democrat</th>
<th>Union</th>
<th>Jew</th>
<th>Black</th>
<th>White</th>
</tr>
</thead>
</table>

\(^{60}\) See Henry F. Jackson, p. 125.

As Table 3 shows, a clear majority of the public thought that the United States had reason to get the South African apartheid government to change its racial policies. This was a generally shared perception, though it was predictably and more intensely held by African Americans. The strongest opposition to change was found among Republican and Jewish respondents. As the table shows, there existed an overwhelming disapproval of the apartheid regime in South Africa by the American public, which pressured the United States Congress to modify the policy of “constructive engagement”.

According to George Gallup, “The foreign policy of a democracy cannot be successfully carried on for very long unless policymakers continually consult public opinion.”62 It can also be posited that the United States Congress tend to be assertive or passive in the conduct of American foreign affairs, especially with regard to the South African transition from apartheid to democracy, depending on the degree of public enthusiasm, the saliency of the issues at hand, and the political temperature of the particular constituents.

Recognizing the obvious and ever-growing racial tensions in South Africa, and with little concrete evidence that the apartheid government was ready to change its

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system, the American people felt that the United States should play a more assertive role in helping to bring apartheid to an end, rather than simply accepting the direct support "carrot and stick" that the Reagan Administration was giving to South Africa in hopes that such assistance would bring about "preferred" evolutionary change.

The Gallup Poll of October 1985 (see Table 4.1) indicates that a 47 percent plurality of Americans felt the United States should put more pressure on the government of South Africa to end apartheid, while 30 percent thought that the United States was adequately handling the South African problem; 15 percent would apply less pressure, and 8 percent were undecided.

Table 4.1. United States Pressure on South African Government (Based on Aware Group)
Question: Do you think the U. S. should put more pressure on the South African government to end apartheid, less pressure, or about the same amount as now? October 11-14, 1985

<table>
<thead>
<tr>
<th></th>
<th>More</th>
<th>Less</th>
<th>Same</th>
<th>No Opinion</th>
<th>Number of Interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL</td>
<td>47%</td>
<td>15%</td>
<td>30%</td>
<td>8%</td>
<td>893</td>
</tr>
<tr>
<td>Sex</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>47</td>
<td>15</td>
<td>2</td>
<td>6</td>
<td>483</td>
</tr>
<tr>
<td>Women</td>
<td>47</td>
<td>15</td>
<td>28</td>
<td>10</td>
<td>410</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Under 30</td>
<td>56</td>
<td>12</td>
<td>29</td>
<td>3</td>
<td>166</td>
</tr>
<tr>
<td>18-24 years</td>
<td>58</td>
<td>13</td>
<td>23</td>
<td>6</td>
<td>70</td>
</tr>
<tr>
<td>25-29 years</td>
<td>53</td>
<td>12</td>
<td>33</td>
<td>2</td>
<td>96</td>
</tr>
<tr>
<td>30-49 years</td>
<td>50</td>
<td>12</td>
<td>30</td>
<td>8</td>
<td>360</td>
</tr>
<tr>
<td>Total 50 &amp; Older</td>
<td>39</td>
<td>20</td>
<td>31</td>
<td>10</td>
<td>363</td>
</tr>
<tr>
<td>50-64 years</td>
<td>39</td>
<td>20</td>
<td>30</td>
<td>11</td>
<td>206</td>
</tr>
<tr>
<td>65 &amp; Older</td>
<td>38</td>
<td>21</td>
<td>32</td>
<td>9</td>
<td>157</td>
</tr>
<tr>
<td>Region</td>
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<td></td>
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</tr>
<tr>
<td>Midwest</td>
<td>50</td>
<td>16</td>
<td>28</td>
<td>6</td>
<td>230</td>
</tr>
<tr>
<td>South</td>
<td>42</td>
<td>15</td>
<td>32</td>
<td>11</td>
<td>240</td>
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<tr>
<td>West</td>
<td>53</td>
<td>16</td>
<td>24</td>
<td>7</td>
<td>198</td>
</tr>
</tbody>
</table>

Table 4.1. (Continued) United States Pressure on South African Government
Race

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Whites</td>
<td>42</td>
<td>17</td>
<td>33</td>
<td>8</td>
<td>780</td>
</tr>
</tbody>
</table>
The October 1985 Gallup Poll also revealed that American public opinion strongly supported the black majority in South Africa, with 63 percent saying that they sympathized with the black population of South Africa. By comparison, 13 percent sided with the South African government and 18 percent were equally sympathetic to both sides (see Table 4.2).
Table 4.2. Americans’ Sympathies (Based on Aware Group)

Question: In the South African situation, are your sympathies more with the black population or more with the South African government?

October 11-14, 1985

<table>
<thead>
<tr>
<th></th>
<th>Black Pop.</th>
<th>S.A. Govt.</th>
<th>Both Equally (Vol.)</th>
<th>Neither (Vol.)</th>
<th>White Pop.</th>
<th>No Opinion</th>
<th>Number of Interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL</td>
<td>63%</td>
<td>13%</td>
<td>12%</td>
<td>1%</td>
<td></td>
<td></td>
<td>893</td>
</tr>
<tr>
<td>Sex</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>62</td>
<td>15</td>
<td>11</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>483</td>
</tr>
<tr>
<td>Women</td>
<td>63</td>
<td>11</td>
<td>12</td>
<td>6</td>
<td>1</td>
<td>7</td>
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<td></td>
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</tr>
<tr>
<td>Total Under 30</td>
<td>71</td>
<td>11</td>
<td>10</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>166</td>
</tr>
<tr>
<td>18-24 years</td>
<td>63</td>
<td>11</td>
<td>14</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>70</td>
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<tr>
<td>25-29 years</td>
<td>78</td>
<td>10</td>
<td>6</td>
<td>4</td>
<td>*</td>
<td>2</td>
<td>96</td>
</tr>
<tr>
<td>30-49 years</td>
<td>68</td>
<td>10</td>
<td>9</td>
<td>7</td>
<td>1</td>
<td>5</td>
<td>360</td>
</tr>
<tr>
<td>Total 50 &amp; Older</td>
<td>52</td>
<td>17</td>
<td>16</td>
<td>5</td>
<td>1</td>
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<td>50-64 years</td>
<td>55</td>
<td>18</td>
<td>13</td>
<td>5</td>
<td>*</td>
<td>9</td>
<td>206</td>
</tr>
<tr>
<td>65 &amp; Older</td>
<td>48</td>
<td>16</td>
<td>19</td>
<td>6</td>
<td>2</td>
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Table 4.2. (Continued) Americans’ Sympathies

October 11-14, 1985

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*Less than one percent

Source: The Gallup Report, No. 241, October 1985, p. 21

Also, in October 1985 the Gallup Poll (see Table 4.3) indicated a 47 percent plurality of the group polled disapproved of President Reagan's handling of the South African situations, while 39 percent approved, and 14 percent had no opinion. The poll also shows that 53 percent of the Republican approved of Reagan's policies, while 58 percent of the Democrats disapproved.
Table 4.3. Reagan’s Handling of Situation in South Africa (Based on Aware Group)

Question: Do you approve or disapprove of the way President Reagan is handling the situation in South Africa?
October 11-14, 1985

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<tr>
<td>NATIONAL</td>
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Occupational of CWE

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Labor Union

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In summary, the Gallup Poll of October 1985 confirmed that the American public favored a more assertive role. In essence, the American public distanced itself from the fabric of Reagan’s policy of “constructive engagement”, and the “carrot and stick”. The feeling that the United States should have put more pressure on the apartheid government of South Africa was prevalent in most key population groups, but was expressed to a greater extent by younger Americans, the college educated, and more especially, the African Americans, as Table 4.1 revealed.
Gauging the political temperature of the American public and seeing the unpopularity of Reagan's policy toward South Africa, the United States Congress rose to the occasion to modify American policy, over the objection of President Reagan, despite the fact that the Republican Party controlled both the Congress and the White House.
CHAPTER FOUR
CONGRESSIONAL ACTIONS AND REACTIONS

CONGRESSIONAL ROLE IN FOREIGN POLICY

Although most foreign policy initiatives and actions of an emergency nature, such as the actions taken, after the terrorist attack on the World Trade Center and the Pentagon buildings on September 11, 2001, lie essentially with the President and the Executive Branch, and of course with proper congressional consultation, Congress, no doubt, has significant roles in the American foreign affairs and national security policy. The very important power to control the government’s purse gives the Congress a critical authority on such matters as foreign aid which was used to help the black South Africans; major weapons systems, and appropriations for the Defense and State Departments, and other national security and foreign policy-related agencies.

The constitution also gives the Congress the power to regulate foreign commerce, as well as the power to declare war, despite the fact that the war powers were not fully exercised by the Congress until the passage of War Powers Resolution of 1973, over President Nixon’s veto in regard to the Vietnam War. The United States Congress, the Senate in particular, has the power to affirm or deny foreign policy and defense related appointments. Senator Jesse Helms of North Carolina effectively used this authority to frustrate and delay the confirmation of Chester Crocker as the Assistant Secretary of State for African Affairs. On one of these occasions, Senator Helms, the
archconservative senator from North Carolina, who sat on the Foreign Relations Committee, put a hold on Dr. Crocker’s nomination for the post. Helms vowed to prevent “internationalists” like Ford, Kissinger and Bush, from flooding into the State Department, and subverting the glorious victory that President Ronald Reagan had won.¹

Senator Helms further implied that the newly elected President Reagan “did not know one thing about these people who had been nominated, so Helms himself would have to be the guardian.”²

Despite the displeasure of some moderate Republicans, like Senate Foreign Relations Chair Charles Percy of Illinois, as well as Nancy Kassebaum of Kansas and Richard Lugar of Indiana, Helms was determined to make sure that Chester Crocker would be sufficiently sympathetic to the South African apartheid government. In one of Helm’s opening statement at the hearing, he stated:

It would be wrong to assume that the doctrine of apartheid was conceived in bad faith or rooted in racial hatred, Helms commended the deeply religious nature of Afrikaner spirit, which was maintained by modernist philosophy, and to condemn apartheid as an inequitable practical failure is one thing, but to demand purposeful evolutionary change towards a non-racial democratic system is to impose secular

¹ Robert Kinloch Massie, p. 490.

² Jesse Helms, quoted in “Showdowns, Set on Confirmation of State Department Aides”, Washington Post, April 28, 1981
values that would destabilize both white communities and the contending black nations. The Senate eventually confirmed Chester Crocker as the Assistant Secretary of State for African Affairs despite all the roadblocks mounted by Helms. In this case, the United States Senate fulfilled its constitutionally-mandate obligation and duly participated in the execution of American policy toward South Africa by debating and approving the presidential appointment. Another notable congressional power in foreign affairs requires the president and the executive branch to obtain a two-thirds vote of assent from the Senate before any treaty takes effect.

Finally, Article I of the United States Constitution states that, “all legislative powers herein granted shall be vested in a Congress, which shall consist of the Senate, and the House of Representatives.” Section 8 of this article also empowers the Congress to make all laws which shall be necessary and proper for executing the government of the United States, or in any department or office thereof. Without question, the American Constitution strongly empowered the Congress to participate in the conduct of United States foreign affairs, and it did so during the transition of South Africa from apartheid to democracy.

CONGRESSIONAL INVOLVEMENT

The Congress did not actually get fully engaged in the United States foreign policy toward South Africa because it was focused on a relatively defined path, with

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4 Constitution of the United States; Article I, Section 8.
objectives of diminishing the Soviet influence in South Africa, and to stabilize the region. Just as the South African problem did not arouse constructive public debate in the United States until the 1980s, the Congress also was missing in action on this issue until general opinion shifted, and then the public demanded strong actions during the Reagan administration.

The Reagan Administration doctrine in South Africa was different from its predecessors. Its strategy, however, was said to be highly different and controversial. Calling its policy “constructive engagement”, the administration chose to work quietly with the South African government, stressing common strategic interests, empathizing with white fears, and utilizing a unilateral rather than a multilateral approach to diplomatic negotiations. The Reagan Administration justified this so-called new policy approach with the argument that the Carter Administration, which had been more confrontational in its dealings with the apartheid South African government, had lost momentum in pursuing its policy objectives. Reagan’s advisors also believed that its conservative credentials placed it in a unique position to influence the South African government.

Nonetheless, by the end of President Reagan’s first term in 1984, and while strong opposition to Reagan’s policy of constructive engagement was picking up steam, the United States was successful in brokering the Lusaka Agreement (a limited security pact between South Africa and Angola), and the Nkomati Accord (a broader non-aggression

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5 Pauline H. Baker, P. 3.

6 Ibid, p. 4.
treaty between South Africa and Mozambique). As a result, the administration claimed some progress in resolving the region’s conflicts, even though those agreements disintegrated as soon as they were signed due to continuous violations by the South African apartheid government, by continuous attacks on its neighbors.

Before President Reagan, previous administrations had dealt with South Africa in the context of a relatively calm domestic environment, despite the fact that there had been long active and often highly vocal lobbies on both sides of the political spectrum. As a result, South African problems had a relatively low priority on the American foreign policy agenda, and had never occupied the center of the political stage.

Congressional participation in United States policy toward South Africa reached its apogee during the Reagan Administration because the campaign for sanctions by American civil society increased with vigor. Activists in the United States, such as Randall Robinson of TansAfrica, organized to protest Reagan’s policy that wholly ignored the human rights abuses being perpetrated on the anti-apartheid forces in South Africa. Backed also by growing media attention and what was the obvious failure of Reagan’s policy of constructive engagement to achieve change, activists joined forces with some members of Congress, and with corporate interests, in supporting Congressional actions against South Africa.7

THE ROAD TO SANCTIONS

During the 1980s the contest within the American government over public strategies toward South Africa was fought between the Reagan Administration’s policy of constructive engagement, and congressional advocates of economic sanctions. The architects of the constructive engagement believed that the policy endorsed cooperation rather than public pressure as the best way to encourage an evolutionary process of reform in South Africa. See chart below:

Table 5. Differences between the executive and legislative branches on South African policy.

<table>
<thead>
<tr>
<th>President</th>
<th>Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The President advocated the policy of constructive engagement based on quiet diplomacy, evolutionary change in South Africa, and rewarding South African reforms.</td>
<td>1. The Congress suggested that the policy of constructive engagement had failed, and had locked the United States into acquiescing to the kind of harm to the black South African majority and that such a development was deemed dangerous to the United States and that the policy should be changed immediately.</td>
</tr>
<tr>
<td>2. The executive branch argued that external pressures, such as public criticism and sanctions would be counter-productive, would exacerbated white fears, and increase government intransigence.</td>
<td>2. Sanctions would demonstrate that the United States was willing to exert pressure if the apartheid government of South Africa continued its policy of apartheid. By setting example, America could lead other countries to take similar punitive measures against apartheid.</td>
</tr>
<tr>
<td>3. The belief that free market and economic progress under the capitalist system in South Africa would eventually make apartheid unworkable.</td>
<td>3. Targeted economic aid to black South Africans to produce black middle class that can participate in South African economy.</td>
</tr>
<tr>
<td>4. External and internal pressure could likely increase repression,</td>
<td>4. Effective pressure from the American public demanded</td>
</tr>
</tbody>
</table>
revolutionary violence and confrontations which will ultimately impede reform.

immediate action against South Africa and resulted in Congress passing the (Comprehensive Anti-Apartheid Act). CAAA.

5. Mandated United States direct investors to adopt the Sullivan Principles.

The economic reasoning employed by the policy of constructive engagement as the chart shows, saw free market as an instrument of legitimization, increased foreign trade; and that investment would supposedly, improve economic opportunities for black South Africans, in a trickle down economy, and give the whites the security they needed to begin to move away from apartheid. On the other hand, it also opposed sanctions because they would impose costs that would increase the likelihood of repression and revolutionary violence. The Reagan Administration officials and architects of the constructive engagement argued that even modest sanctions would create a diplomatic climate of confrontation, and thereby impede the so-called South African reform process.⁸

Two major examples of the Reagan Administration’s approach to constructive engagement were the relaxation of the Carter Administration’s early restrictions on strategic sales of materials that could be used for nuclear weapons production or testing, and strong support for a $1.1 billion International Monetary Fund (IMF) loan in November 1982, after a sharp decline in the price of gold.⁹

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The United States Congress no doubt reacted to the policy change strongly, and coupled with the rise in American public opinion against apartheid, introduced measures designed to steer American policy away from Reagan’s constructive engagement, and toward the application of economic pressure on South Africa. In November 1983, it passed an amendment that instructed the Treasury delegate to the International Monetary Fund to vote against any new loans to South Africa unless there was significant progress toward dismantling the apartheid system. It also introduced two legislations that banned new investments, loans to South African public sector, and the importation of kruggerrands, as well as the mandate, that the United States direct investors to adopt the Sullivan Principles.\(^\text{10}\)

The momentum for legislated sanctions by Congress increased, with the escalation of violence in South Africa, in late 1984 as a result of the South African government’s declaration of a state of emergency in June 1985. At the same time, the inability of various groups in the United States Congress to reach a kind of consensus on the purpose of sanctions, such as mandating corporate responsibility, sending a strong signal of American disenchantment with the apartheid system or linkage to specific reforms by the South African government, held up the passage of legislation.

In the fall of 1985, however, President Reagan pre-empted Congressional action with his own action in the form of Executive Order No. 12532 issued under the authority of the International Emergency Economic Powers Act (PL 95-223). Reagan’s executive order on South Africa included several, but not all of the economic sanctions and other

\(^{10}\) Congressional Quarterly, November 5, 1983, p. 2314.
measures that were contained in the final version of the legislation. As the violence and repression escalated in South Africa, and continued into 1986, Congress passed a new sanctions legislation and overrode President Reagan's veto. Before the passage of the Comprehensive Anti-Apartheid Act of 1986 (CAAA), the Congress took a host of other actions, either directly or indirectly targeting the South African apartheid government. It included:

1. Opposing and then supporting in the United States sanctions against Rhodesia, now independent Zimbabwe; in 1971 and 1977
2. Blocking United States covert military and intelligence support for the National Union for the Total Independence of Angola (UNITA) and the National Front for the Liberation of Angola (FNLA) in Angola in 1976-1986;
3. Restricting of the U. S. Export-Import Bank (1978), and IMF for financing South Africa in 1983;
4. Significant limitation of American military assistance to Zaire in late 1985, and tripling of United States famine assistance to Africa in general in 1985 also followed.

