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## Getting It Right

### *U.S. Policy in South Africa*

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THE RESPONSIBILITY FOR MOVING SOUTH AFRICA from apartheid to democracy lies primarily with the people of South Africa, but the United States was an important and, in many ways, critical actor in the transition. In the 1980s and early 1990s, the United States strengthened internal forces that were moving the country from a decades-old system of racial oppression to a democratic transition, a role that catapulted the United States into being the single most important bilateral supporter of the first black-majority government in the country.

Following a long and acrimonious debate, the U.S. government shifted from a policy of constructive engagement and quiet diplomacy that gave priority to strategic objectives in the region to a hybrid policy in which both incentives and punishments were adopted to promote human rights. This new policy deepened U.S. engagement with the antiapartheid opposition while leaving the door open to work with Pretoria on regional diplomacy. Surprisingly, the policy turned out to be a stunning success. Rarely has a U.S. human rights policy had such an unambiguously positive outcome, one in which human rights goals and strategic objectives in the region were achieved.

In examining the transferability of lessons learned, however, we need to recognize the importance of specific conditions in South Africa that made the policy effective. These conditions may or may not appear elsewhere. Analysts and policymakers should have a clear understanding of these factors before making similar recommendations for other countries. Nonetheless, South Africa is not as *sui generis* as many assume. A retrospective examination of how U.S. policy worked in South Africa yields useful insights relevant for other human rights predicaments.

### **POLITICAL INTRACTABILITY**

Perhaps the most striking observation of a retrospective analysis is how wrong predictions were at the time about the feasibility of a peaceful resolution of the South African conflict. The assumption of political insolubility was widespread, just as it is today in many divided societies. Yet, as South Africa shows, even decades- or centuries-old conflicts are not static. They must be continuously reassessed in light of generational and political changes.

In the 1980s the international community viewed South Africa as one of three intractable disputes worldwide (the others were Ireland and the Middle East). Each was seen as a conflict in which opposing peoples were locked, like scorpions in a bottle, in an interminable fight. The South African conflict, it was feared, would ultimately lead to a race war—a plausible scenario given the steadily growing resistance to white-minority rule since 1912, when the African National Congress (ANC) was formed, the overwhelming military superiority of the apartheid regime, the adamant refusal of whites to give up political power, and the willingness of the ruling National Party to ruthlessly suppress the black population, irrespective of international public opinion.

Yet this conflict was resolved through a negotiated settlement that resulted in a power-sharing formula, a new constitution, and majority rule.<sup>1</sup> The U.S. government acted in South Africa just as internal forces for democratic change were mounting an unprecedented protest and the ruling regime's resistance to change was beginning to

erode. Considerable violence accompanied the transition, but the doomsday scenario did not occur.

This underscores the importance of questioning outdated assumptions that perpetuate pessimistic beliefs about the intractability of “ancient tribal rivalries,” including those in places such as Kosovo, East Timor, Afghanistan, and Iraq. Generational changes can transform a long-simmering situation that once was immovable into a fluid situation that is “ripe for resolution.”<sup>2</sup>

In South Africa both blacks and whites had changed by the 1980s. There was far more ferment in the country than most people assumed. The majority of the rural-based white Afrikaner population had become urbanized, sophisticated, and business oriented. They shared a strong interest with English-speaking whites in preserving the economy, ending their country’s pariah status, and finding a way out of apartheid, which was breaking down through widespread violations of the influx control laws and other restrictions.

By the same token, a new generation of resistance leaders emerged under the banner of the United Democratic Front (UDF), a collection of some six hundred associations that opposed attempts by the government to modernize, rather than abolish, apartheid. Affiliated with the African National Congress, the UDF gave the resistance, whose leaders had been jailed, banned, or exiled, an internal face with a new spirit and organizational presence. They tapped into the surging energy of the “youth bulge” in the black population, youngsters who had grown up under rigid apartheid and faced a grim future in a deteriorating economy in which they were marginalized. Impatient with the docility of their parents and disdainful of the inferior black educational system, they confronted authorities as no other generation had during months of unrest that made the black townships “ungovernable.”

Notwithstanding increased militancy, the leadership of the black resistance was still committed to negotiations. Nelson Mandela’s personal journey was a marker of that commitment. After twenty-seven years in prison, he had evolved from being a fiery leader of the youth wing of the African National Congress to a voice of racial reconciliation. In addition, a new cadre of skilled managers and negotiators

from both sides of the racial divide came on the scene, assuming the responsibility of working out a settlement. Cyril Ramaphosa, a black labor union activist, and Roelf Meyer, an Afrikaner from the ruling National Party, symbolized these new elites. As Patti Waldmeir notes, they became the “Siamese twins of the revolution . . . who did the hardest work of negotiating a South African peace.”<sup>3</sup>

## TIMING

Like military or diplomatic offensives, human rights initiatives should be strategically timed or their impact will be limited. In the South African case, external actions did not have a visible political impact until the 1980s, when an antiapartheid opposition was exploding into an open, violent revolt; splits were occurring in the ruling party; the global and regional climate was shifting; and the U.S. antiapartheid movement was coalescing into a grassroots network of activists pressing for action. Nelson Mandela’s towering stature and unbreakable fortitude provided a personal focal point for internal and external activism, much of which focused on pressuring the South African government to set him free.

The international media was also spotlighting South Africa. Over a period of fourteen months, from September 1984, when the black protests began, to November 1985, when the South African government banned television cameras, Americans followed events through day-to-day reports of racial conflict. These reports struck a deep chord in the American psyche and fueled domestic protests.

Interaction was a two-way street, however. Rightly or wrongly, the United States and South Africa saw each other as mirror images of themselves, and they were keenly aware of the reactions of reciprocal publics. Black South Africans stepped up their lobbying for U.S. action when the media saturated the townships with cameras, documenting “Trojan horse” tactics of police brutality. Americans were fixated on the drama unfolding thousands of miles away, which they saw as a descendant of their own civil rights movement. Despite different demographics, history, culture, and laws, there was a sense of common purpose through racial struggle. The moral clarity that apartheid

engendered made it relatively easy for activists to mobilize public support for sanctions and send a message of solidarity with blacks.

