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REPORT OF THE SPECIAL COMMITTEE ON THE POLICIES
OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC
OF SOUTH AFRICA*

* Also issued as A/5497.

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- II. Security Council resolution S/4300 of 1 April 1960.
- III. First interim report of the Special Committee.
- IV. Second interim report of the Special Committee.
- V. Letter dated 11 April 1963 from the Chairman of the Special Committee to the Ministers of Foreign Affairs of Member States, and replies thereto.
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* The annexes will be issued as an addendum to the present report.

LETTER OF TRANSMITTAL

13 September 1963

Sir,

..... I have the honour to transmit herewith the report adopted unanimously by the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa on 13 September 1963.

This report is submitted in pursuance of operative paragraph 5 (b) of resolution 1761 (XVII) adopted by the General Assembly on 6 November 1962.

Accept, Sir, the assurances of my highest consideration.

(Signed) DIALLO Telli

Chairman

Special Committee on the Policies of
apartheid of the Government of
the Republic of South Africa

His Excellency
Dr. Jacinto Castel Borja
President
Security Council
United Nations, New York

/...

INTRODUCTION

1. The Special Committee on the Policies of apartheid of the Government of the Republic of South Africa was established by General Assembly resolution 1761 (XVII) of 6 November 1962, with the following terms of reference:

- "(a) To keep the racial policies of the Government of South Africa under review when the Assembly is not in session;
- "(b) To report either to the Assembly or to the Security Council or to both, as may be appropriate, from time to time."

2. In pursuance of operative paragraph 5 of that resolution, the President of the General Assembly, on 18 February 1963, announced the appointment of the following eleven members to serve on the Special Committee: Algeria, Costa Rica, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, Nepal, Nigeria, Philippines and Somalia.^{1/}

3. The Special Committee held its first meeting on 2 April 1963 and elected Mr. Diallo Telli (Guinea) as Chairman, Mr. Volio Jiménez (Costa Rica) as Vice-Chairman,^{2/} and Mr. M.P. Koirala (Nepal) as Rapporteur. The Committee agreed that Mr. Ram C. Malhotra (Nepal) should act as the Rapporteur in the absence of Mr. Koirala. The latter assumed his duties on 6 June 1963.

4. The following representatives served on the Special Committee:

ALGERIA

Representative: Mr. Abdelkader CHANDERLI
Alternate Representative: Mr. Kemal HACENE

COSTA RICA

Representative: Mr. Fernando VOLIO Jiménez
Alternate Representative: Mrs. Emilia BARRISH
Mr. José María AGUIRRE

FEDERATION OF MALAYA

Representative: Mr. Dato'ONG Yoke Lin
Alternate Representative: Mr. Radhakrishna RAMANI
Mr. ZAKARIA bin Haji Mohamed Ali
Mr. Abdul HAMID bin Pawanchee

^{1/} A/5400.

^{2/} Mr. Volio Jiménez (Costa Rica) was Acting Chairman from 7 May to 24 June and from 2 August to 3 September, during the absence of the Chairman from Headquarters.

GHANA

Representative: Mr. Alex QUAISON-SACKKEY
Alternate Representative: Mr. Emmanuel Yawo AGORSOR
Mr. Kwaku Menso AKUDE
Mr. Joseph Benjamin PHILLIPS
Mr. Kwami KETOSUGBO

GUINEA

Representative: Mr. DIALLO Telli
Alternate Representative: Mr. ACHKAR Marof
Mr. DIALLO Seydou
Mr. Doumbouya BELLA

HAITI

Representative: Mr. Max H. DORSINVILLE (until 19 April 1963)
Mr. Carlet R. AUGUSTE

HUNGARY

Representative: Mr. Karoly CSATORDAY
Alternate Representative: Mr. Arpád PRANDLER
Mr. Jozsef HORVATH
Mr. Tibor ARANYI
Mr. Zoltán SZILAGYI

NEPAL

Representative: Mr. Matrika Prasad KOIRALA
Alternate Representative: Mr. Ram C. MALHOTRA

NIGERIA

Representative: Chief S.O. ADEBO
Alternate Representative: Mr. D.C. IGWE (until 14 June 1963)
Mr. S.H. Okechuku IBE
Adviser: Mr. Mustafa ZUBAIRU

PHILIPPINES

Representative: Mr. Privado G. JIMENEZ
Advisers: Mr. Virgilio NANAGAS
Mrs. Leticia SHAHANI

SCMALIA

Representative: Hussan Nur ELMI
Alternate Representative: Mr. Omer ARTEH
Mr. Ahmed M. DARMAN

5. In accordance with its terms of reference, the Special Committee submitted two interim reports to the General Assembly and the Security Council, the first on 6 May 1963^{3/} and the second on 17 July 1963.^{4/} In these reports, the Special Committee reviewed the progress of its work, drew the attention of the principal organs to the explosive situation resulting from the racial policies of the Government of the Republic of South Africa, and transmitted reviews of major developments relating to the question, as well as a number of conclusions and recommendations on measures to dissuade the Government of the Republic of South Africa from pursuing its policies of apartheid. The Security Council noted these interim reports with appreciation and adopted a decision along the lines recommended by the Special Committee.^{5/}
6. On 13 September 1963, the Special Committee decided unanimously to submit the present report to the General Assembly and the Security Council.
7. The report is divided into three parts. The first part contains a brief review of the work of the Special Committee in pursuance of its mandate. The second part is devoted to a review of the main developments relating to the racial policies of the Government of the Republic of South Africa since the adoption of General Assembly resolution 1761 (XVII) of 6 November 1962. The third part contains the conclusions and recommendations of the Special Committee, with special reference to the question of dissuading the Government of the Republic of South Africa from pursuing its policies of apartheid.
8. The following annexes are attached to the report:
- (a) General Assembly resolution 1761 (XVII) of 6 November 1962;
 - (b) Security Council resolution 3/4300 of 1 April 1960;
 - (c) First interim report of the Special Committee (A/5418 and S/5310);
 - (d) Second interim report of the Special Committee (A/5453 and S/5353);

^{3/} A/5418 and S/5310 (see annex III).

^{4/} A/5453 and S/5353 (see annex IV).

^{5/} S/5386 (see paragraph 57).

- (e) Letter dated 11 April 1963 from the Chairman of the Special Committee to the Ministers of Foreign Affairs of Member States, and replies thereto (A/AC.115/L.5, A/AC.115/L.6 and Add.1-7);
- (f) Memorandum dated 4 September 1963 from the International Labour Office (A/AC.115/L.29);
- (g) List of documents of the Special Committee; and
- (h) Index to the reports of the Special Committee.

9. The Special Committee wishes to express its appreciation to the Director-General of the International Labour Office for his co-operation. It also notes with appreciation the assistance rendered by many non-governmental organizations and individuals in the discharge of its responsibilities.

10. The Special Committee wishes to express its gratitude to the Secretary-General for his unfailing interest in its work, and to pay tribute to the memory of the late Mr. Evgyny Kiselev and the late Mr. Omar Loutfi, Under-Secretaries, for their constant co-operation. It wishes to express its appreciation to Mr. Vladimir Suslov, Under-Secretary for Political and Security Council Affairs; and to Mr. M.A. Vellodi, Director of Political and Security Council Affairs; whose assistance and advice were most helpful.

11. The Special Committee wishes to express its appreciation to all the members of the Secretariat assigned to the Committee who discharged their duties with remarkable efficiency and devotion. It wishes to note with pleasure the outstanding and able services rendered by the Principal Secretary, Mr. Enuga S. Reddy, which facilitated, to a large measure, the fulfilment of the Committee's task.

PART I
REVIEW OF THE WORK
OF THE SPECIAL COMMITTEE

12. The first meeting of the Special Committee was opened on 2 April 1963 by the Secretary-General, who recalled that the racial policies of the South African Government had exercised the United Nations since 1946, that the General Assembly had devoted twenty-six resolutions to the matter and that the Security Council had also adopted a resolution on 1 April 1960 after the Sharpeville incident.^{6/} He added that both bodies had deplored the racial policies of South Africa as contrary to the obligations and responsibilities incumbent upon that country under the Charter, as having led to international friction and as a danger to the maintenance of international peace and security. The attitude of the South African Government, which had refused to comply with the repeated recommendations and decisions of the United Nations bodies, had caused increasing concern to Member States, a concern which he shared, especially in view of recent statements made by the Government and the leaders of South Africa regarding the role of the United Nations.

13. The Chairman and members of the Special Committee expressed their appreciation for the statement of the Secretary-General.

14. The Chairman stated that, in the light of the consideration of the question by the United Nations since 1946, the task of the Special Committee was not merely to prepare the ground for the adoption of a further resolution, but to devote itself assiduously to finding a constructive solution to the grave situation arising from the continuation and intensification of the policies of apartheid of the Government of the Republic of South Africa. He emphasized the importance of the co-operation of the Governments of all Member States, and particularly of the South African Government, which the United Nations was duty bound to help extricate from its present dangerous situation.

15. The Foreign Minister of the Republic of South Africa, however, criticized the statement of the Secretary-General in such terms that the Special Committee was obliged on 5 April 1963 to express its indignation.

16. The Special Committee recognized from the beginning of its work that the development of the problem of apartheid and the role of the United Nations in the solution of that problem had reached a new stage in view of the rapid

^{6/} S/4300 (see annex II).

deterioration of the situation in the Republic of South Africa, the growing international repercussions of that situation, and the adoption of General Assembly resolution 1761 (XVII).

17. The Special Committee felt that in view of the decisions taken by the General Assembly and the Security Council, the review to be undertaken by it under operative paragraph 5 (a) of General Assembly resolution 1761 (XVII) was not intended as a compilation of relevant information as a basis for the characterization of the policies of apartheid in the light of the Charter, but as an essential element in the efforts of the United Nations to dissuade the Government of the Republic of South Africa from pursuing its policies of apartheid and to ensure the upholding of the purposes and principles of the Charter in the Republic of South Africa. The work of the Special Committee was to be a basis for individual and collective efforts by Member States to secure a speedy and effective solution of the grave situation in the Republic of South Africa.

18. To this end, the Special Committee sought the co-operation of all Member States, and of non-governmental organizations and individuals.

Letter dated 5 April 1963 to the Minister for Foreign Affairs
of the Republic of South Africa

19. In pursuance of a decision taken at the first meeting on 2 April 1963, the Chairman of the Special Committee wrote to the Minister for Foreign Affairs of the Republic of South Africa informing him that the Committee had begun its work and adding:

"Being anxious to fulfil the task assigned to it under the above-mentioned resolution to the best of its ability and with the utmost objectivity and effectiveness, the Special Committee has asked me to invite the Government of the Republic of South Africa to lend its co-operation and assistance to the Committee in the accomplishment of this task. To that end, the Special Committee would be glad to know, as soon as possible, the form and manner in which this co-operation and assistance might be provided."7/

20. By letter dated 15 April 1963, addressed to the Secretary-General, the Permanent Representative of the Republic of South Africa conveyed a message from

the Minister for Foreign Affairs requesting that the Chairman of the Committee be informed that the South African Government regarded the adoption of General Assembly resolution 1761 (XVII), including the establishment of the Special Committee, as contrary to the provisions of the United Nations Charter and that it was accordingly unable to lend its co-operation and assistance to the Committee in the accomplishment of its task. He added that "quite apart from the juridical aspect of this matter, with reference to the statement in the Chairman's letter that the Committee is anxious to fulfil its task with the 'utmost objectivity', the South African Government is constrained to point out that its recent experience of the objectivity of certain bodies set up by the United Nations with respect to South Africa has not been such as to encourage co-operation..."^{8/}

Letter dated 11 April 1963 to Ministers for Foreign Affairs of Member States

21. In view of the importance it attached to the co-operation of all Member States in the discharge of its mandate, and taking into account the provisions of operative paragraph 6 of resolution 1761 (XVII), requesting all Member States:

- "(a) To do everything in their power to help the Special Committee to accomplish its task,
- "(b) To refrain from any act likely to delay or hinder the implementation of the present resolution",

the Special Committee decided, at its first meeting, to send letters to the Ministers for Foreign Affairs of Member States inviting their co-operation and assistance. Accordingly, the Chairman addressed a letter to them on 11 April 1963 emphasizing the vital importance attached by the Special Committee to the implementation of the recommendation made to Member States in General Assembly resolution 1761 (XVII) and expressing the Committee's gratitude for "any information you may be good enough to transmit to it in accordance with operative paragraph 6 (a) of the resolution, in writing or orally, both on racial policies in South Africa and on the manner in which your Government proposes to apply resolution 1761 (XVII)."

^{8/} A/AC.115/L.4.

22. The texts of replies received by the Special Committee are annexed to the present report.^{9/}

Information from individuals and representatives of organizations

23. Anxious to obtain information from all available sources, the Special Committee decided on 5 April 1963 to announce that it would receive memoranda from organizations and individuals, and hear persons or representatives of organizations, who might be in a position to provide it with information on the racial policies of the Government of the Republic of South Africa. Further, on 28 June and 8 July, the Special Committee decided to invite the co-operation of several Anti-Apartheid Movements and of non-governmental organizations accredited to the United Nations.

(a) Establishment of the Sub-Committee

24. Also on 5 April 1963, the Special Committee decided to establish a Sub-Committee of four members (Algeria, Ghana, Nigeria, and the Philippines) to screen the communications from organizations and individuals and the requests for hearings. The Sub-Committee elected the representative of Nigeria as its Chairman.

25. The Sub-Committee screened the large number of communications and requests for hearings received by the Special Committee^{10/} and submitted nine reports.

(b) Communications from organizations and individuals

26. On the recommendation of the Sub-Committee, a number of communications were read at meetings of the Special Committee.^{11/} A number of others were published as Committee documents, as follows:

^{9/} Annex V.

^{10/} See lists of communications in document A/AC.115/L.3 and Add.1-30.

^{11/} The following communications were read to the Special Committee on the recommendation of the Sub-Committee: letter dated 24 April 1963 from the Union of Australian Women; memorandum dated 25 April 1963 from the Anti-Apartheid Movement, London; letter dated 26 April 1963 from the Pan-Africanist Congress of South Africa; letter dated 20 May 1963 from the Eureka Youth League of Australia; letter dated 11 June 1963 from the Melbourne Unitarian Church; statement dated June 1963 from the Peace Pledge Union, London; letter dated 28 June 1963 from the Rt. Rev. R. Ambrose Reeves, London; letter dated 20 July 1963 from the Chairman of the Shipyard Workers' Union, Copenhagen; letter dated 13 August 1963 from the African National Congress (South Africa), London; and letter dated 9 September 1963 from Mr. Barry F. Mason. /...

- (a) Memorandum dated 15 March 1963 from the General Secretary of the Transvaal Indian Congress, on the application of the Group Areas Act in the Transvaal, with special reference to the population of Indian origin;^{12/}
- (b) Letter dated 7 May 1963 from Mr. Patrick van Rensburg, Serowe, Bechuanaland, enclosing a memorandum suggesting a co-ordinated plan to implement collective sanctions against the Government of the Republic of South Africa;^{13/}
- (c) Letter dated 24 May 1963 from the Director, International Confederation of Free Trade Unions, New York Office, enclosing a memorandum urging that the General Assembly appeal to Member States to sever diplomatic and commercial relations with the Republic of South Africa "with a view to inducing the South African Government to abandon its policies of repression and racial discrimination";^{14/}
- (d) Memorandum dated 13 May 1963 from the Presidential Council, Pan-Africanist Congress of South Africa, reviewing the recent developments in South Africa and stating that unless the United Nations took timely and effective action, "Africans could not be blamed when they resorted to active positive self-defence";^{15/}
- (e) Letter dated 28 June 1963 from the Rt. Rev. R. Ambrose Reeves, London, drawing the Committee's attention to some information on economic sanctions;^{16/}
- (f) Statement made on 18 June 1963 by Mr. O. Becu, Secretary-General of the International Confederation of Free Trade Unions, appealing to the United Nations Security Council "to draw up with all speed proposals which would enable the General Assembly to decide that Member States of the United Nations and of the specialized agencies which maintain racial discrimination as a basic principle of their established policy should be immediately expelled";^{17/}

^{12/} A/AC.115/L.6.

^{13/} A/AC.115/L.7.

^{14/} A/AC.115/L.8.

^{15/} A/AC.115/L.10.

^{16/} A/AC.115/L.14.

^{17/} A/AC.115/L.15.

- (g) Letter dated 19 July 1963 from the Chairman of the Africa Bureau, London, stating that the Bureau looked to the United Nations as the only body which might yet be able to find a non-violent solution, whether by the use of economic pressures or otherwise;^{18/}
- (h) Declaration dated 9 July 1963 from the Finnish Association of Attorneys, calling on the South African Government to end racial discrimination;^{19/}
- (i) Letter dated 18 July 1963 from the Secretary-General of the World Federation of Trade Unions requesting that the Republic of South Africa be expelled from the United Nations and its specialized agencies and asking the United Nations to persuade Member States to refrain from any relations with the present Government of South Africa;^{20/}
- (j) Statement dated 26 July 1963 from the Affiliates of the Pan-African Freedom Movement of East, Central and Southern Africa that over 5,000 political prisoners had been thrown into gaols in the last six months in South Africa, and that the prisoners were subjected to brutal torture; and urging that an impartial agency of the United Nations should without delay carry out an on-the-spot investigation into the allegations of torture and brutal violence against political prisoners;^{21/}
- (k) Cable dated 26 July 1963 from the African Trade Union Federation, Dakar, requesting the expulsion of the Republic of South Africa from the international organization and its specialized agencies;^{22/}
- (l) Statement dated 30 July 1963 from the International Commission of Jurists noting that the safeguards against total arbitrariness which had so far been vested in the Judiciary and the Bar were being systematically eroded through the usurpation by the Executive of powers that under the Rule of Law were exercised by the Judiciary;^{23/}
- (m) Letter dated 20 July 1963 from the Chairman of the Shipyard Workers' Union, Copenhagen, stating that the dockworkers in Aarhus and Copenhagen

^{18/} A/AC.115/L.19.

^{19/} A/AC.115/L.20.

^{20/} A/AC.115/L.21.

^{21/} A/AC.115/L.23.

^{22/} A/AC.115/L.24.

^{23/} A/AC.115/L.25.

had been taken to the labour court because they had refused to discharge goods from South Africa and appealing to all workers "to support the dockworkers' fight for freedom and democracy for our coloured comrades in South Africa";^{24/}

(n) Letter dated 13 August 1963 from the African National Congress of South Africa enclosing a leaflet issued and distributed clandestinely in South Africa and a background paper prepared in connexion with its campaign for the release of Walter Sisulu and other political prisoners;^{25/}

(o) Memorandum dated 6 September 1963 from the International Commission of Jurists stating that "the policy and practice of apartheid is basically incompatible not only with Article 1 of the Universal Declaration of Human Rights but with the objects of the Charter" and that "a great deal of South African legislation has been implemented in a way which leaves no doubt that apartheid aims at the political, cultural and economic subjection of a supposedly inferior section of the community";^{26/}

(p) Extract from a statement on Racial Tension, adopted by the Central Committee of the World Council of Churches at its session held 27 August-2 September 1963, appealing to all Christians to impress upon other countries and Governments their responsibility in respect of the racial conflict in South Africa; to do everything in their power to help the victims of discrimination and to alleviate the situation of the refugees from South Africa; to urge the Government of the Republic of South Africa to re-establish contact with the African, Coloured and Indian xxx communities, and to restore justice to all;^{27/}

(q) Letter dated 9 September 1963 from Mr. Barry F. Mason, Ithaca, USA, stating that on the day following his statement to the Committee on 22 August,^{28/} the Government-operated South African Broadcasting Corporation

^{24/} A/AC.115/L.27.

^{25/} A/AC.115/L.28.

^{26/} A/AC.115/L.30.

^{27/} A/AC.115/L.31.

^{28/} See paragraphs 43-45.

accused him of having called upon the United Nations to stage an armed invasion of South Africa to coincide with internal violence in the country, thus misrepresenting and falsifying his statement.^{29/}

(c) Hearing of petitioners

27. On the recommendation of the Sub-Committee, the Special Committee heard eight petitioners who appeared either in their individual capacities or as representatives of organizations.

28. The petitioners provided the Committee with a great amount of information on the situation in the Republic of South Africa and on ways and means to dissuade its Government from its present racial policies. They emphasized the acute danger of conflict in South Africa as a result of the policies of apartheid and the progressive elimination of peaceful means of redress for the oppressed population. They stressed the need for effective international action and attached great importance to the role of the United Nations and all its organs, including the Special Committee, to ensure the fulfilment of the purposes of the Charter and the Universal Declaration of Human Rights. The Special Committee was particularly impressed by the fact that the South African petitioners, both White and non-White, declared that the choice in the Republic of South Africa was not between domination by one racial group or another, but between racial oppression and the implementation of the principles of the United Nations Charter.