Perhaps, the most striking congressional legislation was the Comprehensive Anti-Apartheid Act of 1986, which imposed sanctions against South Africa, and was over a presidential veto, at the height of President Reagan's popularity.

The CAAA could be argued to represent an unusual, perhaps unparalleled case of the force of a popular constituent position on a foreign policy issue overwhelming the Congress, the Administration, and the foreign policy experts. There was massive and concerted anti-apartheid mobilization by a number of organizations, constituents and

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academics, acting both as experts and as mobilizers, instead of as “elite-influentials.”

There is no doubt that the CAAA resulted from twenty years of what has been termed “the people’s sanctions,” divestiture and selective buying campaigns by universities, churches, unions, local and state governments. This dramatic movement set the stage for the Free South Africa movement demonstrations at the South African Embassy, a concerted lobbying mobilization, and finally led to congressional action.  

CONGRESSIONAL SANCTIONS

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

The U. S. Congress in 1986 set about to dismantle one of President Reagan’s most controversial foreign policies involving the use of constructive engagement to encourage internal reforms in apartheid South Africa, and peace between Pretoria and its neighbors. In spite of the administration’s claims of success, the policy was widely seen both in the United States and South Africa as American sympathy, if not blessing for the white minority government of South Africa. Both houses of Congress passed legislation in 1985 imposing economic sanctions against South Africa, but Reagan headed off a final action on the bill by signing an executive order imposing mild sanctions of his own, Executive Order No. 12532 issued under the authority of the International Emergency Economic Powers Act. Reagan copied the exact language of the bill on some sanctions, but made major changes on most of the bill that effectively weakened the legislation.

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14 Ibid
Spurred on in part by election year political pressure, the pro-sanctions drive picked up steam in 1986 and in June the House of Representatives passed a dramatic sanctions bill (HR 4868), cutting off virtually all economic ties between the United States and South Africa. In August, the Senate passed by 84-14, its own version of the legislation, that was milder than the House bill, and barred imports of South African steel, textiles and agricultural goods, suspended air service to the United States. Despite the different preferences of members of Congress, they eventually succeeded in replacing Reagan’s constructive engagement policy with a concrete strategy of “linkage”; which specified the conditions for the removal of sanctions. In addition, it promised even more stringent measures if no substantial progress was achieved. As Anthony Sampson so adequately noted, “It was almost a complete alternative foreign policy.”15

PASSAGE OF THE COMPREHENSIVE ANTI-APARTHEID ACT

The House of Representatives began work on the sanctions legislation, and completed it on June 4-5. The House defeated, by a margin of at least 2 to 1, seven attempts by the Republicans to water down or postpone implementation of the sanctions. The House of Representatives also turned back various attempts to toughen the sanctions, including one of the bills to withdraw all American business investments from South Africa immediately.16 The Congressional debate over South African sanctions created an unexpected predicament for the Reagan Administration and the Republican Party. In an analysis of the Republican Party reaction to the South African problem during this period,


William Finnegan suggested that, "Apartheid has divided the right more deeply than any other recent issue, and that the issue became simultaneously an anti-communist litmus test, a yard stick on racism, and a challenge to party loyalty."\(^7\)

Particularly discontented were moderate Republicans who in response to the growing impression of President Reagan as insensitive to racial concerns, decided to voice their opposition to Reagan's policy of constructive engagement. Concerned also by the electoral impact of domestic racial issues, the Conservative Opportunity Society (COS), a group of centrist Republicans led by Vin Weber (R-Minnesota), Newt Gingrich (R-Georgia), and Robert Walker (R-Pennsylvania), saw the issue as potentially helpful in building a Post-Reagan Republican consensus capable of making the party a majority organization. This also meant encouraging African Americans and young people to support the Republican Party; a strategy that required party members to distance themselves from the administration's South African policy.\(^8\)

This action by the Conservative Opportunity Society was a turning point in the debate on the Comprehensive Anti-Apartheid legislation, because it paved the way for an easy passage of the bill. Furthermore, analysis of American public opinion and voting patterns conducted by the Gallup Poll organization in 1985 (See Table 4) strongly

\(^{17}\) William Finnegan, *Coming Apart Over Apartheid; the Story Behind the Republican's Split on South Africa*, (Mother Jones, April/May 1986), p. 19.

supported this claim that a widely shared belief in racial equality by Americans preceded broad based demands for Congressional sanctions against apartheid South Africa.

The COS first attacked constructive engagement in December 1984, when thirty-five members of the group wrote the South African Ambassador to the United States, Bernadine Fourie, and warned that they would support the sanctions legislation if the apartheid government did not move quickly to dismantle the apartheid system. They also reminded the Reagan Administration officials that they were “politically conservative,” and supported the Administration’s policy on South Africa. They warned, however, that “if constructive engagement becomes, in your view, an excuse for maintaining the unacceptable status quo, it will quickly become an approval that can engender no meaningful support among American policy makers.” Unless steps were taken to bring “an immediate end to the violence in South Africa accompanied by a demonstrated sense of urgency about ending apartheid, the signatories would recommend that the United States government curtail new American investments, and organize international diplomatic and economic sanctions against South Africa.” (See Appendix C).

After sending the letter, Congressman Vin Weber commented that, “We may not share the tactics of embassy demonstrators, but there is no ideological division in our minds in this country in our approach to apartheid.”19 In also explaining his motivations for a move that circumvented the policy of his party’s leader, Republican Congressman Robert Walker of Pennsylvania stated that:

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The time had come to have conservatives voice their repugnance regarding that policy of official segregation. We also were disturbed to see all conservatives lumped together as supporters of, or at least acquiescing to apartheid. We decided to take steps to break this stereotype by taking a public step to show our disapproval. We set out to define ourselves as a group of conservatives who were clearly anti-apartheid. This, we felt, would send a signal to the South African government that it cannot count on all conservatives to “look the other way”. We hoped the move would change the tenor of the debate, not only in this country but in South Africa as well.20

The ability of sanctions advocates to link South African apartheid with United States Civil Rights issues was a home run for the proponents because even Senator Richard Lugar similarly acknowledged that the linkage between South Africa and American racial issues affected his thinking about South Africa. As a result of increasing Republican support for sanctions, Reagan’s policy of constructive engagement was seriously facing total rejection.

SANCTIONS DEBATE IN CONGRESS

Chester Crocker, the Reagan Administration’s architect of constructive engagement, along with other opponents of sanctions, argued that punitive measures would reduce American leverage, make the South African government and the white

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population more intransigent, and encourage South Africa's retaliation against its vulnerable black neighbors, or cut off supplies of strategic minerals to the United States.\textsuperscript{21}

in 1981. As Crocker stated: The heart of the argument for some members of Congress opposed to the sanctions was the conviction, most consistently advanced by the Reagan Administration, that economic progress under capitalism in South Africa would eventually trickle down to the black majority, and therefore render apartheid policies impotent.

Even Crocker continued to hammer on this point in his address to the Congress

The U. S. and our Western allies must make every effort to demonstrate the efficiency of free market principles. We intend to do so in our relations with the states of South Africa, and to urge South Africa, the largest capitalist economy in the region, to extend the benefits of capitalism to all its citizens.\textsuperscript{22}

Supporting Crocker and the Reagan Administration's argument was Princeton Lyman, the Deputy Assistant Secretary for African Affairs posited that:

While South Africa's economic growth is historically based on the exploitation of unskilled black labor, the development of a modern diversified economic system requires that blacks be included on an equal base with whites. Economic growth, therefore, renders ineffective the apartheid political system.\textsuperscript{23}

Technically, the overall argument was that economic sanctions against South Africa would therefore be counterproductive, and would make life more difficult for Africans, argued the Reagan Administration, and that "they would create a kind of white

\textsuperscript{21} Baker, p. 38


\textsuperscript{23} Ibid.
laager or sage mentality which could be: "The world can do its damnest and we are going to struggle on ‘kind of thing’." In the words of Crocker, comprehensive sanctions would constitute "an act of economic warfare that would not bring about the kind of political system that we want in that country." 24

On the other hand, Comprehensive Anti-Apartheid Act supporters in the Congress, such as Representative John Conyers, Jr. (D-Michigan), rejected these arguments, maintaining that Reagan Administration’s tactic of quite persuasion and free market principles had not worked, and that South Africa acted only under pressure.

Robert Fatton also dismissed the Reagan Administration’s argument by arguing that, while it is true that the free market in South Africa has resulted in limited gains for a very small sector of the black urban working class, there is no compelling economic argument for assuming that an expansion of that principle will produce meaningful changes in the exploitive patterns of racial stratification. In fact, Fatton continued that, the structures of inequality have shown through the years a resilient persistence, despite considerable economic growth and urbanization. In 1917, the African share of the total income was only 18 percent; and it rose to 20 percent in 1970, and per capita ratio of white to African income increased from 13.2:1 to 15.2:1 during the same period. Fatton concluded that South Africa had probably the world’s most inegalitarian pattern of income distribution, and therefore there is little prospect that economic growth, even

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under the most optimistic assumptions, will fundamentally alter the economic inequalities characteristic of South Africa.25

Stanley Greenberg also argued that the type of technology implanted in South Africa by western multinationals was capital intensive and labor saving, and consequently it exacerbated the labor surplus problem, and therefore, there was no reason to believe that further corporate investments in South Africa, in the free market system would actually benefit the great majority of Africans, nor was there any compelling evidence to support the assumption that rapid economic growth, and free market had bettered the black South Africans condition. Greenburg concluded that, “In fact, the reforming impact of economic growth on apartheid has been minimal; change, and very limited changed occurred only when Africans intensified their protests and withdrew their labor from the white economy, and only when political disorder has threatened the economic environment have businessmen in and outside Afrikanerdom reconsidered their pervasive accommodation to racial customs.”26

Sifting through these arguments, political disorder has more often than not led to repression and state violence, both of which the apartheid regime justified in the name of stability, and which in turn is deemed as essential for economic growth, but in the South African context, economic growth nurtured by multinational corporations is more likely to maintain and expand the existing inequities than to deracialize and democratize the


26 Stanley B. Greenberg, Race and State in Capitalist Development; (New Haven, Yale University Press, 1980).
white supremacist system. As such, further investments in South Africa would have contributed to greater social polarization and greater state repression.

As the debate over the sanctions progressed in the Congress, the proponents of the legislation stressed that sanctions would demonstrate that the United States was willing to exert pressure if South Africa’s strategic minerals could come not from the risk of reprisals, but from a continuation of South Africa’s apartheid policies, which eventually could lead to a level of internal disorder that would actually shut down the mines, thereby disrupting production. Other sanctions supporters, such as Howard Wolpe (D-Michigan), who was the floor manager of the sanctions legislation, recognized that such punitive measures might hurt the black South Africans, but at the same time, this argument was adamantly diluted by the frequent calls for sanctions by credible black South Africans like Nelson Mandela, Bishop Desmond Tutu, including trade unionist like Cyril Ramaphosa, because, according to Mandela, sanctions remained the best leverage to force De Klerk to speed up the process of negation.27

Declining Congressional support for Reagan’s constructive engagement demonstrated that President Reagan, unlike previous presidents, could no longer rely on orthodox assumptions that white minority rule could and would not protect American strategic and economic interest over the long term in South Africa. A shift in Congressional behavior was very noticeable, as the moderate republicans joined the long standing opponents of apartheid, in articulating the view that the absence of South African reform actually promoted the spread of revolutionary ideas. They began to

27 Ibid.
conclude that apartheid sanctions represented the most effective means of both pressuring the minority government for total reforms, and also signaling support for the opponents of white rule; and that support for sanctions, in other words, was equated with support for racial equality.\textsuperscript{28} Most noteworthy in the sanctions legislative process was that many Republicans opposed to the sanctions increasingly recognized the logic and legitimacy of black South African demands for majority rule.

Although, not giving up their concerns over the spread of Communism as they reiterated in the Conservative Opportunity Society, these Republicans did, nevertheless, reject the formerly held narrow focus on strategic interests. Without an emphasis on democracy, that view had blinded them to the serious implications of growing unrest in South Africa, and the public opinion in the United States. As a result, their assessment of the nature of the threat to American produced a shift in thinking and perception, thereby acknowledging racial equality as a compelling interest to the United States security interest.

As Robert Walker, a leading Republican observed,

It hardly needs to be mentioned that South Africa plays a critical role through its opposition to Communist expansion in Sub-Saharan Africa. This has turned South Africa into a case where too many conservatives have turned a blind eye toward apartheid in the name of being pro-Western and anti-Communist. The only option is a dismantling of apartheid that moves South Africa toward human rights guarantees while preserving pro-western government. In short, apartheid is eating

away at the stability of South Africa. There is a danger that if it continues, the oppressed may seek liberation through violence and or Marxism. We then could lose the very ally we regard as so vital. Better that we should help show the way toward reform.29

Simply stated, apartheid definitely undermined South Africa’s stability and consequently, its value to the United States. Therefore the Republicans, who now supported partial sanctions, saw them as a warning to a friend, rather than a threat to an enemy of South Africa. They hoped to encourage gradual reform to forestall or head off the possibility of a more violent revolution. Demands for democracy based on racial equality, therefore, were no longer dismissed as Communism in disguise, but a prerequisite to retaining access to strategic minerals and markets for the United States.

The House of Representatives eventually passed the Anti-Apartheid legislation in June 1985 (HR 1460), imposing immediate sanctions against South Africa, including a ban on bank loans to South African government, and prohibited the sale of computer goods, nuclear power equipments and supplies to South Africa. Subject to review by the President and Congress, the bill also barred new United States business investments in South Africa, and prohibited the importation into the United States of South African gold coins (krugerrands). The bill did not have enough votes to withstand a presidential veto, so it was later resuscitated as HR 4868. The bill finally passed 313-83. There were 232 Democrats who voted for the override of the bill, and four Democrats who voted against.

29 Robert Walker; ibid.
The four were Representatives Hutto of Florida, Montgomery of Mississippi, Stenholm of Texas and Daniel of Virginia.\(^{30}\)

**THE SENTATE ACTION**

The Senate Foreign Relations Committee, after a long and contested debate, approved two anti-apartheid bills. First, it approved a bill (S.998-Senate Report 99-37) on March 27, calling for economic sanctions against South Africa, if "significant progress" toward ending apartheid had not been made in two years. The Committee also passed the bill by 16-1 votes, after rejecting another bill to ban loans to South African government. Senator Jesse Helms, Republican of North Carolina, voted against the bill. The Committee then on June 4 approved Senate bill 998, which incorporated much of the substance of Senate bill 995, but made the imposition of some sanctions immediate, and contained additional provisions aimed at improving the lives of blacks in South Africa. It was also approved by a vote of 16-1. The lone dissenting vote again was cast by Helms by proxy.\(^ {31}\)

The Senate Committee bill and the House of Representatives passed legislation contained three similar sanctions. Both measures would immediately ban new American bank loans to the South African apartheid government; curb sales of American computer goods and technology that the South African military, police and other government

\(^{30}\) See Congressional Quarterly Almanac, 1980, Key Vote, pp. 15c-19c.

\(^{31}\) Ibid, p. 87.
agencies could use to track individuals, and enforce race laws, and halt exports of American nuclear technology to the apartheid government.32

The main difference between the two bills was in the timetable for imposing even tougher sanctions, most notably on investments. The House bill would have immediately banned new investments by American corporations doing business in South Africa; however, the ban could have been waived if President Reagan and the Congress agreed that South Africa was making progress toward dismantling apartheid. The Senate bill on the other hand did not ban new investments but recommended the ban as one of several possible future sanctions.33

Breaking with the President, on August 15, the Senate passed HR 4868 by a vote of 84-14, after substituting the text of its own legislation for the bill that passed in the House of Representatives. The key factor in the Senate was Senator Richard Lugar (R-Indiana), normally one of Reagan’s most loyal and effective supporters. He was the main architect of the Senate bill, and in early September, he promised the House and Congressional Black Caucus leaders that he would stand by the legislation even in the face of a veto, if they would adopt it. Senator Lugar was joined by Senator Nancy Kassebaum, Chairman of the African Affairs Committee in questioning whether sanctions would actually lead to changes the United States sought in South Africa. Kassebaum, intimated her concerns to Chester Crocker and warned that the President had to get out in front on the South African issue, or the Republican-controlled Senate would

32 Ibid.
33 Ibid.
march off in its own direction. She also came to doubt that the administration’s calm assurances would be enough politically to sustain Republican support in the Senate. She also suggested that Republicans had better offer an alternative or risk being overtaken by events.

Senator Kassebaum, Senator Lugar and some other Republican leaders wanted to meet with Reagan to urge him to adopt several steps to profess his disgust over South African government’s behavior. Lugar and Kassebaum met with the President in the oval office on July 21. Even Lugar was alarmed by the dynamics around Reagan after he and Kassebaum discussed South African policy with Reagan. Lugar wrote that “it was clear the African policy issues were not getting the attention at the presidential level they needed in light of events in South Africa.” \(^{34}\) Eventually, Kassebaum and Lugar, seeing that the administration was not ready to abandon its policy of constructive engagement, decided to support the sanctions legislation as a way of demonstrating American leadership on the issue of apartheid.