Should action have been taken sooner? It is impossible to tell whether the measures adopted by the U.S. government in the 1980s would have been as successful had they been adopted, say, in the 1960s. UN arms and oil embargoes were imposed in the 1960s, resulting in higher oil prices for South Africa and a heightened sense of vulnerability. However, Pretoria cushioned the effect of these measures by sustaining a three-year petroleum stockpile, buying oil on the spot market, investing in oil-from-coal technology, and starting an indigenous arms-manufacturing industry.

Ironically, mandatory multilateral oil and arms embargoes were not as effective as the unilateral economic actions taken later by the United States. Instead, South Africa dug in its heels in the sixties. All the major antiapartheid groups were banned, dissent was suppressed, and odious racial laws were extended.

By the eighties things were different. Various U.S. players had been mobilized. The administration continued to defend constructive engagement, Congress was split largely along partisan lines, nongovernmental organizations coalesced for effective lobbying, corporations faced shareholder resolutions, and universities experienced student demonstrations. Churches, unions, local and state governments, and professional associations were confronted with demands for divestment. Gradually, these protests coalesced into enormous domestic political pressure on Capitol Hill. In October 1986, when the U.S. Congress decided by an overwhelming vote to overturn the veto of President Ronald Reagan and impose economic sanctions, South Africa was dealt the strongest psychological and economic blow it had ever received from the international community. Nonetheless, although U.S. antiapartheid activists had called for stronger measures, the sanctions enacted were mild in comparison to the harsher embargoes that the U.S. government has inflicted against adversaries, such as Cuba, Iraq, and North Korea. The law (the Comprehensive Anti-Apartheid Act of 1986, or CAAA) terminated direct air flights between the United States and South Africa and prohibited new investment in South Africa, except in black-owned firms. It also banned

loans to the private sector and to the South African government, except for housing and educational and humanitarian purposes. It limited South African imports, terminated the bilateral tax treaty that avoided double taxation for U.S. companies operating in South Africa, and required U.S. firms to apply fair labor standards based on the Sullivan Principles, a voluntary code of conduct launched in 1977 by the Reverend Leon H. Sullivan, pastor of the Zion Baptist Church in Philadelphia and a member of General Motors' board of directors.<sup>4</sup> The law spelled out new terms of engagement designed to promote negotiations and included a well-defined road map specifying the conditions that would lead to the lifting of the restrictions.<sup>5</sup> Guidelines were provided for deepening U.S. engagement with the South African black population, including providing economic and educational support that strengthened civil society and black leadership.

There was no breaking of diplomatic relations, cultural or sports boycotts, or compulsory corporate divestment. Instead, corporations were encouraged to adopt the Sullivan Principles, educational and cultural exchanges continued, and the Reagan administration was encouraged to continue working with Pretoria to move toward meaningful political negotiations with authentic black leaders and to pursue regional settlements.<sup>6</sup>

The existence of a viable opposition was another factor that made the timing of these initiatives effective. An alternative future government existed that was plausible and legitimate. Interestingly, the importance of this point was not lost on Mandela. When Nigerian opposition forces supporting multilateral sanctions against the dictatorial regime of Sani Abacha approached Mandela as president of South Africa, he declined to back them on the grounds that there was no alternative government ready to take over. He advised the opposition figures to work harder to unite the opposition before calling for international action.

## **HUMAN RIGHTS VERSUS STRATEGIC AND ECONOMIC INTERESTS**

The South African case was a notable exception to the common assumption that the U.S. government cannot effectively pursue human

rights interests simultaneously with larger strategic and economic interests. If there is a clash between these contending interests, human rights invariably are downgraded in importance. Tensions between human rights and other U.S. interests exist in a range of countries today, including China, Russia, Saudi Arabia, Turkey, and Pakistan. Overriding strategic or economic interests in these states have often taken priority.

In the 1980s South Africa was also considered a strategic ally for whom human rights considerations were of secondary importance. Successive administrations had opposed apartheid and urged peaceful political change in South Africa, but all had rejected broad economic sanctions as a means of pressuring the government. Some presidents spoke more openly in favor of political change, such as John F. Kennedy and Jimmy Carter, but strategic and economic interests tended to override human rights in the larger scheme of things.

President Ronald Reagan, like President Richard Nixon in his South African policy, tilted strongly in the direction of strategic and economic considerations. Reagan warmly recalled that Pretoria was an ally in World War II, pointed out its role as a supplier of strategic minerals, and lauded its staunch anticommunist record. In addition, the administration feared that pressuring South Africa on black political rights would discourage Pretoria from relinquishing control of Namibia, which it had administered since World War II. The U.S. government linked the independence of Namibia to the removal of Cuban troops from Angola.

Instead of discouraging change, as many assumed, sanctions ultimately had the opposite effect. The main political breakthroughs on strategic and regional goals were achieved *after* the United States moved against South Africa on human rights. This is not to suggest that sanctions induced South Africa to compromise on regional issues, but merely to note that sanctions did not obstruct progress on these issues. South Africa calculated that it was in its interest to strike deals with the Reagan administration before it left office, noting that the terms might be even worse with the next administration.

The Reagan administration had presented itself as the friendliest that Pretoria could hope to have in Washington. Its opposition to corporate divestment and other economic pressures called for by

antiapartheid protesters was the incentive it used to induce South Africa to cooperate. But there were also real U.S. economic interests at stake that the administration wanted to protect. There were 284 U.S. corporations in South Africa in 1984, many of which were resisting shareholder resolutions designed to get them to pull out of South Africa. Billions were also invested in mutual funds and other South African securities.

Tension between strategic/economic interests and human rights concerns was at the heart of the domestic policy debate, which erupted when public protests were mounted in front of the South African embassy in Washington, D.C., in 1984. The demonstrations were as much against Reagan's policy of constructive engagement (the official policy of offering concrete incentives to Pretoria) as they were against apartheid. Sustained for two years, along with similar nonviolent protests across the country, the protests did not end until sanctions legislation was enacted.