29. A brief summary of the statements by the petitioners is given below.

30. On 10 May 1963, Miss Mary Benson, a White South African brought up in South Africa and now living in the United Kingdom, speaking in her individual capacity, expressed her conviction that only the United Nations could by peaceful means help restore South Africa to reason and freedom. The mood of violence which was spreading through the country made the Organization's task all the more urgent, she said. Miss Benson drew the Committee's attention to some evils due to the policies of apartheid of the South African Government: the so-called Bantu education system, which was based on the intention that there should be no place for the African in the European community above the level of certain forms of

^{29/} A/AC.115/L.32.

labour and which was arousing frustration and bitterness in the Africans; the wretched conditions in which the non-Whites were obliged to live while the 3.5 million Whites enjoyed one of the highest standards of living in the world; the high rate of malnutrition and infant mortality among the non-Whites, the low wages in the urban centres and the famines in the reserves; laws such as the Natives (Urban Areas) Act, which forbade Africans to remain in an urban area for more than seventy-two hours unless they had resided there continuously since birth or for not less than fifteen years, had worked for the same employer for ten years, or had a discretionary permit to reside and work there; and to recent measures such as the extension of pass laws to boys of seventeen and to women. In conclusion, Miss Benson appealed to the United Nations for such economic pressures as could make the South African Government abandon its policies of apartheid. She expressed fear that the United Nations efforts may fail because of the refusal of some of the great Powers to support them and that South Africa may be virtually abandoned to a violent solution. She concluded:

"But how marvellous if you succeed. If in this age of nuclear dangers you can find the way to use non-violent economic pressures firmly, towards achieving justice for that tragic country, a country that is the crux of the greatest issue in the world today, whether we, and you, can live together in mutual confidence and understanding." 30/

31. Also on 10 May, Mr. George Houser, Executive Director of the American Committee on Africa, stated that the situation in South Africa was worsening and that African leaders who had shown the greatest tolerance and patience were obliged to meet violence with violence. What outsiders could do was to lessen the suffering of the African people by taking action to weaken the South African Government in the hope that at least part of its destructive capacity could be paralysed. Unfortunately the key to effective boycott and sanctions lay partly with a few States which were leading importers of South African products and partly in the nature and conditions of international trade. The Governments mainly concerned were those of the United Kingdom, the United States, Germany, France, Italy, the Netherlands, Belgium, Japan and Sweden, which were the leading importers of wool, diamonds, copper, asbestos, fruit, sugar and uranium. To

persuade these Powers and others to break their trade relations with South Africa, it would be necessary to guarantee them compensation for at least part of their losses. Mr. Houser made some suggestions toward a successful boycott of South African exports and added that even a boycott lasting no more than two or three harvest seasons would precipitate a crisis in the South Africa economy serious enough to alienate from the regime all those not blinded by fanaticism and help create conditions under which Africans and Whites could work together. It was a slim chance, he said, but worth striving for as the only alternative was a long and painful civil war which would be fatal to the country.^{31/}

32. On 6 June 1963 the Special Committee heard Professor Horace Mann Bond, a representative of the American Society of African Culture, who testified regarding the manner in which the principles of apartheid, and in particular the Bantu Education Act of 1953, infringed fundamental human rights and the dignity of the human person in South Africa. The segregated educational system established by the Government of South Africa, he said, was a political tool with which to perpetuate the White Man's domination of the Black man. Describing the results of studies on the serious psychological effects of racial segregation in education on both the dominant and discriminated racial groups, he expressed the view that there had at no time in human history been witnessed an educational system better calculated to inflict lasting mental deformation on many millions of human beings, both White and Black. He expressed the hope that the United Nations would be able to put an end to such a sinister perversion of human capacities and possibilities, so that the full capacities of all men might be fully utilized for the benefit of mankind.^{32/}

33. On 14 June 1963, the Committee heard Professor Leslie Rubin, formerly senator in South Africa representing the African voters and founder member of the Liberal Party. Apartheid, he said, was not a new kind of political philosophy or programme but a system consciously dedicated to the denial of the humanity and basic freedoms of millions of people. By means of the skilful propaganda machine, he added, the South African Government sought to deceive other countries about

^{31/} A/AC.115/SR.11.

^{32/} A/AC.115/SR.13.

the real issues involved in the neo-Nazi creed of apartheid. Speaking of the evils of apartheid, he referred to the Bantustan system as being part fraud and part fantasy.

"It was a fraud in that the Government unjustly claimed that the system was designed to grant self-government to the Africans. That claim was completely misleading; the Africans in a small area of South Africa had a limited measure of local self-government, which was, however, subject to the control of the White Government. The majority of the members of the National Assembly created under the Bantu laws were chiefs appointed and paid by the Government and the approval of the State President was needed for any laws passed by the Assembly. There was thus no self-government in the sense in which the term was understood in democratic countries. The Bantustan system was a fantasy because a number of White inhabitants of South Africa honestly believed that separate development could provide a solution to their difficulties."

/...

Noting that most Africans had come to the conclusion that violence was the only way of changing their situation, he concluded that every possible means should be sought to avoid recourse to violence and that the most effective means lay in pressure from the outside world. He suggested that the Special Committee should study the means to ensure the effective implementation of boycotts and the other measures recommended in General Assembly resolution 1761 (XVII).^{33/}

34. On 8 July 1963, the Special Committee heard Mr. Patrick Luncan, representative of the Pan-Africanist Congress (PAC) of South Africa, substituting for Mr. Mahago, a member of the National Executive of the PAC, who had been prevented by illness from appearing before the Committee.^{34/}

35. Referring to the indefinite detention of Mr. Sobukwe, after the completion of a three-year sentence of imprisonment, Mr. Luncan stated that the South African Government had imposed what was tantamount to a permanent state of emergency in the country through enactment of the General Law Amendment Act (No. 93), which permitted any police officer to detain a person permanently without the right to be visited by family, friends or lawyers. Mr. Luncan expressed concern about shipment of arms to South Africa, and requested the Committee to draw the attention of all African States, and in particular those which had links with France, to the fact that France was one of the major suppliers of arms to the South African Government. He noted that the British Labour Party was committed to an arms embargo, that the United States Government had imposed an embargo on arms which could be used in police and infantry-type actions, and that the Governments of Israel, the Federal Republic of Germany and Italy had imposed partial or total embargoes. He suggested that the Committee should express appreciation to those four Governments which had taken action and urge them to make their embargoes total and unconditional. It should, further, express regret to the United Kingdom Government for failing to take action.

^{33/} A/AC.115/SR.14.

^{34/} Mr. Luncan's statement was a preliminary presentation on behalf of the full delegation of his organization to which the Committee had agreed on 6 June 1963 to grant a hearing. As Mr. Robert Sobukwe, President of the PAC, who had been nominated to lead the delegation, was under detention in South Africa, the Special Committee decided on 28 June to send a letter to the South African Government with a view to his being allowed to leave South Africa to appear before the Special Committee. No reply was received from the South African Government.

36. Mr. Duncan also urged the Committee to draw the attention of Member States which had contracted to sell their diamonds through the South African-controlled Central Selling Organization of DeBeers to the fact that DeBeers had undertaken to build two arms factories in South Africa at the request of the apartheid Government. The Committee should urge those Governments to withdraw from the DeBeers organization because their co-operation was contributing directly to the armed suppression of the South African people.

37. Mr. Duncan suggested that the cutting off of fuel oil imports into South Africa would have a significant effect as the country relied for 90 per cent of its petrol on imports. To make such a measure effective, his organization considered it essential that a blockade be imposed.^{35/}

38. On 10 July 1963, the Special Committee heard Messrs. Tennyson Makiwane, Duma Nokwe and Robert Resha, members of the delegation of the African National Congress of South Africa.

39. Mr. Makiwane, speaking for the delegation, noted that the South African Government had intensified its policies of apartheid to such an extent that South Africa was on the brink of catastrophe and wide-spread civil strife. He emphasized the responsibility of the countries which were indirectly helping South Africa to perpetuate its policies of racial discrimination. Mr. Makiwane said that these countries had a huge stake in the economy of South Africa, and that their investments yielded high returns owing to the ruthless system of exploitation to which Africans were subjected.

40. Referring to the supply of arms to South Africa, Mr. Makiwane pointed out that the suppliers of arms equipped South Africa to resist the United Nations resolutions on the question of South West Africa. He recalled that in July 1961, when the United Nations Committee on South West Africa had sought to visit the territory, South African defence units had been ordered to prevent their entry.

41. In conclusion, Mr. Makiwane said that his organization believed that the following steps were vital in the struggle against apartheid in South Africa: all countries should immediately implement General Assembly resolution 1761 (XVII):

^{35/} A/AC.115/SR.16.

the countries he had referred to as having involved themselves on the side of the oppressors in South Africa should withdraw from the arena of conflict in the country; a black-list should be drawn up of companies such as DeBeers Limited, African Explosives and Chemical Industries and others which collaborated with the South African Government in the manufacture of ammunition, and Member States should be called upon to sever relations with such companies; Japan, which had accepted the humiliating concession of having its citizens classified as White in South Africa for trading purposes, should be urged to end its trade with South Africa; socialist countries which still traded with South Africa should be urged to cut off even that negligible amount of trade; and the United Nations should demand the immediate release of all political prisoners in the South African prisons, the repeal of the banning orders under which opponents of the Verwoerd Government had been confined to certain areas or placed under house arrest, and the freeing of the scores of persons placed in concentration camps or banished to remote parts of the country. His organization also believed that representatives of South African racism should be excluded from international meetings of all kinds and that the Government of South Africa should be forthwith expelled from the United Nations.^{36/}

42. On 16 July 1963, the Special Committee heard Miss Miriam Makeba, a well-known South African singer. She stated that since the Sharpeville incident, other terrible events had occurred in South Africa: political parties had been banned, and leaders had been forced to go underground or into exile in order to continue the fight outside the country and to appeal for support from the world. However, since the South African freedom fighters had begun to ask in the United Nations for the removal of the Verwoerd Government and the transfer of power to those to whom it rightfully belonged, most of the great Powers had replied only with lip service and the political situation in South Africa was becoming increasingly tense. The Africans, therefore, had no choice but to ask the United Nations to take positive action against the South African Government by implementing General Assembly resolution 1761 (XVII) and stopping the shipment of arms to that country which

^{36/} A/AC.115/SR.17.

would undoubtedly be used against the African people. Miss Makeba concluded by appealing to the United Nations and to the entire world to do their utmost to compel the Verwoerd Government to open at once the doors of the prisons and concentration camps in South Africa. The time had come, she said, for all mankind to act with firmness to stop the South African Government from dragging the country into a horrifying disaster.^{37/}

43. On 22 August, the Special Committee heard Mr. Parry F. Mason, a South African student, who stated that the educational system in South Africa for the non-Whites was inadequate and was equipping the pupils not only for a separate but also for an inferior position in South Africa. African children, he said, were educated only in tribal life and traditions, with deliberate exclusion of the cultural heritage and the scientific and technological discoveries of the Whites. Such an education, apart from failing to prepare the child for life in a modern industrialized economy, helped to maintain racial barriers and perpetuate the divisions among non-White ethnic groups, thus preventing the non-Whites from uniting.

44. African education, he said, had been completely separated from European education. In the primary schools, instruction was given in the language of the tribe; the non-White child therefore had a very inadequate knowledge of English or Afrikaans, which greatly impeded his adaptation to modern life and prevented him from communicating with Whites and with members of other tribes. Higher education was ruled by apartheid: very inferior tribal institutions had been created for non-White students. Large sums had been wasted in establishing new institutions, with the result that there had not been enough to provide a satisfactory level of instruction in such institutions. The number of non-White students at universities was ridiculously low, particularly if the size of the African population was compared with that of the White population. Expenditure on education for Africans was about 15 rand per head, compared with 130 rand per head for Whites.

45. He expressed the view that though every country was entitled to decide upon the educational system that suited it, the system in the Republic of South Africa represented such an offence to the moral sensibility of mankind that the legal argument regarding the national competence of the Republic was without foundation.

Submission of the first interim report

46. At an early stage of its work, the Special Committee felt that it was desirable to submit an interim report to the General Assembly and to the Security Council not only to inform them of the progress of the work of the Committee, but also to draw their attention to the serious situation created by the attitude of the Government of the Republic of South Africa since the adoption of General Assembly resolution 1761 (XVII), in particular the implementation of further discriminatory and repressive measures and the build-up of military and police forces in South Africa.

47. The Committee discussed the matter between 8 April and 17 April 1963.

48. The first interim report was unanimously adopted on 6 May 1963 and submitted to the General Assembly and the Security Council.^{38/} In the letter of transmittal dated 6 May addressed to the President of the Security Council, the Chairman stated that the Special Committee considered it highly desirable that the Security Council should consider the report as soon as possible and take the measures called for by the grave situation at present prevailing in the Republic of South Africa, which represented a serious threat to international peace and security.

Submission of the second interim report

49. The Special Committee continued its review of the situation in the Republic of South Africa after the submission of the first interim report, and noted that it had continued to deteriorate further. The petitioners heard during this period also emphasized the seriousness of the situation and the urgent necessity of effective measures by the United Nations.

^{38/} A/5418 and S/5310 (see annex III).

50. The developments in the Republic of South Africa had, moreover, caused serious international repercussions. The decisions of the Addis Ababa Conference of Independent African States reflected the strong feelings aroused in the African continent by the continued pursuit of the policies of apartheid by the Government of the Republic of South Africa, in violation of the decisions of the General Assembly and the Security Council, and the severe repressive measures directed against the opponents of the policy of apartheid.

51. Following the Addis Ababa Conference, thirty-two African Member States requested the Security Council on 11 July 1963 to consider as early as possible "the explosive situation existing in the Republic of South Africa, which constitutes a serious threat to international peace and security".

52. In view of the impending consideration of the matter by the Security Council, the Special Committee decided on 10 July 1963 to submit a second interim report reviewing the recent developments in South Africa and transmitting conclusions and recommendations on measures to dissuade the Government of the Republic of South Africa from its policies of apartheid.

53. The second interim report was adopted unanimously on 16 July 1963 and submitted to the General Assembly and the Security Council on 17 July 1963.^{39/} The Special Committee transmitted, as annexes to the second interim report, three documents on the recent situation in the Republic of South Africa: (a) Note on developments concerning the policies of apartheid of the Government of the Republic of South Africa since the first interim report of 6 May 1963; (b) Note on the expansion of military and police forces in the Republic of South Africa and the supply of arms and ammunition to the Republic of South Africa; and (c) Note on repressive legislation in the Republic of South Africa.

54. On the occasion of the publication of the second interim report on 18 July, the Chairman and the Rapporteur issued a declaration on behalf of the Special Committee.^{40/} The declaration expressed the Committee's conviction that effective

^{39/} A/5453 and S/5353 (see annex IV).

^{40/} United Nations press release GA/AP/13.

international action should be taken urgently by the Security Council in order to halt the further drift of events to disaster in South Africa. It emphasized the fact that the situation in the Republic of South Africa constituted a serious threat to international peace and security which the international community had the inescapable obligation to end before it assumed such proportions that it could no longer be brought under control. The declaration added that South Africa could be an example to the world if all racial groups within the country were permitted to live together in amity on the basis of equality. But it had become, instead, a source of international friction and a threat to the peace and security in Africa and the world. The course of events since the adoption of General Assembly resolution 1761 (XVII) showed that a repetition of abhorrence of apartheid by itself would be ineffective and that there should be no further delay in remedial action.

Consideration of the question by the Security Council

55. By letter dated 11 July 1963,^{41/} thirty-two African States requested the Security Council to consider the explosive situation in the Republic of South Africa, resulting from the intolerable apartheid policies of the Government of that country, which constituted a serious threat to international peace and security. They drew the attention of the Council to the resolution on apartheid adopted by the Addis Ababa Conference of Independent African States, which, inter alia, supported the recommendations made by the Special Committee to the General Assembly and the Security Council.

56. The Council discussed the question between 31 July and 7 August 1963, with the participation of the Ministers of Foreign Affairs of Liberia, Tunisia and Sierra Leone, and the Minister of Finance of Madagascar, who had been delegated by the Addis Ababa Conference to speak on behalf of all the Member States of the Organization of African Unity.

^{41/} S/5348.

77. On 7 August the Security Council adopted the following resolution (S/5386) by 9 votes in favour, none against and 2 abstentions (France and the United Kingdom):^{42/}

"The Security Council,

"Having considered the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa, as submitted by the thirty-two African Member States,

"Recalling the Security Council resolution of 1 April 1960,^{43/}

"Taking into account that world public opinion has been reflected in General Assembly resolution 1761 (XVII) and particularly in its paragraphs 4 and 8,

"Noting with appreciation the two interim reports of the Special Committee on the policies of apartheid of the Government of South Africa contained in documents S/5310 of 9 May 1963 and S/5353 of 17 July 1963,

"Noting with concern the recent arms build-up by the Government of South Africa, some of which arms are being used in furtherance of that Government's racial policies,

"Regretting that some States are indirectly providing encouragement in various ways to the Government of South Africa to perpetuate, by force, its policy of apartheid,

"Regretting the failure of the Government of South Africa to accept the invitation of the Security Council to delegate a representative to appear before it,

"Being convinced that the situation in South Africa is seriously disturbing international peace and security,

"1. Strongly deprecates the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and contrary to its obligations as a State Member of the United Nations;

^{42/} An operative paragraph which appeared in the draft submitted by Ghana, Morocco and the Philippines, calling upon "all States to boycott all South African goods and to refrain from exporting to South Africa strategic materials of direct military value", failed to obtain the required majority.

^{43/} S/4300 (see annex II).

"2. Calls upon the Government of South Africa to abandon the policies of apartheid and discrimination as called for in the previous Security Council resolution of 1 April 1960, and to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;

"3. Solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa;

"4. Requests the Secretary-General to keep the situation in South Africa under observation and to report to the Security Council by 30 October 1963."

Preparation of the report to the eighteenth session of the General Assembly

58. The Special Committee noted with gratification the appreciation expressed by the Security Council for its two interim reports. It took note of the Security Council resolution of 7 August 1963 which followed the lines of the Committee's recommendations and represented a highly important step in the United Nations efforts to dissuade the Government of the Republic of South Africa from its dangerous racial policies.

59. The Committee attached great importance to the mandate given to the Secretary-General in the last operative paragraph of the Security Council resolution, and offered him its full assistance and co-operation in the effective discharge of his responsibilities.

60. On 22 August 1963, the Special Committee decided to prepare a report before the eighteenth session of the General Assembly reviewing the Committee's work between the seventeenth and eighteenth sessions of the Assembly, the development of the racial policies of the Republic of South Africa since General Assembly resolution 1761 (XVII) and their implementation, and the repercussions of these policies. It decided that the report should make clear how the policies of apartheid affected the people of the country, emphasize the dangers to the maintenance of international peace and security resulting from these policies, and formulate suggestions for further action by the United Nations.

61. The draft report was discussed on 12 and 13 September 1963 and was unanimously adopted.

PART II

REVIEW OF DEVELOPMENTS SINCE THE ADOPTION
OF GENERAL ASSEMBLY RESOLUTION 1761 (XVII)
ON 6 NOVEMBER 1962

/...

I. ATTITUDE OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA TOWARDS
THE UNITED NATIONS AND GENERAL ASSEMBLY RESOLUTION 1761 (XVII)

62. During the period since 6 November 1962, the Government of the Republic of South Africa has shown no inclination to comply with the demands of the United Nations for the abandonment of the policies of apartheid. It has, instead, shown open hostility toward the Organization and its decisions on the question of apartheid, and refused any co-operation in the implementation of these decisions.

63. The Government of the Republic of South Africa rejected the invitation extended to it by the Special Committee "to lend its co-operation and assistance to the Committee in the accomplishment of its task", claiming that General Assembly resolution 1761 (XVII) was contrary to the provisions of the Charter.^{44/} It also rejected the invitation extended by the Security Council on 23 July to participate without vote in the Council's discussion of the situation in the Republic of South Africa.^{45/}

64. In numerous statements since the adoption of General Assembly resolution 1761 (XVII), the Government of the Republic of South Africa declared that it would proceed firmly with its policies despite the resolution, that the resolution need not cause serious concern or panic as it had not been supported by South Africa's major trading partners, and that the Republic would accept limited isolation, if necessary, to preserve its White civilization.

65. Moreover, the Government has claimed that the United Nations, as at present composed, commands little respect, and that its future is uncertain. It has left in doubt the continued participation of the Republic in the United Nations.

66. Some of the statements are illustrative.

67. Speaking at Roodepoort on 8 November 1962, Prime Minister Verwoerd claimed that though the Afro-Asian States apparently took the lead with regard to General Assembly resolution 1761 (XVII), the communists were really behind it and South Africa had been picked only as an incidental object in the struggle of communism against the West. He claimed that what the Afro-Asian States wanted

^{44/} A/AC.115/L.4 and A/AC.115/L.5 (see paragraphs 19 and 20).

^{45/} S/5381.

was not the elimination of discrimination against the Black man, but Black domination and discrimination against the White man.^{46/} He declared that the General Assembly decision did not carry respect because of the type of nations responsible for the vote, because of the fact that it was unrealistic, impractical and against the real purpose for which the United Nations had been formed, and because action was being taken against a small country. He argued that the Republic should accept limited isolation, if necessary, to preserve its White civilization, and added that the General Assembly resolution did not cause the Government concern as it could not be put into practice. "It will never work, especially in the present situation where so many of the countries who really count do not want to let themselves in for this kind of foolishness."^{47/}

68. Referring to the United Nations decisions in a New Year message, Prime Minister Verwoerd said that South Africa had learned, together with the most well-established and stable countries, not to take the United Nations too seriously.

"It may be regrettable that the United Nations no longer embodies the hopes of mankind. Everyone must face the fact, however, that since young, duck-tailed nations practically took charge of determining the majority vote, the United Nations commands little respect. It is a platform for their display of juvenile aggressiveness and their inferiority complexes; for their eagerness to interfere in the domestic affairs of others perhaps because their own are badly administered, and for slapping the great powers in the face, while collecting from them every possible kind of favour, still made available for a variety of reasons.

"The United Nations has failed in its purpose. It solves no problems, guarantees no peace or protection against genuine aggression, is financially weak, and has involved itself in futilities whenever it acts. The grand adventure of the nations has become a sordid scramble for the microphone - the new toy of the exhibitionist and the agitator."^{48/}

69. In his opening statement to the Parliament on 18 January 1965, State President Swart said that events in the past twelve months had once again demonstrated the inability of the United Nations to fulfil the main purpose for

^{46/} For the Committee's conclusions on this question, see paragraphs 445-449.

^{47/} South African Information Service, 9 November 1962.