Together, Lugar and Kassebaum appealed to Reagan to sign the bill. When President Reagan refused, they decided that the Congress should move ahead on its own because Reagan had missed his chance to demonstrate leadership. Lugar also lamented that Reagan “didn’t take his advice the first, second, third or even fourth time.” \(^{35}\)

Lugar was vehemently attacked by his fellow conservatives for his stand on the issues. At a rally on September 20, Whitehouse Communications Director Pat Buchanan

\(^{34}\) Robert Kinloch Massie, p. 615.

\(^{35}\) Congressional Quarterly Almanac, 1986, Lugar’s Role, pp. 370-373.
said that Lugar held his chairmanship only because of Reagan’s popularity. Quoting from Shakespeare’s “King Lear,” Buchanan said of Lugar, “How sharper than a serpent’s tooth to have a thankless child.” Helms, the second ranking Republican on Foreign Relations Committee, also got in his own jabs saying that “Dick Lugar and Ted Kennedy would be responsible for turning South Africa over to ‘militant blacks’ and ultimately the Soviet Union.”

Ignoring pleas by Lugar and other Congressional leaders, President Reagan nevertheless vetoed the bill (HR.4868) on September 26, 1986, stating that sanctions would be counter-productive, and would hurt the black majority in South Africa, rather than the white minority government.

Elbowing aside a popular president, the House of Representatives voted to override the President’s veto on September 29, 1986, and the Senate followed suit on October 2, thus enacting the bill into law. In the House, where the outcome was never in doubt because of Democratic majority and the efforts of the Congressional Black Caucus, the final tally was 313-83, 49 more than two-thirds majority required to pass the bill over president’s veto; 81 Republicans joined 232 Democrats in voting to override.

In the Senate, which originally had passed the sanctions bill by a 84-14 vote, Reagan needed to pick up 20 votes to prevent an override by the required two-thirds majority, but was unsuccessful. Democrats voted unanimously to support the veto.

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36 Ibid.
37 Ibid.
38 Ibid.
override—including the southerners who usually supported the President on crucial votes. The final vote margin was 78-21, 12 more than the required two-thirds. The votes enacting the bill into law (PL.9-440) marked the most serious defeat Reagan had suffered on a foreign policy issue, and one of the most stunning blows of his presidency.39

The Congressional override was the first of a Presidential veto on a major foreign policy since 1973, when Congress enacted into law the War Powers Resolution (PL.93-148), giving it the right to force the withdrawal of troops from combat situations. Until the sanctions override, the Congress had never repudiated a president so decisively. The repudiation was so complete, in fact, that Senate Majority Leader, Robert Dole (R-Kansas), suggested that “Congress had taken control of the South African issue. It’s going to be the policy the Congress established and then we’ll be responsible.”40

Senator L. P. Weicker, Jr. (R-Connecticut), one of the leaders of the sanctions movement in the Senate, also noted that “he had been in the Senate for 16 years and nothing was done as much by this Senator (Weicker), as by anybody else. Now, he said, Congress was speaking out against the greatest moral wrong of our time.” Weicker concluded that the South African bill, like many pieces of foreign policy legislation handled by Congress, primarily was an exercise in what the diplomats call “signal sending.”41

39 Ibid, pp. 357-362
40 Ibid.
41 Ibid.
Some Senators, who opposed the sanctions bill, as well as Reagan Administration officials, suggested that the Senate vote was determined by political calendar. The votes came just a month before the November 4 elections that would determine which political party controlled the Senate in the 100th Congress. The Democrats were also eager to exploit Reagan’s political weakness on the issue of apartheid, and some attempted to portray his attitude toward South Africa and Republican policy. Nervous Republicans, no doubt, did not want to risk antagonizing black votes for whom South Africa was especially very important.

During the sanctions debate, nearly all of the Republicans on the panel went to great lengths to stress opposition to apartheid, and to demonstrate against the apartheid government of South Africa. They said they questioned only the blunt instrument of comprehensive sanctions, which the Democrats sought to use against Pretoria, rather than the goal of promoting the rights of the black majority. Even Dole, for months before the veto override, contended that South Africa had become a “domestic civil rights issue” as much as a foreign policy matter, concluding that his colleagues were castings “a feel good vote” for a feel good foreign policy.

On the other hand, some of the sanctions supporters readily acknowledged the domestic implications of the South African problem but insisted that they were positive and arising out of the civil rights struggle of the 1960s and South Africa was very important for the United States, precisely because of the recent history of racism in

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42 Ibid, pp. 370-373
43 Ibid.
America. As Lynn Martin (R-Illinois) so adequately noted, "The vote matters not because of what it says about South Africa, it matters more because of what it says about America."44

Finally, the common theme binding all of Congress' foreign policy battles with Reagan, especially on South Africa, was the overwhelming public sentiment against apartheid South Africa which the Reagan administration adamantly refused to consider. Although President Reagan was enormously popular, but he implemented a number of policies that appeared to have little backing among American voters, and in those instances, the Congress responded by devising alternative policies.

Despite all the arguments for or against sanctions on South Africa, it is very important to understand that the discourse of domestic race relations became extraordinary important in changing public and congressional thinking about U.S. policy toward South Africa. Following the successful politicization of the apartheid issue, in terms of justice, civil rights, American values and democracy, politicians had become sensitized to the potentially damaging political linkage between tolerance for apartheid and tolerance of racism in America. By late 1984, even those Senators and Representatives who had not previously been committed advocates of racial equality such as Walker, Webb and Gingrich recognized the importance of publicly rejecting apartheid and supporting sanctions. A split between moderate and conservative Republicans over racial equality resulted not only in total rejection of the Reagan Administration's policy of constructive engagement, but also in a fundamental redefinition of United States

44 Ibid.
interests, which gave priority to nonracial democracy. Furthermore, passage of the Comprehensive Anti-Apartheid Act of 1986 both institutionalized this policy change and added momentum to the global sanctions movement.

**COMPREHENSIVE ANTI-APARTHEID ACT OF 1986, IN CONTEXT**

(CAAA-P.L. 99-440)

One year after President Reagan issued executive orders containing limited sanctions against apartheid South Africa, the United States Congress enacted the Comprehensive Anti-Apartheid Act of 1986 over his veto.45 The purpose of the Act was to “set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa, and to lead to the establishment of a nonracial democratic form of government.”46

Like the executive orders issued by President Reagan, the CAAA was specifically designed to put pressure on the apartheid government of South Africa, rather than its people. A significant and very important feature of the legislation contained not only trade and financial sanctions, but also contained extensive assistance measures intended to help the victims of apartheid.

1. **TRADE SANCTIONS:** The CAAA imposed numerous import and a more limited number of export restrictions on trade with South Africa. The act banned all imports from South African parastatal organizations, except imports of certain strategic minerals certified by the President. It also imposed more general bans on import of

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46 Ibid.
krugerrands, military equipments, uranium, coal, textile, iron, steel, food and agricultural products, and sugar from South Africa. Executive Order No. 12751 issued by President Reagan implementing the Comprehensive Anti-Apartheid Act delegated the authority for implementing and enforcing most of these restrictions to the Department of the Treasury. The Department of State was also given the authority over the identification of parastatal organizations and the ban on military imports.47

On the export side, the act banned the exports of crude oil and petroleum products, nuclear materials, and items on the United States munitions list. It also banned sales of computer equipments to the South African military, police, prison systems, and other apartheid enforcing agencies. The Executive Order also divided the responsibility for enforcing these provisions between the State Department and the Department of Commerce.48

2. FINANCIAL RESTRICTIONS: The CAAA prohibited new investments in South Africa and loans to the South African public and private sectors. The act defined a prohibited loan as any transfer or extension of credit or guarantee of repayment including the purchase of South African debt or equity securities issued after the enactment of the act. Prohibited loans, however, did not include short-term trade credits, sales on open accounts, and rescheduling of existing loans, but included overdrafts, currency swaps, purchases of loans made by third parties, sales of


48 Ibid.
financial assets subject to repurchase, and renewals or refinancing whereby credit is transferred or extended to the South African debtor.\textsuperscript{49}

The CAAA also defined, and prohibited new investment as any commitment or contribution of funds or assets, or any loan or extension of credit. New investment did not include: the reinvestment of profits earned by a South African entity controlled by an American firm; contributions to enable a controlled South African entity “to operate in an economically sound manner, without expanding its operations,” and the ownership or control of South African debt or equity securities issued prior to the enactment of the act, or the trading of such securities on secondary markets.\textsuperscript{50}

The regulations implementing the new investment prohibition specified that purchases and sales of goods, services, and technology on normal commercial terms will not be treated as new investment for the purposes of the CAAA. In addition, the CAAA permitted new investments in firms owned by black South Africans.\textsuperscript{51} The financial restrictions also extended to taxation, mandating the termination of the convention between the United States and South Africa for the avoidance of double taxation, a treaty whose benefits applied primarily to South African residents in the United States.\textsuperscript{52}

\textsuperscript{49} Ibid.

\textsuperscript{50} See, 22 U. S. C. pp. 5001-5075.

\textsuperscript{51} Ibid.

\textsuperscript{52} Ibid.
3. **OTHER PROVISIONS:** The CAAA contained several additional sanctions aside from its trade and financial restrictions. It suspended the landing rights of South African aircrafts from landing in South Africa. In addition, it banned United States cooperation with South African military, or intelligence organizations "except activities which are reasonably designed to facilitate the collection of necessary intelligence." The CAAA was likewise designed to promote multilateral cooperation in imposing sanctions against South Africa. It directed the President to begin negotiations with other countries to coordinate measures designed to end apartheid. It also authorized the President to limit imports from any country that takes commercial advantage of the sanctions imposed by the act.

In an effort to increase Congressional oversight of the implementation, the CAAA imposed several reporting requirements on the executive branch. These requirements range from the completion of studies on strategic minerals and on the economy of Southern African region, to the investigation for the exiled African National Congress (ANC), and communist activities in South Africa. The most important of these requirements was the filing of an annual report by the President to the Congress regarding the progress that has been made in South Africa toward ending apartheid. If it was found that South Africa did not make significant progress toward genuine democracy, the President was required to include in the report a recommendation as to what additional measures should be imposed against South Africa.\(^{54}\)

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\(^{53}\) Ibid

\(^{54}\) Ibid.
4. **ASSISTANCE TO BLACK SOUTH AFRICANS:** The CAAA consolidated and cemented the American government’s commitment for assistance to black South Africans. Section 511(a) of the Act authorized up to forty million dollars for fiscal year 1986, and each fiscal year thereafter, in economic support for disadvantaged South Africans. Activities funded included scholarships, alternative education, community development programs, and up to three million dollars to promote the participations of disadvantaged South Africans in trade unions. Section 201(a) also authorized up to four million dollars for fiscal years 1987, 1988, and 1989 to finance education, training, and scholarships for the victims of apartheid. Section 202 of the CAAA extended authorizations of up to 1.5 million dollars for fiscal year 1986 and each fiscal year thereafter, for human right grants, originally funded under the Kassebaum Amendment.

Various other provisions of the CAAA, although not directly concerned with assistance, also had an impact on humanitarian aid. Section 206 of the act, for example, authorized ten million dollars to be used in fiscal year 1987 to make residential properties available to black South Africans employed by the United States government in South Africa. Section 210 of the act also authorized the President to use Emergency Reserve

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56 22. U.S.C. p2151c, Funds spend under this section can also be taken from the forty million dollar authorization provided for in Section 511(a). Id.

57 Ibid, p2151n.

58 Ibid, p. 5033.
for African Famine Relief if such relief was necessary to meet food shortages in South Africa.59

Section 503 required the Secretary of State to conduct a study to examine the health conditions, and the extent of starvation and malnutrition in the so-called “homeland” areas of South Africa.60

There were however, limitations on which organizations or individuals may receive United States assistance under the Comprehensive Anti-Apartheid Act. Section 209 prohibited assistance to any groups which maintained, within their ranks, individuals who violate human rights.61 Section 211 prohibited aid to any group or individual who supports execution by firing squad, also known as “necklacing.”62 Section 511 of the act also provided that none of the forty million dollars authorized under this section may be used to support organizations or groups which are financed or controlled by the government of South Africa.63 Human rights grants under Section 202 of the CAAA were limited to $10,000, except for those community organizations which could match outside grants (these organizations may receive up to $30,000). At least $500,000 of the funds authorized under Section 202 must be used for direct legal and other assistance to political detainees and their families and for assisting the actions of black community organizations to resist apartheid. Out of this $500,000 authorized grant, individual grants

60 Ibid, p. 5093.
63 Ibid, p. 2348d.
may not exceed $100,000, and the average of grants may not exceed $70,000. In addition also, $175,000 of the funds authorized under CAAA Section 202 must be used to help the families of victims of violence, such as "necklacing" and $175,000 must be made available to black groups who are working toward a multiracial solution to the problem of sharing of political power through non-violent means. 64

On July 10, 1991, President Bush lifted economic sanctions on South Africa, declaring that South Africa had met all the requirements of the 1986 Comprehensive Anti-Apartheid Act (PL 99-440), and the President F. W. de Klerk had led his nation on an unalterable march toward abolishing its policies of discrimination against the black majority. Despite the insistence of some members of Congress like Representative John Conyers, Jr. (D-Michigan), that 1991 was too early to ease the pressure on the South African government, President Bush stated that, "This is a moment in history which many believed would never be attained, regarding South Africa's steps toward ending its policy of racial segregation apartheid. I really firmly believe that the progress is irreversible." 65

The anti-apartheid law had stated that the sanctions would be lifted once five conditions were met. Those conditions were that: The government of South Africa must release from prison all persons, including Nelson Mandela, prosecuted for their political beliefs, or detained unduly without trial; must repeal the state of emergency in effect and must release all detainees held under such state of emergency; must lift the ban on


democratic political parties and permit free exercise by South Africans of all races the
right to form their political parties, express political opinions, and otherwise participate in
the political process; must repeal the Group Areas Act and the Population Registration
Act, and institute no other measures with same purpose; and must agree to enter into
good-faith negotiations with members of the black majority without any preconditions.
President Bush declared that the South African government had met all the conditions for
lifting the sanctions, leaving him no choice but to abide by the 1986 Law.

CRITICAL REVIEW OF THE COMPREHENSIVE ANTI-APARTHEID ACT OF 1986
(CAAA) (PL 99-440)

The Comprehensive Anti-Apartheid Act was very significant in that it represented
a rare Congressional attempt to impose comprehensive economic sanctions against one
country. It was likewise important as a strong statement of the United States repugnance
to the system of apartheid. On the other hand, it was limited in scope, plagued by
weaknesses, and in many areas, simply codified the already existing practice.

One of the principal weaknesses of the CAAA was the enormous discretion given
to the President to promote and implement policies which represented a repudiation of
the cornerstone of the Reagan policy of constructive engagement. It was rather odd to
expect the Reagan Administration to faithfully execute the CAAA which he vetoed.

Another glaring weakness in the Act was that it legitimized intelligence
cooperation with the South African security apparatus. Therefore, as a matter of public
policy, and in an unprecedented manner, intelligence collaboration with the South
African government was legitimized. South Africa, without doubt, was keenly interested
in the deployment of African National Congress (ANC) operatives as well as the strategic and tactical thinking of the ANC leadership. Since the prime object of the South African Security System was to monitor and destroy the liberation movements, especially the ANC, there should have been a serious question whether mutual trust could be established between the liberation movements and the United States government, in light of the intelligence collaboration. It could not be forgotten that Nelson Mandela was one of the early casualties of the CIA collaboration and betrayal to the South African security policy.66

On the other hand, many of the provisions of the Comprehensive Anti-Apartheid Act codified the provisions already present in President Reagan’s 1985 executive orders. These included the ban on krugerrand imports, the bans on computer and nuclear exports, the prohibition on loans to the government of South Africa, and the requirement that American firms in South Africa adhere to certain fair labor standards. Similarly, although the act banned new investment in South Africa, as a practical matter, there was no new United States investment in South Africa since 1984 (except for the reinvestment of earnings by firms already in the country.)67 In fact, the act was notable for what it did not do. It did not, for one; restrict the imports of gold from South Africa; despite the fact gold is South Africa’s leading export and is responsible for more than 40 percent of its


export earnings.\(^{68}\) One would think that a ban on gold import would have been necessary to hit hard the major source that financed the apartheid machinery, and also to send a very strong message to the South African government that the United States mean business.

The export bans in the CAAA were even more limited than the import prohibitions. Exports of only four classes of goods were prohibited. Of these four classes, only one export, that of oil and petroleum products, was not already prohibited. The act imposed no restrictions on exports of capital equipment, an export viewed by many as critical to the growth of the South African economy.\(^{69}\) At the same time, there was a lot of speculation that the reason for such limited export restrictions may have arisen from Congressional interest in protecting American exporters. Yet, according to a General Accounting Office Report, exports to South Africa constituted only 0.5 percent of total United States exports.\(^{70}\)

Even those areas covered by CAAA were limited in their impact. In an effort to target the South African government, the act’s sole broad prohibition on imports of goods was limited to goods produced or sold by parastatal organizations. A parastatal is defined


\(^{69}\) In 1986, machinery and transport equipment represented 27.2 percent of all South African imports. The United States was the fourth largest supplier of capital equipment to South Africa, after West Germany, Japan, and the United Kingdom. Lawyer’s Committee Report, p. 69, (citing Lipton, Sanctions and South Africa: The Dynamics of Economic Isolations, 47) (The Economist Intelligence Unit, Special Report No. 1119, 1988).

\(^{70}\) See GAO Report, id. At 141 (relying on International Monetary Fund, Direction of Trade Statistics). Imports from South Africa, in turn, constitute 0.33 percent of total U. S. imports. Id. At 144.
as any business "owned, controlled or subsidized by the government of South Africa." 71

As a report by the Southern Africa Project for the Lawyers Committee for Civil Rights Under Law pointed out, any effort to distinguish between private and government-sponsored business "is inconsistent with the realities of the South African economy." 72

The South African government provided economic benefits, ranging from start-up assistance to tax concessions and reduced railway rates to a multitude of private institutions. 73 As a result, it thus would be extremely impossible to disentangle government-sponsored "parastatal" companies from purely private companies, and the apartheid government, without doubt, exploited the loophole to its advantage.