The CAAA turned U.S. policy on its head. Human rights concerns were given primacy over geopolitical and economic interests for the first time in U.S. history. Unsurprisingly, U.S.-South African relations cooled for a few months, but regional negotiations were revived shortly thereafter. Former assistant secretary of state Chester Crocker, an ardent opponent of sanctions and an equally tenacious advocate of regional diplomacy, mounted an intensive campaign of shuttle diplomacy in the last year of the Reagan administration. He succeeded in shepherding a sanctioned South Africa and other regional actors to agree to two U.S.-mediated treaties that provided for the removal of some fifty thousand Cuban troops from Angola and the independence of Namibia. He received widespread praise for his efforts.

By 1990 Nelson Mandela and Namibia had won their freedom, a dual success for U.S. policy. A year later, apartheid laws were repealed, political exiles were given amnesty, and the government and opposition groups signed a National Peace Accord,<sup>7</sup> fulfilling the conditions for the lifting of economic sanctions. South Africa continued its march toward a negotiated revolution, culminating in the 1994 election of Nelson Mandela as president.

This positive outcome suggests that, in some cases at least, it is possible to make progress on human rights and strategic or economic

goals if the U.S. government makes its goals clear and is willing to exert appropriate pressure on recalcitrant regimes. In the South African experience, domestic political change went hand in hand with regional political change. The more oppressive South Africa was with regard to its own population, the more aggressive it became in the region. Its domestic and foreign policies were based on a single goal: to make the area safe for white rule.

Linkage between external change and internal change, and knowing how to balance them, is critical in such situations. The Reagan administration understood the connection but had a sequential view of events, rejecting the strategy of vigorously pursuing multiple U.S. interests simultaneously. Instead, government officials concluded that a robust human rights policy would jeopardize regional priorities. This proved to be a false assumption, a lesson that ought to be taken into account in other situations in which human rights take a backseat to competing U.S. interests.

The costs of being overly cautious can be high. The refusal of the U.S. government to exert meaningful pressure on South Africa early in the Reagan administration's first term gave Pretoria a free hand to act with impunity, both domestically and internationally, without facing the consequences of its intransigence. Though it promised action, Pretoria neither granted meaningful political rights to blacks nor cooperated in good faith on regional and strategic initiatives. It renegeed, for example, on the U.S.-mediated 1984 Nkomati Agreement, a nonaggression pact in which Pretoria agreed to stop supplying Mozambican rebels with arms in return for Mozambique's agreeing to deny the ANC military bases. Pretoria also launched repeated cross-border attacks on its neighbors that even the Reagan administration later recognized as having gone beyond legitimate defense needs. South Africa had developed a nuclear weapons capability, launched assassination raids on ANC leaders, conducted chemical and biological weapons research, inspired black-on-black violence, and inflicted extensive damage on civilians in its policy of destabilization of the region, all of which were inimical to U.S. policy.

Only when a price was exacted for South Africa's recalcitrance was a policy balance restored and South Africa restrained. By that time, the situation had worsened and the violence had escalated.

Eventually, the United States got it right, but not right from the beginning.

## QUIET DIPLOMACY

Another lesson of the South African case pertains to the utility of quiet diplomacy in pressing for human rights. Although activists refute this contention, conventional wisdom among government officials holds that U.S. human rights policies must be pressed quietly to be effective. By this measure, U.S. policy should have failed in South Africa, for it stimulated the longest and most bitter nationwide foreign policy debate in the United States since the Vietnam War.

South Africa divided the country, split party ranks, pitted the executive and congressional branches of government against each other, attracted major media attention, and galvanized a broad array of church leaders, students, labor and civil rights groups, intellectuals, and corporations to take a stand. Residual bitterness over sanctions also fueled congressional battles over U.S. policy toward other states in southern Africa, spawned controversy over the appointment of a new black U.S. ambassador to South Africa, fueled shareholder activism that resulted in significant financial losses for South Africa, stimulated state and local government antiapartheid legislation, and provoked boycotts and demonstrations that continued up until the time Nelson Mandela was released. Yet, paradoxically, this controversy contributed to an effective policy.

There is no question that U.S. policy toward South Africa underwent a difficult labor and a messy delivery. Far from being well thought out and carefully planned, the struggle was prolonged and left deep scars, racial resentment, and a high domestic political cost. It was also an extraordinarily 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). The South African debate produced a hybrid policy that operated simultaneously to exert pressure on Pretoria for internal change while remaining open for strategic negotiations.

## POLICY PHASES

### *Constructive Engagement (1981–84)*

Quiet diplomacy was the primary policy instrument employed by Assistant Secretary of State for Africa Chester Crocker, Reagan's top Africa aide, when he launched Reagan's new approach. Crocker had a unique political advantage in that he was in virtual control of U.S. Africa policy for nearly eight years, enjoying the confidence of Secretaries of State George Shultz and Alexander Haig. As the longest-serving head of the African affairs regional bureau, he provided continuity and consistency, features that also made the policy an easy target of criticism when it came under attack from liberal opponents in Congress and right-wing elements within the administration.

Crocker viewed the government of South African president P. W. Botha as a modernizing regime and his military as a lobby of reforming patriots. The best way to effect change internally, he argued, was to work with the white power structure and take account of white fears. Constructive engagement was a policy that precluded him from publicly criticizing the regime for human rights abuses and that openly rejected economic sanctions.

However, Crocker had a nuanced view of the Soviet threat. He dismissed Pretoria's theory of "total onslaught" based on an alliance of communism and black nationalism, a belief widely shared by Pretoria's governing elite and the military that made it easy for them to dismiss black claims for political rights as a communist ruse. But the Reagan administration gave minimum attention to black politics and to black leaders in South Africa. A small scholarship program for black South Africans was started in 1980, and this was later significantly expanded by Congress to include funds for the promotion of human rights and black leadership. In this regard, the administration's emphasis was on "black economic empowerment," not "black political liberation."