^{48/} South African Information Service, 2 January 1963.

which it had been established - namely, the preservation of international peace and security. Rival ideological and political blocs had been formed and this had led to issues being decided not on their merits but in order to serve the interests of a particular group of States, thus often leading to the application of double standards. As a result of a considerable increase in United Nations membership, there had been a shift in power in favour of the Afro-Asians and away from the West. South Africa's relations with the United Nations, he said, should be seen in the light of these changed conditions and the shift of power. The South African Government would not be deterred by intimidation, either from outside or within the borders of the Republic, from proceeding with the policy it firmly believes was in the interests of all sections of South Africa's population.^{49/}

70. Intervening in the debate in the House of Assembly on 24 January 1963, the Minister of Foreign Affairs, Mr. E.H. Louw, said:

"I have no hesitation in stating that the United Nations is rapidly losing the confidence of a very large number of the Western countries; I have no hesitation in saying that in recent years the prestige of the United Nations has very considerably dropped ...

"As regards South Africa's position vis-a-vis United Nations, I will say no more at this stage than that we will bide our time and watch the position. But I would also say this, that it is unlikely that the South African Government will permit its representatives - will put its representatives in the position of being insulted there, as happened during the last two sessions ...".^{50/}

71. Speaking in the House of Assembly on 22 April 1963, Prime Minister Verwoerd stated:

"I personally never hesitate to point out that there are dangers ahead of us and that those dangers may be very serious ... If the nation stands together and fights for its rights and for its survival, we shall be victorious because the forces which are mobilized against us neither have the morality nor the strength to be able to achieve victory ...

^{49/} House of Assembly Debates, 13 January 1963, cols. 3-11.

^{50/} House of Assembly Debates, 24 January 1963, cols. 143-51.

"What is blatantly taking place is that UNO has now appointed a watchdog committee which is making more and more acrimonious allegations ... This is a body which has been established to interfere continually in South Africa's domestic policy. There are also other committees of UNO which are making vociferous attacks upon us. There is the secretary of the General Council at UNO who, although he is purely an official of a body of which we are a member and in which we also have a say, went to a meeting of that committee and arrogated the right to himself to take part in attacks on the policy of a member state ...". 51/

72. The Prime Minister reiterated the charge that the United Nations was seeking to impose Black domination:

"There is only one demand which is made by our critics ... and that is that the Black man alone must govern. Everybody who is White must be pushed out with the greatest possible speed. Is that not the only thing that will satisfy UNO?". 52/

73. On 5 May 1963 the South African Ambassador to the United States, Mr. W.C. Naude, said:

"If you were to introduce the proposals of the U.N. you would, in effect, be committing another sin - committing genocide. You would be asking this Western Christian nation to be allowed to destroy itself". 53/

74. The Minister of Foreign Affairs, Mr. E.H. Louw, stated in the House of Assembly on 5 June 1963 that no decision had yet been taken on participation in the eighteenth session of the General Assembly. 54/ He added:

"The position is very clear as regards our position at the United Nations: South Africa will either have to abdicate ... or we will have to stand together and fight for our survival as a White nation ... It is either 'one man, one vote' or ... the survival of the White man in this country". 55/

51/ House of Assembly Debates, 22 April 1963, cols. 4468-69.

52/ Ibid., col. 4514. See also paragraphs 445-449.

53/ The Star, daily, Johannesburg, 6 May 1963.

54/ House of Assembly Debates, 5 June 1963, col. 7260.

55/ Ibid., col. 7265.

75. Speaking in the Senate on 17 June 1963 on South Africa's attitude to the United Nations, the Minister of Foreign Affairs declared:

"Our main enemy is the United Nations. It is clear that the United Nations is insolvent". 56/

76. Addressing a meeting of the Afrikaans Chamber of Commerce in Cape Town in mid-July, the Minister of Foreign Affairs, Mr. E.H. Louw, stated that "Afro-Asians are today in full control" of the United Nations and that there was "growing disillusionment about the United Nations" among Member States. 57/

77. In regard to South Africa's participation in the eighteenth session of the General Assembly, Prime Minister Dr. Verwoerd stated in July 1963:

"It was and is not yet necessary or advisable to take any decision on such participation ... The Government's decision will be determined by pertinent consideration of what is in the best interests of South Africa, as has successfully been done hitherto". 58/

56/ Senate Debates, 17 June 1963, col. 4488.

57/ South African Digest, Pretoria, 25 July 1963.

58/ South African Digest, Pretoria, 25 July 1963.

II. DECLARATIONS BY THE GOVERNMENT OF THE REPUBLIC
OF SOUTH AFRICA ON ITS RACIAL POLICIES

78. During the period since 6 November 1962, official statements have indicated no significant change in the basic premises of the racial policies of the Government. They have been devoted mainly to explaining and justifying the concept of apartheid or "separate development", as it is now called by the Government to deceive public opinion.

79. Leaders of the Government recognize that the country is facing a serious situation because of the strength of world opinion and that an improvement in race relations is imperative. They frequently refer to the situation as akin to a "cold war".^{59/}

80. But they reject abandonment of apartheid and argue that measures within the framework of apartheid - such as the gradual development of self-government in the African reserves and improvements in such areas as housing, education and job opportunities for non-Whites - would help reduce international opposition and internal tensions.

81. They claim that the campaign against South Africa is not against the policy of apartheid as such but against the White man in South Africa and for a Black Government in the country.^{60/} Abandonment of apartheid would not suffice to overcome the opposition of the Afro-Asian powers.

82. They argue that the established nationhood of the Whites in South Africa distinguishes their position from that of communities of White settlers in other parts of Africa. They reject multi-racialism on the grounds that it does not work

^{59/} For instance, the Minister of Foreign Affairs, Mr. Louw, was reported to have said on 24 March 1963:

"We live in difficult times and the outlook is perhaps a bit darker than people think. I do not wish to sound unduly pessimistic, but we are, in the fullest sense, involved in a cold war. We do not know what is going to happen but we do know that we South Africans are determined to hold what we have and oppose all attempts at black domination." (Reuters report in the Christian Science Monitor, Boston, 26 March 1963).

^{60/} For the Committee's conclusions on this question, see paragraphs 445-449.

anywhere in Africa in view of the incompatibility of the African and European personality. They claim that White nationhood cannot be maintained without White supremacy: concessions towards multi-racialism or liberalism would only lead to an uncompromising and bitter struggle for power which could only result ultimately in Black domination and the end of the established nationhood of the Whites. As the White people are determined to maintain their nationhood, and the Africans are not likely to be satisfied with limited concessions such as qualified franchise, the only acceptable solution is the separate development of the racial groups.

83. Speaking in the House of Assembly on 25 January 1963, Prime Minister Dr. Verwoerd stated:

"Reduced to its simplest form the problem is nothing else than this: We want to keep South Africa White. ... 'Keeping it White' can only mean one thing namely White domination, not 'leadership', not 'guidance', but 'control', 'supremacy'. If we are agreed that it is the desire of the people that the White man should be able to continue to protect himself by retaining White domination... we say that it can be achieved by separate development." 61/

84. Equality of political rights can only be assured by separation or segregation: the Africans can have "one man, one vote" in their area and the White control in the rest of the country would be preserved. 62/ Both the major racial groups would enjoy the right of self-determination. 63/

61/ House of Assembly Debates, 25 January 1963, col. 242.

62/ In a statement before the House of Assembly on 22 April 1963, Prime Minister Dr. Verwoerd argued that the way of apartheid was the only way by which racial discrimination would be eliminated, as separation of the races would remove all points of friction. (House of Assembly Debates, 22 April 1963, col. (4454)).

63/ In an advertisement placed in a British publication in December 1962, the South African Department of Information argued:

"... Self-determination is indivisible. If all the African peoples are entitled to self-determination, then surely we (South African Whites) are too! If it is right for black African peoples to become the masters of their own destinies, then it is surely also right that we should remain the masters of ours. We accept that the Bantu peoples of South Africa are entitled to self-determination, but we cannot accept that they should achieve their self-determination at the expense of ours. Thus, our policy is one of parallelism - of the separate and full development of all our peoples in their own spheres." (Southern Africa, London, 7 December 1962).

/...

85. Speaking at a public meeting on 26 April 1963, the Prime Minister declared that the biggest problem facing South Africa at present was to work out a solution for good internal race relations. It would be suicidal to ignore the tendency of world thought and changes in international attitude, and hope that matters would work themselves out. There were only two alternatives which were the basic currents of present-day political thinking: integration and the creation of a multi-racial State on the one hand, and the separation of the various racial groups on the other. Only by the latter alternative could the White man in South Africa retain his position and secure his future.^{64/}

86. The Minister of Defence, Mr. J.J. Fouché, declared on 3 May 1963 that the Republic of South Africa was going ahead with the policy of apartheid because it cannot deceive and suppress the Africans and because it did not want "to swim against the stream of world opinion".^{65/}

87. Government leaders admit that the non-Whites cannot be treated forever as inferior, nor would they accept concessions which do not provide for equal rights. They claim that the move towards self-determination of both the major groups was the only solution which would preserve the nationhood and the vital interests of the Whites. Hence the development of "Bantustans" in the African reserves is given great emphasis in Government policy.

88. Under the Government's plans, the African reserves would be progressively granted the rights of self-government, and even the granting of sovereignty is not excluded. The Africans would exercise their political rights in the reserves and would have no rights in the rest of the country, which is described as the "White" area. The Whites would have no rights in the African reserves.

89. In the light of the present realities in the Republic of South Africa, this ingenuous formula of the Government of the Republic of South Africa represents in fact a serious attack on the rights of a great majority of inhabitants.

90. It means that Africans would lose existing rights, and all hope of equal rights except perhaps in the election of local advisory boards or absentee ballots for elections in their "homelands" - in 87 per cent of the territory of the country

^{64/} The Cape Times, daily, Cape Town, 27 April 1963.

^{65/} The Cape Times, daily, 4 May 1963.

in return for self-government in the reserves which constitute only 13 per cent of the territory. It means that they would be regarded as aliens and transients in most of the country. Indeed, the Government leaders often compare the status of Africans in the "White area" to that of Basuto immigrant labourers who enjoy political rights only in Basutoland.

91. The idea that the African reserves constitute the homelands of the Africans is based on a distortion of history and a negation of present-day realities.

Only 38 per cent of the Africans today reside in the reserves. The Africans constitute a majority in both the "White" urban areas and "White" rural areas. Many of the Africans have been born or lived for long periods in urban areas or "White" rural areas and have little contact with the reserves.

92. Even the Government leaders admit that the reserves are over-crowded and cannot provide an adequate livelihood for their inhabitants. They have advocated the establishment of industries on the border areas so that the African can find employment while living in the reserves.

93. Moreover, the so-called moves towards self-government are themselves misleading. Self-government in the Transkei reserve, described in the next section, is being consummated by decision of the Government while the most prominent leaders of the African people are imprisoned or confined and the people of Transkei are denied their fundamental rights under the rigorous restrictions of Proclamation 400. The self-government is not the fulfilment of the aspirations of the African people, but a political move to resuscitate the tribal chiefs, provide limited opportunities for some Africans and influence public opinion.

94. The "Bantustan" scheme is one side of the dual policy of which the other side is the imposition of increasing disabilities on the majority of Africans who live in the "White" area.^{66/} The Bantu Laws Amendment Act, passed this year, and a host of administrative decisions and moves undermine the position of non-Whites and create countless human tragedies.

^{66/} Mr. P.W. Botha, Minister of Coloured Affairs and Community Development, referred to four cornerstones of Government policy: the decision to build homelands for the Bantu, the Group Areas Act to provide separate communities for each group, the Immorality Act to keep the races pure, and the retention of a part of South Africa under White control. (Southern Africa, London, 9 August 1963).

95. The imposition of these twin policies could only be accomplished by the institution of an even more severe repressive regime to stifle the growing opposition to the policies of apartheid. The result has been increased tension, the expansion of security forces and a vicious circle of greater discontent among the majority of the people and a growing fear among the privileged, with the almost universal expectation of a dangerous conflict.

96. The past year has been a particularly eventful year, both because of the further pressure of the policies of apartheid on the population and because of the growing tension. Some of the major developments of this year are reviewed in the following chapters.

III. THE TRANSKEI CONSTITUTION ACT AND THE MOVES TOWARDS THE CREATION OF "BANTUSTANS"

97. The promulgation of the Transkei Constitution Act^{67/} is perhaps the most significant development during the year in the direction of the implementation of apartheid. The Act, the provisions of which are described later in this Chapter, provides a degree of self-government for the African reserve of Transkei.

98. The Transkei, situated on the coast in the northeastern part of the Cape Province, has an area of 16,350 square miles. Its population consists of over two million Xhosa people, as well as 17,369 Whites and 13,716 Coloureds.^{68/}

99. The significance of the establishment of self-governing institutions for the Transkei lies, however, not so much in the legislation itself but in the proclaimed intention of the Government that it is a step toward the creation of a series of "Bantustans" in the African reserves, that the African people can only aspire for political rights in these states and that they would be regarded as transients and aliens in the White areas which comprise six-sevenths of the territory of the Republic of South Africa.^{69/} The Government has widely advertized this move as proof of its sincerity with respect to separate development, and has made extravagant claims such as the following:

"The White man has undertaken a task such as history has not known. He is helping the Black man to bridge the gap, in one span, between the Stone Age and the atomic era." ^{70/}

^{67/} No. 48 of 1963. Text in Government Gazette Extraordinary, 30 May 1963.

^{68/} The Coloured population consists chiefly of Cape Coloured but also includes Cape Malays, Bushmen, Hottentots and all persons of mixed race.

^{69/} South African official statements often tend to give an erroneous impression of the ratio of the White and the African areas by including most of South West Africa, as well as three British Protectorates of Bechuanaland, Swaziland and Basutoland, in the calculations. The figures given here cover only the territory of the Republic of South Africa.

^{70/} Republic of South Africa, Department of Information, The Progress of the Bantu Peoples towards Nationhood (consolidated ed.), p. 1.

100. To appreciate the real significance of this development, it is essential to review briefly the evolution of the policy of the South African Governments towards African landownership and the African reserves.

(a) Evolution of the African Reserves

101. South African Government spokesmen claim that the Europeans arrived in the country before or at about the same time as the Bantu and that there was a traditional geographical separation between the White and Black areas.^{71/} The theory that the Europeans were the first settlers, which applies only to a small part of the country around the Cape Peninsula, has been disputed by many historians and is of little relevance at the present time as the right of the people of European origin to live in South Africa has not been disputed. The claim of a traditional separation of the territory between the Whites and the Africans, however, deserves some consideration.

102. The first European settlement in South Africa was established in 1652 at Table Bay. It expanded slowly at first and faced little resistance from the native Africans, particularly the Hottentots. In 1702, however, a party of Afrikaner (Dutch) traders crossed the Fish River, and for the first time encountered the powerful Xhosa branch of the Bantu. From 1779, a series of "Kaffir Wars" ^{72/}began, as the Bantu and Europeans fought each other for land. This struggle was to become one of the chief factors in South Africa's history for a century.

^{71/} Mr. W.J. le Roux, director of the Information Service of South Africa, in a letter published in the Christian Science Monitor on 5 June 1963, claimed further that the Whites settled South Africa by right of first occupation and that the Bantu were "migratory elements in the White man's land."

^{72/} The Afrikaners called the Bantu people "Kaffirs" (unbelievers).

103. Great Britain, which established its rule over the country in 1814, also pursued a systematic policy of annexation and increased political authority over the Bantu. The restriction of land ownership by the Bantu, the pass laws, and the employment of tribal chiefs for administrative control became the central features of Native policy under British rule.^{73/} The Africans were thus progressively confined to limited areas of land.

104. The development of diamond and gold mining in the last quarter of the nineteenth century, and more recently the rapid development of industry in the urban areas, led to an ever-increasing demand for African labour outside the areas to which they had been confined.

105. The European mineowners of the Rand exerted pressure on the Government to restrict African landownership as they were faced with a chronic shortage of unskilled labourers and the Africans were reluctant to leave their farms to work for low wages in the mines. Similar pressure was exerted by the White farmers. Echoing their sentiments, General Botha, who was to become the first Prime Minister of the Union, declared in 1903 that "he would, if necessary, break up the areas of land reserved for the Natives (including the Protectorates) in order to provide labour for the mines and farms".^{74/}

106. One of the first acts of the Union of South Africa, formed in 1909 by agreement between the two major White elements in the country, was the promulgation of the Native Land Act of 1913, which laid down the principle of territorial segregation and separation of land rights between "Natives" and non-Natives. Under this Act, 10 1/2 million morgen (about 21 million acres) were set aside as Native Reserve areas. The African opposition to this Act led to the formation of the Native National Congress, predecessor of the African National Congress, which tried in vain to prevent the application of this measure by representations in South Africa and in London.

^{73/} See, for instance, the report of the Inter-Colonial Commission, published in 1905.

^{74/} Quoted by Julius Lewin: "South African Native Policy Never Changes", The Political Quarterly, London, January-March 1957, p. 67.

107. Though the Government attempted to justify the legislation as a measure to protect African interests, African leaders protested it as an unjust law directed against the vital interests of their people. Most of the reserves were, in fact, Crown lands communally farmed and did not provide a property market. Purchase of land by individual Africans outside the Reserves was effectively restricted. In the few urban areas where the Africans had the right to own land, rights of occupation and tenancy were strictly limited by the Native (Urban Areas) Act of 1923.

108. The Native reserves could not support the African farmers even at the subsistence level and the pressure on the land continually increased.

109. In 1936, the Native Trust and Land Act provided for the acquisition by the Government of additional land of 15 million acres for African occupation, and for the progressive liquidation of the "Black Spots" in "White areas." This was declared to be a "final settlement".

110. The acquisition of the additional land has not yet been completed. When completed, the native reserves would cover about 41.6 million acres of land or about a seventh of the territory of the Republic of South Africa.^{75/}

111. The reserves contain less than two-fifths of the African population of the Republic and are already over-populated. The most optimistic estimates place the agricultural potential of the reserves at nearly 20 per cent of that of the Republic. But little progress has been made in the agricultural development of these areas and serious soil erosion has developed. According to the report of the Tomlinson Commission (1955), appointed by the National Party Government, the Reserves can decently support only half of their population.

^{75/} About five million acres of land have yet to be bought to carry out the provisions of the Native Trust and Land Act of 1936. (Republic of South Africa, Department of Information, The Progress of Bantu Peoples Towards Nationhood [consolidated ed.] p. 84). The delay in the acquisition of the land is due to the resistance of European farmers and the inadequacy of funds appropriated for the purpose. The "Black Spots" - African-owned land in European areas - are, however, being rapidly eliminated.

112. In other words, the traditional geographical separation is mainly a restriction on landownership imposed by the Government in which the Africans had no voice and which the African leaders had protested strongly. The reserves have for a long time ceased to support even a majority of the African population, and the African population has for a long time formed a majority outside the reserves.^{76/}

(b) The policy of Separate Development

113. The National Party came to power in 1948 after a campaign in which it stressed the alleged dangers of increasing African population in the White areas, and the trend towards economic integration. Its leader, Dr. D.F. Malan, asked in a speech at Paarl on 20 April 1948:

"Will the European race in the future be able to maintain its rule, its purity and its civilization, or will it float along until it vanishes for ever, without honour, in the Black Sea of South Africa's Non-European population?". ^{77/}

114. The National Party Government pointed to the numerical superiority of the Africans and the alleged danger of Black domination in embarking on a series of laws to outlaw all social intercourse between the racial groups, and to restrict the rights of Africans outside the reserves. The policy of "separate development" was linked with these measures.

115. This policy was pushed particularly by Dr. Verwoerd, Minister of Native Affairs from 1950 and Prime Minister since 1958. As early as 1950 Dr. Verwoerd outlined the Government's policy of "Autogenous Development" for the Bantu:

"(The Government) wishes to create for the Bantu every possible opportunity to realize their ambitions and to serve their own people. This is, therefore, not a policy of oppression, but of creating a position which has never yet existed for the Bantu, namely that they will be able to develop on their own lines in accordance with their own languages, traditions, history and various ethnic groups." ^{78/}

^{76/} In the urban areas, the Africans slightly outnumber the Whites. In the "White" rural area, the number of Africans is about four times the number of Whites.

^{77/} Quoted by Neame, L.E., The History of Apartheid, London, 1962, p. 73.

^{78/} Union of South Africa, Department of Native Affairs, Report for 1954-1957, p. 1.

116. In pursuance of this policy, the Bantu Authorities Act of 1951 abolished the Native Representative Council and authorized the Governor-General to establish Bantu "tribal authorities".^{79/} The Bantu Education Act of 1953 provided Government control of Bantu schools and their reorganization along tribal lines. A host of other legislative and administrative steps were designed towards the separation of the Africans from the other ethnic groups and the creation of institutions on the basis of tribal units.

117. Each of these measures increased tension in the country and could only be imposed by force. The establishment of Bantu Authorities, for instance, was "accompanied by Government threats, by murder, violence, arson, tribal revolt and severe police action".^{80/} In 1957, when the Department of Native Affairs attempted to implement the Bantu Authorities system in Tembuland, the people objected strongly to the splitting of Tembuland into three - Bomvanaland, Tembuland, and Emigrant Tembuland - and sent a deputation to Pretoria to convey their opposition to the scheme. Subsequently, four of the delegates were deported by the Government on the grounds that they were causing dissension in the tribe and opposing Government measures. The "Tembuland technique" has since been adopted by the Government to overcome opposition in other areas. The Government has resorted to threats to cut off financial assistance and discontinue necessary social services, has deported leaders, and imposed chiefs and headmen who are willing to go along with the Government in return for promotions.

118. Serious rioting as a result of the Government's attempts to establish Bantu Authorities occurred in many areas. In May 1958, over 300 Africans were arrested after riots in the Sekhukhuneland reserve. Riots and unrest continued in East Pondoland during 1959 and 1960, and the Government imposed serious repressive measures.

^{79/} In 1959 there were 371 "tribal authorities", though Government officials had aimed at a "possible 500". (Republic of South Africa, Department of Information, The Progress of the Bantu Peoples towards Nationhood, (consolidated ed.), p. 8).

^{80/} Tatz, C.M.: Shadow and Substance in South Africa, Pietermaritzburg, University of Natal Press, 1962, p. 191.