Another important limitation is the Parastatal Prohibition was the exception for strategic minerals that the President certified as necessary for the economy or defense of the United States and is unavailable from other reliable suppliers. The Secretary of State was delegated with the authority to make the certification, with the assistance of Secretaries of Defense and Commerce. 74 The Secretary of State eventually certified ten minerals (andalusite, antimony, asbestos/chrysotile, chromium, cobalt, diamonds (industrial), manganese, platinum, rutile, and vanadium). Unfortunately, there were, however, no known imports into the United States of any of the ten certified minerals from parastatal organizations; rather, the minerals were imported from private South

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73 Ibid.

74 See President Reagan's Executive Order No. 12,571, 3 C.F.L. 238, p. 9 (1986).
African firms not covered by the CAAA sanctions, thereby exploiting the limitation of the sanctions.  

In evaluating the list of minerals certified by the Secretary of State for national security reasons, the Lawyer's Committee Report concluded that the State Department wrongly considered the importance of mineral to the maintenance of American competitiveness as a factor in placing the minerals on the list. The report concluded that: “While a complete ban on South African minerals would probably result in higher prices and some shortages in the short-term, the United States would most likely be able to procure sufficient supplies of the minerals for essential military and industrial uses in the long-term."  

There were also other significant inadequacies in the Comprehensive Anti-Apartheid Act’s financial restrictions, designed primarily to protect existing American business interests in South Africa. For example, because the act’s prohibitions on new lending did not bar rescheduling of existing loans even at new and more favorable rates, American capital still remained available in South Africa. As a General Accounting Office Report surmised, it was possible that South Africa substituted those rescheduled loans for other prohibited credits, which clearly facilitated imports by South Africa despite the sanctions. 

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76 Lawyer's Committee Report id. 168.

The act’s exceptions to the ban on new investment for reinvestment of profits and investments necessary to maintain a U. S. controlled business in an economically sound manner threatened to swallow up the entire prohibitions. According to the GAO, historically, about 80 percent of all foreign direct investment in South Africa came from the reinvestment of profits notably from 1984 to 1987; U. S. corporations reinvested one hundred four million dollars in profits in South African subsidiaries and affiliates; in 1987, they reinvested ninety-four million dollars.78

Another weakness in the CAAA was the exception for new investments to enable a “controlled South African entity to operate in an economically sound manner” was given a great deal of latitude by the Treasury Department. In 1987 the Ford Motor Company was allowed to invest sixty-one million dollars in a South African company, Samcor, to pay off the company’s debt in an effort to facilitate Ford’s withdrawal from South Africa. The Treasury Department agreed with Ford’s argument that the contribution fell under the exception to the new investment prohibition even though it was made not to continue operations, but to discontinue operations by Ford. The net result was a substantial new investment by a U.S. company in a South African business.79 The Ford example raised very important questions about the divestment of American firms from South Africa, because divesting companies, however, reportedly were able to

78 Ibid.
circumvent the prohibition by extending financing through the use of some kind of offshore third party.\textsuperscript{80}

The last, but not by any stretch of the imagination the least, criticism of the CAAA (PL 99-440) of 1986 involves the amendment that referred to the African National Congress (ANC). This ANC amendment was submitted by North Carolina Senator Jesse Helms on behalf of ten other Senators, including conservative stalwart Strom Thurmond of South Carolina and Jeremiah Denton of Alabama. Its final inclusion in the legislation came as a result of a compromise struck between Helms, representing the anti-sanctions conservatives, and Connecticut Senator Lowell P. Weicker, Jr., speaking for the Senate majority. In exchange for Helms abandoning fourteen additional amendments, the Senate, however, adopted a toned down version of his original amendment that placed even further demands on the ANC.\textsuperscript{81}

The four most important parts of the Helms Amendment can be found in Sections 102 and 311 of the Law. The sections and sub-sections read as follows:

\begin{quote}
-\textbf{Sec. 102(b)} The United States shall encourage the ANC to (1) suspend terrorist activities so that negotiations with the government of South Africa will be possible
-\textbf{Sec 102(b)(2)} The United States shall encourage the ANC to make known their commitment to a free and democratic post-apartheid South Africa.
\end{quote}

\textsuperscript{80} Ibid.

-Sec.(b)(4) The United States shall encourage the ANC to re-examine their ties to the South African Communist Party.

-Sec. 311(c) The United States government will support negotiations between the representatives of all communities in South Africa and the South African government. However, if the South African government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits to a free and democratic post-apartheid South Africa, and the ANC, refuses to participate, or to (1) abandon unprovoked violence, or (2) to commit themselves to a free and democratic post-apartheid South Africa, during such negotiations, then the United States will support negotiations that do not include the ANC.  

The exact wording of these four segments of the act, no doubt, reveal precisely how the Conservative Republicans and critics of ANC sought to recast the entire focus of the legislation, for example, in the first sentence the ANC was called on to suspend terrorist activities so that negotiations with the apartheid government of South Africa will be possible. Two points deserve serious attention here. The first is the unqualified and unequivocal statement that the ANC practices terrorism and, therefore, is a terrorist organization. This is particularly important given that Section 312(b) of the Act states that the United States will work diplomatically to isolate those groups or individuals who promote terrorist attacks in South Africa. The second part of the sentence implied that

82 Ibid.
the ANC, and not the South African government, was the main obstacle to negotiations. This view was explicitly rejected by the Commonwealth's Eminent Persons Group, led by Olusegun Obasanjo of Nigeria, and former Prime Minister Malcolm Fraser of Australia, that explored the validity of the charge that the ANC was the main obstacle to negotiations.\footnote{The Eminent Persons' Group Leader, Malcolm Fraser and Olusegun Obasanjo, talked extensively with South African leaders in 1986, and concluded that the government of South Africa "was not yet prepared to negotiate fundamental change" nor had any intention of negotiation in good faith. See their article, "What to do about South Africa," \textit{Foreign Affairs}, 65, (1986-7), p. 155.}

The final and most important point brought out in the Helms Amendment could be seen as a reflection of an attempt by Senator Jesse Helms and other critics of the ANC to deal the group out of the future of South African politics. By incorporating into American Law specific demands on future ANC actions during negotiations, critics undeniably established a position from which to attack and discredit the ANC as a terrorist organization, during the very talks that eventually defined the post-apartheid political system of South Africa.

In conclusion, despite all the deficiencies of the Comprehensive Anti-Apartheid Act of 1986, the adoption of sanctions marked an unusual bipartisan consensus among members of Congress and the American public; that promoting racial equality and democracy in South Africa would also be a prerequisite for attaining America's other national interests. It also served as an exercise in signal sending to the South African government, that United States Congress was speaking out against one of the greatest moral wrongs in the history of mankind.
Congressional action also strengthened the global momentum for sanctions. Shortly after the passage of the U. S. Anti-Apartheid Act, the Commonwealth and European nations adopted economic sanctions, and Japan also adopted bilateral restrictions following the United States lead.\textsuperscript{84} Therefore, CAAA is, no doubt, one of the contributing factors that pressured the South African government to negotiate with the black majority which eventually led to the majority rule.

ANALYSIS OF SENATE CAAA VOTES

One would perhaps ask the necessity for analyzing only the Senate votes on the Comprehensive Anti-Apartheid Act of 1986 (PL 99-440). The nature and structure of the Senate at the time made it imperative because it has the capacity to reject or approve the legislation in question.

The ever-cherished Senatorial tradition of unrestricted floor debate, whereby Senators may speak as long as they wish or even try to filibuster a bill to death, by talking non-stop and tying up the Senate for so long that the leadership is forced to drop the legislation, cannot escape mentioning. Senate rules also allow senators to place a hold on any bill, indicating their unwillingness to grant unanimous consent to its consideration. The unanimous consent agreement is generally negotiated between the majority and minority leader to govern when a bill will be debated, what amendments will be considered, and when the final vote will be taken. At the same time, a single Senator can object to a unanimous consent agreement and thus, hold up Senate consideration of a bill. The Senate can

only avert some of these obstacles if it has sixty or more Senators to vote for closure, a process of petition and voting that limits the debate on any bill, but getting the necessary sixty votes is always difficult, taking into consideration the makeup of the Senate. Therefore, these Senate traditions of unlimited debate and unrestricted floor amendments give individual Senators considerably more power over legislation than individual members of the House of Representatives enjoy. As a result of these weapons at the disposal of the opponents of the CAAA, the importance of the Senatorial votes cannot be neglected.

Most important, why the evaluation of the senatorial votes on the Comprehensive Anti-Apartheid Act of 1986 could not be overlooked is that the 99th Congress had fifty-three Republicans to forty-seven Democrats (53-47) in the U. S. Senate. The Republican majority in the Senate notwithstanding, the president at that time was President Reagan, also a Republican. President Reagan was very much opposed to the sanctions legislation, and being the leader of the party, one cannot fail to notice how difficult it was to navigate the CAAA through the Senate, and at the same time, how easy it would have been to kill the legislation. Since, also, all the Democrats voted for the bill, and it was tough for most Republicans to abandon their popular leader, President Reagan, the argument for the analysis of the Republican votes in the Senate becomes even more obvious.

Table 6 shows the names, states, and party affiliations of each senator that voted against the Comprehensive Anti-Apartheid Act of 1986. The table also shows the total population of each individual state of origin, the population of white and black citizens of each state, and their percentages.
<table>
<thead>
<tr>
<th>Name &amp; State</th>
<th>Race</th>
<th>Number</th>
<th>%</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALABAMA</td>
<td>Total Pop.</td>
<td>3,893,888</td>
<td>100</td>
<td>4,040,587</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>White Pop.</td>
<td>2,855,558</td>
<td>73.3</td>
<td>2,960,167</td>
<td>73.2</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>983,696</td>
<td>25.2</td>
<td>1,017,713</td>
<td>25.1</td>
</tr>
<tr>
<td>ALASKA</td>
<td>Total Pop.</td>
<td>401,851</td>
<td>100</td>
<td>550,043</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>White Pop.</td>
<td>304,632</td>
<td>75.8</td>
<td>406,772</td>
<td>73.9</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>13,423</td>
<td>3.3</td>
<td>21,799</td>
<td>3.9</td>
</tr>
<tr>
<td>ARIZONA</td>
<td>Total Pop.</td>
<td>2,819,215</td>
<td>100</td>
<td>3,665,228</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>White Pop.</td>
<td>2,062,262</td>
<td>74.5</td>
<td>2,626,185</td>
<td>73.9</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>73,245</td>
<td>2.6</td>
<td>104,809</td>
<td>2.8</td>
</tr>
<tr>
<td>COLORADO</td>
<td>Total Pop.</td>
<td>2,889,964</td>
<td>100</td>
<td>3,294,394</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>White Pop.</td>
<td>2,390,478</td>
<td>82.7</td>
<td>2,658,945</td>
<td>80.7</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>99,891</td>
<td>3.4</td>
<td>128,057</td>
<td>3.8</td>
</tr>
<tr>
<td>IDAHO</td>
<td>Total Pop.</td>
<td>943,935</td>
<td>100</td>
<td>1,006,749</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>White Pop.</td>
<td>886,185</td>
<td>93.8</td>
<td>928,661</td>
<td>92.2</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>2,667</td>
<td>0.28</td>
<td>3,211</td>
<td>0.32</td>
</tr>
</tbody>
</table>

TABLE 6 (Continued)

<table>
<thead>
<tr>
<th>Name &amp; State</th>
<th>Race</th>
<th>Number</th>
<th>%</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>KANSAS</td>
<td>Total Pop.</td>
<td>2,363,679</td>
<td>100</td>
<td>2,477,574</td>
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<tr>
<td></td>
<td>White Pop.</td>
<td>2,138,516</td>
<td>90.4</td>
<td>2,190,524</td>
<td>88.4</td>
</tr>
<tr>
<td>Name &amp; State</td>
<td>Race</td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>---------------------------</td>
<td>------</td>
<td>---------</td>
<td>----</td>
<td>---------</td>
<td>----</td>
</tr>
<tr>
<td>MISSISSIPPI</td>
<td>Black Pop.</td>
<td>124,820</td>
<td>5.2</td>
<td>140,761</td>
<td>5.6</td>
</tr>
<tr>
<td>Senator Cochran Republican</td>
<td>Total Pop.</td>
<td>2,520,638</td>
<td>100</td>
<td>2,573,216</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>White Pop.</td>
<td>1,604,154</td>
<td>63.4</td>
<td>1,624,198</td>
<td>63.1</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>876,368</td>
<td>34.7</td>
<td>911,891</td>
<td>35.4</td>
</tr>
<tr>
<td>NEVADA</td>
<td>Total Pop.</td>
<td>800,493</td>
<td>100</td>
<td>1,201,833</td>
<td>100</td>
</tr>
<tr>
<td>Senator Hecht Republican</td>
<td>White Pop.</td>
<td>666,354</td>
<td>83.2</td>
<td>9436,357</td>
<td>78.7</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>50,65</td>
<td>6.3</td>
<td>76,503</td>
<td>6.3</td>
</tr>
<tr>
<td>NEW HAMPSHIRE</td>
<td>Total Pop.</td>
<td>920,610</td>
<td>100</td>
<td>1,109,252</td>
<td>100</td>
</tr>
<tr>
<td>Senator Rudman Republican</td>
<td>White Pop.</td>
<td>905,504</td>
<td>98.3</td>
<td>1,079,484</td>
<td>97.3</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>3,859</td>
<td>0.4</td>
<td>6,749</td>
<td>0.6</td>
</tr>
<tr>
<td>NORTH CAROLINA</td>
<td>Total Pop.</td>
<td>5,881,766</td>
<td>100</td>
<td>6,628,637</td>
<td>100</td>
</tr>
<tr>
<td>Senator Broyhill Republican</td>
<td>White Pop.</td>
<td>4,428,562</td>
<td>75.2</td>
<td>4,971,127</td>
<td>74.9</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>1,304,563</td>
<td>22.1</td>
<td>1,449,142</td>
<td>21.8</td>
</tr>
<tr>
<td>OKLAHOMA</td>
<td>Total Pop.</td>
<td>3,025,290</td>
<td>100</td>
<td>3,145,585</td>
<td>100</td>
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<tr>
<td>Senator Nickels Republican</td>
<td>White Pop.</td>
<td>2,570,986</td>
<td>84.9</td>
<td>2,547,588</td>
<td>80.9</td>
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<tr>
<td></td>
<td>Black Pop.</td>
<td>203,039</td>
<td>6.7</td>
<td>231,462</td>
<td>7.3</td>
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<tr>
<td>SOUTH CAROLINA</td>
<td>Total Pop.</td>
<td>3,121,820</td>
<td>100</td>
<td>3,486,703</td>
<td>100</td>
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<tr>
<td>Senator Thurmond Republican</td>
<td>White Pop.</td>
<td>2,132,100</td>
<td>68.3</td>
<td>2,390,056</td>
<td>68.5</td>
</tr>
<tr>
<td></td>
<td>Black Pop.</td>
<td>935,624</td>
<td>29.9</td>
<td>1,035,947</td>
<td>29.7</td>
</tr>
<tr>
<td><strong>TABLE 6 (Continued)</strong></td>
<td>1980</td>
<td>1990</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name &amp; State</td>
<td>Race</td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>SOUTH DAKOTA</td>
<td>Total Pop.</td>
<td>690,768</td>
<td>100</td>
<td>696,004</td>
<td>100</td>
</tr>
<tr>
<td>Senator Pressler Republican</td>
<td>White Pop.</td>
<td>637,430</td>
<td>92.2</td>
<td>634,788</td>
<td>91.2</td>
</tr>
</tbody>
</table>
Concurring with the fact that serious Congressional actions are most often determined by the political temperature of the electorate, that is, the amount of support the policy can muster. Coupled, also, with the fact that the Senate's vote on the CAAA came just a month before the November 4 election that would decide which party controlled the Senate in the 100th Congress. Democrats wasted no time exploiting Reagan's political weakness on the South African problem, and attempted to portray his attitude toward South Africa as a Republican policy. At the same time, some nervous Republicans who had a significant percentage of black voters did not want to risk antagonizing black voters, for whom South Africa was especially important. Another dilemma for several Republican senators who voted for the bill also feared the
repercussions from their conservative supporters; as a result, and as Table 6 shows, the senators that had the least population of black voters felt safe to vote against the Comprehensive Anti-Apartheid Act.

A detailed analysis of Table 6 shows that in 1980 the population of Alabama was about 3.8 million, with white population 2.8 million (73%), black population about 0.9 million (25%). In 1990 the population increased to 4 million for whites, and 1 million for blacks, and the percentages remained the same. Noting the make-up of the population of Alabama at that period under study, one can argue that conservative Republican Senator Denton of Alabama was comfortable with his position by voting against the CAAA. Another case in point is Senator Ted Stevens of Alaska, which has a total population of 0.4 million citizens, with 0.3 million whites (75%), and 0.01 million blacks (3%) in 1980. In 1990, Alaska had 0.5 million total population, with 0.4 million whites (73%), and 0.02 million blacks (3%). The above figure shows that Senator Stevens did not have to worry about any voter repercussions by voting against the sanctions bill.