The aid program became a subject of intense controversy. Blacks in South Africa saw the aid program as illegitimate because it was linked to a policy that they felt supported the apartheid regime. Some groups refused to accept U.S. aid at all. A debate ensued in the U.S. government between those who wanted aid to be directed through

official apartheid institutions and those who wanted to direct it to antiapartheid nongovernmental groups. The latter group won in Congress, which gave approval for the first U.S. aid program to be openly political in nature and to bypass the host government. The program had to make a sharp shift toward supporting black groups, a move that was later denounced by conservative groups as racist. The aid program, though hotly debated in Congress, was not central to the Reagan administration's goals. Its emphasis continued to be on the achievement of regional and geopolitical objectives by working with the South African government.

### ***Opposition to Constructive Engagement (1984–86)***

Sustained criticism of constructive engagement began in 1982, but it did not rise to the level of a national debate until two years later. The “trigger” that exploded events was the attempt by the South African government in 1983 to implement a new constitution creating a racially segregated legislature with three unequal chambers, each of which would represent a racial group of whites (with the most powers), Coloureds (mixed-race people), and Indians. The proposed constitution gave no political rights to blacks, who represented 75 percent of the population. In essence, South Africa was trying to co-opt minorities as junior partners in apartheid, hoping to make racial domination more palatable to the outside world and domestic protesters by showing that it was ending white exclusivity.

The gamut backfired badly, sparking spontaneous opposition. Security forces cracked down brutally in black townships, a pattern of abuse that was broadcast on nightly television. Cameras also documented the mass public funerals, the gruesome “necklace” killings (in which individuals were set ablaze with burning tires flung around their necks) by angry mobs taking vengeance on suspected state collaborators, and waves of South African youth “toyi-toying” (dancing) through the townships in defiant protest. Meanwhile, South Africa continued to mount military attacks on its neighbors, to increase its aid to UNITA, the Angola rebel movement, and to support Renamo, the Mozambican rebel forces.

Four years after constructive engagement was introduced, it came under intense fire at home for tilting in favor of whites without

meaningful outcomes. In the United States, black leaders, labor leaders, students, supporters of the divestment campaign, the Congressional Black Caucus, state and municipal governments, corporations, and universities all jumped into the debate, agreeing to be “arrested” in peaceful protests and selling shares in U.S. firms invested in South Africa. In 1985 Chase Manhattan Bank, followed by other creditors, suddenly announced that it would not roll over outstanding loans to Pretoria, a decision that sent the South African stock market into free fall. Continuing South African brutalities fed U.S. activism, spawning a move in Congress for a comprehensive antiapartheid act that included more aid, sanctions, and an opening to black leaders. With public opinion turning against him, President Reagan proposed milder sanctions of his own and vetoed the sanctions legislation. However, in a stunning reversal for the extremely popular president, his veto was overridden by a bipartisan majority vote in both houses of Congress, even though the Senate was then in Republican hands. It was a massive foreign policy defeat for the administration and a reversal of fortune for South Africa, which had been counting on the Reagan administration to protect it from sanctions.

### ***Synthesis (1987–89)***

The CAAA was a watershed in U.S. policy. South Africa now had to pay a price for denying blacks their political rights. It put Congress at the center of the policy process and gave South Africa only two ways out: either Congress could lift sanctions with an act of both houses (an unlikely event) or Pretoria could fulfill the specific conditions set down in the law. Moreover, while sanctions were imposed unilaterally, the law encouraged other international allies to follow suit.

The administration treated sanctions as an unwanted add-on to existing policy, but constructive engagement was, for all practical purposes, over. The term was not used to describe the policy any longer. The U.S. ambassador was changed to signal the shift in policy, meetings with black leaders occurred at higher levels, speeches had more explicit human rights goals, and relations with black states improved. Pretoria’s relations with Washington became more distant and, indeed, many thought that U.S. diplomacy had reached an impasse, especially in light of Angola’s parallel decision in 1986 to break off negotiations

with the United States following the Reagan administration's decision to arm UNITA.

Not all sanctions supporters had the same goals: some wanted to make a political statement by putting the United States on the right side; some believed that sanctions would have an impact, but that it would be a long and drawn-out affair; and some wanted to act in support of domestic constituencies. Few believed that there would be an immediate impact. Even the law's most ardent supporters pointed out that there was no precedent for a ruling elite relinquishing power without force and that sanctions rarely are enough to dislodge a regime that is militarily secure.<sup>8</sup> Opponents felt that the sanctions would be counterproductive, hurt blacks more than whites, make whites more intransigent, and kill regional negotiations.

These fears proved to be exaggerated. In March 1987, less than six months after economic sanctions against South Africa were enacted, diplomatic activity resumed in a complex series of messages and meetings that went through many twists and turns, across several continents, and finally to the finish line at the United Nations twenty months later. It was the beginning of the end of the Cold War, and the Soviet Union cooperated, wanting to be relieved of overseas commitments. With barely a month of President Reagan's final term left, interlocking accords were signed by Angola, Cuba, and South Africa that resulted in the mutual withdrawals of Cuba from Angola and South Africa from Namibia.

The triumphant conclusion of these complex negotiations was due to several factors: changes in the U.S.-Soviet relationship, a shift in the regional balance of power from aggressive Cuban military activities that had caused South African casualties, and rising economic and political costs for all the warring parties. A year after the agreements were signed, Mandela was freed. It took four more years before the South African transition to majority rule was complete, but public clamor in the United States had died down by the time the first Bush administration took office and the negotiations for a new election based on a universal franchise were well under way.

### *Aftermath*

In 1993 Nelson Mandela and F. W. de Klerk, the last white leader, who released Mandela from prison and negotiated the transition to

democracy, shared the Nobel Peace Prize. In 1994 Mandela was elected the first black president of South Africa. U.S. policy goals shifted from supporting a democratic transition to consolidating democratic gains and promoting economic development. The Clinton administration identified South Africa as one of “top ten emerging markets,” a U.S.–South Africa binational commission was established to symbolize the importance of that country, and an aid program of roughly \$80 million a year was approved.