Promotion of Bantu Self-Government Act, 1959

119. A significant step in the direction of the Government's plans was taken by the promulgation of the Promotion of Bantu Self-Government Act on 19 June 1959. The declared aim of the Act is "to provide for the gradual development of self-governing Bantu national units and for direct consultation between the Government of the Union and the said national units in regard to matters affecting the interests of such national units".

120. The Act abolished the limited representation of the Africans in Parliament and provided for the gradual consolidation of the 264 scattered Native reserves into eight self-governing "national units" and the establishment of territorial authorities in these units.

121. During the debates in Parliament, Dr. Verwoerd said that the Government's scheme would lead to a permanent White South Africa, and that unless it was accepted, the only other choice was a common multi-racial country where the Whites would be outnumbered by the Blacks three or four to one.

122. African leaders opposed this measure as a further denial of their rights. Chief Albert Luthuli, President of the African National Congress, stated in an article in the Rand Daily Mail in May 1959 that the African people had not been consulted on the Promotion of Bantu Self-Government Bill and that they "had certainly not decided in favour of the system - they did not want partition or separation in South Africa".

"This 'solution', which is merely a disguise for the apartheid we already know, is completely unacceptable to the African people."

123. The Government, however, proceeded with the consolidation of the African "national units" and the establishment of territorial authorities. In the Transkei, which is a relatively large and compact reserve area, a territorial authority had been established as early as 1956. Five other territorial authorities were established by the end of 1962.^{81/} Two more - Zulu and South Sotho - are being planned.

^{81/} Ciskei, Tswana, Lebowa, Matshangana and Venda.

The Transkei Constitution Act

124. Meanwhile, in January 1962, Prime Minister Dr. Verwoerd announced a plan to grant "self-government" to the Transkei. He said that the area would be given a wholly Black Parliament and Cabinet. The White inhabitants of Transkei would have no political rights in the territory, but would continue to vote for the central Parliament. Dr. Verwoerd also announced that a separate Transkei citizenship would be instituted for Africans and that Transkei Africans living outside the territory would be entitled to vote for the Transkei Parliament. Powers in such fields as agriculture, education, health, welfare services, land, roads and minor local authorities would be entrusted to the new Transkei Parliament; external affairs, defence and certain aspects of the administration of justice would, for the time being, remain the responsibility of the Republic. The constitution would be decided by the Bunga (local council).

125. During the discussions which followed between the Government and the representative of the Bunga, it was reported that the Government had indicated that it could not entertain any requests for greater powers than had been offered or for a multiracial legislature; that all legislation of the Transkei Parliament would be subject to the consent of the State President of the Republic; and that the Transkei Parliament should consist of chiefs as well as elected representatives.

126. While supporters of the Government claimed that the move was the beginning of a new era in race relations and a step towards independence of Africans in their areas, members of the opposition and several African leaders argued that it was merely a disingenuous scheme, and that the terms "Parliament" and "Cabinet" were misleading as the area would enjoy little independence. Serious differences among the chiefs and people of the area were soon reported in the press. A number of cases of violence in the territory during 1962-1963 were attributed to opponents of the Government's scheme.

127. Defending his support of the Government's proposal, the Chairman of the Territorial Authority, Chief Kaiser Matanzima, said in a statement of 26 November 1962 that

"White South Africa is 100 per cent agreed on the maintenance of white control of the white parliament. Only their defeat on the battlefield will divest them of this resolution. Will those people who oppose the peaceful road taken by the Transkei come out and advocate a revolution?"

128. The Transkei territorial authority approved the draft constitution in December 1962 by a large majority.

129. The Transkei Constitution Bill was introduced in the Parliament on 28 January 1963 and promulgated on 24 May 1963. The Act confers self-government on the Territory of Transkei and vests executive functions in a Cabinet consisting of a Chief Minister and five ministers. The Cabinet is made responsible for the administration of six departments, namely: finance, justice, education, interior, agriculture and forestry and public works.^{82/}

130. The Legislative Assembly will consist of 109 members: the four paramount chiefs of the Transkei appointed by the Central Government; sixty appointed chiefs holding office in the nine regional authority areas of the territory; and forty-five members elected by Transkei citizens resident in the territory or in the rest of the Republic or in South West Africa. (All Bantu born in the Transkei and all Xhosa-speaking persons in South Africa and all Sotho-speaking persons lined with the Sotho elements in Transkei would be regarded as Transkei citizens).^{83/} The Assembly may conduct its business and adopt legislation in the Xhosa language.

131. The Act provides for a Transkeian flag, designed and approved by the Legislative Assembly, which will be flown side by side with the flag of the Republic at the building where the Assembly holds its sessions. "Nkosi Sikelel'i Afrika" is to be the national anthem of the Transkei.

132. All bills approved by the Legislative Assembly are subject to the assent of the State President of the Republic.^{84/} The Assembly is not empowered to repeal or amend the Constitutional Act. Among other matters in regard to which it cannot legislate are: (a) the establishment of military forces; (b) the manufacture of arms and ammunition; (c) the appointment and recognition of diplomatic and consular representatives and the conclusion of international treaties and agreements; and (d) the control over the entry and presence of any Police force of the Republic sent to the Transkei for the maintenance of law and order and for the preservation of internal security.^{85/} The territory will,

^{82/} Section 10.

^{83/} Sections 23, 7 and 45.

^{84/} Section 40.

^{85/} Section 39.

however, have control of any police force stationed in the Transkei and transferred to it by the Minister of Justice of the Republic.

133. The Government of the Republic will also retain control of the post office, railway and harbours, national roads, civil aviation, the entry of aliens into the territory, currency and public loans, and customs and excise.^{86/}

134. The Legislative Assembly, is competent to make laws in regard to taxation, Bantu education, agricultural improvements, inferior courts, wills, registration of deeds, public works, Bantu authorities, traffic, certain labour matters, welfare services, vital statistics, elections, liquor, markets, game preservation and licensing of trading and business.^{87/} Its powers in these matters extend to all citizens of the Transkei throughout the Republic.

135. The powers and functions of paramount chiefs, chiefs and headmen are not superseded by the establishment of the Legislative Assembly, however. The latter is not entirely competent in the restricted area of its jurisdiction because tribal authorities retain their original powers in certain areas.^{88/}

136. During the debate in the Parliament, the Minister of Bantu Administration and Development, Mr. M.D.C. de Wat Nel, said that the bill provided for the membership of the chiefs of the territories in the Legislative Assembly because experience elsewhere had shown that where the chiefs were pushed aside their traditional authority was eliminated. He also stated that as the Transkei did not at present have a sufficient number of trained Bantu to fill all the posts in the various departments transferred to the jurisdiction of its Government, White officials would be placed at its disposal. These White officials would, however, remain in the service of the Government of the Republic and would be paid by the Republic. They would be gradually replaced by Bantu "but always beginning at the lowest grade and progressively advancing to the top so that White officials would never work under Bantu".^{89/}

^{86/} Section 39.

^{87/} Section 37, First Schedule, Part B.

^{88/} Section 43.

^{89/} House of Assembly Debates, 6 March 1963, cols. 2238-46.

137. The bill was vigorously opposed by the United Party which argued that the Bantustan policies would not change the outside world's attitude towards South Africa but would lead to the dismemberment of the country and endanger the security of South Africa. It contended that economic progress and separate development were incompatible.

138. Sir de Villiers Graaff, leader of the United Party, stated:

"In Africa we had the position that metropolitan Powers who had controlled their colonies over many years and had had long experience in doing so, were abdicating those responsibilities. Here we are creating colonies, virtually speaking, in order to abandon them and abandon with them millions of people who will also be permanently present in the mixed areas but will be artificially regarded as citizens of those states." 90/

He added that the experience in Africa showed that once the metropolitan Powers promised a people independence, they lost control of the timetable and of the direction and development of the independent State. The promise of independence to the reserves by South Africa would create even greater problems in South Africa because of the influence of the mass of Bantus living outside the Bantu territories.

Implementation of the Transkei Constitution Act

139. The Transkei Territorial Authority met on 14 May to discuss arrangements for the establishment of the new institutions.

140. Regulations for the elections were published in the Government Gazette in June and registration of voters took place until 17 August in the Transkei and in other areas where large numbers of Transkei "citizens" are concentrated. The Government announced that nearly 800,000 persons had registered. Elections for the forty-five elected seats in the 109-member Legislature are due to be held on 20 November 1963.

141. The Government is reported to be planning to establish the new Transkei Government before Christmas 1963.

142. The Minister of Bantu Administration and Development announced on 16 August that the civil administration would be transferred to the territory in October:

90/ House of Assembly Debates, 22 January, 1963, cols. 27-29.

1,900 of the 2,476 Civil Service posts would be filled by Africans. White officials would head the departments and hold other senior posts at this stage.^{91/}
143. Umtata, the largest town in the Transkei, will be the seat of government. The State will have no capital as Umtata is a White area.

Conclusions

144. In conclusion, a number of comments may be made on the Transkei Constitution Act and the moves towards the creation of Bantustans.

145. These moves are engineered by a Government in which the African people concerned have no voice and are aimed at the separation of the races and the denial of rights to the African population in six-sevenths of the territory of the Republic of South Africa in return for promises of self-government for the Africans in scattered reserves which account for one-seventh of the territory.

146. The reserves contain less than two-fifths of the African population of the Republic, while many of the Africans in the rest of the country are largely detribalized and have little attachment to the reserves.

147. Second, the "Bantustans" were not demanded by African leaders, but were imposed against their wishes. The leaders of the African people are silenced, entry into reserves by Whites is controlled by permit, and, under Proclamation 400, the Transkeians are denied freedom of assembly and speech.

148. Third, the self-government granted to Transkei at present is limited in many ways. Paramount Chief Sabata Dalindyebo of the Tembu, one of the biggest tribes in the Transkei, told the Tembus recently, "The freedom you are getting in the Transkei is a fowl-run. A cattle-kraal would be better."^{92/}

149. Fourth, the scheme aims at reinforcing tribalism and utilizing the tribal system against African aspirations for equality.^{93/}

^{91/} The Star, weekly, Johannesburg, 17 August 1963.

^{92/} The Star, weekly, Johannesburg, 10 August 1963.

^{93/} As in the rest of the continent, the African nationalist organizations in South Africa have opposed tribalism. One of the objects of the African National Congress is: "To encourage mutual understanding and to bring together into common action as one political people all tribes and clans or races and by means of combined effort and united political organization to defend their freedom, rights and privileges."

150. Fifth, the "national units", made up of scattered reserves, are not economically viable. They do not provide a minimum standard of living even for the existing population of less than four million. Serious famines have recently been reported in Vendaland and Sekhukhuneland reserves in Transvaal. They have few known mineral resources, and they are almost devoid of industries. Their economies depend largely on the export of their labour to the "White" areas, at the rate of over half a million migrant labourers a year.^{94/} The Transkei is dependent on Government grants even for its administrative costs: the Government has offered 20 million Rand a year for this purpose.

151. A report on the Bantu areas prepared for the Government in 1955 - the Tomlinson report - stated that the farm population in the reserves should be reduced by half to promote economic agricultural units. It recommended rapid industrialization by White capital to provide employment to 300,000 farmers and add 50,000 new jobs a year. The Government, however, decided to limit industries within the areas to Bantu capital, with Government encouragement. It favoured encouragement of European-owned industries on the borders of - rather than in - the Bantu areas.^{95/}

152. A Bantu Investment Corporation has been set up with a small capital to promote industrial and commercial enterprises, but it has had little impact.^{96/} The Government has attached greater significance to the "border industries" and given various concessions for that purpose. Over half of the expenditure for

^{94/} According to the Tomlinson report, "with exception of cripples and disabled persons, nearly all males are employed outside Bantu areas at one or another stage between the fifteenth and fiftieth birthdays."

^{95/} Memorandum: Government decisions on the recommendations of the Commission for the Socio-Economic Development of the Bantu Areas within the Union of South Africa. This decision had the advantage of ensuring adequate cheap manpower without disturbing the separation of races. But the rate of investment so far appears to be considerably below that recommended by the Tomlinson report.

^{96/} By July 1963, the Corporation granted loans totaling 862,811 Rand, and Africans had deposited 453,000 Rand in its savings accounts. (The Star, weekly, Johannesburg, 20 July 1963). The total number of Africans employed in industry in the Transkei is only 1,159. (Statement by the Minister of Bantu Administration and Development, House of Assembly Debates, 28 May 1963, col. 8772).

the first five-year development plan of Bantustans (of which Transkei is one) is allocated for the establishment of villages intended to house Bantu labour forces for "border industries" in White areas.^{97/} But these have not created much employment either. According to a report delivered at a conference of the South African Bureau of Racial Affairs in June 1963, only 56,000 of the seven million Africans in and near the reserves were employed in industry.^{98/} 153. The creation of Bantustans may, therefore, be regarded as designed to reinforce White supremacy in the Republic by strengthening the position of tribal chiefs, dividing the African people through the offer of opportunities for a limited number of Africans, and deceiving public opinion.

^{97/} Republic of South Africa, Department of Information: Scope, March/April 1962.

^{98/} The Star, daily, Johannesburg, 10 June 1963.

IV. APARTHEID IN THE "WHITE" AREAS

154. The policy of the Government of the Republic of South Africa, as indicated earlier, is to keep most, if not all, of South Africa under White control. For this purpose, Africans outside the reserves should be treated as transient aliens who can claim no political rights or even the right of permanent residence. They should be allowed to remain only to minister to the needs of the Whites and should be entitled to housing and other amenities. All racial groups should be segregated and measures taken to preserve racial purity.

155. Because of the danger of the numerical superiority of the Africans in White areas, and the cost of providing the amenities, African family life should not be encouraged in the White areas. The movement of Africans to the White areas should be strictly controlled and the number of Africans in these areas should be progressively reduced.^{99/} Since residence in the White areas is a privilege granted to Africans whose labour is needed, the Government and the local authorities should be entitled to expel any African who is unemployed or becomes a "problem".

156. Industries should be developed on the borders of the reserves so that the Africans can remain in their "homelands", with their families and in their communities, and yet contribute their labour to the economy of the White areas.

157. Pursuing this general line of thinking, the National Party Government, which has been in power since 1948, has instituted a host of measures which have uprooted thousands of families from their homes, banished thousands of Africans to the reserves and greatly reduced inter-racial contacts. In a society in which racial discrimination and segregation were traditional and rampant, they have imposed new disabilities on the non-Whites. They enforced segregation in urban

^{99/} The Deputy Minister of Bantu Administration and Development, Mr. M.C. Botha, said in Vereeniging in April that the industrialists, farmers and householders must prepare, by modernization and other means, for a reduction of Bantu labour in White areas:

"The number of Bantu workers in established industries must be reduced to the minimum. The proportion of Bantu to Whites in industry which at present is 23 to 10 must be altered in favour of the Whites."
(South African Digest, Pretoria, 2 May 1963)

Government spokesmen and a "Society of Labour Independence" are advising Whites to end dependence on Bantu domestic labour.

areas, by race and tribe, and abolished the limited freehold rights of the non-Whites in some towns. They imposed a strict "colour bar" in industry and sought to curb the nascent African middle class. They made mixed marriages a crime, and began to enforce laws preventing visits by Whites to African reserves and locations. They took numerous measures to reduce all inter-racial contacts.

158. Though the General Assembly and the Security Council have repeatedly condemned these measures, they have continued to be implemented with vigour during the period since 6 November 1962. Indeed, a number of new apartheid measures have been introduced and implemented during the year. These developments are briefly reviewed below under the following heads:

- A. Residential Segregation and related measures;
- B. Pass Laws and Influx Control Measures;
- C. Discrimination in Employment and Denial of Trade Union Rights;
- D. Other apartheid measures.

159. Apartheid in the field of education is dealt with in the next chapter.

A. RESIDENTIAL SEGREGATION AND RELATED MEASURES

(1) Implementation of the Group Areas Act^{100/}

160. The Group Areas Act, which provides for the forcible separation of racial groups, continues to be implemented actively though the General Assembly has repeatedly called upon South Africa to refrain from enforcing the provisions of that Act.^{101/} The Government is also proceeding with the removal of "Black Spots" (areas outside the reserves where the Africans hold freehold rights).^{102/}

161. The Department of Community Development stated in its latest annual report that 3,000 Chinese, Indian and Coloured families had been transferred to their group areas in Johannesburg in the last seventeen months; about 5,694 families of these racial groups still have to be transferred to their group areas. Nearly 1,600 African families were being moved out of their houses in Boksburg to make way for Coloureds from neighbouring towns. Altogether about 9,000 Coloured families would be moved in the Witwatersrand area.^{103/}

^{100/} The Group Areas Act of 1950 has been amended repeatedly and the regulations under it comprise an extremely complicated legislation. The main provisions were, however, reviewed in the reports of the United Nations Commission on the Racial Situation in the Union of South Africa. See also Dison, L.R. and Mohamed, I., Group Areas and their Development, including Land Tenure and Occupation, Durban, Butterworths, 1960.

^{101/} See resolutions 395 (V) of 2 December 1960, 511 (VI) of 12 January 1952, 615 (VII) of 5 December 1952 and 719 (VII) of 11 November 1953.

^{102/} The Government has announced its intention to remove all Africans from 439 "black spots" covering an area of 157,665 morgen throughout the Republic. (House of Assembly Debates, 5 April 1963, cols. 4119-20). This would affect tens of thousands of Africans.

^{103/} The Star, daily, Johannesburg, 24 May 1963.

162. Numerous group area declarations have been published during the year, ordering the clearing of a number of settled communities.^{104/} Most of these orders require

104/ The following declarations of group areas have been issued since 6 November 1962 and published in the Government Gazettes of the dates indicated:

- 9 November 1962: Group areas for Whites, Coloureds and Indians at Newcastle, Natal; for Whites and Coloureds at Prince Albert, Cape Province;
- 16 November 1962: Group areas for Whites and Coloureds at Willistown, Cape Province; for Coloureds at Goodwood and Parow, Cape;
- 23 November 1962: Group areas for Coloureds and Indians at Lydenburg, Transvaal;
- 30 November 1962: Group areas for Whites and Indians at Benoni, Transvaal; for Whites at Alberton, Transvaal;
- 14 December 1962: Group areas for Whites and Indians at Weenen, Natal; for Whites, Coloureds and Indians at Colenso, Natal;
- 21 December 1962: Group areas for Whites and Coloureds at Barkly West, Cape;
- 25 January 1963: Group area for Coloureds in District of Johannesburg, Transvaal;
- 1 February 1963: Group areas for Coloureds in District of Johannesburg; for Whites, Coloureds and Indians at Barberton, Transvaal; for Whites at Elsburg, Transvaal; for Whites, Coloureds and Indians at Zeerust, Transvaal;
- 8 February 1963: Group areas for Whites at Brappan, Transvaal; for Whites at Westville, Natal; for Whites at Gordon's Bay, Cape;
- 15 February 1963: Group areas for Whites and Coloureds at Plettenburg Bay, Cape;
- 22 March 1963 : Group areas for Whites at Goodwood, Cape Province;
- 26 April 1963 : Group areas for Whites and Coloureds at Warrenton, Cape Province; for Indians at Nelspruit, Transvaal;
- 3 May 1963 : Group areas for Whites at Epping Garden Village, Cape Province; for Whites and Coloureds at Sedgfield, Cape Province;
- 10 May 1963 : Group areas for Whites at Queenstown, Natal; for Indians at Balfour, Transvaal;
- 24 May 1963 : Group areas for Whites at Pageview, Transvaal; for Whites at Bethal, Transvaal;
- 7 June 1963 : Group areas for Whites at Port Elizabeth, Natal; for Whites and Coloureds at Porterville, Cape; for Whites at Germiston, Transvaal;

(Foot-note continued on following page.)

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the removal of non-Whites from areas in which they have resided for generations.^{105/}
A few of the cases are described below.

163. In February 1963, about 3,500 Africans were uprooted from the Besterspruit location (outside Vryheid), where Africans had held freehold property rights since 1905. Though orders had been issued in 1957, the removal took place before alternative housing was available. About 2,000 Africans who could prove employment in Vryheid were moved to a tent camp in the town's African location. Another 1,600 were moved to a tent camp at Mondhlo, about thirty miles away, and required to erect their own accommodations out of compensation to be received from the Government. Even sanitary facilities were not provided.^{106/}

164. Peter Brown, national chairman of the Liberal Party of South Africa, visited Vryheid soon after the removal and described the operation:

"Besterspruit was a small community of some 3,000 people on the outskirts of the Northern Natal town of Vryheid. At the beginning of this century a Mr. Bain sub-divided his farm and sold land, which would have fetched £3 an acre for farming purposes, to Africans, for £10 an acre, for residential purposes.

"By 1963 there were some 400 families living in freehold at Besterspruit and a number of other families living as their tenants. When removal came this February the freeholders were offered

^{104/} (Continued from previous page)

- 26 July 1963 : Group area for Whites at Elsburg, Transvaal;
- 2 August 1963: Group areas for Coloureds at Springfontein, Orange Free State; for Whites, Indians and Coloureds at Mafeking, Cape;
- 16 August 1963: Group areas for Coloureds at Blanco, Cape; for Coloureds at Richmond, Cape; for Coloureds at Bloemfontein, Orange Free State; for Coloureds at Parys, Orange Free State;
- 23 August 1963: Group areas for Whites and Indians at Heidelberg and Rensburgdorp, Transvaal;
- 30 August 1963: Group areas for Whites, Coloureds and Indians at Durban, Natal; for Whites and Indians at Potgietersrus, Transvaal; for Coloureds at Heilbron, Orange Free State.

^{105/} Whites are occasionally affected. The Minister of Community Development told the House of Assembly that the 253 White families of Nancefield, near Johannesburg, were being moved out as the area had been declared a group area for the Coloureds. (House of Assembly Debates, 28 May 1963, col. 6758).

^{106/} House of Assembly Debates, 22 February 1963, cols. 1773-74; 15 March 1963, cols. 2817-18; Senate Debates, 8 March 1963, col. 1445.

alternative accommodation at Mondhlo. The accommodation at Mondhlo consisted of a tent on a 2,000 sq.ft. site.