Without going into a detailed analysis of individual Senators' state of origin, population, and racial makeup of those states, it can be generally argued with reference to Table 6, that with the exception of Alabama with 25 percent (Senator Denton), Mississippi with 35 percent (Senator Cochran), North Carolina with 21 percent (Senators Helms and Broyhill) and South Carolina with 29 percent (Senator Thurmond), that most of the Senators that voted against the override of the Presidential veto of CAAA 1986, felt very comfortable with their votes especially in an election year because they do not have enough African American voters in their constituencies to repudiate them for their votes.
The black vote played a major role in the final outcome of the sanctions legislation because even some nervous Republicans did not want to risk antagonizing black voters for whom South Africa was especially important. At the same time, several other Republican senators like Thad Cochran (Mississippi), Dole (Kansas), Orrin Hatch (Utah), Nickels (Oklahoma), Alan Simpson (Wyoming), Ted Stevens (Alaska) and Goldwater (Arizona), who originally voted for the bill before the veto, voted against the override because the feared repercussions from their conservative supporters.
CHAPTER FIVE
CONSEQUENCES AND RESULTS OF AMERICAN POLICY
TOWARD SOUTH AFRICA IN THE CONTEXT OF SOUTH
AFRICAN TRANSITION TO DEMOCRACY

There is no doubt that American policy toward South Africa underwent what
could be classified as a difficult “labor and messy delivery”. Arguably, far from being
well thought out, and carefully planned, the struggle was unnecessarily prolonged and left
deep scars, racial resentment, and a high domestic political cost, especially for President
Reagan. As Baker noted, “It was also an extraordinary emotional debate, contrasting
sharply with other foreign policy dilemmas, from the 1991 Persian Gulf War, to the 1994
Rwandan genocide, which ended either in broad consensus (support for the war against
Saddam Hussein) or in paralysis (failure to intervene to prevent the genocide).” 1 The
South African debate also produced a hybrid policy that operated simultaneously to exert
pressure on the apartheid government for internal change, while also remaining open for
strategic negotiations. It is pertinent that the successful transition of South Africa from
apartheid to democracy could be attributed to a long and difficult struggle among
different constituencies, interest groups, and civil rights organizations (both inside and
outside South Africa). At the same time, the South African debate was very divisive in

the United States, and contributed to a strained relationship between the Executive and Legislative branches of the government.

Even though it contributed to partisan wrangling, and exacerbated race relations in the United States, it also galvanized a broad array of church leaders, students and teachers, labor and civil rights groups, intellectuals, and corporations to take a firm stand against apartheid. Another consequence was that anti-apartheid activities at the state and local government levels set a precedent for challenging the Executive branch control of foreign policy that continues to this day.

Other effects of American policy toward South Africa included educating the American public on the issues at hand, reaffirming the moral tenets of the United States foreign policy, raising the visibility of Africa to at least a minimum level, and shifting the foreign policy focus from economic interests and containing Communism, to human rights concerns. Despite all the controversies, the overall policy was very effective and a contributing factor in the transition of South Africa from apartheid to majority rule. According to Baker the new South African policy was a tremendous defeat for the Reagan Administration and marked the political shift that put the United States Congress at the center of the policy process.²

As evidence has shown, the successful application of sanctions was one of the most powerful instruments that the American government employed to help undermine the apartheid government. They had a very significant and important impact, not only on the white South Africans, but on the entire population of South Africa as well.

² Ibid.
Sanctions and threat of sanctions were very symbolic of the international community’s total intolerance for discriminatory and frequently brutal behavior of the South African apartheid regime. They were also symbolically important to the liberation movement in South Africa who then saw the United States more clearly aligned with the black South African majority. Another notable result of the South African campaign is that it was the single greatest example of a popular nationwide movement including support from Republican and Democratic legislators alike rallying for a human rights policy to override other national interests of the United States.\(^3\) This was surely a movement that over time, completely reversed the American policy, shifting from constructive engagement and quiet diplomacy by Crocker to concrete pressure and open criticism of the apartheid government, and also channeling some aid to opposition of South Africa.

The new South African policy also demonstrated to both American companies and multinational corporations, and the South African government that apartheid had become a dominant political issue in the United States. Despite some historical differences between the United States and South Africa, the racial struggle in the two countries was able to be cleverly fused together ideologically by the sanctions proponents, which helped in the successful approval of the sanctions bill. The way opposition to Soviet Communism once served as the main measure of American patriotism, ironically, opposition to apartheid also evolved into an index of commitment

to racial justice in the United States. As a result, most Republicans could not afford to be left behind in the process especially in an election year that determines which party controls the Senate majority. Therefore as Baker posits, "The comprehensive Anti-Apartheid Act of 1986 passed because it had become a domestic civil rights issue." 4

To calculate the consequences of domestic implication of apartheid debate, even Dole was worried about the vote on CAAA, scheduled 30 days before the November elections, that the Republican stance on the issue of apartheid might alienate their supporters and cause the Republican Party to lose the control of the Senate. Congressman Trent Lott (R-Mississippi) also explained why the South African issue made other Republican candidates nervous; "It is right before an election and there are a lot of districts with heavy black populations, and members do not want to take a chance of offending them." 5

As Crocker would later admit, after his tenure as the Assistant Secretary of State for African Affairs, "Conservative Republicans viewed Africa and South Africa in particular as elephant country – a place to hunt for anti-communist trophies to hang on the wall and to demonstrate doctrinal manhood in support of freedom fighters." 6 As a matter of fact, the United States had never had any serious national discussion about any aspect of African policy. Most of the time, debate and dialogue about African issues had

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previously occurred at the margins of American foreign policy process, among experts (Africanists) and a familiar group of corporate, religious, foundations, humanitarians, and media enthusiasts. Even Crocker was astonished and surprised that apartheid had never before burst open the American Public’s consciousness as a topic of mainstream media interest and public debate.⁷

Evidence has shown that as a result of South African discussions, the United States policy toward South Africa during most of Reagan’s second term exposed, a lot of weaknesses in the American traditional Cold War approach toward apartheid, and helped to create new opportunities and avenues for anti-apartheid activism. As Culverson noted, “White House intransigence impugned the credibility of national security and foreign policy experts, created skepticism about presidential judgment, and placed apartheid on the docket as a domestic racial issue. This therefore energized various constituencies predisposed toward extending civil rights principles abroad, and opposition to apartheid acquired an honorary exemption from the Cold War categorical treatment of Africa policy concerns.”⁸

Another important consequence of the South African policy debate was that it generated a wide impact on national policies. It also definitely extended beyond a mere quest for policy change, because anti-apartheid activism displaced some of the invalidated assumptions about the people of African descents in the United States, as well

⁷ Ibid. p. 225.

as abroad. It raised many questions about policy maker deference to European Colonial, Cold War, and corporate priorities in responding to South Africa having institutionalized violent racial order.

In the course of contesting those differentials, opposition to apartheid aroused constituencies very concerned with fundamental democratic problems, such as how the American national interest is defined, and how it shapes the boundaries between foreign and domestic politics. It also raised questions of who has the right to participate in foreign policy decision making, and to what extent civil rights and human rights considerations accompany policy making and implementations. The apartheid movement’s broad reach partly compensated for its comparative deficiencies in such conventional political resources as money, votes and bureaucratic power, and that helped them to garner a wide range of support. In addition to intervening or participating in the great debate on civil rights, domestic opposition to apartheid also furnished a critical space for deepening inquiry into the injustices fostered by material and structural adjustments to post-industrialization.

Last, the anti-apartheid movements and discussions surely injected new concerns into the political process as society experienced greater global interdependence. Outrage expressed by marginalized Americans about racial injustice in South Africa once seemed far removed, but gradually anti-apartheid activism and other nongovernmental transnational’s endeavors, came to be understood as critical elements in a struggle to

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9 Ibid, p.163.

produce meaningful democracy in a world devoid of Cold War encumbrances. As a result of American policy toward South Africa, and the issue of apartheid, the basic American values were undeniably touched, and the ensuing political activism in the United States definitely contributed to a more robust and cohesive human rights policy in South Africa.

EFFECTS OF SANCTIONS

Despite all the discussions, protests, actions and reactions opposing or supporting comprehensive sanctions against South Africa, one can honestly ask, "what criteria should be applied to determine the effectiveness of sanctions?" Hufbauer, Schott, and Elliot in 1990 ranked on a scale of 1 to 4 the extent to which the goals of sanctions were achieved, and the extent to which sanctions contributed to the dismantling of apartheid. They multiplied the scores and if the result is 9 or greater, they deemed sanctions successful. At the time of publication, they assigned the 1986 sanctions against South Africa a 2, for effectiveness, and a 3 for sanctions contribution to eradication of apartheid system. They predicted a total failure. Presumably now, since all the stated goals of sanctions were met, and South Africa has a majority and democratic political system, they would no doubt deem the comprehensive anti-apartheid policy very successful.

In the case of South Africa, the overall goal was achieved although the direct economic impact of governemntally imposed sanctions was not as severe as most people

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11 Culverson, p. 164.

wanted, it could be argued that the measures were the final straw that made economic conditions intolerable and forced political change. There were also numerous statements from South Africa that drew the linkage between the economic climate and political change, although they were usually accompanied by the South African government’s plausible deniability of the sanctions effectiveness. However, one might discount such denials as an effort to dissuade governments and other organizations from further punitive measures.

Certainly, an important set of evidence in favor of sanctions success were the statements made by South African black leaders expounding upon their importance and effectiveness. Bishop Desmond Tutu, Reverend Allan Boesak, and Nelson Mandela, all maintained that sanctions was an effective tool in their liberation struggle. Upon Mandela’s release from prison in 1990, he said that, “To lift sanctions now would be to run the risk of aborting the process toward ending apartheid.”\(^\text{13}\) Despite other contrary opinions on the effectiveness of sanctions, the Ambassador from Botswana, during the congressional consideration of sanctions, expressed what could be termed as the prevailing sentiment among the Black Africans when he said that, “If we must choose between the suffering of apartheid and the suffering of sanctions, we are prepared to accept sanctions. Any measure that can be applied that will end the pestilence of apartheid should be, regardless of the consequences.”\(^\text{14}\) The Ambassador from Zambia was even blunter by saying that, “To those of you who oppose economic sanctions

\(^{13}\) Ibid.

because they will damage the economies of the frontline states, I say, you are not protecting us; you are protecting apartheid.”

Economic pressures and sanctions obviously played a significant and complex role in the decision of South African apartheid government to negotiate with the liberation movements. Despite the fact that in 1988 and 1989, the apartheid cabinet ministers, both in public and private interviews, insisted that sanctions made it even more difficult for the cabinet to break finally with apartheid, lest it appeared vulnerable to their electorate to foreign pressure. However, in campaigning for a yes vote in the 1992 referendum on the negotiations with the ANC, senior South African government officials acknowledged the undeniable contributing role of sanctions in the government’s decision to negotiate with Mandela and the ANC, adding that, “the economy had been bled white.”

The sanctions were very effective because at the same time that the United States Congress was discussing the economic pressures on South Africa, the European countries and the Commonwealth of Nations and African Countries were also doing the same thing. It is also notable that the other governments of Nordic and Scandinavian countries also took similar actions the same period. Table 7 summarizes the range of sanctions adopted by industrial states by the late 1986. As the table shows, the sanctions were not evenly implemented, but nonetheless, they represented both the effectiveness and

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15 Ibid.

intensification of the sanctions environment, which showed an indication of the direction political climate within the industrial states was moving, and a message to the South African government that apartheid can no longer be tolerated.

Table 7. Government Economic Sanctions Against South Africa, 1986

<table>
<thead>
<tr>
<th>Country</th>
<th>Direct Investment</th>
<th>Loans to SA Gov't.</th>
<th>Loans to Companies</th>
<th>IMF Loans</th>
<th>Import Embargo</th>
<th>Export Embargo</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>Banned</td>
<td>Banned</td>
<td>Banned</td>
<td>Opposed</td>
<td>Coal, steel, agric. prod, gold coins, uranium, textiles</td>
<td>Computers for security force</td>
</tr>
<tr>
<td>European Community (voluntary)</td>
<td>Banned</td>
<td>Banned</td>
<td>Opposed</td>
<td>Coal, steel, agric. prod., gold coins</td>
<td>Oil, computers for security force</td>
<td></td>
</tr>
<tr>
<td>Nordic Countries</td>
<td>Banned</td>
<td>Banned</td>
<td>Banned</td>
<td>Opposed</td>
<td>Coal (Sweden), gold coins (all), agric. prod. (Norway) (Sweden), uranium (all)</td>
<td>Oil (Norway) (Denmark), computers (all)</td>
</tr>
<tr>
<td>Commonwealth Countries (except U.K.)</td>
<td>Banned</td>
<td>Banned</td>
<td>Banned</td>
<td>Coal, steel, gold coins, agric. prod, uranium</td>
<td>Oil, computers for security forces</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>Banned</td>
<td>Discouraged</td>
<td></td>
<td>Coal, steel, gold coins</td>
<td>Computers for security force</td>
<td></td>
</tr>
</tbody>
</table>

Source: Facts and Reports, October 1986.

As a result of the sanctions, by the end of 1986 South Africa was effectively cut off from international capital markets, and faced even more selective embargoes against some important foreign exchange generating imports. The apparent abandonment of South Africa by most of the world's leading industrial nations and corporations helped immensely to cast a big shadow over South African's economic future, and thus contributed significantly to the undermining of South African economy, investor confidence, and apartheid machinery. In summarizing the devastating effects of
sanctions on the apartheid system, William de Klerk noted that, "Once the taps of international capital investments and loans had been turned off, apartheid began to stare the specter of bankruptcy in the face."\(^{17}\)

Another consequence of sanctions, against South Africa, was a serious retardation of economic growth created by pressure on South Africa's balance of payments. The economy during the apartheid regime depended heavily on imported produce, goods and industrial components. Therefore, for growth to materialize the economy had to have a surplus of foreign exchange with which to pay for those vital high-tech items. The sanctions effectively struck at all of those mechanisms available to obtain foreign exchange, new direct investment, access to foreign loans, and earnings from exports. With foreign exchange generating capacity limited by sanctions, the South African government had difficulty meeting the demands of foreign banks for loan repayment. As a result, a foreign exchange surplus adequate to support sustained economic growth was thus unavailable.\(^{18}\) This, therefore, impinged on the ability of the South African government to finance and maintain the apartheid apparatus which included the security forces.

The external economic squeeze in combination with the structural characteristics of the South African economy produced a decade of economic stagnation and decline. According to Price, South Africa's economic decline in the context of increasing international isolation contained several significant political implications. First, "It held


the potential to alter the white minority’s ‘risk calculus’ in respect to the issue of majority versus minority rule.” The argument was that black political participation had been feared by the South African whites because majority rule threatened their material standard of living, and that minority rule guaranteed against such a threat. In any case, international sanctions rendered minority rule a threat to white South Africans’ material well being, and made black political participation and inclusion the condition for economic benefits in the future. In other words, sanctions that produced economic decline served to bring the “fear of the future” under conditions of a majority rule, into balance with the “threat of the present,” under minority rule.20

It can also be argued that economic stagnation due to sanctions denied the South African government the adequate resources to successfully pursue all elements of its apartheid strategy. Especially, the lack of funds for school construction, housing projects, township electrification, and the concerted strategy of coopting a black middle class a buffer against the forces for majority woefully failed because of lack of funds for the execution of the strategy.21

It is also very important to point out that the stagnation of the South African economy which was precipitated by the economic sanctions invariably produced massive unemployment among black South Africans of up to 50 percent which no doubt unleashed, “the interactive nature of the trialectic of change; militant political opposition

19 Ibid.
20 Ibid.
(unrest) on domestic front which stimulated the introduction of international pressures which through their impact on the economy helped to perpetuate the conditions conducive to future outbreaks of insurrectionary actions. This shows that despite the effects of sanctions on the black South Africans, they were willing to swallow that bitter pill for an eventual freedom.

Other notable and significant observations on the effects of the sanctions include the assessment on the Financial Times of London, which stated that, "It is clear from everything Mandela has done since he was released from prison that he regards international sanctions and pressure as the principal weapon available to the ANC. Without it Mr. Mandela would probably still be a prisoner, and the ANC, a Black Nationalist organization, would still be illegal. From the black South African point of view, the overthrow of apartheid depended on the desire of white South Africans to rejoin the world community, and see both sanctions and constant expressions of opprobrium brought to an end." Stephen Lewis also argued that it is entirely clear that the economic cost of apartheid and the international sanctions effectively affected the nature and pace of political change in South Africa, by forcing the apartheid government to change its policies on a wide range of issues, from labor reform to the release of political prisoners.

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That, in the absence of fundamental political change, the prospects for economic growth in South Africa is bleak.\textsuperscript{24}

On the same note, Audie Klotz concluded that sanctions which triggered a white only referendum called by de Klerk on his reforms, particularly the implicit threat of renewed economic and cultural isolation should the reform effort be repudiated, figured prominently in the debates leading up to the March 17, 1992, vote. Many white South Africans feared the renewal of economic sanctions and predicted increased unemployment and a general decline in prosperity should de Klerk’s referendum fail. Klotz further stated that even the South African business community went as far as launching expensive advertising campaign, advocating the approval of the reforms. Sports enthusiasts also dreaded a return to isolation just as South Africa entered its first World Cricket match in years and hoped for an Olympics appearance in Barcelona.\textsuperscript{25}

Therefore, economic and social sanctions definitely offered prospects of benefits if apartheid policies are dismantled and reforms implemented and at the same time, increase the cost of operating the apartheid machinery if they were not implemented.

Finally, despite all the opposition to sanctions and the Reagan Administration’s gloomy predictions on the effectiveness of sanctions, evidence has shown that the sanctions satisfied the original intent of the Congress. The impact of the sanctions on political change was however very complex because there also were several other factors


\textsuperscript{25} Audie Klotz, “Transforming a Pariah State, International Dimensions of South African Transition,” \textit{Africa Today}, 1\textsuperscript{st} and 2\textsuperscript{nd} Quarters, pp. 75-87.
that worked in conjunction with sanctions in getting South Africa to end its international aggression on its neighbors and forcing a negotiated end to apartheid. All these factors created the condition for the construction of a democratic government.