President Mandela’s priority was racial reconciliation. He succeeded masterfully. In 1999 Thabo Mbeki was elected the second post-apartheid black president of South Africa. His challenges—from wiping out poverty to eliminating crime and dealing with the world’s fastest-growing HIV/AIDS crisis—were quite different, having less to do with securing human rights for blacks than with consolidating the democratic transition and making human rights meaningful in economic and social terms.

In the post-liberation phase, the relationship between the United States and South Africa changed once again. South Africa was disappointed in the level of economic assistance it received from the United States, which fell far short of expectations relative to the rhetoric that the U.S. government used to describe the importance of the South African “miracle.” Mandela described the U.S. package as “peanuts.” In addition, the level of foreign investment from U.S. corporations was disappointing. Those that had pulled out of South Africa during the 1980s either did not come back (some had lost their markets) or did so through shareholder stakes or joint ventures, rather than equity investments in job-producing manufacturing operations. The total value of foreign investment in South Africa from 1994 to 2000 was about \$12.5 billion, of which approximately one-third came from the United States. This roughly equals the amount of capital that was estimated to have left South Africa by the end of the 1980s. Thus, in the first six years after apartheid, South Africa had managed to bring itself up to the levels of capital investment that it had in the 1980s, but not to exceed them. Between 1994 and 2000 South Africa was also estimated to have lost seven hundred thousand jobs.<sup>9</sup>

The South African market opened up in an international business environment in which, after the fall of communism, there was a

host of newly emerging alternative markets. Having dropped its socialist ideology and adopted free-market capitalism, the ruling ANC found it hard to make the case for investment solely on economic grounds, when the moral imperative no longer applied. South Africa had to pass the same bottom-line scrutiny as any other country, with investors wary of the powerful labor unions, high crime rates, taxes, and an HIV/AIDS infection rate that rivaled that of any other country. Mbeki's regressive HIV/AIDS policy, allegations of ANC corruption, and the adoption of a policy of constructive engagement toward Zimbabwe after Robert Mugabe's rigged elections and lawless seizure of white farmland plunged that country into crisis have tarnished the image of South Africa as a government wedded to human rights and good governance.

Despite these problems, South Africa overall remains the most developed and hopeful country on the African continent at the beginning of the twenty-first century. Its democratic roots are institutionalized; witness the independence of the South African Constitutional Court, which has ruled against the government and vigorously defended human rights. The South African government adheres to constitutional processes, boasts a vibrant free press, has a strong civil society, and sustains an energetic private sector that is expanding beyond its own borders. While postapartheid problems exist, the country masterfully handled an enormously difficult political transition that could have easily turned sour.

Unlike many other societies in conflict, South Africa experienced a successful transition in part because it did not actually collapse as a state. Its institutions stayed intact, though the personnel and legal framework within which they operate has changed radically. The police, civil service, military, and judicial systems all continued to function. This established a level of continuity and stability that did not force South Africa to build from the ground up.

## **POLICY TOOLS**

The intensity, duration, and scope of the policy debate in the United States, and the broad-based social activism it stimulated among diverse groups, were distinctive characteristics not frequently found in U.S. human rights policy challenges. Few countries spawn protracted

public debate of the sort provoked by South Africa. A racial issue that penetrated corporate boardrooms, university campuses, churches, municipal and local governments, labor unions, and the African American community, it gave rise to a broad-based social activism that began in the 1970s and culminated in the 1980s as a major instrument of policy change.

Social activism was, however, a mixed blessing. On the positive side, it generated mass public action for a common purpose that led to concrete legislation. However, it also contributed to partisan wrangling, strained race relations, and poisoned legislative-executive relations.

Social activism over South Africa left a legacy that continues to be used as a standard-bearer for human rights activism. Shareholder resolutions and pressure at state and local government levels have challenged executive branch control of foreign policy. For example, based on the antiapartheid movement, activists drafted legislation enacted in Massachusetts to penalize companies doing business in Burma, triggering a new battle on the constitutional limits of state governments to make foreign policy that was challenged in the Supreme Court. The measure also brought complaints by the European Union and Japan that Massachusetts was violating World Trade Organization rules. The Supreme Court struck down the right of states to challenge foreign policy decisions, but on a narrow technical point (namely, that sanctions were already in place in the case of Burma), leaving open the question of the legality of state and local government boycotts on human rights grounds. In these legal contests, South Africa has consistently been used as the reference point.

South Africa is also a good example of how sanctions and aid were used together as effective policy instruments. History will continue to debate the scope and nature of the impact, but it is indisputable that embargoes had both psychological and economic effects, especially financial sanctions that deprived the economy of much needed capital. Guidance was given in the sanctions legislation on the steps U.S. policymakers ought to take toward a variety of other issues, such as the black-controlled states in the region, aid to South African black education and labor unions, the U.S. attitude toward “necklacing” (mob lynching), and the beliefs and tactics of the opposition parties, especially the South African Communist Party.

Of these, the least controversial instrument, on the surface, was aid to South Africa. However, it too eventually became embroiled in controversy. Initiated in 1980 with an \$8 million scholarship fund organized by Rep. Stephen Solarz (D-N.Y.), then chairman of the House of Representatives Subcommittee on Africa, the aid program grew to \$25 million in 1986 during the times of heightened congressional pressure for sanctions. To some, the aid program was a politically acceptable alternative to sanctions and it enjoyed bipartisan support early on. However, a behind-the-scenes struggle erupted between House and Senate aides over the kinds of projects and organizations that should be supported.