"Mondhlo is 20 miles from Vryheid. A person working in Vryheid who wished to continue to live with his family would have to travel 40 miles to and from work, each day. His bus fare would be 50 cents a day. If he worked six days a week his travelling expenses would be R12 a month. An average wage for an African worker in Vryheid is R10 a month.

"A man who decided that he could not afford this travelling had two alternatives. He could decide to break up his family, deposit his wife and children at Mondhlo and live in 'bachelor' quarters in Vryheid. His other alternative was to abandon his hard-won freehold rights, and agree to move into the municipal location.

"The implications of such a decision are enormous. Under existing urban areas legislation the man could be ejected from the location at any time that he became and remained unemployed.

"... There was no accommodation in Vryheid location for the families which had chosen to move there. There they were in their tents, a quarter of a mile away from, and still in sight of, the bulldozed remains of their once substantial houses.

"Soon after the people moved into the tents the rain started. It was wet for weeks. Cooking had to be done in the tents, bedding was soaked and ruined, sanitary arrangements were appalling, and thieving was rife. It is said that at least five sewing machines disappeared from under the flaps of those tents - each one representing how many years of painful saving?

"If Besterspruit means anything, it will take a long, long time for any 'Blackspot' family to re-establish itself at anything like the same level of life to which it has struggled up over the years." 107/

107/ Contact, Cape Town, 3 May 1963. Contact reported further on 12 July 1963:

"During last week's cold snap there were still well over 100 tents occupied by African families at Vryheid, four months after their ejection from Besterspruit, one of Natal's 250-odd 'blackspots'.

"Those who had been promoted from tents had been moved into wooden prefabs, usually of one small room (R.1.50 per month) or two (R.2.50 per month). Some large families have moved from houses of up to six rooms, and will have to stay in these prefabs for at least another year before a house is available. Their prefabs have no floors and it is against regulations to make fire in them."

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165. On 26 April 1963, Group Areas were announced for Nelspruit, Transvaal.^{108/}
The declaration affected 400 Indian families.^{109/} The Indian community had argued,
in earlier hearings, that Indians had pioneered in that fever-infested area and had
arrived there in 1921.^{110/}

166. On 24 May 1963, Pageview, one of the main Indian trading areas in Johannesburg
for more than half a century, was declared a White area. Pageview, which had been
set aside for non-Whites in 1902, now includes almost 5,000 Indians, as well as
some Malays, Coloureds and Chinese. Under the proclamation, the non-Whites are
required to vacate their residential premises on three months' written notice and
business premises on twelve months' notice. They are to move to Lenasia, more than
twenty miles away.^{111/}

167. Also on 24 May 1963, one of the streets in the town of Bethal, eastern
Transvaal, was declared a White area. Bethal's Indian population of 365 is
reported to be almost entirely dependent on the shops and stands in that street.
The Indians have been there since before the First World War.^{112/}

168. In June 1963, South End in Port Elizabeth was declared a White area. More
than 6,500 non-Whites, mostly of Indian and Pakistani origin, are affected.

169. The Government has announced plans to eliminate all family accommodations
in the Alexandra township, Johannesburg, build eight hostels to house single

^{108/} Government Gazette, 26 April 1963.

^{109/} The people of Indian and Pakistani origin are commonly referred to in
South Africa as "Indians".

^{110/} The Star, daily, Johannesburg, 26 April 1963.

^{111/} Government Gazette, 24 May 1963. On 28 May, the Johannesburg City Council
decided to make representations to the Government to proclaim Pageview an
Indian area. Members of the Council described the Government's decision
as unjust, cruel and inhuman.

^{112/} Government Gazette, 24 May 1963; The Star, daily, Johannesburg, 24 May 1963.

Africans, men and women, and reduce the population from 50,000 to 30,000.^{113/}

Alexandra Township, from its creation early in the century, has been recognized as an area in which Africans could acquire freehold rights, and the Government had repeatedly given assurances that these rights would not be disturbed. Both Africans and the Coloureds hold property rights in the township.^{114/}

170. The Coloured population of the township, which numbers over 6,000, has been told that it would have to leave the area, and their spokesmen have expressed concern that they would be obliged to pay greatly increased rentals in the new Coloured townships to which they expect to be moved.^{115/} A "state of acute anxiety" is now reported to prevail in the township.^{116/}

171. Virtually the whole Rand is now covered by proclamations. Contact, the Liberal weekly of Cape Town, reported on 12 July 1963:

"The first effects of the Government's Group Areas 'speed-up' have passed, as thousands of Transvaalers of Indian birth or origin (some families go back four generations) see their future in ruins and know there is now no way out. They now await firm Government action directed to getting them out of their homes and businesses.

"Largely a trading community, especially in the country towns, they face certain ruin, in 90 per cent of cases, as they are to be moved miles from their present sites, into the open veld where their customers will dwindle away."

172. There will be two main areas for Indians, at Benoni and Lenasia, a new settlement twenty miles from Johannesburg. Thirty thousand Indians in Johannesburg

^{113/} Statements by Mr. M.C. Botha, Deputy Minister of Bantu Administration and Development, in the House of Assembly. (House of Assembly Debates, 29 April 1963, cols. 4990-97, and 20 May 1963, cols. 6308-09). In order to facilitate these plans, the Better Administration of Designated Areas Act was approved this year. Formerly a "designated area" - an area where Africans had acquired property rights and ownership to land - was exempt from "location regulations", influx control and labour and other regulations. Under this Act such an area may be administered and controlled as an ordinary municipal location despite the fact that Africans and not the local authority nor the Department own the land.

^{114/} About 2,000 African residents own freehold property in Alexandra. (Ibid., 13 April 1963, col. 4339).

^{115/} The Star, daily, Johannesburg, 29 April 1963.

^{116/} Race Relations News, Johannesburg, April 1963.

will have to move to Lenasia. Long-established Indian families in Machadodorp, Belfast, Dullstroom, Ngotroom and Ventersdorp have been ordered to vacate. Two thousand five hundred Indians at Germistown will be removed to Benoni, and "Lydenburg Indians are to be sent miles out of the town. They are believed to be destined for the 'Coloured' location, whence the 'Coloureds' will have to uproot themselves".

173. Twenty thousand Indians and Coloureds on the East Rand will be resettled. In Johannesburg 60,000 Coloureds, many of whom are living in "White" areas, are being ordered to leave their homes and business and move to the Newclare - Coronationville - Bosmont complex on the West Rand or to Boksburg on the East Rand. In Germistown, 4,500 Coloureds have been ordered to leave.

174. The Group Areas Act has also meant the abandonment of community institutions.

175. The Indian High School, the last remaining school for Indians in Johannesburg, with an enrolment of 600 pupils, was ordered by the Government to be closed this year; parents would be obliged to send their children to Lenasia, more than twenty miles away.^{117/}

176. The Special Committee took note of a complaint dated 8 October 1962 from the Council of Muslim Unity and Progress that the Government had taken over the ownership of mosque property in Piet-Retief, though under Islamic law such property could not be sold, abandoned or exchanged. On 2 July 1963, the Eastern Province Muslim Judicial Council issued a statement expressing concern over the future of mosques in South End, Port Elizabeth, which was proclaimed a White area though it is predominantly inhabited by non-Whites.^{118/} The proclamation of the group area in Pageview also affects a mosque.

177. This means removal of settled communities, involving large public expenditures, and has created serious hardship for the families which were uprooted and obliged to move to distant new locations, for no fault other than that the White areas of town encroached on the old boundaries and the Government is determined to impose its apartheid policies.

^{117/} The Cape Times, daily, 1 May 1963. A protest march of 250 Indian students on 4 July was stopped by the police. (Ibid., 5 July 1963).

^{118/} The Cape Times, daily, 3 July 1963.

178. Even a supporter of the Government policies, Mr. T.R. Swartz, Chairman of the Council for Coloured Affairs, complained that the application of the Group Areas Act was causing "untold bitterness and unhappiness, especially among the older folk."^{119/}

179. The people of Indian and Pakistani origin have been seriously affected and protested strongly against these measures.

180. In December 1962, Mr. Nana Sita, a 64 year-old Indian and former President of the Transvaal Indian Congress was sentenced to three months in prison for refusing to vacate a shop he had occupied for thirty years in a Pretoria suburb, now declared a White residential area.^{120/} He was again sentenced in April 1963 to six months in prison.

(2) Removal of Africans from the Western Cape

181. In line with its policy of territorial separation, the Government has since 1955 announced its intention to replace and remove the African population in Western Cape^{121/} and reserve the area for the Whites and the Coloureds.

182. In November 1962, the Minister of Coloured Affairs, Mr. P.W. Botha, announced the appointment of a standing Cabinet Committee, a permanent inter-departmental committee and a public committee to give effect to this decision.^{122/}

183. The Rural Coloured Areas Act (No. 24 of 1963),^{123/} which came into operation on 21 June 1963, is designed not only to apply the policy of apartheid to the Coloureds but also to facilitate the Western Cape removal scheme.

^{119/} The Cape Times, daily, 3 July 1963.

^{120/} See A/AC.115/L.6, paragraph 25 and annexure B.

^{121/} The Minister for Bantu Administration and Development, on 28 May 1963, defined Western Cape as bounded by Humansdorp in the south through Middleburg, Colesburg and Hopetown to Prieska (on the Orange River) and Namaqualand. (House of Assembly Debates, 28 May 1963, Col. 6854).

^{122/} South African Digest, Pretoria, 29 November 1962.

^{123/} Government Gazette Extraordinary, 29 March 1963.

184. The Western Cape now contains about 250,000 Africans, of whom about 100,000 live in the rural areas and the rest in the "greater peninsula". The number of African workers in industry in the area is approximately equal to the number of White workers.^{124/}

185. The scheme has been opposed by many industrialists, farmers and political leaders. The United Party leader, Sir de Villiers Graaff, speaking in the House of Assembly on 28 May 1963, said that the National Party seemed to see the Western Cape as "the stronghold of White civilization" where the Whites in a kind of siege could make a last stand while there was trouble elsewhere.^{125/}

186. Government spokesmen have stated that the removal of Africans would take place gradually and without any disruption of the economy.^{126/} The Minister of Bantu Administration and Development, Mr. Nel, told the House of Assembly on 28 May 1963 that the Africans would be absorbed in "border industries", particularly in the Ciskeian territory.^{127/}

^{124/} The number of persons employed in industries in Western Cape in 1959-60 was as follows:

Whites	- 24,569
Coloureds (including a small number of Asiatics)	- 55,164
Bantu	- 22,559

(House of Assembly Debates, 5 February 1963, Cols. 763-4).

^{125/} House of Assembly Debates, 28 May 1963, Col. 6808.

^{126/} Prime Minister Dr. Verwoerd said that the Government's policy of removing African labour from the Western Cape and replacing it by Coloured labour and mechanization would not be allowed to wreck the region's economy. "It would be unthinkable to push a political line of action so far as to destroy what was built up in the economic sphere". He added that the Government would promote employment for the displaced Africans through the development of border industries. (Southern Africa, London, 3 May 1963, p. 346).

^{127/} House of Assembly Debates, 28 May 1963, Col. 6853.

187. The Minister of Coloured Affairs has announced plans for the provision of facilities to meet the needs of Coloureds in the intensive farming areas of Cape Province, and thus counteract migration to the cities and ensure a permanent and efficient agricultural labour force. Villages would be established at suitable places to house Coloured agricultural labourers. "Coloureds will be employed progressively in these areas as the Bantu return to their own areas."^{128/}

188. The Government has, meanwhile, pressed the expulsion of Africans in order to facilitate the implementation of the removal scheme: 2,135 African men and 846 African women were "endorsed out" of the Western Cape in 1962.^{129/}

189. Mrs. Helen Suzman (Progressive Party) told the House of Assembly on 29 May 1963 that hundreds of African families in Cape Town were receiving notices that they did not qualify for permanent residence and that they should return their families to their "homelands" within a month.^{130/}

(3) Bantu Laws Amendment Act (No. 76 of 1963)^{131/}

190. An important new measure of segregation adopted this year was the Bantu Laws Amendment Act, known popularly as the servants act, which seeks to limit the residence of African workers, including domestic servants, on the premises of their White employers, but also contains other provisions which are reviewed later in this Chapter.

191. The Minister is authorized to limit the number of living-in domestic servants to one per private residence or to forbid any African to stay within any White urban area overnight. All Africans not especially exempted must leave their homes in White areas and take up residence in a location, African village, hostel or "released or scheduled native area" (reserve). Exemptions may be withdrawn at any time.

^{128/} South African Digest, Pretoria, 11 April 1963, p. 3.

^{129/} House of Assembly Debates, 1 February 1963, col. 630. While African residents of the Western Cape are being endorsed out, others are being brought in to work as migrant labourers. Government labour bureaux in the Transkei alone recruited 892 Africans in 1962 and 1,583 in the first three months of 1963 for work in the Western Cape. (House of Assembly Debates, 26 April 1963, col. 4816).

^{130/} House of Assembly Debates, 29 May 1963, cols. 6886-87.

^{131/} See also paragraphs 222-227.

192. The Deputy Minister of Bantu Administration, Mr. M.C. Botha, speaking in the House of Assembly, expressed the hope that it would be possible to implement the provision on limiting the number of living-in servants next year. Exemptions to the rules would then require licences from local authorities.^{132/}

193. The Minister of Bantu Administration and Development, Mr. M.C.D. de Wet Nel, is reported to have told officials that eventually no African would be allowed to stay overnight in any White urban area.^{133/}

194. United Party members opposed the legislation on the grounds that domestic servants would cost more if they had to live out and commute, and that many would lose their jobs, especially in their older age, and swell the ranks of the African unemployed. The Government's plan would affect tens of thousands of African servants. In Johannesburg alone, about 50,000 African servants are reported to stay on their employers' premises.^{134/}

(4) Restrictions on African Trading in Urban Areas

195. While segregation restricts non-White trading in White areas, the Government is proceeding with a policy of eliminating African traders altogether from these areas.

196. The Department of Bantu Administration and Development sent a directive to all local authorities on 14 February 1963 curbing any further expansion of African private enterprise in urban areas with a view to transferring the African financial and trading concerns to the reserves.

197. The directive is reported to have stated: that no new dry-cleaning business, petrol filling stations or garages may be established in urban areas by Africans; that no African may own or establish a cinema; that while the existing pattern of ownership in the township would not be changed, no African may carry on more than one business in the future; that new African companies and

^{132/} House of Assembly Debates, 17 June 1963, col. 7999.

^{133/} The Star, weekly, Johannesburg, 30 March 1963, At the Transvaal Province National Party Congress in Pretoria on 3 September 1963, eight branches urged a total ban on all Africans in White urban areas at night except for those engaged in essential services. (New York Times, 4 September 1963).

^{134/} The Star, weekly, Johannesburg, 16 February 1963.

partnerships may not be established; that African businessmen may not erect their own buildings; and that foreign-born Africans should not be granted trading rights in the future. All existing businesses which are not concerned with the supply of "domestic essentials" may remain until they can be closed or until their owners can be persuaded to transfer to Bantu "homelands".

198. Local authorities are asked to trace all moneyed and trained Africans and to encourage them to settle in the Bantustans with the assistance of the Bantu Investment Corporation. All trade by Africans in White areas is to be banned. Where African townships are small and near enough to shops in White areas, even trade in "domestic necessities" would not be allowed.^{135/}

199. Mr. Patrick Lewis, chairman of the Non-European Affairs Committee of the Johannesburg City Council, condemned the Government action as "a terribly retrograde step, which will make for much more unsettled conditions in the townships". He said that Africans in urban areas had always considered that they had a right to trade.

"Trading in urban areas has now become a privilege, not a right A steady, urban middle class should be built up in the townships. But there is no longer any incentive to Natives. As soon as a businessman is in a position to expand, he must move to the reserve." ^{136/}

(5) Establishment of Local Bodies on the Basis of Race

200. With the progress of residential segregation, the Government has proceeded to set up local advisory bodies on the basis of race. A voice in local government, it may be recalled, is the maximum of political rights that the non-Whites are offered.

^{135/} This directive may affect 7,850 African businesses established in African locations, according to figures supplied by the Minister of Information (House of Assembly Debates, 23 April 1963, cols. 4535 and 4543-44). The Minister of Bantu Administration and Development stated in the Senate on 10 June 1963: "Trading (in Bantu residential areas) is for the convenience of the inhabitants ... in respect of essential consumer goods. ... It has always been the Government's policy not to allow these traders to establish in the Bantu residential areas large business undertakings. ... When a White trader can supply the essential consumer goods to a Bantu community ... it will be absurd to allow a Bantu trader to trade. ..." (Senate Debates, 10 June 1963, cols. 4131-32).

^{136/} The Star, weekly, Johannesburg, 13 April 1963.

201. The Urban Bantu Councils Act (No. 79 of 1961) provided that an urban local authority may establish an urban Bantu council for a Bantu residential area or for Bantus who belong to any "national units". The councils, consisting of representatives of chiefs and elected members, were to be advisory and replace the Advisory Boards.

202. The establishment of these Councils was delayed pending the drawing up of comprehensive regulations.^{137/}

203. The Bantu Laws Amendment Act of 1963 includes further provisions on the Urban Bantu Councils. It, inter alia, provides that the Minister, after consultation with the local authority, may abolish any Urban Bantu Council.

204. Meanwhile, Advisory Boards exist in certain African townships. In Johannesburg, for instance, each board has six members - two nominated by the Johannesburg City Council and four elected by the tenants of the houses in the township. The function of these boards is to advise the city council on matters affecting the Bantu tenants and on expenditures from the Bantu Revenue Account.

205. The Transvaal Provincial Council approved an ordinance to provide for consultative committees for Coloureds and Indians in locations established under the Group Areas Act; voting qualifications would be determined by property and occupational requirements.^{138/} Five such committees were approved for the Indian and Coloured locations in Pretoria and Johannesburg.^{139/}

206. The Rural Coloured Areas Act was promulgated this year and came into operation on 21 June 1963.^{140/} This Act consolidates and amends existing legislation in rural areas reserved exclusively for the Coloured population. It provides for the removal from these areas of all non-Coloureds and establishes a comprehensive system of local government in rural Coloured areas through boards of managements, in part elected by the Coloured community, in part appointed by the Minister of Coloured Affairs, and under the Chairmanship of the magistrate or other appointee of the Minister.

^{137/} House of Assembly Debates, 29 January 1963, col. 368.

^{138/} South African Digest, Pretoria, 29 November 1962.

^{139/} The Star, daily, Johannesburg, 14 May 1963; South African Digest, Pretoria, 22 May 1963.

^{140/} Government Gazette Extraordinary, 29 March 1963.

207. In August 1963 the Cape Provincial Administration established machinery for limited self-government for Coloured communities in the Cape. Management committees with purely advisory powers are to be established and will be consulted on certain matters by local authorities. The Provincial Administrator will appoint the five members of all management committees and will determine the duration of their appointments. Eventually committees will consist of three appointed members and a maximum of two elected members.^{141/}

^{141/} South African Digest, Pretoria, 22 August 1963.

B. PASS LAWS AND INFLUX CONTROL MEASURES

208. The pass system has often been described as perhaps the most serious grievance of the African people as it restricts their freedom of movement at every turn and is regarded as deeply humiliating. Over the years, the African people have staged numerous protests against the passes, regarded by them as "badges of slavery", including the demonstrations at Sharpeville and other areas in 1960.

209. Under the Natives (Abolition of Passes and Co-ordination of Documents) Act of 1952, the National Party Government replaced the passes of the Africans by a reference book and provided for identity cards for all the rest of the population.^{142/} While non-Africans rarely suffer penalties for non-possession of identity cards, the Africans are subjected to humiliations.

210. The reference books contain permits to remain in an urban area, tax receipts and other particulars. Failure to produce the book on demand is a criminal offence. Hundreds of thousands of Africans are convicted every year by fines, imprisonment and strokes for pass offences.

211. One of the main purposes of the pass laws is "influx control" - control of movement of Africans into "White areas".

212. Under Section 10 of the Natives (Urban Areas) Consolidation Act of 1945, influx control applies to every African location under the jurisdiction of a local authority, as defined in the Act. In addition, influx control is exercised in most urban areas under the Registration Regulations (Government Notice No. 1032 of 1949) and the Labour Bureaux Regulations (Chapter V of Government Notice No. 63 of 1959), made pursuant to Section 23 of that Act. In the smaller towns, Section 10 (influx) permits have to be obtained from the office of the Town Clerk or the Secretary of the Health Committee concerned.^{143/}

^{142/} Identity cards and reference books are given free of charge. If a reference book is lost, however, a fee of two Rand is charged for a duplicate reference book; the Director of the Bantu Reference Bureau may waive the fee if he is satisfied that the applicant is a pauper or that he could not prevent loss or destruction of the book by reasonable care. (House of Assembly Debates, 26 February 1963, col. 1961).

^{143/} House of Assembly Debates, 19 February 1963, cols. 1567-69.

213. Africans found in White areas without permits are taken to courts, for fine or imprisonment, and expelled. Juvenile offenders may be sentenced to whipping.

214. The operation of the pass system frequently leads to untold suffering for the victims, as husbands and wives may be forcibly parted, mothers of small children may be suddenly jailed and relatives may not hear from the victims for months, for no crime other than the accidental misplacing of the reference book. A number of pathetic stories of the results of implementation of the pass system have been recorded.^{144/}

215. The present Government has utilized influx control and pass laws increasingly to prevent settlement of Africans in urban areas with their families. As Mr. D.B. Molteno observed recently, the effect of influx control was to create a helot class of African workers. "To create this helot class is to create a monster which is capable, if it goes on for long enough, of destroying any society."^{145/}

216. The regulations have been strengthened during the period under review.

217. On 1 February 1963, Whites, Coloureds and Asians were required to be in possession of identity cards.^{146/} Production of the card may be demanded by a peace officer, and identity numbers are required for registration of voters.^{147/}

^{144/} See for instance: E.H. Brookes and J.B. Macaulay, Civil Liberty in South Africa (London, Oxford University Press, 1958); Muriel Horrell, The "Pass Laws": A Fact Paper (South African Institute of Race Relations, 1960).