It cannot go without notice that the determined resistance of those who fought South African aggression in South West Africa/Namibia and elsewhere in the region and the resistance of those who fought for non-racial democratic society inside South Africa along with long-term structural changes in the economy and society probably had much to do with the character and timing of the transition than the sanctions. Still it cannot be denied that the sanctions played a very important role. They directly helped to pressure the apartheid regime by increasing the costs of maintaining apartheid. Sanctions also helped to promote systemic economic changes that undermined the economic structures of apartheid. In other words, rather than simply devastating the South African economy, which they certainly did, sanctions paradoxically also promoted economic growth in some sectors and in the actual sense nourished anti-apartheid resistance. Therefore, the demise of apartheid, which followed the comprehensive sanctions, with a substantial lag, can be attributed to two different but interlocking factors: the effectiveness of the political opposition of the black majority and the effective escalation of the costs of apartheid through comprehensive sanctions.
CHAPTER SIX
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The preceding study has dealt with the foreign policy of the United States toward South Africa. Its basic emphasis is on South African transition from apartheid to democracy and the role the United States Congress played in this historic process.

In the course of this study, the author has endeavored to show that comprehensive sanctions, which was a result of Congressional assertion of its constitutional authority to change the South African policy was a major factor in pressuring the South African government to dismantle the apartheid system, thereby, paving the way for a democratic transition. However, in a narrower perspective, the United States national interest in the Southern African region and the continent of Africa as a whole, at one time or another subordinated human rights interests in Africa in favor of economic interest. This tendency has been given credence by the abandonment of the Reagan’s constructive engagement policy by the United States Congress and slapping the comprehensive Anti-Apartheid Act of 1986 on South Africa.

The successful application of sanctions was one of the most powerful instruments the American government had ever employed to help undermine the apartheid government of South Africa. Comprehensive sanctions had a very important impact not only on the white South Africans, but on the South African population in general.
Sanctions and the threat of sanctions were symbolic of the international community’s intolerance for discriminatory and frequently brutal behavior of the apartheid regime. They were also symbolically important to the liberation movements in South Africa that then saw the United States more clearly aligned with the black majority.

Even Crocker alluded to the fact that the South African policy was already in serious trouble before the sanctions implementation. Crocker states that “there was no discipline, no system, and apparently no means of keeping authorized personnel away from the vital machinery of decision making.” He maintained that every major element of the Southern African policies which Secretary of State Shultz had obtained presidential approval for was the object of one form of sabotage or another in the National Security Council (NSC), the domestic White House, the Central Intelligence Agency (CIA) or the Defense Department. Those foreign officials informed us of the treacherous conduct of our “colleagues” in other agencies. But foreign officials were also beginning to wonder if anyone in the administration was in charge.”¹

This study could generally be summarized in this mode. White-dominated South Africa was very commercially important to many western businesses, countries, and of some strategic importance in the Cold War. The initial attempts to boycott apartheid South African goods and stem the flow of investments to the country proved abortive. However, the impact of public opinion reinforced in the United States by the power of Black Congressional lobby, African-American pressure groups like TransAfrica, and the academic community gradually made it commercially unwise and morally bankrupt to be

¹ Chester Crocker, pp. 327-335.
associated with South Africa. Pressure in the United States, the United Nations, the Organization of African Unity and the European Community (EC) also produced an effective arms and economic embargo. This international pressure and other factors inside South Africa certainly contributed to the decision of the South African government to dismantle apartheid and to enter into negotiations with Nelson Mandela and the ANC, which eventually resulted in majority rule and Nelson Mandela elected as the first President of the New Democratic South Africa.

As the author's discussion in the overall case study made evident, President Reagan, however, must share a large part of the responsibility for the public and Congressional repudiation of the old American policy toward South Africa termed constructive engagement. His nonchalant attitude toward blacks shown in part by his lack of consultation with the Congressional Black Caucus; his off-handed comments that distorted the facts and showed an instinctive sympathy for the South African apartheid government. Even the report of a Congressional Study Mission to Africa in 1982 stated that the Reagan posture toward South Africa is, simply put, stupid, dangerous and contrary to morality, justice and our national interests.”

Reagan’s refusal in 1986 to compromise with the Congressional leaders of his own party produced a showdown that enabled the Congress not only to condemn and repudiate the policy of constructive engagement, but also to step up and change the policy.

There is no doubt that beyond the concerns of American policy toward South Africa, several important changes occurred in the nature of U. S. and South African

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relations during this period under study, that definitely have long term implications. The United States became more involved not only in South Africa, but in the region as a whole as an honest broker. Congressional support for sanctions, grassroots pressure for divestment, the expansion of economic assistance to the black South Africans, bipartisan support for aid to anti-apartheid organizations in South Africa, the continued search by anti-apartheid activists and supporters for ways to support the black South Africans in their quest to totally eliminate the vestiges of apartheid, military aid to UNITA (whether it was in the best interest of the U. S. policy or not), were all indicators of increased American involvement. As a result, most of the old taboos and ideas about containing Communism were broken, constraints inherent in the old policies were also discarded and a new policy action based on human rights and American moral values ushered in.

Another point, which cannot be ignored, is the part Mikhail Gorbachev’s new and innovative thinking about international relations played on the issue of African politics. The unprecedented United States and Soviet Union cooperation over the Angolan-Namibian peace accords brought an end to Cold War in the Southern Africa, and at the same time buried the “communists are coming” fallacy of the extreme right politicians and political observers and derailed an honest moral debate about U. S. and South African relations. Perhaps, one of the fundamental changes that occurred during this period was the American’s perceptions of South Africa and Africa as a whole, viewed as a remote issue and was cast largely in terms of the United State’s strategic, political and economic interests changed. As a result of the South African debate, especially during the Reagan years, South Africa began to have greater visibility and importance, and public began to look at the South African problem as an overwhelming human rights issue.
This shift in perception was partly credited to the changing nature of American interests in South Africa. Second, apartheid had become a domestic as well as a foreign policy issue, due to the fact that it touched not only the African Americans, but raised for all Americans the issue of race which is always very controversial, emotional, and powerful in American politics. Therefore, evidence showed that most Americans felt that the changed policy on South Africa absolutely reflected the most basic values of America.

Above all, the most important factor in South African transition from apartheid to democracy is that it was South Africa’s negotiations, their agreements and their transition, and that there was no imposition of ideas from any external factor. As a result, all the compromises that were negotiated were born by and defended by the South Africans, without any foreign meddling. At the same time, it is incumbent that due credits and commendations are given to Mandela and the ANC, for accepting a government of National Unity, a formal power sharing agreement, despite the fact that they undeniably had the overwhelming majority to govern. Once the ANC came to the conclusion, it took on the difficult task of justifying the agreement to its constituents and making it an integral part of its own transition strategy. On the other hand, it was de Klerk who gave up his quest for “white veto” in the new government; where the white South Africans can veto any policies they do not feel comfortable with, and also gave up his alliance with Buthelezi to negotiate exclusively with the ANC.

Finally, without question, Mandela’s breadth of vision, his humanity, his genuine commitment to nonracial democracy, and his charisma had a major impact on the very possibility of negotiations being accepted by his own followers as well as by the ruling
party and on the direction and successful outcome of those negotiations. At the same time, F. W. de Klerk deserve some credit, the only leader in history to negotiate a peaceful transition from President to the third ranking position in the democratically elected government of South Africa. He was also a man of exceptional leadership ability to be able to bring along the full force of the security establishments and the bulk of his white constituency in giving up so much of their power.

In conclusion, the Congress, at its best, has a lot to contribute to American foreign policy through full and active participation. Unlike the British parliamentary system where the Prime Minister and the executive have almost unchallenged authority on foreign affairs, the American constitutional system allowed for a very significant and important Congressional role in foreign affairs. That role is not most of the time exercised through any one means and the degree of Congressional participation varies from time to time depending on how contentious a policy has become such as South African apartheid problem. Despite all the ambiguities and uncertainties about the Congressional role, American foreign policy works best when the President and the Congress both measure up to their constitutional responsibilities and work together. In the case of South Africa, the Congress stepped up to its constitutional responsibility and changed what most Americans saw as a bad policy by the executive.

RECOMMENDATIONS

In its role as partner and participant in American foreign policy, Congress must without intimidation by the Executive branch, demand full and honest disclosure of all the relevant facts and information pertinent to ever reaching a policy decision, and then it must also accept its share of responsibility for that decision. Congress, as a participant,
must also insist upon early and extensive consultation with the executive branch, and in
its role as a watchdog, must ensure that American foreign policy is executed in
accordance with established objectives and American values.

The President and Congress may not and should not always agree but, if they
fulfill their respective constitutional roles, the creative tension between them should
produce a foreign policy that serves American national interests and reflects to the
greatest extent possible views of the American people. At the same time, Congressional
participation in foreign affairs does not, of course, guarantee a prudent and sound policy,
such as the current Iraqi debate, but by adding another step to the decision making
process, significantly reduces the risk of implementing a reckless policy. A vigorous
Congressional role in foreign affairs is also crucial for maintaining domestic liberties, and
it is imperative that the Congress uphold that idea. As Bayless Manning contends,
“Many new foreign policy issues such as energy, international trade, terrorism,
environment, and AIDS epidemic, are so intimately bound up with domestic concerns
that the Congress must inevitably become involved in foreign policy anyway.” Manning
continued to state that the increasing prevalence of “intermestic” affairs precludes a
return to Congressional abdication in American foreign policy.3

With regard to Africa, it is very important that the United States policies foster
efforts to expand real and sustainable democratic principles with strong human rights
backing. United States policy should also enhance food crop production which
ultimately will lead to food self-sufficiency and not dependency on imported grain and

minor aid. The United States should also help to negotiate and implement land reforms badly needed in many parts of the continent, especially in South Africa. Furthermore, America cannot continue to call for market globalization while at the same time ignoring the credit, technical assistance, and participatory development programs needed by those countries to be sustainable.

There has been a lot of argument with regard to the impoverishment of Africa which is not simply a result of policy failures and corruption, either by African leaders and governments, or by foreign ones, but there is also evidence that much can be attributed to Africa’s position in the world economy. Definitely, no one African government can successfully be able to “lift itself up by the bootstraps” unless the United States and other advanced economies adopt policies that provide the boots for the Africans. As a result, the United States policy should act more responsibly in its role as a global leader by backing and implementing new measures that stop the marginalization of the African continent and solidly support efforts to ensure that African nations achieve a more secure and equitable place in the world economy.

On the question of South Africa and human rights, while it is often stated that human rights is a top priority for policy makers, which is sometimes questionable, but it should always be balanced against other objectives and interests. In order for the United States to maintain credibility and influence on the effective promotion of human rights and genuine democracy, such as the New South Africa, the government must speak out consistently about its human rights concerns and objectives forcefully, and in tandem with other policy goals. The United States, especially the Congress must also speak with one voice on its human rights goals, which was lacking at the early part of liberation
efforts in South Africa, and the goals should no doubt require a lot of coordination among U. S. Agencies, and greater consensus between the Congress, the Executive branch and the American public.

Evidence has shown that unfettered chief executive in foreign affairs sometimes does not merely heighten the danger of unwanted and unnecessary war, such as the current Iraq war, it also poses a potentially lethal threat to the entire American system of checks and balances, thereby jeopardizing domestic liberties. Finally, both Congress and the American public must avoid excessive deference to supposed Executive branch expertise in foreign affairs.

Especially in the matters of war, peace, and human rights, as was the case of apartheid South Africa, the United States Congress must make sure that the views of the American public and their elected representatives should be paramount. What is very striking and even regrettable today is that a gap still remains between the policy makers’ perceptions and the public opinion on the breadth of support for international engagement. Reducing this huge gap is definitely a prerequisite for a successful policy, and giving policy makers more confidence by ensuring that there is public support for American international affairs.

In short, the Congress at its best has a lot to contribute to American foreign policy, therefore, it needs to step up to its constitutional obligations and take a full share of responsibility for the formulation of American foreign policy, because the preservation of peace, liberty and American image abroad mandates a sustained and vigorous Congressional role in directing the United States foreign affairs.
LIST OF GOVERNMENT DOCUMENTS

Constitution of the United States, Article I, Section 8

Congressional Record, 96th Congress, 1980.


Congressional Record, 97th Congress, 2nd Session, June 1982.

Congressional Record, 99th Congress, 1st Session, 1985 “Anti-Apartheid Hearings”.

APPENDIX A
THE PRINCIPAL APARTHEID LAWS

The "apartheid laws" were enacted following the 1948 South African election and subsequent declaration of "grand apartheid". The principal pieces of legislation response for apartheid were as follows:

**Early 1950s**

Immorality Amendment Act, Act No 21 of 1950; amended in 1957 (Act 23) - Prohibited adultery, attempted adultery or related immoral acts (extra-marital sex) between white and black people.

Population Registration Act, Act No 30 of 1950 - Led to the creation of a national register in which every person's race was recorded. A Race Classification Board took the final decision on what a person's race was in disputed cases.

Group Areas Act, Act No 41 of 1950 - Forced physical separation between races by creating different residential areas for different races. Led to forced removals of people living in "wrong" areas, for example Coloureds living in District Six in Cape Town.

Suppression of Communism Act, Act No 44 of 1950 - Outlawed communism and the Communist Party in South Africa. Communism was defined so broadly that it covered any call for radical change. Communists could be banned from participating in a political organization and restricted to a particular area.

Bantu Building Workers Act, Act No 27 of 1951 - Allowed black people to be trained as artisans in the building trade, something previously reserved for whites only, but they had to work within an area designated for blacks. Made it a criminal offence for a black person to perform any skilled work in urban areas except in those sections designated for black occupation.

Separate Representation of Voters Act, Act No 46 of 1951 - Together with the 1956 amendment, this act led to the removal of Coloureds from the common voters' roll.

Prevention of Illegal Squatting Act, Act No 52 of 1951 - Gave the Minister of Native Affairs the power to remove blacks from public or privately owned land and to establishment resettlement camps to house these displaced people.
Bantu Authorities Act, Act No 68 of 1951 - Provided for the establishment of black homelands and regional authorities and, with the aim of creating greater self-government in the homelands, abolished the Native Representative Council.

Natives Laws Amendment Act of 1952 - Narrowed the definition of the category of blacks who had the right of permanent residence in towns. Section 10 limited this to those who'd been born in a town and had lived there continuously for not less than 15 years, or who had been employed there continuously for at least 15 years, or who had worked continuously for the same employer for at least 10 years.

Natives (Abolition of Passes and Co-ordination of Documents) Act, Act No 67 of 1952 - Commonly known as the Pass Laws, this ironically named act forced black people to carry identification with them at all times. A pass included a photograph, details of place of origin, employment record, tax payments, and encounters with the police. It was a criminal offence to be unable to produce a pass when required to do so by the police. No black person could leave a rural area for an urban one without a permit from the local authorities. On arrival in an urban area a permit to seek work had to be obtained within 72 hours.

Mid 1950s

Native Labour (Settlement of Disputes) Act of 1953 - Prohibited strike action by blacks.

Bantu Education Act, Act No 47 of 1953 - Established a Black Education Department in the Department of Native Affairs which would compile a curriculum that suited the "nature and requirements of the black people". The author of the legislation, Dr Hendrik Verwoerd (then Minister of Native Affairs, later Prime Minister), stated that its aim was to prevent Africans receiving an education that would lead them to aspire to positions they wouldn't be allowed to hold in society. Instead Africans were to receive an education designed to provide them with skills to serve their own people in the homelands or to work in labouring jobs under whites.

Reservation of Separate Amenities Act, Act No 49 of 1953 - Forced segregation in all public amenities, public buildings, and public transport with the aim of eliminating contact between whites and other races. "Europeans Only" and "Non-Europeans Only" signs were put up. The act stated that facilities provided for different races need not be equal.

Natives Resettlement Act, Act No 19 of 1954
Group Areas Development Act, Act No 69 of 1955
Natives (Prohibition of Interdicts) Act, Act No 64 of 1956 - Denied black people the option of appealing to the courts against forced removals.

**Late 1950s**

Bantu Investment Corporation Act, Act No 34 of 1959 - Provided for the creation of financial, commercial, and industrial schemes in areas designated for black people.
Extension of University Education Act, Act 45 of 1959 - Put an end to black students attending white universities (mainly the universities of Cape Town and Witwatersrand). Created separate tertiary institutions for whites, Coloured, blacks, and Asians.
Promotion of Bantu Self-Government Act, Act No 46 of 1959 - Classified black people into eight ethnic groups. Each group had a Commissioner-General who was tasked to develop a homeland for each, which would be allowed to govern itself independently without white intervention.

**1960s**

Coloured Persons Communal Reserves Act, Act No 3 of 1961
Preservation of Coloured Areas Act, Act No 31 of 1961
Urban Bantu Councils Act, Act No 79 of 1961 - Created black councils in urban areas that were supposed to be tied to the authorities running the related ethnic homeland.
Terrorism Act, Act No 83 of 1967 - Allowed for indefinite detention without trial and established BOSS, the Bureau of State Security, which was responsible for the internal security of South Africa.

**1970s**

Bantu Homelands Citizens Act of 1970 - Compelled all black people to become a citizen of the homeland that responded to their ethnic group, regardless of whether they'd ever lived there or not, and removed their South African citizenship.
APPENDIX B

AFRICAN NATIONAL CONGRESS

The Freedom Charter

Preamble

*We, the People of South Africa, declare for all our country and the world to know:*

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;

And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.

*The People Shall Govern!*

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

*All National Groups Shall Have Equal Rights!*
There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All people shall have equal right to use their own languages, and to develop their own folk culture and customs;

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

**The People Shall Share in the Country's Wealth!**

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the well-being of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

**The Land Shall be Shared Among Those Who Work It!**

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

**All Shall be Equal Before the Law!**
No one shall be imprisoned, deported or restricted without a fair trial; No one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

All Shall Enjoy Equal Human Rights!

The law shall guarantee to all their right to speak, to organize, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

There Shall be Work and Security!

