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FM CAPE TOWN EMBASSY  
TO IMMEDIATE FCO  
TELNO 17  
OF 251436Z JANUARY 90

INFO PRIORITY HARARE, LUSAKA, WASHINGTON, UKMIS NEW YORK, BONN

SOUTH AFRICA: REFORM

ADVANCE COPY 1.9 Mr Powell, No. 10

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J.P. 26/1

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1. IT IS IMPORTANT TO TRY TO KEEP EXPECTATIONS REALISTIC ABOUT DE KLERK'S SPEECH AT THE OPENING OF PARLIAMENT ON 2<sup>7</sup> FEBRUARY. DE KLERK WILL ADDRESS THE OBSTACLES TO NEGOTIATION. HIS AMBITION IS TO GET TO A POINT WHERE HE CAN LIFT THE STATE OF EMERGENCY AND UN-BAN THE ANC. BUT HE WILL BE TRYING TO GET THERE STEP BY STEP.
2. PRESENT EXPECTATIONS AMONG SENIOR MINISTERS HERE ARE THAT HE WILL ANNOUNCE MOVES TOWARDS THE LIFTING OF THE STATE OF EMERGENCY. THE RESTRICTIONS ON THE WRITTEN PRESS MAY BE SCRAPPED. THE HANDFUL OF DETAINEES AT PRESENT HELD UNDER THE EMERGENCY REGULATIONS ARE VIRTUALLY ALL CONNECTED WITH THE INTRA-BLACK VIOLENCE IN NATAL WHERE EMERGENCY CONDITIONS DO IN FACT PREVAIL. RESTRICTIONS ON FORMER DETAINEES SEEM LIKELY TO BE LIFTED.
3. ON FREEDOM TO OPERATE FOR POLITICAL ORGANISATIONS, DE KLERK APPEARS MORE LIKELY TO INDICATE AN ENDING OF ANY RESTRICTIONS ON THE UNITED DEMOCRATIC FRONT (UDF) AND FREEDOM TO OPERATE FOR THE 'MASS DEMOCRATIC MOVEMENT' (MDM) THAN TO TRY TO MOVE STRAIGHT TO THE FORMAL UN-BANNING OF THE ANC. BEFORE FORMALLY UN-BANNING THE ANC, THE GOVERNMENT STILL IS LIKELY TO BE LOOKING FOR SOME CLEARER UNDERSTANDING THAT THERE WILL BE NO VIOLENCE WHILE NEGOTIATIONS TAKE PLACE. DE KLERK IS LIKELY TO INDICATE THAT THERE WILL BE NO DIFFICULTY ABOUT LIFTING THE STATE OF EMERGENCY AND UN-BANNING THE ANC IF THERE IS PROGRESS IN THAT RESPECT.
4. ON MANDELA, DE KLERK SEEMS LIKELY TO INDICATE THAT HIS RELEASE IS IMMINENT, THOUGH NOT NECESSARILY TO ANNOUNCE IT IMMEDIATELY. HIS CONCERN IS THAT MANDELA SHOULD BE RELEASED IN CIRCUMSTANCES WHERE HE WILL BE ENGAGED FROM THE OUTSET IN TALKS WITH THE GOVERNMENT ABOUT NEGOTIATIONS (IE A CONTINUANCE OF THE PROCESS IN WHICH HE IS AT PRESENT ENGAGED IN EXCHANGES WITH SENIOR MINISTERS WHILE HE IS STILL IN JAIL). MANDELA ALSO IS INSISTING THAT HIS RELEASE MUST LEAD INTO TALKS BETWEEN THE GOVERNMENT AND THE ANC.
5. WE HAVE URGED THE SOUTH AFRICAN GOVERNMENT TO ANNOUNCE A REVIEW OF

THE DEATH PENALTY TO ENSURE THAT, IN FUTURE, IT WILL APPLY ONLY IN THE MOST EXCEPTIONAL CASES. SOMETHING OF THE KIND MAY BE ANNOUNCED BY DE KLERK OR BY THE JUSTICE MINISTER IN THE EARLY STAGES OF THE PARLIAMENTARY SESSION.

6. WE ALSO HAVE URGED THE GOVERNMENT TO CONSIDER REPEALING THE LAND ACTS. THIS WOULD BE AN EXTREMELY IMPORTANT MOVE IN GETTING RID OF ONE OF THE THREE REMAINING LEGISLATIVE PILLARS OF APARTHEID. SOME MINISTERS DO NOW WANT TO MOVE IN THAT DIRECTION.

7. IN OTHER WORDS, DE KLERK SEEMS LIKELY TO TAKE A NUMBER OF IMPORTANT INTERMEDIATE STEPS WHICH WILL BRING THE SOUTH AFRICAN GOVERNMENT CLOSER TO MEETING THE EPG CONDITIONS FOR NEGOTIATIONS AND HE WILL INDICATE THAT HE IS READY TO TRY TO MOVE MUCH FURTHER. WHAT HAPPENS THEREAFTER WILL DEPEND ON THE REACTIONS AND THE MAINTAINANCE OF A REASONABLY CALM SITUATION IN THE COUNTRY. DE KLERK WILL SEEK TO GO ON PUTTING ON THE INTERNAL ANC LEADERS PART OF THE ONUS FOR ENSURING THE CONTINUED AVOIDANCE OF VIOLENCE, ENABLING FURTHER STEPS TO BE TAKEN.

8. THE EFFECTIVENESS OF THIS STRATEGY WILL DEPEND ON THE GOVERNMENT MOVING ON TO RELEASE MANDELA IN CIRCUMSTANCES THAT WILL LEAD INTO THE PRE-NEGOTIATION STAGE. THE PROCESS, OBVIOUSLY, IS FROUGHT WITH MANY DIFFICULTIES. BUT DE KLERK IS TRYING TO MOVE TOWARDS MEETING THE ESSENTIAL REQUIREMENTS TO GET NEGOTIATIONS UNDER WAY.

9. ALL THIS IS SUBJECT TO DEVELOPMENTS OVER THE NEXT FEW DAYS. I WILL REPORT AFTER FURTHER TALKS WITH MEMBERS OF THE GOVERNMENT NEXT WEEK.

RENWICK

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