The House of Representatives wanted the funds to go to groups that were “credible” in the black community and that were not white dominated or controlled by the state. The Senate wanted the money to go to established institutions, even if the South African government ran them, and proposed that the funds should not be used for purposes that were inconsistent with constructive engagement. Senate aides also argued that the money should go for “black empowerment,” whereas House aides supported projects that would lead to “black liberation.” The U.S. Agency for International Development (USAID) distanced itself from constructive engagement and accepted the House criteria, channeling up to \$91 million in assistance during the Reagan years to nonracial, grassroots projects that had no connection with the South African government. This was the first USAID program that was openly presented as an effort to promote democracy rather than economic development, and the first to be spent only in the non-government sector. After 1994 U.S. aid shifted again, this time toward a normal developmental program. However, it was criticized for abruptly leaving civic organizations that the United States had supported without adequate financial support or training to make the transition. In addition, the U.S. government did not have a sufficient package of tax incentives, loans, risk insurance, and joint-venture promotion to promote more U.S. investment. To secure the human rights gains that were won in South Africa, the economy must grow and poverty alleviation must assume a top priority.

While the domestic political costs were high, the efficacy of U.S. policy instruments was nonetheless high as measured by the out-

comes the instruments helped produce: a successful transition in South Africa that led to the abolition of apartheid and the transition to democracy. U.S. geopolitical and regional policy objectives were also achieved due to the tenacity of the administration and a fortuitous set of conditions. The heated debate educated the U.S. public, displayed the moral tenets of U.S. foreign policy, gave greater visibility to Africa, and guaranteed that the public would view South Africa overwhelmingly in human rights terms for years to come.

## TACTICAL LESSONS

In the 1980s most Americans did not fully appreciate what they were dealing with in South Africa. Besides oppressing blacks, the white South African government had been sponsoring international terrorism, developing chemical and biological weapons, and building a nuclear weapons capability. While there were allegations of such activities, they had not been publicly confirmed until Prime Minister de Klerk announced the voluntary abolition of South Africa's weapons of mass destruction programs months before the transition to majority rule.<sup>10</sup> Had the existence of such programs been known earlier, the U.S. government would have been compelled to put South Africa on the list of states with emerging weapons of mass destruction, along with Iraq, Iran, and North Korea. The U.S. public would have demanded greater isolation and punishment of the regime, the domestic debate in the United States would have been further enflamed, and the geopolitical and regional policy outcomes might have turned out differently. In essence, the U.S. government was confronting a hideous threat: a racist nuclear state that supported terrorism and sponsored race-based biological and chemical weapons research. Only after apartheid collapsed was the world made fully aware of the real danger that South Africa presented. In light of these considerations, the success of the U.S. human rights policy is even more significant and the tactical lessons that can be learned are of even greater import.

The most critical factors that accounted for the success of U.S. human rights policy were the following:

- *Timing.* Internal events and forces in South Africa guided the policy process. International influence was important, mainly

through many points of contact aimed at bringing people together, putting out brushfires, and educating constituencies. U.S. policy, however, lagged behind the actions of civil society. U.S. human rights policy was formulated in response to these and other trends and did not become forward looking until Congress imposed a new policy on the administration. However—and this is a vital point—this new approach was designed not to overthrow the regime but rather to strengthen antiapartheid forces and level the playing field for negotiations between internal democratic forces and the apartheid regime. Fortunately, South Africa was “ripe for resolution,” making the approach effective.

- *Waning of the Cold War.* The Soviets wanted cooperation with the West as the Cold War drew to a close, allowing regional diplomacy to move forward. After Namibia became independent, the Soviet threat dissolved in the eyes of the South Africans, diminishing the perceived threat of “total onslaught.” This meant that black rights had to be looked at, not as a foil for communist expansion, but as a legitimate demand.
- *Role of civil society.* In South Africa and the United States, public activism played an essential role in shaping trends. Not many countries have mass-based activism, but for those that do, the most effective U.S. policies will be those that are in sync with public sentiments as expressed through legitimate public dissent and authentic popular leaders.
- *Existence of a visible and viable opposition.* The existence of the ANC, the most popular black political opposition group, and the quality of leadership in Nelson Mandela and other top ANC officials meant that there was a legitimate future government capable of managing negotiations, a transition, a free and fair election, and a democratic political system. Such leadership does not always appear in divided, conflict-ridden societies.
- *U.S. public support.* In the end, bipartisan support for the CAAA became widespread, with the central objective being to distance the United States from a racist government. When the legislation passed, the U.S. government spoke with one resounding voice, which was overwhelmingly supported by the public.

Only when this became apparent did Pretoria begin to take seriously the primacy of human rights in U.S. policy.

- *Split within the ruling party.* The de Klerk faction of the National Party challenged P. W. Botha, exposing rifts within the power structure that broke the myth of the white monolith. Eventually, the de Klerk faction took over, released Mandela, and led the negotiations toward majority rule.
- *The CAAA, though it included sanctions, did not totally isolate South Africa.* Indeed, it deepened engagement with the opposition and with civil society. These were “smart sanctions,” carefully targeted to deprive the government of funds, an important pillar of a capital-importing economy, and they impacted white attitudes. They did not isolate South Africa but rather reengaged the U.S. government on different terms.
- *The law provided a road map for lifting sanctions.* Providing a road map was an important feature because it suggested a future relationship that could be resumed, once basic steps were taken. That meant that the U.S. government could continue to exert influence on South Africa. Blanket sanctions, with no guidelines for lifting them, would have slammed the door shut on bilateral relations. Sanctions were lifted in 1991, five years after the legislation was enacted, as soon as the five conditions spelled out in the law were satisfied. The apartheid government was still in place.
- *Sanctions were imposed by law, not by executive action.* The importance of this feature is that it removed an “escape hatch” for the South African government, which would likely have tried to gain waivers from a sympathetic executive branch. This was no longer possible. Congress was the main player with regard to sanctions. In many cases, congressionally imposed sanctions can be unduly rigid, but the CAAA established clear conditions for the lifting of sanctions. This occurred as soon as South Africa complied with the necessary conditions.
- *TV coverage.* For months, television images of South African security forces brutalizing antiapartheid activists fueled the domestic debate in the United States. This was a vital link that

made it possible for antiapartheid activists in the United States to mobilize mass public support. Divestment activists had been laboring for a decade to get more support. Only when South Africa became a major story in the media did that movement join forces with others for a successful push for sanctions.