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;
Child labour, compound labour, the tot system and contract labour shall be abolished.

**The Doors of Learning and Culture Shall be Opened!**

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honor human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children; higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

**There Shall be Houses, Security and Comfort!**

All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;

Unused housing space to be made available to the people;

Rent and prices shall be lowered; food plentiful and no-one shall go hungry;

A preventive health scheme shall be run by the state;

Free medical care and hospitalization shall be provided for all, with special care for mothers and young children;

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all:
Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

**There Shall be Peace and Friendship!**

South Africa shall be a fully independent state which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation - not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

The people of the protectorates Basutoland, Bechuanaland and Swaziland shall be free to decide for themselves their own future;

The right of all peoples of Africa to independence and self-government shall be recognized, and shall be the basis of close co-operation.

Let all people who love their people and their country now say, as we say here:

"**THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES, UNTIL WE HAVE WON OUR LIBERTY"**
Congressional Letter to
South African Ambassador, December 4, 1984

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

December 4, 1984

The Honorable Bernardus G. Fourie, Ambassador
Extraordinary and Plenipotentiary
Office of the Embassy of the Republic of South Africa
3051 Massachusetts Avenue
Washington, D.C. 20006

Dear Ambassador Fourie:

Events of recent weeks in South Africa have raised serious questions about your government's willingness to move more progressively and aggressively toward real human rights reforms. With this letter we wish to make clear that we view the violence in your country and the questions raised by it with alarm. Furthermore, we want you to know that we are prepared to pursue policy changes relative to South Africa's relationships with the United States if the situation does not improve.

We are, for the most part, politically conservative and as conservatives recognize all too well the importance and strategic value of South Africa. We understand the need for stability both within the internal affairs of your country and your external relationship with the United States. But precisely because we do feel strongly about our mutual interests, we cannot condone policies of apartheid which we believe weaken your long-term interests and certainly our ability to deal with you in a constructive manner.
The Reagan Administration has dealt with your nation on the basis of "constructive engagement." That policy merits our support as long as real steps toward complete equality for all South Africans are ongoing. If "constructive engagement" becomes in your view an excuse for maintaining the unacceptable status quo, it will quickly become an approach that can engender no meaningful support among American policy-makers.

We are looking for an immediate end to the violence in South Africa accompanied by a demonstrated sense of urgency about ending apartheid. If such actions are not forthcoming, we are prepared to recommend that the U.S. government take the following two steps:

1) Curtail new American investment in South Africa unless certain economic and civil rights guarantees for all persons are in place.

2) Organize international diplomatic and economic sanctions against South Africa.

In closing, let us reiterate our strong view that an end to apartheid is instrumental to the maintenance and growth of the relationship between South Africa and the United States. We wish to be able to endorse policies that produce stronger ties between our two nations. But the reality of apartheid and the violence used to keep it in place make it likely that our relations will deteriorate. Those obstacles to a constructive alliance must be ended.

Sincerely,

Signers of Letter

HOUSE OF REPRESENTATIVES

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Tom Bliley        Virginia
Bill Dannemeyer  California
Bob Livingston   Louisiana
Duncan Hunter    California
Jim Courter      New Jersey
Bill McCollum    Florida
Mike DeWine      Ohio
Nancy Johnson    Connecticut
Frank Wolf       Virginia
Mickey Edwards   Oklahoma
Lynn Martin      Illinois
Tom Lewis        Florida
Bobbi Fiedler    California
Steve Gunderson  Wisconsin
Chalmers Wylie   Ohio
Mark Siljander   Michigan
Ed Zschau        California
Tom Ridge        Pennsylvania
Bill Thomas      California
Bill Clinger     Pennsylvania
Rod Chandler     Washington
John Rowland     Connecticut
APPENDIX D

SUMMARY
OF THE COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

Comprehensive Anti-Apartheid Act of 1986 - Title I: Policy of the United States with respect to ending apartheid - Requires U.S. policy toward South Africa to be designed to bring about the establishment of a nonracial democracy in South Africa. Sets forth actions that the United States shall encourage South Africa to take, including releasing Nelson Mandela and establishing a timetable for the elimination of apartheid laws. Requires the United States to adjust its actions toward South Africa to reflect the progress made by South Africa in establishing a nonracial democracy.

Declares that U.S. policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations. Requires the United States to work toward this goal by encouraging such organizations, through diplomatic and political measures, to: (1) suspend terrorist activities; (2) make known their commitment to a free and democratic post-apartheid South Africa; (3) agree to enter into negotiations for the peaceful solution to South Africa's problems; and (4) reexamine their ties to the South African Communist Party. Requires the United States to adjust its actions toward South Africa not only to reflect progress or lack of progress made by South Africa in establishing a nonracial democracy but also to reflect progress or lack of progress made by such organizations in bringing about a suspension of violence.

Declares that U.S. policy toward the victims of apartheid is to use economic, political, diplomatic, and other means to remove the apartheid system and to assist the victims of apartheid to overcome the handicaps imposed on them by apartheid. Sets forth actions the United States will take to help the victims of apartheid.

Declares that U.S. policy toward the other countries in the region shall be designed to encourage democratic forms of government, respect for human rights, political independence, and economic development. Sets forth actions the United States will take toward such countries.

Expresses the sense of the Congress that the President should discuss with the African "frontline" states the effects of disruptions in economic links through South Africa.

Declares that it is U.S. policy to promote negotiations among representatives of all citizens of South Africa to determine a future political system.

Expresses the sense of the Congress that high-level U.S. officials should meet with leaders of opposition organizations in South Africa and should, in concert with other interested parties, try to bring together opposition political leaders with South African
Government leaders for negotiations to achieve a transition to the post-apartheid democracy envisioned in this Act.

 Declares that the United States will encourage all participants in the negotiations to respect the right of all South Africans to participate in the political process without fear of retribution. Requires the United States to work for an agreement to suspend violence and begin negotiations through coordinated actions with the major Western allies and with the governments of the countries in the region.

 Expresses the sense of the Congress that the achievement of such an agreement could be promoted if the United States and its major allies would meet to develop a plan to provide multilateral assistance for South Africa in return for South Africa implementing: (1) an end to the state of emergency and the release of political prisoners; (2) the unbanning of groups willing to suspend terrorism and to participate in negotiations and a democratic process; (3) a revocation of the Group Areas Act and the Population Registration Act and the granting of universal citizenship to all South Africans, including homeland residents; and (4) the use of a third party to bring about negotiations to establish power-sharing with the black majority.

 Urges the President to seek cooperation among all individuals, groups, and nations to end apartheid.

 Expresses the sense of the Congress that the African National Congress should strongly condemn and take effective actions against the execution by fire, commonly known as "necklacing," of any person.

 Expresses the sense of the Senate that the U.S. Ambassador should request a meeting with Nelson Mandela.

 Expresses the sense of the Congress that U.S. employers operating in South Africa are obliged both generally to oppose apartheid and specifically to recruit and train black and colored South Africans for management responsibilities.

 Title II: Measures to Assist Victims of Apartheid - Amends the Foreign Assistance Act of 1961 to earmark a specified amount of the education and human resources development assistance funds for each of FY 1987 through 1989 to finance education, training, and scholarships for the victims of apartheid. Authorizes the use of Economic Support Fund monies for such purposes in lieu of an equal amount made through the education and human resources development assistance.

 Requires the use of Economic Support Fund monies, in addition to the funds used for purposes described in the preceding paragraph, to finance scholarships for students pursuing secondary school education in South Africa. Requires the selection of such scholarship recipients to be by a nationwide panel or by regional panels appointed by the
U.S. chief of diplomatic mission to South Africa. Authorizes the use of up to $1,000,000 of Economic Support Fund assistance for such purposes for each of FY 1987 through FY 1989.

Requires assistance to be provided for inservice teacher training programs in South Africa through nongovernmental organizations. Authorizes the use of up to $500,000 for FY 1987 and up to $1,000,000 for FY 1988 for such purposes.

Requires priority to be given, in providing assistance for disadvantaged South Africans, to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis and which have the support of the disadvantaged communities being served.

Earmarks a specified amount of the funds available for human rights assistance for FY 1986 for anti-apartheid nongovernmental organizations in South Africa. Earmarks a specified amount of the funds made available to such organizations to provide assistance to political detainees and prisoners and their families.

Limits the amount of any such human rights grant to $100,000. Requires the average of such grants not to exceed $70,000. Earmarks a specified amount of such grants for each fiscal year to aid: (1) the families of victims of violence such as "necklacing" and other such inhumane acts; and (2) black groups in South Africa which are actively working toward a multi-racial solution to the sharing of power in that country through nonviolent, constructive means.

Requires the Secretary of State (the Secretary) and any other head of a Federal agency carrying out activities in South Africa to try, in procuring goods and services, to assist businesses having more than 50 percent beneficial ownership by nonwhite South Africans.

Amends the Export-Import Bank Act of 1945 to require the Export-Import Bank to take active steps to encourage the use of its guarantee, insurance, and credit facilities in connection with South African businesses that are majority owned by nonwhite South Africans. Exempts from a specified certification requirement exports to or purchases from such businesses.

Expresses the sense of the Congress that the labor practices used by the U.S. Government in South Africa should represent the best of U.S. labor practices and should serve as a model for U.S. nationals in South Africa. Requires the Secretary and the heads of other agencies carrying out activities in South Africa to ensure that the labor practices used in South Africa are governed by a specified Code of Conduct.

Requires the Secretary to acquire residential properties in South Africa that shall be made available to assist victims of apartheid who are U.S. employees in obtaining adequate
housing. Requires such property to be acquired only in neighborhoods open to other U.S. employees. Authorizes appropriations for FY 1987 for such housing.

Requires any U.S. national who employs more than 25 persons in South Africa to insure that the Code of Conduct is implemented. Prohibits U.S. intercession with any foreign government or foreign nation on behalf of any U.S. national employing more than 25 persons in South Africa if such U.S. national does not implement the Code of Conduct.

Declares that the Code of Conduct is as follows: (1) desegregating employment facilities; (2) providing equal employment opportunity for all employees; (3) assuring that the pay system is applied to all employees; (4) establishing a minimum wage and salary structure; (5) increasing the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by apartheid; (6) taking reasonable steps to improve the quality of employees' lives outside the work environment; and (7) implementing fair labor practices by recognizing the right of all employees to unionize.

Expresses the sense of the Congress that, in addition to the Code of Conduct, U.S. nationals in South Africa should seek to take reasonable measures to extend the scope of influence on activities outside the workplace.

Authorizes the President to issue guidelines and, upon request, advisory opinions on compliance with such principles.

Authorizes the President to require all U.S. nationals employing more than 25 persons in South Africa to register with the Federal Government.

Prohibits providing assistance under this Act to any group that maintains within its ranks any individual who has been found to engage in gross violations of human rights.

Authorizes the President to use the Emergency Reserve for African Famine Relief to provide food assistance and transportation for that assistance whenever the President determines that such action is necessary to meet food shortages in southern Africa.

Prohibits providing assistance to any group that advocates or approves the practice of execution by fire known as "necklacing".

Authorizes the Secretary of Agriculture to permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels and under similar terms as other countries that have traditionally purchased U.S. agricultural commodities.

Title III: Measures by the United States to Undermine Apartheid - Prohibits importing from South Africa: (1) any gold coin minted in South Africa or sold by its Government; and (2) arms, ammunition, or military vehicles or any manufacturing data for such
articles. Prohibits the importation of any article grown, produced, or manufactured by a South African parastatal organization (an organization owned or controlled by the South African Government other than an organization that received start-up funding from the South African Industrial Development Corporation but is now privately owned) except for: (1) agricultural products during the 12 months following enactment; (2) certain strategic minerals; and (3) articles to be imported pursuant to a contract entered into before August 15, 1986, provided no shipments may be received by a U.S. national under such contract after April 1, 1987.

Prohibits exporting computers, computer software, or computer technology to or for the use of: (1) the South African military, police, prison system, national security agencies; (2) ARMSCOR and its subsidiaries or the weapons research activities of the South African Council for Scientific and Industrial Research; (3) the administering authorities for apartheid; (4) any apartheid enforcing agency; or (5) any governmental entity which performs any of the above functions.

Permits exports of computers, computer software and technology to South Africa for other purposes only if a system of end use verification is in effect to ensure that the computers involved will not be used for any function of any of the entities listed above.

Prohibits any U.S. national from making or approving any loan to the South African Government or to any entity owned or controlled by such government. Exempts from such prohibition: (1) loans for any education, housing, or humanitarian benefit which is available to all persons on a nondiscriminatory basis or is available in a geographic area accessible to all population groups; or (2) loans entered into before enactment of this Act.

Requires the President to notify South Africa of the intention to suspend the rights of any air carrier designated by South Africa under the 1947 air services agreement between the United States and South Africa to service the routes provided in the agreement. Directs the President, within ten days of enactment of this Act, to direct the Secretary of Transportation to: (1) revoke the right of any South African carrier to provide service pursuant to the agreement; and (2) prohibit any U.S. carrier from providing service between the United States and South Africa.

Requires the Secretary to terminate the 1947 air services agreement between South Africa and the United States. Requires the Secretary of Transportation upon termination of such agreement, to prohibit any aircraft of a foreign air carrier owned by South Africa or by South African nationals from engaging in air transportation with respect to the United States. Requires the Secretary of Transportation to prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned or controlled by a U.S. national or U.S. Corporation.

Prohibits, unless the Secretary certifies to the Speaker of the House and the Chair of the Senate Foreign Relations Committee that South Africa maintains certain international
nuclear safeguards: (1) the Nuclear Regulatory Commission from issuing a license for the export to South Africa of certain nuclear facilities, material, technology, or components; (2) the Secretary of Commerce from issuing a license for the export to South Africa of certain goods or technology that may be of significance for nuclear explosive purposes; (3) the Secretary of Energy from authorizing any person to engage in the production of special nuclear material in South Africa; and (4) any Executive branch agency or the NRC from approving the retransfer of nuclear goods or technology to South Africa. Exempts certain exports, retransfers, or other activities from such prohibition if specified conditions are met.

Prohibits a U.S. depository institution from accepting, receiving, or holding a deposit account from the South African Government or from any entity owned or controlled by South Africa.

Prohibits importing into the United States from South Africa any uranium ore, uranium oxide, coal, or textiles.

Prohibits any U.S. national from making any new investment in South Africa, effective 45 days after enactment of this Act. Exempts firms owned by black South Africans.

Terminates the sanctions contained in Title III of this Act and certain sanctions contained in Title V of this Act if South Africa: (1) releases political prisoners and Nelson Mandela from prison; (2) repeals the state of emergency and releases all detainees held under such state of emergency; (3) bans political parties and permits political freedom for all races; (4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and (5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

Authorizes the President, unless the Congress enacts a joint resolution of disapproval, to suspend or modify such sanctions after the President determines and reports to the Speaker of the House and the chair of the Senate Foreign Relations committee that South Africa has: (1) released Nelson Mandela and other political prisoners; (2) taken three of the four actions listed in phrases (2) through (5) in the preceding paragraph; and (3) made substantial progress toward dismantling apartheid and establishing a nonracial democracy.

Declares that it is U.S. policy to support negotiations with the representatives of all communities. Declares that the United States will support negotiations which do not include the African National Congress, the Pan African Congress, or other organizations if the: (1) South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa; and (2) African National Congress, the Pan African Congress, or other organizations refuse to participate or if such organizations
refuse to abandon unprovoked violence during such negotiations and refuse to commit themselves to a free and democratic post-apartheid South Africa.

Declares that U.S. policy toward violence in South Africa shall be designed to end such violence and to promote negotiations. Declares that the United States shall work through diplomatic and other measures, to isolate those who promote terrorist attacks on unarmed civilians and those who provide assistance to such individuals.

Directs the Secretary to terminate the tax treaty between the United States and South Africa.

Prohibits any U.S. Government entity from entering into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

Prohibits using U.S. funds to promote U.S. tourism in South Africa.

Prohibits using U.S. funds for any assistance to investment in, or any subsidy for trade with, South Africa.

Prohibits the export to South Africa of items contained in the U.S. Munitions List which are subject to U.S. jurisdiction except for items not covered by United Nations Security Council Resolution 418. Requires the President to notify the Congress of intent to issue a license for the export of such an article and to report to the Congress every six months on any such articles licensed for export to South Africa. Provides that the Congress shall have 30 days to disapprove by joint resolution any such sale.

Prohibits the importation from South Africa of: (1) any agricultural product; (2) any article that is fit for human consumption; and (3) iron or steel.

Prohibits exporting crude oil or refined petroleum from South Africa.

Prohibits any U.S. entity from engaging in any form of cooperation with the South African armed forces except for activities which are reasonably designed to facilitate the collection of necessary intelligence.

Prohibits importing sugars, sirups, and molasses from South Africa. Grants to the Philippines the South African share of the aggregate import quota on sugars, syrups, and molasses. Makes conforming amendments to the Tariff Schedules of the United States.

Title IV: Multilateral Measures to Undermine Apartheid - Declares that is is U.S. policy to seek international cooperative agreements with other industrialized democracies to end apartheid. Declares that: (1) negotiations to reach such agreements should begin promptly and should be concluded within 180 days of enactment of this Act; and (2) the President
should convene an international conference of the other industrialized democracies in order to reach such agreements. Requires the President to report to the Congress on such efforts.

Authorizes the President to modify specified sanctions imposed under Title III of this Act to conform with such an agreement. Declares that each such agreement shall enter into force and effect if: (1) the President, at least 30 days before entering into such agreement, notifies the Congress of the intention to enter into such agreement and publishes such notice; (2) after entering into the agreement, the President sends a copy of the agreement and certain other materials to the Congress; and (3) the Congress does not adopt a joint resolution of disapproval within 30 days of transmittal of such documents.

Expresses the sense of the Congress that the President should propose that the United Nations impose the same type of measures against South Africa as are imposed by this Act.