^{145/} Race Relations News, Johannesburg, May 1963.

^{146/} Government Gazette, 26 October 1962. Non-Africans do not commit a criminal offence if they fail to show an identity card on demand - they are given one week to present the card at the nearest police station or on refusal to do so, sentenced to a maximum fine of 100 Rand. By 31 January 1963, identity cards were issued to 2,149,935 Whites and 938,381 persons in the Coloured group (including Asiatics). By that date, 8,285,674 persons in the Bantu group were issued reference books. (House of Assembly Debates, 12 February 1963, cols. 1149-50).

^{147/} Southern Africa, London, 11 January 1963, p. 25.

218. More serious was the requirement that all African women in "White" areas must carry "reference books" from 1 February 1963. Thus, after 1 February 1963, it became compulsory for all sections of the population to possess identity cards or reference books. The full extension of the pass system to African women has always been strongly resented by Africans, and the subjection of women to the procedures may lead to serious consequences for their families.^{148/} As early as 1913, when the Orange Free State attempted to introduce passes for women, the women led demonstrations against it and the laws were revoked after the protesters filled the jails to overflowing.

219. The Government proceeded to issue reference books to African women but delayed the date when they would be legally forced to carry them. Women have been trying to trace their former employers for the past fifteen years in order to establish their right to residence in urban areas.

220. Since 1955 attempts to induce women to carry reference books have resulted in many lives being lost in demonstrations.

221. The Government Gazette of 26 October 1962 established 1 February 1963 as the date on which all African women must carry reference books in White areas.

A protest meeting and demonstration of African women in Johannesburg, scheduled for 1 February, was banned.

(1) Bantu Laws Amendment Act (No. 76 of 1963)^{149/}

222. The Bantu Laws Amendment Bill, originally published in February 1963, provided for a very strict control over the movement of Africans into urban areas and the denial of all rights of residence to urban Africans.^{150/} The Bill aroused wide-spread opposition and an abridged version was later introduced in Parliament and approved.

^{148/} Mothers of small children may be suddenly arrested. Also, husbands and wives may be arrested separately and expelled to their respective "homelands" which may be hundreds of miles apart. A mother may be "endorsed out" even though her child was born in the city. If she takes the child with her, the child loses the right to return to the city without special permission.

^{149/} See also paragraphs 190-194.

^{150/} Under the Native (Urban Areas) Consolidation Act of 1945, an African can establish a right of residence in an urban area if he was born in the area, or could prove continuous residence for fifteen years and continuous employment with one employer for ten years.

223. Even the Act as approved considerably extends the powers of the Minister of Bantu Administration and Development to control the movements and residence of Africans outside the reserves and to reverse or nullify decisions of urban local authorities. Officers of the Department of Bantu Administration and Development "may summarily eject" any African from any location, native village or native hostel if his presence is deemed "undesirable".

224. "Foreign Africans", who form the bulk of the labour force on the mines and in many agricultural districts, are severely restricted. All Africans not born in the Republic or South West Africa are forbidden to enter, remain or work in any rural area, and employers are forbidden to employ them without express permission from the Department.^{151/}

225. Defending the Bill, Mr. F.S. Steyn (National Party) stated:

"This party simply adopts the historical point of view of the realities, rather than the formal legal point of view, namely that the urban Bantu are indeed subjects of the Republic, but not fellow-citizens in the full sense of the term, legally and socially, that they are more in the nature of foreigners who incidentally happen to fall within the same State constitutionally, people who belong to another country. Accordingly they are subject to restraints ..."^{152/}

226. The Deputy Minister of Bantu Administration and Development, Mr. M.C. Botha, referred to the area outside the reserves as

"the homelands of the Whites, where the Whites have the sole right and where the Whites have unlimited opportunities and where the Bantu are of secondary importance".^{153/}

227. The United Party opposed the Bill on the ground that it was further evidence that the Government regarded "the entire Bantu population, except those employed in the reserves, ... as a floating mass of labour material which can be divided from time to time into labour units, with no right at all to permanent residence in and around our big industrial areas".^{154/}

^{151/} Similar provisions are in force in regard to urban areas under section 12 of the Urban Areas Act of 1945. See also paragraphs 267-271.

^{152/} House of Assembly Debates, 17 June 1963, col. 8013.

^{153/} Ibid., col. 8007.

^{154/} House of Assembly Debates, 6 May 1963, col. 5367.

(2) Convictions under Pass Laws and Influx Control Regulations

228. One of the most striking feature of the racial policies of the Republic of South Africa is the multitude of convictions under the numerous laws and regulations which restrict the freedom of movement and residence of the African people in the urban areas. According to the Department of Justice, the number of convictions under these laws in 1962 was 384,497. Over a thousand Africans have been hauled into court and convicted every day under laws which deny them the right of free movement in their country. (The total convictions in the previous decade was 3,886,568.)^{155/}

229. A classification of these convictions indicates the nature of the laws and the character of the offences.^{156/}

Contraventions of the curfew regulations (non-possession of night passes)	- 37,960
Foreign Bantu unlawfully entering urban areas	- 13,774
Contravention of the Bantu Reception Depot regulations (e.g. entering urban areas without permission)	- 1,060
Bantu unlawfully returning to urban areas after being removed therefrom	- 355

^{155/} Total number of convictions under pass laws and influx regulations:

1951	-	232,420
1952	-	264,324
1953	-	288,439
1954	-	314,208
1955	-	337,604
1956	-	356,812
1957	-	565,911
1958	-	396,836
1959	-	413,639
1960	-	340,958
1961	-	375,417

3,886,568

Source: Annual reports of the Commissioner of Police (from Race Relations News, Johannesburg, July 1963).

^{156/} Race Relations News, Johannesburg, July 1963.

/...

Contravention of the laws relating to registration and production of documents (e.g. not showing registration book on demand, or registration book imperfectly completed)	- 125,256
Offences under the Native Urban Areas Consolidation Act (e.g. seeking work without permission, entering or remaining in urban areas for more than seventy-two hours without authority)	- 40,320
Contravention of the location mission station and Bantu reserve rules and regulations (e.g. unlawfully being in one of these areas)	- 93,695
Offences under the Native Trust and Land Act (e.g. unlawfully entering trust territory)	- 6,091
Offences under the Native Taxation and Development Act (non-production of tax receipts)	- 54,237
Offences under the pass laws (non-possession of permission to undertake a journey)	- 9,026
Contravention of the Squatters Laws and Control of Squatters	- 1,186
Offences under the Native Administration Act where not otherwise defined	- 619
Offences under the Natal Code of Native Law (a Zulu tribal code applied independently in Natal)	- 814

230. As Mrs. Helen Suzman, Progressive Party member of Parliament, commented:

"They go to jail or pay fines they can ill afford because of minor infringements of the dozens of laws which control every aspect of their lives.

"These laws which do not apply to other races, laws which restrict their right to sell their labour in the best market, to move freely around the country of their birth and to live with their families.

"White South Africans should ponder on their own reactions if they were hauled off to jail for not paying taxes or for looking for work in the towns.

"Maybe then they would realise why pass laws and influx control are the greatest causes of racial friction in our country." 157/

231. The rate of convictions has tended to increase since 1960 when they were substantially reduced by official policy decision. In August 1960, following the Sharpeville incident and the wide-spread African protests against the pass system, the Commissioner of Police had stated that Africans would not be arrested merely for the non-possession of the "reference books", provided that they could give a satisfactory explanation. The present increase in convictions has taken place, despite police insistence that they were continuing that policy.^{158/}

232. In fact, the number of prosecutions by the police are only a fraction of the total convictions - a little over one-thirtieth in 1962. The vast majority of prosecutions were by officials of local authorities, peri-urban boards and the other official bodies.^{157/} In other words, the problem is not only the particular legislation of the Government of the Republic of South Africa, but the entire system of administration under a policy which denies the majority of the people their share of voice in political institutions.

(3) Expulsions from White Areas

233. The urban Africans are in constant dread of being "endorsed out" of the towns and sent to the reserves. Such orders seem to have greatly increased as the Government proceeds even more vigorously with its apartheid policies. In 1962, 4,254 Bantu women and 677 Bantu children were "endorsed out" of Bantu townships of Johannesburg.^{159/}

234. The Johannesburg Star, on 10 June 1963, reported two case histories, narrated by an African social worker, which disclose the hardships encountered by the urban Africans.

"The parents of two young boys were both working in the city to make ends meet, so they sent their children to their grandparents in the country to be properly brought up and educated.

^{158/} A Police Department spokesman was reported to have stated recently: "Our department is sticking to this policy and is anxious to maintain good relations between the Bantu and the police. Our policy is not to lock up people indiscriminately." (Race Relations News, Johannesburg, July 1963).

^{159/} House of Assembly Debates, 5 February 1963, col. 744.

"When the children had finished school and were old enough to work, they found there was no work for them in the country, so they were brought to Johannesburg. But in Johannesburg they were 'endorsed out' because they had not lived in the city. And when they returned to the country they were 'endorsed out' of that district, where they had spent their childhood because they were born in Johannesburg.

"Legally they are not living anywhere - they are displaced persons. So what do they do? They live illegally with their parents in Johannesburg, lying low by day and roaming the streets at night - workless, shiftless, mal-nourished and hopeless.

"Another boy lived in the country with his parents until they both died and he came to Johannesburg to live with an uncle. He was caught in a pass raid and 'endorsed out' of Johannesburg because he was not born there and had not lived there for 10 years.

"He was told to go back to the place in the country, but he had lost touch with the people there since the death of his parents and no longer knew anybody who could give him a home. He is only 17. So he continues to live illegally with the uncle, hoping not to be 'picked up', and his uncle supports him.

"What does the future hold for him? Will his uncle have to support him in idleness for the rest of his life?

"Is it any wonder that many of them became tsotsis - even criminals?"

C. DISCRIMINATION IN EMPLOYMENT AND DENIAL
OF TRADE UNION RIGHTS 160/

235. An integral part of the apartheid policy is the preservation of the skilled and higher-paid professions to the Whites and the limitation of African workers to unskilled and low-paid occupations.

236. Through the implementation of this policy, the Republic has provided for its White inhabitants one of the highest standards of living in the world, while the non-Whites earn only a fraction of White earnings.

237. As the Economic Commission for Africa noted in its study on Economic and Social Consequences of Racial Discriminatory Practices:

"In the field of labour, numerous discriminatory laws and practices exist to regulate the geographical and occupational mobility of labour and to bolster the privileged position of distinct racial groups. We have seen the various instruments employed to effect the industrial colour bar: devices such as racial job reservations, 'pass laws' to control movement of labour and channel it to depressed or economically unattractive areas, migratory labour practices, extraterritorial recruitment of labour, racially restrictive trade union laws and practices and differential wage rates. The discriminatory practices in this field have aimed principally at protecting the European or settler labour market, to avoid competition by non-Europeans, and to secure a steady and abundant supply of unskilled and so-called 'cheap' labour at subsistence or near-subsistence wage levels." 161/

238. Recent data concerning job reservations, denial of trade union rights to non-Whites and the preference to Whites in the public service are noted below.

160/ See also memorandum dated 4 September 1963 from the International Labour Office, annex VI.

161/ United Nations Economic Commission for Africa. Economic and Social Consequences of Racial Discriminatory Policies, (E/CN.14/132/Rev.1), 1963, paragraph 391.

(1) Job Reservation

239. Laws were enacted in South Africa as early as 1911 providing that skilled jobs in the mining industry were open only to Whites. The National Party Government has extended this system widely into industry.^{162/}

240. The Industrial Conciliation Act of 1956 provides for the reservation of occupations for particular racial groups.^{163/} Though the Government claims that this provision is implemented only to maintain the status quo and prevent displacement of workers from their traditional occupations by the undercutting of wages, the non-Whites have protested that it is meant to prevent their advancement.

241. As the Whites monopolize the political power, their interests are paramount when there is competition among racial groups. The non-Whites can never be certain of being able to utilize the skills they have acquired or seek to acquire.

242. In 1962, five work reservation determinations (Nos. 9-13) were made in terms of the Industrial Conciliation Act. According to incomplete figures, 636 non-Whites were affected. In some cases, existing employees may continue at their trades; ten Bantu lost their employment as a result of Determination No. 9.^{164/}

243. Several of the recent Work Reservation Determinations (Nos. 6, 7 and 11) prohibited Africans from driving motor trucks in excess of a specified weight. The Industrial Tribunal had found that European motor vehicle drivers in certain industries and areas were being ousted by non-Europeans and that they were entitled to protection. Thus, Work Reservation No. 6 limited non-White drivers to trucks of a maximum unladen weight of 6,000 lb. in the building industry.

^{162/} Job reservations, it may be noted, are opposed by the United Party which advocates a "rate for the job" as adequate protection, and by many industrialists. The trade unions are divided: the all-White Co-ordinating Council of Trade Unions supports reservation. The South African Trade Union Council, mainly White, opposes job reservation, as does the South African Congress of Trade Unions which is composed largely of African unions.

^{163/} Non-Whites were already debarred from many apprenticeship programmes.

^{164/} Senate Debates, 5 March 1963, col. 1272.

Determination No. 7 limited them to under 6,000 lb. in the engineering industry (hollow ware section). Determination No. 11 limited them to under 10,000 lb. in four magisterial districts.^{165/}

244. On 9 November 1962, the Government announced reservation of the following skilled jobs in the building industry in urban areas of Cape and Natal for White persons, as of 9 May 1963.^{166/}

Durban, Inanda, Pinetown, Pietermaritzburg, Richmond, New Hanover, Camperdown, Lions River: carpentry, joinery, woodmachining, plastering, plumbing, electrical wiring, office and bank fitting;

Vryheid, Dundee, Kliprivier, Estcourt, Newcastle, Utrecht: bricklaying, plastering, painting, plumbing, electrical wiring, office and bank fitting, carpentry, joinery, woodmachining;

East London: all trades excluding asphaltting;

Port Elizabeth: electrical wiring, plumbing, signwriting, joinery, woodworking, wall and floor tiling, office and bank fitting;

Albany: joinery, woodworking, electrical wiring, plumbing, metal working, office and bank fitting;

Queenstown: plumbing, joinery, woodworking, electrical wiring, office and bank fitting;

The Cape, Wynberg, Simonstown, Bellville, Paarl, Wellington, Stellenbosch, Somerset West, Worcester: stonemasonry, marble masonry, joinery, woodmachining, electrical wiring, letter cutting, stone decorating, office and bank fitting.

245. These reservations have particularly affected Coloured artisans: the existing Coloured workers would be allowed to continue, but they cannot move to other cities where reservation applies and no further Coloured workers would be permitted.

^{165/} Senate Debates, 8 March 1963, col. 1446.

^{166/} Government Gazette Extraordinary, 9 November 1962; House of Assembly Debates, 5 February 1963, col. 748; Ibid., 5 March 1963, col. 2129.

246. On 5 April Mr. M.D. Arendse, a Coloured leader, proposed in the Council for Coloured Affairs that:

"the Council issue an ultimatum requiring the Government to withdraw all job reservation determination applying to the Coloured people, within a very limited period, failing which the Council will regard itself as having no weight with the Government and accordingly will find itself unable to continue as a body representative of the Coloured people".

In putting the motion Mr. Arendse said:

"Job reservation may be politically expedient, but it is morally wrong and is unjustified and unChristian ... (It) is intended to preserve the White man's monopoly of political and economic power. This is a very harsh policy. Its effect cannot but be harmful to the economic growth and good relations between Coloured and White groups. If applied on a wide scale it will link occupation to race in a rigid caste system in which the Coloured and African people will be permanently excluded from occupations that have prestige value and are important to the national economy". 167/

247. Mr. R.G. Simmons, Secretary of the Western Province Workers' Union, consisting of 3,000 Coloured workers, protested on 29 April 1963 that the purpose of the reservation "was to let it be known that Coloured citizens are not a part of this country, but slaves who can stay with limited privileges. Determinations like this one are a constant source of worry for our artisans and their children". 168/

248. The Cape Times commented on 1 May 1963:

"We hear with a certain sickening frequency of Coloured workers having former avenues of work closed off by job reservation. It was inexcusable enough when they were prevented from being firemen and traffic constables, but the latest reservation of seven skilled crafts in the building trade are quite blatantly unjustifiable. Not only have the Coloured people of the Cape been linked with the building trade at all levels for centuries, but the very areas in which the new reservations apply are predominantly Coloured. We cannot blame the Coloured workers for feeling shockingly treated".

167/ The motion was opposed, mainly by the fifteen nominated members of the 27 member Council. After the intervention of the Minister of Coloured Affairs, the Council appointed a committee to seek an interview with the Minister of Labour. (Contact, Cape Town, 19 April 1963).

168/ The Cape Times, 30 April 1963.

249. Effective 22 July 1963, the occupation of barmen in European bars has been reserved for White persons in the municipal areas of Durban and Pietermaritzburg,^{169/} where there are a number of Indian barmen. A protest was sent to the Minister of Labour by the Hotel Association of Pietermaritzburg.^{170/}

250. The Industrial Tribunal is currently investigating the following five industries with a view to proclaiming job reservations:^{171/}

Motor vehicle driving	- Transvaal, Orange Free State and Natal
Liquor, catering, private hotel and boarding house trade	- Western Cape and Natal
Furniture manufacturing	- throughout the Republic
Footwear industry	- throughout the Republic
Motor assembly industry	- throughout the Republic

(2) Denial of Trade Union Rights

251. Such blatant discriminatory measures as job reservation are facilitated by the fact that the Africans have no political rights and, indeed, are denied even trade union rights.

252. African trade unions cannot be registered and cannot make use of the machinery provided by the Industrial Conciliation Act. Africans are forbidden from engaging in collective bargaining.^{172/}

253. African workers are not permitted to strike. Penalties reach a fine of 1,000 Rand, 3 years' imprisonment, or both.^{173/} Breach of contract is a criminal offence.

^{169/} Government Gazette Extraordinary, 18 January 1963.

^{170/} House of Assembly Debates, 1 February 1963, col. 624.

^{171/} House of Assembly Debates, 24 May 1963, col. 6578; Government Gazette, 26 July 1963.

^{172/} Industrial Conciliation Acts of 1956 and 1959.

^{173/} Native Labour (Settlement of Disputes) Act of 1953.

254. Such legal restrictions have been imposed largely for political reasons. Growing opposition in trade unions to such measures has recently been reported.

255. The Trade Union Council of South Africa, representing 174,000 union members, has recently admitted some African unions and African representatives attended its conference in Durban in May 1963. The Conference resolved unanimously that all workers should have the right to register their unions, and that the job reservation clause (Section 77 of the Industrial Conciliation Act) should be repealed.^{174/}

256. The South African Congress of Trade Unions, which includes mainly the African Unions, has suffered from repressive measures: a large number of its leaders were detained under the General Law Amendment Act of 1963.

(3) Employment in Public Service

257. In the public services, the Whites not only monopolize the higher levels but also enjoy a disproportionate share of the total number.

258. The employment by race in the Public Service (including State and Provincial Education Departments), the Department of Transport (including the Perishable Products Export Control Board) and the various arms of the Permanent Force, at the end of 1962, was as follows:

	<u>Public Service</u>		<u>Department of Transport</u>	<u>Permanent Force</u>	<u>Total</u>
	<u>Republic</u>	<u>South West Africa</u>			
White men	124,975	3,203	108,398	12,310	248,886
White women	57,181	1,332	4,921	1,115	64,549
Non-White men	80,126	10,387	106,315	6,505	203,333
Non-White women	21,869	1,017	74	25	22,985

Source: Senate Debates, 1 February 1963, col. 272; and 8 February 1963, cols. 451-52.

^{174/} The Star, daily, Johannesburg, 21 May 1963.

D. OTHER APARTHEID MEASURES

(1) Race Classification

259. Classification of the population by race continued to evoke serious discontent, especially in view of recent reports that a number of Coloured families had been reclassified as Whites.

260. On 24 April 1963, Mr. George Golding, a Coloured headmaster, referring to reports that more than 300 Coloured families in the Western Cape had been reclassified as Whites since January, said that resentment among the Coloured people was snowballing and that the procedure was "viciously cutting into family life". He quoted an instance of a former pupil at his school who had been reclassified: half his family were still officially classified Coloured and could have no social contact with the White section. Many Coloured children, themselves dark-skinned, had been taken out of Coloured schools and sent to White schools because their parents had been reclassified. Without realizing the hurt they caused, these children refused to play with their former playmates.

261. Mr. Golding added that he did not believe that Coloured people would seek reclassification if it were not for material inducements. Coloured teachers, for example, were paid 60 to 80 per cent of the salaries for Whites with identical qualifications.^{175/}

(2) Immorality Act

262. The Immorality Act, which prohibits mixed marriages and carnal intercourse between members of different races, is regarded as an important measure of apartheid. A number of cases in this connexion continue to be reported.

The Minister of Justice informed the House of Assembly that in 1961, 801 persons (including 425 Whites) had been charged under the provision prohibiting intercourse between the races: 389 had been found guilty.^{176/}

^{175/} The Cape Times, 25 April 1963.

^{176/} House of Assembly Debates, 5 February 1963, col. 745.

(3) Apartheid in Sports and Professions

263. Though mixed sports are not prohibited by law, Government leaders have pressed sports associations to segregate members by race. The South African Broadcasting Company has followed a policy of not reporting mixed sports.^{177/} Passports and other facilities have been denied to mixed teams and legislative measures have been threatened unless the associations comply with Government policy.^{178/}
264. Segregated sports facilities have been established under the Group Areas Act and local bodies have prevented mixed sports.^{179/}
265. Such measures have led to proposals in International Sports Organizations to exclude South African teams.
266. Government leaders have also exhorted professional associations to segregate their members by race. Such segregation would seriously affect the negligible number of non-White members in learned associations.

(4) Expulsion of Foreign Africans

267. While encouraging White immigration by various inducements, the Government has sought to restrict entry of foreign Africans and to expel those already in the country.