- *Elites cared about the economy.* Sanctions hurt whites and shaped their perceptions. After the economic measures were imposed, the feeling in the white community was that there was no turning back. It would be only a matter of time before other countries would follow suit. In a sense, by loosening white attitudes, sanctions gave de Klerk the constituency he needed to move forward. Whites were concerned that holding out too long would result in a wasteland, in which whites as well as blacks would suffer.
- *Sanctions delayed, but did not stop, regional diplomacy.* The U.S.–South Africa relationship cooled, but national interests took precedence in South Africa. Agreements were reached at the end of the Reagan administration while sanctions were still in place, partly because South Africa wanted to get the best deal possible before a Democratic administration took over.

## POLICY RISKS

Success was not a foregone conclusion. Many things could have gone wrong. Among the biggest risks were the following:

- *Bitterness of the domestic debate.* The debate sent mixed signals to South Africa, raising questions about the direction and commitment of the U.S. government toward human rights, and sending U.S. policy reeling from one approach to another. Some concluded U.S. policy had become a “morality play”; others criticized it as being “racist.” Some have argued that these dissident voices in the United States were beneficial because they kept the government off balance. However, until sanctions were enacted, the U.S. government was not speaking with one voice. This raised questions over the credibility of the United States, undermined its influence, and enflamed racial tensions in American society.

- *Recalcitrant leadership in South Africa.* Had P. W. Botha stayed in power, South Africa may not have agreed to political negotiations and the country could have spun out of control. Continuing violence under hard-line National Party leadership could have resulted in a nightmare scenario of full-scale race war.
- *Complete boycott with no chance of lifting sanctions.* Had there been a complete boycott of South Africa and had a political road map detailing the way out not been provided in the law for removing sanctions, engagement with South Africa would likely have stopped altogether. U.S. policymakers would not have been able to provide assistance to antiapartheid groups, regional diplomacy would have ground to a halt, and all U.S. corporations would have withdrawn, with little prospect of coming back. That would have worsened the South African situation and diminished the chances for a peaceful settlement.
- *No sanctions at all.* Failure to make a midcourse correction in U.S. policy to impose some penalties would have given the South African government a “free ride.” Pretoria was manipulating Washington to its own advantage and Washington’s leverage was declining. Sanctions created new political leverage. This does not imply that all sanctions increase U.S. influence; on the contrary, sanctions often end U.S. influence if not designed correctly. Each country must be looked at on its own terms to decide what is effective. In this case, sanctions affected white attitudes to the extent that the de Klerk government was able to take a new course.

## TRANSFERABILITY

There is a temptation, especially since September 11 and the launching of the war on terrorism, to downgrade human rights in favor of strategic security objectives. While every country is different, it would be folly, and often counterproductive, to push aside human rights concerns as was done in the early stages of the Reagan administration’s policy toward South Africa. Indeed, if the U.S. government seriously reduced its pressure on human rights, it would invite repression, foster instability, and invite more terrorism from groups that resent that

policy and accuse us of double standards. We need not be so timid. South Africa shows that even when we apply significant pressure to protest human rights violations, repressive states may still cooperate with the United States on critical strategic and regional matters when it is in their self-interest to do so.

South Africa also shows that we should not give up on trying to advance human rights in conflicts deemed to be “intractable.” Conditions change, leaders change, and generations change. No situation is static. South Africa and Ireland, considered intractable conflicts in the 1960s, eventually entered into negotiations leading to peaceful political settlements. The trick is to know how and when to move conflicted or repressive societies forward and having the political will to apply multiple approaches in a credible and targeted way.

This means paying attention to the timing and tools of policy implementation. Public statements that support democratic forces help to liberalize repressive societies, because they bring hope to the powerless, add a measure of international protection to their leaders, and show that they are not forgotten. More coercive instruments, such as economic sanctions, are most likely to be effective when internal forces mount a serious challenge to established authority and show that they have the skills to be a responsible alternative government. Repressive regimes then must confront internal and external pressures simultaneously. Internal forces also are best positioned to take advantage of external pressures when they present themselves as a plausible and legitimate party capable of upholding constitutional safeguards of human rights.

Many states, of course, do not have the advantage of coherent and cohesive oppositions ready to take over. Moreover, economic sanctions can have a limited effect in situations of gross human rights violations, such as in Kosovo during the Milosevic regime or in Iraq during Saddam Hussein’s regime. Then the crisis becomes so critical as to prompt military intervention for either humanitarian or security reasons. States that have experienced military intervention must be allowed time to develop the political infrastructure and state institutions that are necessary to protect human rights. In Afghanistan, for example, international human rights policies are intimately connected to postconflict political rehabilitation and state-building strategies; the

lack of such human rights protections favors warlords and drug dealers. The same is true in post-war Iraq, where lawlessness immediately followed U.S. military victory.

South Africa was not invaded by an outside power and did not descend into full-scale internal war, but it underwent a political transformation from apartheid to democracy that was every bit as radical as that of Afghanistan after the Taliban and that of Iraq after Hussein. The South African state could have collapsed but did not. It thus presents a rare instance of regime change—indeed, it was a system change—that resulted in a dramatic improvement of human rights. Critical external intervention was applied successfully and in a timely way, without the use of military force.

Policy tools to foster human rights range from open condemnation (which provides important moral backing for human rights advocates) to targeted economic, diplomatic, and military sanctions against political elites (preferably multilateral but, if necessary, unilateral, with others encouraged to follow suit) and substantial aid to civil society (to strengthen the internal economic and political capacities of human rights activists). It is important to recognize that while South Africa had a reprehensible racist system of oppression, U.S. policy did not, in the end, adopt total isolation or total embrace. In other situations of this kind, U.S. policy should likewise pursue issue-specific policies, with terms of engagement that advance democratic and human rights policies while working collaboratively, if possible, on other policy issues.