Authorizes the President to limit the importation into the United States of any product or service of a foreign country to the extent that such country benefits from restrictions imposed on U.S. nationals by this Act.

Creates a private right of action for U.S. nationals who are required to terminate or curtail business in South Africa against anyone who benefits or takes commercial advantage of such termination or curtailment.

Title V: Future Policy Toward South Africa - Declares that it is U.S. policy to impose additional measures against South Africa if substantial progress has not been made within twelve months of enactment of this Act in ending apartheid and establishing a nonracial democracy.

Requires the President to report annually to the Speaker of the House and the Chair of the Senate Foreign Relations Committee beginning one year after enactment of this Act on the extent to which significant progress has been made toward ending apartheid. Requires the report to contain a recommended additional measure if the President determines that South Africa has not made significant progress in ending apartheid and establishing a nonracial democracy. Provides for expedited congressional consideration of a joint resolution which would enact such additional measures.

Authorizes the President to lift any prohibition against South Africa contained in this Act if the President reports to the Congress, after six months from the date of the imposition of such prohibition, that such prohibition would increase U.S. dependence upon member or observer countries of the Council for Mutual Economic Assistance for coal or any strategic and critical material by a specified amount. Requires the Secretary of Commerce to report to the Congress on the imports of such coal and materials. Requires the President to submit periodic reports on such imports to the Congress.
Requires the Secretary to report to the Congress by December 1, 1986, on the health condition and extent of starvation and malnutrition in the "homelands" areas of South Africa.

Requires the President to report to the Congress, within 90 days of enactment of this Act, on the extent to which the United States is dependent on imports from South Africa of chromium, cobalt, manganese, platinum group metals, ferroalloys, and other strategic and critical materials. Requires the President to develop a program which reduces the U.S. dependence on such imports.

Directs the President to report to the Congress, within 180 days of enactment of this Act, on the role of American assistance in Southern Africa describing what needs to be done and what can be done to expand the trade, private investment, and transport prospects of southern Africa's landlocked nations.

Directs the President to report to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee, within 180 days of enactment of this Act, on the economic and other relationships of other industrialized democracies with South Africa.

Requires the Secretary of the Treasury to report to the Speaker of the House and the chairman of the Senate Foreign Relations Committee, within 180 days of enactment of this Act, on the feasibility of prohibiting any depository institutions from accepting, receiving, or holding deposits from any South African national.

Requires the President to report to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee, within 179 days of enactment of this Act, on the extent to which the international embargo on the sale and export of arms and military technology to South Africa is being violated.

Requires the President to submit to specified congressional officials, within 90 days of enactment of this Act, a report on the activities of the Communist Party in South Africa.

Prohibits any person from importing any gold coin minted in, or offered for sale by, the Soviet Union.

Amends the Foreign Assistance Act of 1961 to earmark a specified amount of Economic Support monies for assistance for disadvantaged South Africans, with a specified amount of such earmarked funds allocated for training programs for South Africa's trade unionists. Requires the Secretary to report to the Congress, within 90 days of enactment of this Act, on the President's strategy for the next five years on assistance to such South Africans.
Requires the Attorney General, within 180 days of enactment of this Act, to report to the Congress on actual and alleged violations of the Foreign Agents Registration Act of 1938 by representatives of governments or opposition movements in sub-Saharan Africa.

Title VI: Enforcement and Administrative Provisions - Provides for enforcement and administration of this Act. Provides for expedited consideration by the Congress of certain joint resolutions relating to sanctions against South Africa.

Prohibits the Federal Government from imposing any penalty on any State or local government because of the application of any state or local law concerning apartheid to any contract entered into by a state or local government for 90 days after enactment of this Act.

MAJOR ACTIONS:

5/21/1986 Introduced in House
9/12/1986 Cleared for White House.
9/15/1986 Presented to President.
9/26/1986 Vetoed by President.


ALL ACTIONS: (Floor Actions/Congressional Record Page References)
5/21/1986:
   Referred to House Committee on Banking, Finance and Urban Affairs.
5/21/1986:
Referred to Subcommittee on Financial Institutions Supervision, Regulation and Insurance.

6/10/1986:
Subcommittee Hearings Held.

5/21/1986:
Referred to House Committee on Foreign Affairs.

5/28/1986:
Executive Comment Requested from State.

5/30/1986:
Referred to Subcommittee on International Economic Policy and Trade.

5/30/1986:
Referred to Subcommittee on Africa.

6/4/1986:
Subcommittee Consideration and Mark-up Session Held.

6/4/1986:
Forwarded by Subcommittee to Full Committee (Amended).

6/5/1986:
Committee Consideration and Mark-up Session Held.

6/10/1986:
Committee Consideration and Mark-up Session Held.

6/10/1986:
Ordered to be Reported (Amended).

5/21/1986:
Referred to House Committee on Public Works and Transportation.

6/2/1986:
Executive Comment Requested from State, DOT, OMB.

6/2/1986:
Referred to Subcommittee on Aviation.

6/17/1986:
Unfavorable Executive Comment Received From DOT.

5/21/1986:
Referred to House Committee on Ways and Means.

6/11/1986:
Executive Comment Received From Commerce.

6/11/1986:
Committee Consideration and Mark-up Session Held.

6/11/1986:
Ordered to be Reported (Amended).

6/11/1986:
House Committee on Banking, Finance and Urban Affairs Discharged by Unanimous Consent.

6/13/1986:
Reported to House (Amended) by House Committee on Foreign Affairs. Report No: 99-638 (Part I).

6/16/1986:
Reported to House (Amended) by House Committee on Ways and Means. Report No: 99-638 (Part II).

6/17/1986:
Committee on Rules Granted a Modified Open Rule Providing Two Hours and Thirty Minutes of General Debate.

6/17/1986:
Rules Committee Resolution H.Res.478 Reported to House.

6/17/1986:
Referred to House Committee on Rules Sequentially, for a Period Ending not Later than Jun 18, 86.

6/18/1986:
H.AMDT.922 Amendment Offered by Representative Burton, of IN. An amendment to prevent any assistance to the African National Congress or any affiliated organization until the controlling body of the African National Congress no longer includes members of the South African Communist Party.

6/18/1986:
H.AMDT.923 Amendment Offered by Representative Burton, of IN. An amendment to exempt any company in South Africa which abides by the Sullivan principles of fair employment practices from the provisions of the bill.

6/18/1986:
H.AMDT.924 Amendment Offered by Representative Dellums. An amendment in the nature of a substitute to prohibit any U.S. person or corporation from investing in, importing from, or exporting to South Africa; to require immediate withdrawal or disinvestment of all U.S. assets in South Africa; to prohibit imports of all articles grown and produced in South Africa except of goods, technology, or information; and to permanently ban the importation of gold Krugerrands.

6/18/1986:
H.AMDT.922 Amendment Passed in Committee of the Whole by Recorded Vote: 365 - 49 (Record Vote No: 179).

6/18/1986:
H.AMDT.923 Amendment Failed of Passage in Committee of Whole by Recorded Vote: 150 - 268 (Record Vote No: 180).

6/18/1986:
H.AMDT.924 Amendment Passed in Committee of the Whole by Voice Vote.

6/18/1986:
H.AMDT.922 Amendment Passed in Committee of the Whole by Recorded Vote: 365 - 49 (Record Vote No: 179).

6/18/1986:
Rule Passed House.

6/18/1986:
Called up by House by Rule.

6/18/1986:
Committee Amendment in the Nature of a Substitute Considered as an Original Bill for the Purpose of Amendment.
6/18/1986:
Passed House (Amended) by Voice Vote.

6/24/1986:
Received in the Senate, read the first time.

6/24/1986:
Placed on Senate Legislative Calendar under Read the First Time.

7/14/1986:
Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 716.

8/15/1986:
Measure laid before Senate by unanimous consent.

8/15/1986:
Senate struck all after the Enacting Clause and substituted the language of S. 2701 amended.

8/15/1986:
Passed Senate in lieu of S. 2701 with an amendment by Yea-Nay Vote. 84-14. Record Vote No: 252.

8/15/1986:
Senate insisted on its amendments, requested a conference.

9/8/1986:
Senate appointed conferees Lugar; Helms; Pell.

9/11/1986:
Committee on Rules Granted a Rule Providing for Consideration in the House of a Motion to Agree to the Senate Amendments; Waiving All Points of Order.

9/11/1986:
Rules Committee Resolution H.Res.548 Reported to House.

9/12/1986:
House Agreed to Senate Amendments by Yea-Nay Vote: 308 - 77 (Record Vote No: 381).

9/12/1986:
Cleared for White House.

9/15/1986:
Measure Signed in Senate.

9/15/1986:
Presented to President.

9/26/1986:
Vetoed by President.

9/29/1986:
Passed House Over Veto by Yea-Nay Vote: 313 - 83 (Record Vote No: 425).

9/30/1986:
Veto message received in Senate. Held at the desk.

9/30/1986:
Veto message considered in Senate.
Cloture motion on the passage of the bill upon reconsideration, the objections of the President to the contrary notwithstanding, presented in Senate.

10/1/1986:
Veto message on H.R. 4868 considered in Senate.

10/1/1986:
Cloture motion withdrawn by unanimous consent in Senate.

10/2/1986:
Passed Senate over veto by Yea-Nay Vote. 78-21. Record Vote No: 311.

10/2/1986:
Became Public Law No: 99-440.

TITLE(S): (italics indicate a title for a portion of a bill)

• SHORT TITLE(S) AS INTRODUCED:
  Anti-Apartheid Act of 1986
• SHORT TITLE(S) AS REPORTED TO HOUSE:
  Anti-Apartheid Act of 1986
• SHORT TITLE(S) AS PASSED SENATE:
  Comprehensive Anti-Apartheid Act of 1986
• SHORT TITLE(S) AS ENACTED:
  Comprehensive Anti-Apartheid Act of 1986
• OFFICIAL TITLE AS INTRODUCED:
  A bill to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes.

COSPONSORS(106), ALPHABETICAL [followed by Cosponsors withdrawn]:

<table>
<thead>
<tr>
<th>Representative Name</th>
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<tr>
<td>Conte, Silvio O.</td>
<td>[MA-1]</td>
<td>5/21/1986</td>
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<td>de Lugo, Ron</td>
<td>[VI]</td>
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<td>Dymally, Mervyn M.</td>
<td>[CA-31]</td>
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<td>Jacobs, Andrew, Jr.</td>
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<td>Kennelly, Barbara B.</td>
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<td>Hefiel, Cecil</td>
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<td>Miller, John R.</td>
<td>[WA-1]</td>
<td>5/21/1986</td>
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COMMITTEE(S):

Committee/Subcommittee:  Activity:
House Banking, Finance, and Referral, Discharged
Urban Affairs
Subcommittee on Referral, Hearings
Financial Institutions
Supervision, Regulation
and Insurance
House Foreign Affairs Referral, Markup, Reporting
Subcommittee on International Economic Referral
Policy and Trade
Subcommittee on Africa                      Referral, Markup, Reporting
House Public Works and Transportation      Referral
Subcommittee on Aviation                   Referral
House Ways and Means                       Referral, Markup, Reporting
House Rules                                 Referral

RELATED BILL DETAILS:
***NONE***

AMENDMENT(S):

1. H.AMDT.922 to H.R.4868 An amendment to prevent any assistance to the African National Congress or any affiliated organization until the controlling body of the African National Congress no longer includes members of the South African Communist Party.  
   Sponsor: Rep Burton, Dan [IN-6] (introduced 6/18/1986) Cosponsors (None)  

2. H.AMDT.923 to H.R.4868 An amendment to exempt any company in South Africa which abides by the Sullivan principles of fair employment practices from the provisions of the bill.  
   Sponsor: Rep Burton, Dan [IN-6] (introduced 6/18/1986) Cosponsors (None)  
   Latest Major Action: 6/18/1986 House amendment not agreed to. Status: Amendment Failed of Passage in Committee of Whole by Recorded Vote: 150 - 268 (Record Vote No: 180).

3. H.AMDT.924 to H.R.4868 An amendment in the nature of a substitute to prohibit any U.S. person or corporation from investing in, importing from, or exporting to South Africa; to require immediate withdrawal or disinvestment of all U.S. assets in South Africa; to prohibit imports of all articles grown and produced in South Africa except of goods, technology, or information; and to permanently ban the importation of gold Krugerrands.  
APPENDIX E

Outside Resources

To learn more, take a look at the following Bill Summary & Status entries from the Thomas Web site hosted at the Library of Congress. The entries provide the following information: sponsor(s); cosponsor(s); official, short and popular titles; floor/executive actions; detailed legislative history; Congressional Record page references; bill summary; committee information; amendment information; subjects (indexing terms assigned to each bill); a link to the full text versions of the bill; and if the bill has been enacted into law, a link to the full text of the law on the Government Printing Office Web site.

Anti-Apartheid Act of 1985 (H.R. 1460), a bill to express the opposition of the United States to the system of apartheid in South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d099:HR01460:/bss/d099query.html
A bill to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes. Passed through the following Committees: House Banking, Finance, and Urban Affairs; House Foreign Affairs; House Rules

Comprehensive Anti-Apartheid Act of 1986 (H.R. 4868), A bill to prohibit loans to, other investments in, and certain other activities with respect to, South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d099:HR04868:/bss/d099query.html
A bill to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes. Passed through the following Committees: House Banking, Finance, and Urban Affairs; House Public Works and Transportation; House Ways and Means; House Rules

H.R. 1051, a bill to amend the Comprehensive Anti-Apartheid Act of 1986
http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR01051:/bss/d100query.html
A bill to amend the Comprehensive Anti-Apartheid Act of 1986 to prohibit the importation of South African diamonds into the United States.

H.R. 1153, a bill to prohibit investments in, and certain other activities with respect to, South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR01153:/bss/d100query.html
A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes. Passed through the following Committees: House Intelligence; House Armed Services; House Banking, Finance, and Urban Affairs; House Public Works and Transportation; House Ways and Means

Anti-Apartheid Act Amendments of 1988 (H.R. 1580), a bill to prohibit investments in, and certain other activities with respect to, South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR01580:/bss/d100query.html
A bill to prohibit investments in, and certain other activities with respect to, South Africa,
and for other purposes. Passed through the following Committees: House Intelligence; House Armed Services; House Banking, Finance, and Urban Affairs; House Public Works and Transportation; House Ways and Means; House Interior and Insular Affairs; House Energy and Commerce

H.R. 2443, a bill to prohibit United States intelligence and military cooperation with South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR02443:/bss/d100query.html
A bill to prohibit United States intelligence and military cooperation with South Africa. Passed through the following Committees: House Intelligence (Permanent Select); House Armed Services; House Foreign Affairs

H.R. 3328, a bill to prohibit investment in United States capital markets by certain South African mining interests
http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR03328:/bss/d100query.html
A bill to prohibit investment in United States capital markets by certain South African mining interests. Passed through the following Committees: House Foreign Affairs; House Energy and Commerce

Anti-Apartheid Act Amendments of 1988, H.R. 5175
http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR05175:/bss/d100query.html
A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes. Passed through the following Committees: House Intelligence (Permanent Select); House Armed Services; House Banking, Finance, and Urban Affairs; House Foreign Affairs; House Ways and Means

Anti-Apartheid Act Amendments of 1989 (H.R. 21), a bill to prohibit investments in, and certain other activities with respect to, South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d101:HR00021:/bss/d101query.html
A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes. Passed through the following Committees: House Foreign Affairs; House Armed Services; House Banking, Finance, and Urban Affairs; House Energy and Commerce; House Ways and Means; House Rules; House Intelligence (Permanent Select); House Interior and Insular Affairs

http://thomas.loc.gov/cgi-bin/bdquery/z?d101:HR03458:/bss/d101query.html
A bill to amend the Comprehensive Anti-Apartheid Act of 1986 to prohibit United States depository institutions from providing certain financial services to South African depository institutions and the Government of South Africa, and for other purposes. Passed through the following Committees: House Foreign Affairs; House Banking, Finance, and Urban Affairs; House Rules
H.Con. Res. 270, expressing the sense of the Congress that United States economic sanctions on the Republic of South Africa should not be lifted until such time as all conditions under the Comprehensive Anti-Apartheid Act of 1986 are met
http://thomas.loc.gov/cgi-bin/bdquery/z?d101:HC00270:/bss/d101query.html
Expressing the sense of the Congress that United States economic sanctions on the Republic of South Africa should not be lifted until such time as all conditions under the Comprehensive Anti-Apartheid Act of 1986 for the termination of such sanctions are met and a democratic political process in South Africa is established.

H.R. 4590, a bill to amend the Comprehensive Anti-Apartheid Act of 1986
http://thomas.loc.gov/cgi-bin/bdquery/z?d101:HR04590:/bss/d101query.html
A bill to amend the Comprehensive Anti-Apartheid Act of 1986 concerning the prohibition on importation into the United States of steel produced in South Africa.

H. Con. Res. 126, concerning United States sanctions against South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d102:HC00126:/bss/d102query.html

H.R. 21, a bill to prohibit investments in, and certain other activities with respect to, South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d102:HR00126:/bss/d102query.html
A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes. Passed through the following Committees: House Armed Services; House Banking, Finance, and Urban Affairs; House Foreign Affairs; House Intelligence (Permanent Select); House Interior and Insular Affairs; House Rules; House Ways and Means

Anti-Apartheid Act Amendments of 1991 (H.R. 1111), a bill to prohibit investments in, and certain other activities with respect to, South Africa
http://thomas.loc.gov/cgi-bin/bdquery/z?d102:HR01111:/bss/d102query.html
A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes. Passed through the following Committees: House Armed Services; House Banking, Finance, and Urban Affairs; House Foreign Affairs; House Energy and Commerce; House Intelligence (Permanent Select); House Interior and Insular Affairs; House Rules; House Ways and Means
BIBLIOGRAPHY


SELECTED ARTICLES