^{177/} Early this year, when Mr. Sewsunker "Papwa" Sewgolum, an Indian, won the Natal Open Golf Championship, the radio did not report the event. He was obliged to receive the trophy in the rain as he was not permitted, under the apartheid laws, to enter the clubhouse. Sports Illustrated, Chicago, 18 February 1963.

^{178/} The Minister of the Interior announced on 5 February 1963: "If in future (Government policy) is not complied with...then the Government will introduce legislation which will clearly determine this positive policy..." (House of Assembly Debates, 5 February 1963, col. 753).

^{179/} The municipalities of Vereeniging and Bloemfontein decided to ban non-Whites from their main sports stadiums. About 15,000 African soccer fans in Johannesburg prevented attempts by the City Council to stop multi-racial soccer matches in the Indian sports grounds: the matter was taken to the Supreme Court. (The Institute of Race Relations, London, News Letter, May 1963).

268. Large numbers of Africans from neighbouring colonial territories have traditionally come to South Africa in search of work - particularly in the mines and farms - because of the neglect of the economies of their own countries. Many entered under contracts, but many thousands enter illegally every year. Recently, following the changed political relationships with the neighbouring countries, the Government has sought to restrict the influx of these Africans on the grounds of the unemployment of non-Whites in South Africa.

269. The report of the Froneman commission of inquiry into foreign Bantu was tabled in Parliament in January 1963. It noted that there were 836,000 foreign Bantu in the country in September 1960, of whom 186,000 were women and dependants. About half of the men (312,344) were working in the mines.^{180/}

270. The report urged that the influx of the foreign Bantu should be frozen, subject to exceptions by the Minister, but that obligations under agreements with neighbouring territories must be honoured; that the duty period of an incoming Bantu should be limited to a maximum of eighteen months; that unemployed foreign Bantu should forthwith be repatriated with their dependants; that an inter-departmental committee should undertake the repatriation of all foreign Bantu women and children; and that all foreign Bantu who were employed should be replaced systematically by indigenous labour in all sectors of the economy with the object of completing this task within a period of five years. The report warned that a serious replacement problem could develop, particularly in mining and agriculture, as the indigenous Africans prefer to seek work in urban areas and may find better work opportunities and higher wages as the economy expands.^{181/}

271. Immigration restrictions were imposed from 1 July 1963, and a number of new posts were established on the borders of the protectorates.

^{180/} There are 270,000 foreign Bantu working on farms in South Africa. The total number living on farms is 400,000. (South African Digest, Pretoria, 27 June 1963).

^{181/} South African Digest, Pretoria, 31 January 1963. A new bill seeking additional powers to arrest, prosecute and deport illegal aliens now in the country, as well as prohibit persons who try to enter without passport, was published on 23 January 1963. Under this Bill, all persons who are not South African citizens and who have no right of permanent residency would be compelled to have a temporary permit or an exemption. Those who fail to apply for the necessary documents would be liable to a prison sentence of up to six months. Tens of thousands of aliens would be affected by this measure.

(5) Other Measures

272. Finally, reference may be made to certain recent measures which represent a deviation from the pattern of apartheid practice.

(a) Designation of Africans

273. Government leaders have recently expressed concern over the effect of discourtesy or rudeness by the Whites, especially officials, towards Africans.

274. Dr. W.W.M. Eiselen, the South African Bantu Commissioner for the North, stated before a conference in Pretoria: "We are sabotaging our own policy towards the African by the rudeness and wrong approach of officials, police and men in the street. This is most dangerous sabotage". Appealing for good relations between Africans and Whites, Dr. Eiselen said that while it was easy enough to get good relations between African officials of the state and Government, it was not so easy to cement good relations between officials and the masses of African people. The task was to educate youth so that racial groups lived as good neighbours.^{182/}

275. He added that mention had been made frequently of heavy handed methods used by the police in dealing with Africans, or of discourteous behaviour by other officials.

"Today when relations between groups are strained the question is not asked 'how can we make friends with these people,' but rather, 'how can we best fight them'." ^{183/}

276. One recent concrete measure recently reported in this connexion was the decision by the Johannesburg City Council on 1 May, banning the use of the word "boy" to designate any of its several thousand African employees. A report submitted to the Council said that Africans resent the word "boy". The word would be deleted from all Councils documents.^{184/}

^{182/} Southern Africa, 10 May 1963, p. 361.

^{183/} The Times, London, 11 April 1963. See also paragraph 346.

^{184/} Reuters, 1 May 1963.

(b) Liquor Laws

277. Under the liquor laws before 1961, Africans were prohibited from obtaining liquor, except the weak "kaffir beer" sold at Government beer halls. Illegal sale of liquor and the spread of illicit drinking parlours ("shebeens") created a serious problem of law enforcement. Almost a quarter of the arrests and prosecutions in the country were for liquor offenses. In 1960, 312,520 liquor cases went to court.

278. Under the Liquor Amendment Act of 1961, all Africans over eighteen were permitted to purchase liquor and provision was made for the establishment of bars in African locations.

279. The new move was said to be a result of the urgings of the police and a minor concession in response to African resentment. It was, moreover, beneficial to grape farmers and distillers.

280. The Deputy Commissioner of Police, Brig. R.J. van den Bergh, said in November 1962 that the lifting of restrictions on the sale of liquor to Africans had eased police relations with Africans and relieved the police for other duties. Previously, most constables had spent a considerable part of their time investigating contraventions of the Liquor Act and coping with attendant red tape, including court appearances.^{185/}

(c) Admission of Chinese Patients in Hospitals

281. The Government has also been obliged to depart occasionally from strict application of its policies because of administrative and other difficulties.

282. The Department of Hospital Service instructed provincial hospitals to treat Chinese patients as Whites when their living standards, status, and "other relevant circumstances" seem to merit it. The Department urged hospitals to be tactful and to give special attention to Chinese in the Consular Service. A spokesman for the Johannesburg General Hospital said that "a fair number" of Chinese patients had been admitted to White wards and that there had been no objections.^{186/}

^{185/} South African Digest, Pretoria, 22 November 1962.

^{186/} The Chinese community is larger than the Japanese, which has been treated as White since last year when South Africa started expanding trade and diplomatic relations with Japan. Reuters, 14 May 1963; The Star, weekly, Johannesburg, 18 May 1963.

V. APARTHEID IN EDUCATION

283. One of the most significant aspects of the policy of apartheid of the Government of the Republic of South Africa is its determined effort to bring education under Government control, segregate the educational system on the basis of race and tribe, and train the non-Whites for the inferior position assigned to them by Government policies.

284. A major step in this direction was taken in 1953 with the promulgation of the Bantu Education Act transferring responsibility for African education (except higher education) from the provincial governments to the Central Government, and granting wide powers to the Minister of Native Affairs^{187/} over both Government and private schools.

285. All African schools are required to be duly registered, and registration may be refused if the school is considered to be "not in the interest of the Bantu people or any section of such people, or is likely to be detrimental to the physical, mental or moral welfare of the pupils". The Minister is vested with powers to make regulations concerning the code of discipline for teachers, the courses of training, the medium of instruction, the control of funds and the establishment and composition of school boards.

286. The legislation was deliberately designed to reform education in accordance with apartheid policies. The Government claimed that by training pupils in European ideals, the educational system created the vain hope that the Africans could occupy positions in the European community in spite of the country's policy, and thus led to frustration. Dr. Verwoerd, then Minister of Native Affairs, stated:

"Education must train and teach people in accordance with their opportunities in life, according to the sphere in which they live. Good racial relations cannot exist where education is given under the control of people who create the wrong expectations on the part of the native himself ... Native education should be controlled in such a way that it should be in accordance with the policy of the State ... Racial relations cannot improve if the result of native education is the creation of frustrated people". ^{188/}

^{187/} A separate Department of Bantu Education was established in 1959 and placed under a Minister of State.

^{188/} Second Report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2719), para. 56.

287. The implementation of this policy required control over schools run by religious missions as they had been mainly responsible for African education. In 1954, all ecclesiastical bodies which had formerly controlled and administered Bantu schools were given the choice of transfer of control to the State or a gradual decrease in, and eventual abolishment of, State subsidies. Of the approximately forty ecclesiastical bodies, 90 per cent transferred their schools to the Department and only 10 per cent elected to retain them as private schools; these schools are, however, subject to registration and inspection. State subsidies to mission schools were gradually reduced and abolished in 1958.^{189/} Of the mission schools which wished to continue as private schools, all those in "White" areas were refused registration.^{190/}

288. The Bantu schools receiving assistance from public revenues are divided into three types: (a) Government schools; (b) community schools established or maintained by any Bantu authority, native council, tribe or community; and (c) farm, mine and factory schools.

289. A separate account was established from which the Government may provide grants-in-aid to non-Government schools. The Government's contribution was pegged at 13 million Rand, with the result that the Africans were obliged to pay for educational expansion through increased taxes and contributions by communities.^{191/}

^{189/} Official Year Book of the Union of South Africa, No. 30-1960, Johannesburg, 1961, p. 233.

^{190/} A Survey of Race Relations in South Africa, 1957-58, p. 189; also 1958-59, p. 262.

^{191/} In 1955, a separate Bantu Education Account was created under the Exchequer and Audit Amendment Act (No. 7) of 1955. This fund comprises two main categories: a fixed contribution from the Government from general revenues, and a major share of taxes paid by Africans. The Government contribution was pegged at £6.5 million or 13 million Rand and to this would be added four-fifths of the general taxes paid by Africans and any receipts arising from the maintenance, management and control of the Government Bantu schools, other than the sale of land and buildings. (In 1955 taxes paid by Africans amounted to some £2 million and it was calculated that the new formula provided about the same annual amount as was then being spent on African education, i.e. about £8.5 million.) Under the Native Taxation and Development Act, No. 38 of 1958, the basic general tax on African men over 18 years of age was increased from two Rand to three and a half Rand. On 1 January 1960, women also became liable to the general tax for the first time and men earning over 360 Rand per annum became liable to increased rates of general tax. The growth of the Bantu Education Account is due mainly to the consequent increase in revenue from African general tax.

290. The Government then proceeded to extend apartheid into higher education by dividing the higher institutions on a racial and tribal basis, and removing African colleges from the urban areas. Dr. Verwoerd, as Minister of Native Affairs, declared the Government policy in June 1954:

"Increase in institutions for advanced education which are located in the urban areas, is not desired. Deliberate attempts will be made to keep the institutions for advanced education more and more away from the urban environment and to establish them as far as possible in the native reserves. My Department's policy is that education should stand with both feet in the reserves and have its roots in the spirit and being of Bantu Society. Thus Bantu education must be able to give itself complete expression and there it will be called upon to perform its real service. The Bantu must be guided to serve his own community in all aspects. There is no place for him in the European community above the level of certain forms of labour. Within his own community, however, all doors are open." 192/

291. By the University College of Fort Hare Transfer Act of 1959, the Government took over control of the Fort Hare College on 1 January 1960. A new all-White college Council with thirteen members was constituted and many of the Professors were not reappointed, including the Principal, the Vice Principal, the heads of the departments of Law, English, Philosophy, Politics and Geography, the registrar, a lecturer and the librarian. Several others announced their resignation.

292. The Extension of University Education Act of 1959 provided for the establishment of separate university colleges for non-White persons. No White person may attend any of the colleges for non-Whites, and after a transition period (during which students already enrolled in one of the "open" universities were to be allowed to finish their courses subject to the annual approval of the Minister), non-Whites were to be forbidden to attend any other universities. Furthermore, the Minister may decide that particular colleges shall admit students of a special ethnic or other group.

293. The governing bodies of these institutions had to be segregated in accordance with Government policy:

"In the past, White and non-White persons had served on the Council and the Senate, and had been accommodated, on a basis of equality. This

192/ Senate Debates, 7 June 1954, col. 2618-19.

must inevitably create the fallacious impression among the non-Whites that apartheid was something which disappeared when one attained a certain academic level, that academic training would remove discrimination in South Africa. As a result, the students would become agitators against the racial order in South Africa, instead of valuable members of their own community." 193/

294. For each University there are to be a Council and a Senate composed of White members and an Advisory Council and Advisory Senate of representatives of the community served.

295. Regulations which have been published show the extent of State control. Students may not leave the college precincts without permission from the hostel superintendent or an authorized person; a student organization or organizational work in which students are concerned is subject to the prior approval of the Rector. No meetings may be held, nor publications circulated, nor statement made to the press on behalf of the students without the Rector's permission.

296. Two new colleges for Africans were officially established as from 1 August 1959: the University College of the North, located in the Northern Transvaal and serving the Sotho group, and the University College of Zululand at Ngoya in the Mtunzini District. Africans previously enrolled at Cape Town University, Natal Medical School and the University of the Witwatersrand have been allowed to continue subject each year to the approval of the Minister of Bantu Education.

297. The Government has claimed that the transfer of African education to its control has resulted in great expansion of educational opportunities. The number of pupils, for instance, increased from 938,000 in 1953-54 to 1.6 million in 1961. The figures on such expansion, however, deserve some qualifications and comments.

298. First, as the Government's share in financing African education is pegged at 13 million Rand, increases in expenditure must be provided by direct

193/ House of Assembly Debates, 26 February 1959, col. 1560; and 22 April 1959, cols. 4443-53.

taxes on Africans. The result has been a decrease in per capita expenditure on education.^{194/}

299. Second, of the 6,927 schools for Africans, only 169 are Government schools, mainly teacher-training schools, vocational training schools and a few others situated on Government property. State-aided schools number 4,793 and private schools, mainly Roman Catholic, 1,064.^{195/}

300. The State-aided schools include aided farm schools established by White farmers for children of farm employees and 110 aided mine and factory schools. In 1961, it was estimated that almost one-third of the African children of school age are on farms and that the existing facilities provide for only about 25 per cent of them.^{196/}

^{194/} Expenditure on African education in 1953-54 was just over 16,000,000 Rand and the enrolment was 938,000. In 1962-63, with an enrolment of 1.6 million pupils, expenditure was 21 million Rand. Discussions in the House of Assembly show that South Africa spends 3 per cent of its national income on education, but of this, less than one third of 1 per cent is spent on African pupils. (House of Assembly Debates, 20 May 1963, cols. 6333-41). The expenditure on European education in 1962-63 was 97 million Rand, well over four times that on African education, though the number of European pupils is only about half of the number of African pupils. The annual expenditure per pupil is about 130 Rand for the Whites, 40 Rand for the Coloureds and Asians and 13 Rand for the Africans. (Statement by Mr. B.F. Mason at the 21st meeting of the Special Committee on 22 August 1963; and by the Minister of Bantu Education, House of Assembly Debates, 5 March 1963, col. 2129).

^{195/} Republic of South Africa, Department of Information, The Progress of the Bantu Peoples towards Nationhood (Consolidated ed.), p. 29-30.

^{196/} Survey of Race Relations in South Africa, 1961, p. 230;

	<u>No. of African children 7-14 years of age</u>	<u>Places avail- able in schools</u>	<u>per cent provided for</u>
Reserves	851,600	696,000	81
Urban areas	618,200	690,000	95
European farms	698,600	172,000	25
	<u>2,168,400</u>	<u>1,558,000</u>	<u>67</u>

/...

301. Third, while according to official statistics almost 70 per cent of the African children between the ages of 7 and 14 are at school, a characteristic feature is that 97 per cent of the children attending school are in the primary grades, and of these in the primary grades only about one quarter were in higher primary (the second four years of primary school).^{197/} In 1961, with a total enrolment of 1.6 million, only 839 pupils sat for matriculation and of these only 212 passed. In 1962, 911 sat for the examination and 362 passed.^{198/}

302. Fourth, many African leaders and educationists oppose "Bantu education" on the ground that it seeks to promote tribalism and restrict learning by emphasizing mother-tongue instruction and greatly reducing instruction in English and Afrikaans, especially at the higher primary level. Primary schools have been organized on an ethnic basis, with each providing education in only one of the seven recognized African languages.^{199/} Regulations drawn up under the provisions of the Bantu Education Act have made it mandatory for African

^{197/} Distribution of African pupils by grade (1958 figures calculated from Official Year Book of the Union of South Africa, No. 30-1960, p. 245).

	<u>No. of pupils</u>	<u>Percentage of total</u>
Total	1,336,655	100
Sub-Standards A and B	609,262	45.2
Standard I	218,183	16.3
Standard II	163,784	12.2
Standard III	128,382	9.6
Standard IV	80,046	6.0
Standard V	59,018	4.4
Standard VI	46,277	3.5
Standard VII	30,010	2.2
Standard VIII	8,852	0.7
Standard IX	1,768	0.0015
Standard X	938	0.0007

^{198/} House of Assembly Debates, 14 May 1963, cols. 5968-69.

^{199/} Xhosa, Zulu, North Sotho, South Sotho, Tswana, Tsonga, and Venda.

languages to be used not only in the lower primary stage (comprising four years) but also in the higher primary. Equal time is given to English and Afrikaans which are taught as subjects, and each is allotted less than two hours a week. Since 1958-59, Standard VI (representing 8 years of primary education) examinations are conducted only in the officially designated African vernaculars. 303. A petitioner before the Special Committee stated:

"This means that the standard of English and Afrikaans remains very low making it even more difficult for the African to fit into an economy run by Whites who do not speak tribal languages, and even to communicate with Africans of other tribes". 200/

304. Fifth, the increase in university enrolment of Africans is misleading, as the increase is mainly in extension or correspondence courses in the University College of South Africa, 201/ and in non-degree courses at tribal colleges. 202/

200/ Statement by Mr. B.F. Mason, at the 21st meeting on 22 August 1963.

201/ The total African enrolment in South African Universities for 1956 and 1961 was as follows:

	<u>1956</u>	<u>1961</u>
Cape Town University	23	27
Natal Medical School	139	108
Witwatersrand	66	38
Fort Hare	288	248
University College of the North	-	122
University College of Zululand	-	53
	<u>515</u>	<u>596</u>
University College of South Africa	945	1,171

A Survey of Race Relations, 1957-58, p. 193; and The Progress of the Bantu Peoples Towards Nationhood, p. 41.

202/ "The introduction of non-degree courses has kept up the numbers at tribal university colleges". (Race Relations News, Johannesburg, July 1963).

New Legislation since 6 November 1962

305. During the period since 6 November 1962, the Government has taken further steps towards implementation of its apartheid policies, particularly with regard to the education of Indians and Coloured persons. Three new acts are related to this purpose.

306. The Higher Education Amendment Act (No. 20 of 1963)^{203/} empowers the State President to assign the administration of institutions of higher education to separate Ministries. The Act was passed specifically to enable the transfer of control of higher education and vocational training for Indians from the Department of Education, Arts and Science to the Department of Indian Affairs.^{204/}

307. The Extension of University Education Amendment Act (No. 67 of 1963)^{205/} increases the Government's administrative control over non-White university colleges.

308. The Coloured Persons Education Act (No. 47 of 1963)^{206/} extends apartheid into the provision and administration of primary and secondary education to the Coloured population, as the Bantu Education Act of 1953 did for the African population.

309. The Act provides for the complete transfer of Coloured education from the several church bodies and provincial administrations to the Department of Coloured Affairs, and empowers the Minister to stipulate the most detailed requirements concerning admission, courses of training, syllabuses and discipline. Teachers would be subject to disciplinary action for political activities disapproved by the Government.

310. During the Parliamentary debates on the Bill the Minister and other members suggested that the intent of the Act is to lay the economic and

^{203/} Government Gazette Extraordinary, 15 March 1963.

^{204/} House of Assembly Debates, 20 February 1963, col. 1631.

^{205/} Government Gazette Extraordinary, 3 July 1963.

^{206/} Government Gazette Extraordinary, 24 May 1963.

educational foundations of apartheid, particularly in the Cape Province. The Minister of Coloured Affairs, Mr. P.W. Botha, stated:

"Education is not, after all, only a means of gaining knowledge. It is the road along which the child is trained to serve. ... The system of education that is to be established ... will determine the whole future of these people, and will be dependent upon the attitudes of White South Africa". 207/

Dr. A.H. Jonker (National Party) stated: "All education is indoctrination". 208/
311. Mr. J.W. van Staden (National Party) stated that, under the previous system, educated Coloureds "became a threat to the White people because even with their learning they found that all doors were closed to them and so they became receptive to Communism and they became communist agitators". 209/ Mr. J.B. van Zyl (National Party) said that, under the Act, Coloured children must be taught patriotism, made to realize that "they are a group peculiar to itself, ... (and) given Christian national education". 210/ Mr. J.W. van Staden (National Party) said:

"The education of the Coloured must be adapted to his nature and prepare him to qualify himself as an artisan in certain selective activities". 211/

312. Mrs. H. Suzman (Progressive Party) criticized the Bill on the ground that it limits Coloured education to vocational and technical training in certain areas of agricultural and industrial labour so as not to jeopardize the entrenched position of White labour in skilled and professional jobs, and that it is not designed "to make rational human beings out of children". 212/

313. Several United Party members noted the special significance of the Act in the light of plans to remove all Africans from the Western part of the Cape.

207/ House of Assembly Debates, 21 February 1963, cols. 1742-43.

208/ Ibid., 25 February 1963, col. 1929.

209/ Ibid., 21 February 1963, col. 1755.

210/ House of Assembly Debates, 5 March 1963, col. 2171.

211/ Ibid., 21 February 1963, col. 1759.

212/ Ibid., 26 February 1963, col. 1996.

They argued that the Act was designed to train Coloureds for jobs now performed by Africans so that the elimination of Africans would not create a labour shortage.^{213/}

314. The Bill was opposed by representatives of the Coloured voters in the House of Assembly. Mr. A. Bloomberg, representative of the Coloured voters of the Cape, said that it had been forced on the Coloured people and that the Minister had failed to assure them that the White and Coloured people would enjoy the same educational standard.^{214/}

Unrest at Segregated Educational Institutions

315. A number of cases of indiscipline, violence and protests in the schools and colleges, involving thousands of students, have been reported in the past few months, and the Government took severe measures against teachers and students.