How hard should the U.S. government press for human rights compliance? That depends on a number of factors:

- Is there a capable state, or a capable opposition, with competent and pragmatic leadership? If not, how do we foster such leadership?
- Do we know what motivates the political elites and popular constituencies in the targeted state? (For example, South African white elites cared about the economy and therefore were vulnerable to economic sanctions.)
- Can we sustain the policy by carefully calibrating pressure and rewards, timing them to internal events, or is our attention span

too short to stay with the policy and reassess its impact as conditions change?

- Do we have the diplomatic skill and political courage to manage incentives and disincentives so that they are not counterproductive, politically divisive, or short of the mark?
- In ongoing conflicts, can we devise a road map that is more than symbolic or merely hopeful—one that lays down specific steps to be taken by the targeted leadership and specific implications if such steps are not taken? A road map shows polarized leaders and communities that there is a way out and clarifies U.S. policies, spelling out what actions must be adopted, what the consequences are for noncompliance, and what positive benefits come with compliance.

The Middle East conflict is one hot spot in which some of these lessons may apply, although the situation, admittedly, is quite different. Significant effort has gone into resolving the conflict by several administrations, but different human rights principles, and violations of those principles, are competing for international legitimacy. Which should be condemned more—Israeli occupation and settlement of conquered territory or Palestinian terrorist attacks? Which right takes precedence—the right of Israeli self-defense or the right of Palestinians to self-determination? Which comes first—the recognition of Israel's right to exist or the right of Palestinians to return to land taken from them? Can the road map offered be implemented and is the United States willing to spell out, and implement, the consequences of noncompliance?

Unlike South Africa, where the moral clarity of the conflict was evident, the Middle East is full of moral ambiguities and contradictions. Unlike South Africa, where the question was how different racial and ethnic groups can have their rights and security protected within one state, the issue in the Middle East is how groups can have their rights and security protected in two states.

However, one similarity between South Africa and the Middle East stands out. It is that the continuing violence and power imbalances in both conflicts were fundamentally a result of unresolved human rights issues. U.S. policies cannot be based, therefore, simply

on redrawing territorial borders, forging alliances based on counter-terrorism, or introducing compromises that do not address the fundamental problems. U.S. policy must contain a long-term strategy for respecting international human rights for all aggrieved parties, with a road map that presents a vision of how two states can live in peace, side by side, in the Middle East. That road map has been published, but as of this writing, it is not certain that sufficient political will and resources exist to apply the necessary pressures, as was done in the case of South Africa in the 1980s.

Indeed, from the Middle East to Pakistan to China, where U.S. relations are also very complex, there needs to be a fundamental understanding that Washington will not drop its concerns about human rights to advance other interests. On the contrary, it should press them harder precisely because the rule of law advances U.S. security, political, and commercial interests and is consistent with U.S. values, even in an age of terrorism. It is increasingly clear that, in the post-Cold War world, “any administration that fails to take human rights into account . . . risks loss of credibility and a political backlash against that policy at home.”<sup>11</sup> It also risks a further rise in violent anti-Americanism abroad.

## NOTES

1. For an excellent summary of the negotiations, see Patti Waldmeir, *Anatomy of a Miracle: The End of Apartheid and the Birth of the New South Africa* (New York and London: W. W. Norton, 1997).

2. This is a term that William Zartman has coined to describe propitious times for intervention.

3. Waldmeir, *Anatomy of a Miracle*, 125.

4. For further information, see S. Prakesh Sethi and Oliver F. Williams, “Creating and Implementing Global Codes of Conduct: An Assessment of the Sullivan Principles as a Role Model for Development of International Codes of Conduct—Lessons Learned and Unlearned,” *Business and Society Review* 105, no. 2 (summer 2000): 169–200; and S. Prakesh Sethi, *Setting Global Standards: Guidelines for Creating Codes of Conduct in Multinational Corporations* (Hoboken, N.J.: John Wiley and Sons, 2003).

5. These included (1) the release of Nelson Mandela and all political prisoners, (2) the repeal of the state of emergency that gave South African

police more powers of detention, (3) the unbanning of political parties, (4) the repeal of two key apartheid laws: the Group Areas and Population Registration Acts, and (5) the agreement to enter into good-faith negotiations with truly representative members of the black majority without preconditions.

6. See Princeton Lyman, *Partner to History: The U.S. Role in South Africa's Transition to Democracy* (Washington, D.C.: United States Institute of Peace Press, 2002).

7. For an inside view of how the National Peace Accord worked on the ground with grassroots workers committed to stopping the violence, see Susan Collin Marks, *Watching the Wind: Conflict Resolution during South Africa's Transition to Democracy* (Washington, D.C.: United States Institute of Peace Press, 2000).

8. Former congressman Steve Solarz restated these beliefs at a meeting held at the United States Institute of Peace, Washington, D.C., on March 22, 2000.

9. "South Africans Who Fought for Sanctions Now Scrap for Investors but They Find Luring Back Capital Is a Lot Harder Than Was Chasing It Out," *Wall Street Journal*, February 11, 2000, 1.

10. See "Lethal Legacy: Bioweapons for Sale," *Washington Post*, April 20, 2003, 1; and "Biotoxins Fall into Private Hands," April 21, 2003, 1. In 1993, the South African government declared that it had dismantled its nuclear, biological, and chemical weapons programs and destroyed all the weapons and pathogens. However, the expertise and bacterial strains supposedly destroyed remain on the market, and law enforcement authorities are concerned that they could end up in the hands of extremist groups or hostile foreign governments.

11. See my analysis of the policy of U.S. engagement in South Africa, "The United States and South Africa: Persuasion and Coercion," in *Honey and Vinegar: Incentives, Sanctions, and Foreign Policy*, ed. Richard Haass (Washington, D.C.: Brookings Institution Press, 2000), 114; and *The United States and South Africa: The Reagan Years* (New York: Ford Foundation and Foreign Policy Association, 1989).

