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THE WHITE HOUSE
WASHINGTON

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February 4, 1991

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INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT *BS*

SUBJECT: Implications for U.S. Sanctions of de Klerk's Move to Scrap All Apartheid Laws

In his February 1 address, F.W. de Klerk outlined a bold program to move decisively forward toward nonracial democracy. He called for repeal of the remaining legislative pillars of apartheid and pledged that South African statutes would be devoid of racially discriminatory laws in a matter of months. As expected, he announced plans to scrap residential restrictions embodied in the Group Areas Act and eliminate controls on land ownership contained in the Land Acts, but he also revealed a decision to seek repeal of the Population Registration Act which classifies babies racially at birth.

De Klerk laid out plans as well to introduce interim cooperative measures at the local government level, change the system of education, and move forward with a multi-party conference to set a formal negotiating process in motion. (He also included a strong statement on the Gulf, declaring that Iraq had committed an act of aggression which cannot be condoned). All of this confirms your public judgment during de Klerk's visit last September that an irreversible process of change is underway in South Africa.

Not all of de Klerk's audience appreciated his address, however. Members of the opposition Conservative Party stormed out of parliament in protest. Archbishop Tutu welcomed de Klerk's plans, but cautioned that blacks would still lack economic means. The ANC supported mass strikes and marches to coincide with the opening of parliament, but the demonstrations were generally peaceful. The steps being taken by de Klerk are among reforms that anti-apartheid groups have long demanded as a precondition to negotiations, and the ANC has endorsed the multi-party conference envisaged by de Klerk. With this week's accord between Mandela and Buthelezi, prospects look brighter than ever for getting full-fledged negotiations underway, although the roughest road is still ahead, and it will take the best of goodwill on all sides to keep the process moving forward peacefully.

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cc: Vice President
Chief of Staff

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PER NSC WAIVER # 2021-02
By MM NARA, Date 7/16/2021

South African expectations will be high for concrete international recognition of de Klerk's efforts. When you and de Klerk talked on January 14, he indicated, in a clear reference to sanctions, that he would be announcing "several things which will let you make the steps which I know you want to make." Under the Comprehensive Anti-Apartheid Act, de Klerk's request for parliamentary action to repeal apartheid laws is not enough to allow us to act. The test will lie in implementation of his commitment. However, if, in the interim, the SAG releases all political prisoners -- something which the SAG and ANC have committed themselves to accomplishing by the end of April -- suspension or modification of some measures is legally possible under the CAAA. In that case, whether or not immediate steps are taken on specific sanctions, a Presidential Determination must be sent to Congress, which would then have 30 days to adopt a joint resolution of disapproval. Once all current SAG efforts are successfully completed (all prisoners are released and both key acts targeted by de Klerk are repealed), all CAAA sanctions "shall terminate" automatically. Successful implementation of de Klerk's announced intentions could conceivably bring us to that point by the end of the current parliamentary session in June. But we will have to monitor closely how parliament proceeds, since the CAAA specifies that no other measures with the same purposes as existing laws may be put in place.

While some members of Congress such as Congressman Ron Dellums (D-CA) support tightened strictures, Congress likely will not support initiatives to move the goalposts on the CAAA, in the face of de Klerk's systematic repudiation of apartheid. Congressional receptivity to the lifting of sanctions will depend largely upon SAG actions over the next few months. It is clear where the rest of the world is headed. On the heels of de Klerk's address, Prime Minister Major immediately issued a call to end international isolation of South Africa, and the EC, which lifted its investment ban in December, indicated that de Klerk's pledge to scrap the cornerstones of apartheid would allow the Europeans to ease sanctions.

We are sending under separate cover a memo recommending that you call F.W. de Klerk to commend his courageous course of action. You should caution that we cannot begin taking steps until all prisoners are released, but emphasize that the goalposts are in sight and we will not move them. South African sources have privately signalled to us that de Klerk is feeling "bruised" by the strong Conservative reaction to his speech, and that he would take inspiration from such a call to persevere along the course on which he has set out.

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