316. Two full time lecturers at the M.L. Sultan Technical College in Durban were suspended after a demonstration by 500 students against the transfer of the College from the Department of Education to the Department of Indian Affairs.^{215/}

317. After a strike of students at the Lovedale Institution at Alice, Cape Province, in March 1963, 311 students (or three-fifths of the student body) and two African teachers were dismissed, and two other African teachers transferred.^{216/}

318. At the Wilberforce School, 336 African students refused to attend classes in March. All of the students were expelled and 103 barred from all Government Bantu schools in future.^{217/}

^{213/} See for example Mrs. S.M. van Niekerk (United Party) and Mr. A. Gorshel (United Party), House of Assembly Debates, 4 March 1963, cols. 2046 ff. and 2090 ff.

^{214/} House of Assembly Debates, 25 February 1963, cols. 1932-40.

^{215/} Natal Mercury, Durban, 2 April 1963

^{216/} House of Assembly Debates, 21 June 1963, col. 8522; Institute of Race Relations (London), News Letter, May 1963.

^{217/} House of Assembly Debates, 19 March 1963, cols. 2987-88.

319. In April 1963, 200 students boycotted the graduation ceremony at the Fort Hare College in pursuance of a resolution not to help the Government promote apartheid.^{218/}

320. Riots occurred at the Mfundisweni Mission School on 22 April 1963:

6 African students were expelled, 92 sentenced to six strokes each and 12 fined.^{219/}

321. At the Healdtown School 27 African students refused to attend classes in May 1963: 29 students were suspended and barred from all Government schools in future.

322. A total of 471 African secondary school students have been expelled for disturbances during 1963.^{220/} Since the Government took over direct control of the schools, offences committed by pupils became offences against the State: the affected pupils are banned from all Government and State-aided schools.

323. African educators are reported to have stated that the disturbances reflect political unrest.^{221/} The Evening Post of Port Elizabeth reported, on the basis of interviews with African teachers and students, that the new generation of students was even more militant and extremist than that before the Bantu Education Act, and that this was largely due to resentment against tight Government control.^{222/}

^{218/} Institute of Race Relations (London), News Letter, May 1963.

^{219/} House of Assembly Debates, 21 June 1963, col. 8522.

^{220/} House of Assembly Debates, 21 June 1963, cols. 8523 and 8528. During 1962 a total of 483 African students were expelled for disturbances (Ibid., 19 February 1963, cols. 1589-90).

^{221/} Contact, Cape Town, 19 April 1963.

^{222/} Race Relations News, Johannesburg, July 1963.

VI. ECONOMIC AND SOCIAL CONSEQUENCES OF THE POLICIES OF APARTHEID

324. The iniquities suffered by the non-Whites under individual laws or aspects of policy, described in the previous chapters, provide but a partial picture of the varied effects of the apartheid policy in terms of poverty, malnutrition, disease, breakdown of family life and humiliation of the majority of the population, and racial tension.

325. Because of racial discrimination, the White population of the Republic of South Africa has been able to enjoy one of the highest standards of living, while the non-Whites are denied an equitable share of the national income. A few facts from a recent report to the Economic Commission for Africa are illustrative:^{223/}

- (a) The ratio between the average wage earnings of Whites and Africans in the mining industry is approximately 15:1; in secondary industry it is 5:1.
- (b) In 1960, the Whites who constituted 19.3 per cent of the population accounted for 67 per cent of the national income; the Africans who constituted 68.4 per cent of the population received 26.5 per cent; and the Coloureds and Asians, who constituted 12.4 per cent of the population, received 6.5 per cent.
- (c) In 1959, the Whites had a per capita income of £425 a year; Africans £39; and Asians and Coloureds £54.

326. The economic developments of the post-war years had tended to narrow the gap between the Whites and non-Whites, but the apartheid measures such as job reservation and denial of trade union rights restrained this trend.

^{223/} Government Expenditure and Racial Discrimination, Document E/CN.14/189, paras. 29-31. Racial discrimination, moreover, has tended to arrest economic development and to create economic imbalance. As the Economic Commission for Africa noted in a recent study:

"... (racially discriminatory) practices, particularly in the form of the industrial colour bar and discrimination in technical training, inevitably result in, or create, vertical immobility, on a racial basis, of the human factor of production. In like manner, by concentrating income in a small section of the population, a process which may initially result in a relatively high rate of capital formation as has been the case in South Africa and the Rhodesias, these practices sooner or later drive the economy to a point where the limited internal market arising from the limited purchasing power of the mass of the population arrests economic development, or at any rate creates grave economic imbalance." (United Nations Economic Commission for Africa. Economic and Social Consequences of Racially Discriminatory Policies, E/CN.14/132/Rev.1, 1963, paragraph 399).

327. Poverty, malnutrition and disease are so wide-spread among the non-Whites in South Africa, despite the vast economic resources of the country, that the situation has caused national concern and led recently to debates in the Parliament and the Press.

328. A recent survey by the Natal University among African families in Durban showed that the average income of African families was only about three-fifths of minimum monthly expenditure required for decent living. Fifty-five to sixty per cent of the African families were living in a state of perpetual debt.^{224/}

A pilot study by the National Nutrition Research Institute reported that the incidence of malnutrition and associated diseases is especially high among the Bantu and Coloureds.^{225/} The South African National Tuberculosis Association expressed alarm at the possibility that a sharp increase in tuberculosis cases in 1962 was due to the famine and hunger caused by drought in many parts of the country during the last three years.^{226/}

329. Mrs. H. Suzman, Progressive Party member, gave striking facts on the situation in a debate in the House of Assembly on 22 February 1963. She pointed out that, while a survey carried out by the University of South Africa in Pretoria in 1961 disclosed that 43 rand per month was the minimum essential amount needed to provide a family of five in that area with the ordinary decencies of life, the average monthly earnings of unskilled and semi-skilled Africans in private manufacturing and construction were only about 31 rand a month in 1961.^{227/} A survey of farm wages, in cash and kind, in two districts

^{224/} The Star, daily, Johannesburg, 3 May 1963.

^{225/} Gastro-enteritis is the most prevalent disease among both racial groups. Kwashiorkor is the most prevalent nutritional disease among Bantu children and marasmus among Coloured children. (Southern Africa, London, 18 January 1963).

^{226/} Santa News, quoted in Race Relations News, Johannesburg, May 1963.

^{227/} House of Assembly Debates, 22 February 1963, col. 1798. The Minister of Economic Affairs stated on 19 April 1963 that the total average earnings of Africans in mining, secondary industry and the public sector were 22.6 rand per month in 1962. (Average monthly earnings of Whites in the same industries were 161.9 rand.) (House of Assembly Debates, 19 April 1963, col. 4340).

showed an average of less than 18 rand per month for a family of roughly between six and seven. Mine wages were also far too low, because they were based on the fallacious assumption that the reserves are able to supply a proper subsistence for the families of migratory mine workers, and because a majority of workers are recruited from adjoining territories.^{228/}

330. Mrs. Suzman noted results of recent surveys which showed that 60 per cent of African workers in Durban whose cases had been investigated had no breakfast at all and that a large number of African schoolchildren investigated in Durban and other areas had nothing whatever to eat until supper-time.^{229/}

331. Speaking of the consequences of poverty, Mrs. Suzman pointed out that Dr. Mitchell, Health Officer of the Cape Divisional Council, had warned in October 1962 of the mounting incidence of diseases such as kwashiorkor, gastro-enteritis, pellagra, tuberculosis, etc., which are all due to malnutrition or are aggravated by malnutrition, and that the high mortality rate due to these diseases had now assumed the proportions of a national crisis. At a recent hospital survey in the Cape, 54 per cent of the non-White children had been found to be severely under-weight and 17 per cent to be at a level indicative of gross starvation. Dr. Hansen, associate professor of Child Health at Cape Town University, had stated in October 1962:

"The total mortality rate for all cases on the age group one to four shows that Bantu children are dying at 25 times and Coloured children at 15 times the rate of White children.

"There is a close association of protein calorie deficiency with overall mortality rates."

332. Mrs. Suzman continued:

"Now in Cape Town, according to the M.O.H., 100 times as many non-White as White children die per year of gastro-enteritis, and it is a known medical fact that mortality in gastro-enteritis is closely related to malnutrition. In the eight major urban areas alone some 10,000 non-White infants die annually of gastro-enteritis. Last year the Minister of Health informed me in this House in response to a question that the annual morbidity rate of tuberculosis amongst African children under five is 9,469. The corresponding figure for White children is 161.

^{228/} House of Assembly Debates, 22 February 1963, col. 1798.

^{229/} Ibid., col. 1801.

The general infant mortality rates of African children are simply appalling, varying from over 200 per 1,000 in the cities to 300 to 400 in some of the rural areas. The corresponding figure for White children is 27, which, to our credit, is one of the lowest in the world, whilst the African figure is one of the highest recorded figures in the world. Now kwashiorkor is considered medically as being the index of the general state of malnutrition in a community. According to the C.S.I.R. Report, No. 190 on Nutritional Deficiency, kwashiorkor was found in 5 percent of the Bantu children treated by doctors who assisted in the study. The hon. the Minister himself told us last year that it was estimated that 22,000 children in Cape Town and vicinity alone had kwashiorkor." 230/

333. The problem of malnutrition was discussed this year in the House of Assembly on 8 March 1963. Members noted that children were particularly affected by malnutrition. 231/ Dr. E.L. Fisher, a member of the House of Assembly, referring to the high rate of infant mortality, stated:

"We do not show up so favourably when we compare the infant mortality figures in Nigeria and Ghana which we still regard as backward in comparison with the progress South Africa has made. In Nigeria there are 70 deaths per 1,000 and Ghana 90 deaths per 1,000, whereas in South Africa we have 400 deaths per 1,000." 232/

334. The Government recognized the problem and, in 1960, set up a central committee with representatives of five Government Departments to campaign against malnutrition. 233/ The Government, however, underrates the significance of poverty as the cause of malnutrition and places the blame on the Africans. The Minister of Health declared on 8 March 1963:

230/ House of Assembly Debates, 22 February 1963, col. 1800. The Minister of Health stated in the House of Assembly that 7,170 cases of kwashiorkor among Africans had been identified by his Department from January to May 1963 (House of Assembly Debates, 25 June 1963, col. 8714).

231/ The Minister of Health noted that a survey of 240 Africans in Natal at the end of 1962 revealed that every one of them suffered from malnutrition. Quoted in House of Assembly Debates, 8 March 1963, col. 2446.

232/ House of Assembly Debates, 8 March 1963, col. 2446.

233/ Mr. S.J.J. de Swardt, chairman of the Central Committee of the South African Campaign against Malnutrition, announced in December 1962 that it was promoting three projects: distribution of skimmed milk powder to needy families, campaign against tuberculosis through food and better nutrition, and feeding of factory workers during working hours (South African Digest, Pretoria, 20 December 1962).

"Generally speaking, with the exception of minor instances there is no famine in South Africa and there really is no under-feeding, but what one does find in South Africa is malnutrition. In other words ... there is enough food available in South Africa and that is within the reach of everyone, but the thing to which we have to devote attention is the wrong use of that food ... there is malnutrition in South Africa, but it is not so much the result of economic factors. Nor is it the result of socio-economic factors. It is mainly the result only of sociological factors."^{234/}

335. He blamed ignorance, refusal by Africans to follow advice given by the Whites, the Bantu customs and the "moral degeneration" of the Africans as the main reasons for bad eating habits and malnutrition.^{235/}

336. Opposition speakers argued that the Government was avoiding the basic causes of malnutrition and disease because they were created largely by the Government's policies of apartheid. The Government has imposed the system of migrant labour despite its inefficiency. It has kept down African advancement though there is a scarcity of skilled workers and a half a million Africans, as well as large numbers of Coloureds and Indians, are unemployed. It has prevented full African participation in productive activity though such participation can expand the internal market, give fillip to the economy and help solve the social problems.

337. Mrs. Suzman pointed out that the existence of poverty and malnutrition in South Africa was unnecessary. The country had accumulated large surpluses of essential foodstuffs so desperately needed by the poor, but was exporting them at a loss, or destroying them. She continued:

"Not only is the public being called upon to bear the loss, but in addition we have to bear the cost of treating malnutrition and malnourished children in hospitals, children who should never have been ill had their parents' income been sufficient to buy protective foods. Dr. Hansen of the Department of Child Health at the University of Cape Town estimated that the cost of hospitalization of a malnourished child is R.10 a day, enough to supply adequate protein for that child for a whole year."^{236/}

^{234/} House of Assembly Debates, 8 March 1963, col. 2459-60.

^{235/} "Moral degeneration" is emphasized because of the high incidence of malnutrition among illegitimate children. The Minister of Health quoted figures from the Edenvale hospital that 85 per cent of the African children suffering from kwashiorkor were illegitimate. (Ibid., cols. 2459-64.)

^{236/} House of Assembly Debates, 8 March 1963, col. 1802.

338. Added to the poverty, malnutrition and disease are the constant humiliations suffered by the Africans because of the complex laws restricting their freedoms and laying down heavy penalties for breaches.

339. An African cannot enter an urban area without a permit and cannot stay for more than 72 hours without a work permit. An African cannot establish the right to residence in an urban area unless he has lived there continuously since birth or worked continuously for a single employer for ten years, or is the wife or unmarried child under eighteen of an African meeting such requirements. Even then he can be "endorsed out" if he takes employment in another area or fails to report within three days of his being unemployed.

340. Even the limited right to residence of wives and children is being eliminated as the official policy is that African men should be allowed to seek work only if they agree to live in "bachelor quarters".

341. The wife of an African worker in town can visit him for no more than 72 hours and only if she obtains a permit from officials on the ground, for example, that she wishes to conceive.

342. Such laws and regulations have led to serious social problems. The rate of illegitimacy among African children in urban areas is extremely high. The Annual Report of the City Medical Officer of Health for Durban for the calendar year 1961 states that out of a total of 5,864 births amongst the Africans, 3,665 were illegitimate.^{237/} The Government, however, blames the high rate of illegitimacy on the moral degeneration of the urban Africans, and absolves its own policy of preventing African family life in urban areas.

343. For infractions of the onerous laws and regulations, in the making of which the Africans have no voice, they are repeatedly imprisoned, fined or "endorsed out" of their towns.

344. Mrs. Helen Suzman, speaking in the House of Assembly on 29 May 1963 on the "burning injustices" caused by apartheid laws, declared that the Bantu Commissioners' Courts were conducted like "sausage machines". In the Bantu Commissioner's Court in Port Elizabeth, she said, sentences ranged from 15 rand

^{237/} Ibid., col. 2421. The figures for other racial groups were as follows: 69 out of 3,108 births amongst the Whites; 242 out of 748 amongst the Coloureds; and 59 out of 5,959 amongst the Asiatics.

or 15 days' imprisonment to 90 rand or 90 days' imprisonment for pass offences. Youths were given up to eight cuts for not carrying reference books. In nine weeks, 316 men and 47 women were sentenced to a total of 11,206 rand in fines and 74 youths and 24 young men received a total of 640 cuts.^{238/}

345. Flogging is a mandatory punishment for various offences. Official figures indicate that in the past ten years 850,000 strokes have been inflicted on penal offenders. Floggings are currently running at the rate of 80,000 strokes a year on 17,000 offenders. The number of offenders flogged today is eight times what it was 20 years ago.^{239/}

346. Not surprisingly, the situation has led to bitterness and racial tension and this is recognized even by responsible officials who support the policies of apartheid. Mr. Justice J.H. Snyman warned in July 1963:

"Inter-racial relationships in this country must be put on a proper footing. There must be a change in our attitude to the Bantu, and, unless there is a change, this country is doomed ...

"We must not only change our attitude but we must also find a policy that is acceptable to the Black man or find a way to make our policies acceptable to him."

^{238/} House of Assembly Debates, 29 May 1963, Cols. 6885-6906.

^{239/} Cape Times, 8 April 1963. The Minister of Justice told the House of Assembly on 3 May 1963 that more than 167,000 youths had been sentenced to corporal punishment in four years. In 1961, 1,407 Whites, 8,335 Coloured, 661 Asian and 32,622 African youths received strokes. (House of Assembly Debates, 3 May 1963, col. 5288).

He declared that the attitudes that had been built up over 300 years must be broken down in less than 300 days.^{240/}

^{240/} Southern Africa, London, 19 July 1963. In connexion with Mr. Justice Snyman's advice, Archdeacon C.P. Wood of the Anglican Church made the following comment:

"Many Anglicans would be wholeheartedly behind what Judge Snyman has said, but many of us feel completely frustrated by the apartheid laws of the country and even where there is not a specific law, I fear that there might be one. ...

"Where can we meet and entertain in public an African or a Coloured? Apparently we are not allowed even to walk on the same beach together nor sit on the same bench in a public park.

"How does the Church, that is, the ordinary Christian, set about breaking down these barriers in the way that Judge Snyman would recommend?

"Are we to break them down by defying the law or by acquiescing in the law and passing by on the other side? ...

"How, for instance, are we to uphold the sanctity of marriage and teach Christian family life when the Government regulations prevent their being implemented?

"As long ago as 1960 all the churches except the Dutch Reformed Churches pleaded for consultation with the recognized Christian leaders of the African people as our one hope. That door was deliberately slammed in our faces." (The Star, weekly, Johannesburg, 13 July 1963).

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VII. REPRESSIVE MEASURES AND VIOLENT RESISTANCE

(a) Repressive Measures

347. In the Second Interim Report (annex 3), ^{241/}the Special Committee gave an account of the mass of repressive legislation enacted in the Republic of South Africa. This legislation, designed to silence and suppress all opposition to the policies of apartheid, provides extremely harsh penalties for crimes against the security of the State, grants wide discretion to the Minister of Justice and local administrative officials, and restricts the powers of the courts and protection by the due process of law. It has been greatly strengthened during the past year.

348. Two particularly rigorous laws were promulgated in 1963. The Explosives Amendment Act of 1963 ^{242/}has greatly increased penalties for unauthorized possession, manufacture or use of explosives.

349. The General Law Amendment Act of 1963, promulgated in May, provides inter alia for the detention without trial of persons for 90 days at a time on suspicion of having committed a crime or of possessing information on the commission of a crime. This legislation, intended as it was to further restrict opposition to apartheid, evoked wide-spread criticism in South Africa and abroad as ending the rule of law and creating a police state.

241/ See annex IV of the present report.

242/ The mere possession of any type of explosives may result, at the discretion of the Minister of Justice, in a charge of "sabotage" under the General Law Amendment Act of 1962 and subject the accused to the maximum penalties under that Act. If charges of "sabotage" are not brought, the maximum penalty for the possession of explosives under circumstances that may give rise to "a reasonable suspicion that (the accused) intended to use such explosives for the purpose of injuring any person or damaging any property" is increased from 2 to 15 years' imprisonment. The maximum penalty for wilful damage to property is increased from 12 to 15 years' imprisonment and penalties for unauthorized sale, import, export or use of explosives are drastically increased. (Text in Government Gazette Extraordinary, 15 March 1963.) On 3 September 1963, the annual congress of the National Party in Pretoria adopted a resolution calling on the Government to establish a minimum sentence of 10 years' imprisonment for an African found in possession of firearms. (New York Times, 4 September 1963)

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350. The Minister of Justice is now empowered to ban political organizations and public meetings. He is authorized to prohibit persons from public activities, restrict their movements, banish them, place them under house arrest or detain them for recurring periods of ninety days each. He may prohibit publications or require deposits of 20,000 rand for registration of newspapers. In many cases, the Minister is not required to give grounds for action or may only have to charge the victim with furthering the aims of communism, defined so widely as to cover all active opposition to the policies of apartheid. The powers of the courts to review his actions are extremely circumscribed.

351. The enforcement of repressive measures has intensified since General Assembly resolution 1761 (XVII), and particularly from the end of March 1963 when the Government launched a wave of arrests throughout the country alleging that "Poqo", an underground organization associated with the Pan-Africanist Congress, planned a violent uprising in 1963.

352. The developments during this period are briefly reviewed below.

353. On 16 November 1962, the Government announced a list of 437 persons (129 Whites and 308 non-Whites), described as persons who had been office-bearers, members or active supporters of the banned Communist party.^{243/}

354. On 28 December 1962, the Minister of Justice forbade these persons from being members or office-bearers of any organization which in any manner discusses, criticizes, defends, or attacks any form of State or any principle or policy of the government of a State, or which in any manner undermines the authority of the government of a State, and specifically prohibited them from office or membership in thirty-six organizations.^{244/}

355. Banning orders - under the terms of the Suppression of Communism Act, the Riotous Assemblies Act and the General Law Amendment Act of 1962 - have been issued to a large number of persons. On 30 July 1962, 102 persons were prohibited

^{243/} Government Gazette Extraordinary, 16 November 1962. Some additions and deletions have been made to the list since that date. Under the Suppression of Communism Act of 1950, the listed persons cannot become members of Parliament or Provincial Councils. The Minister of Justice may restrain them from attending gatherings or accepting office, confine them to a place or prohibit them from communicating with other persons.

^{244/} Government Gazette Extraordinary, 28 December 1962.

from attending public meetings: publication of their statements was forbidden in terms of the General Law Amendment Act of 1962. By March 1963, the number of banned persons rose to 148.^{245/} Between 1 March and 30 August 1963, 92 persons have been banned, some of them placed under house arrest.^{246/} The banning orders vary from case to case, and include such restrictions as: (a) confinement to a magisterial district or location; (b) prohibition on entering factories, locations and offices of organizations or newspapers; (c) prohibition from communicating with other banned persons or persons listed as Communists; (d) requirement to report daily to the police.

356. By 15 February 1963, twenty persons, including many leaders of the major non-White organizations, and White opponents of apartheid, were served with "house arrest" orders under the General Law Amendment Act of 1962.^{247/} The Act does not provide an opportunity for the victims to refute police information on which the orders are based.

357. The weekly newspaper, New Age, was banned in November 1962.^{248/} Another paper, Fighting Talk, was prohibited on 1 March 1963.^{249/} The weekly Spark, run by the same staff as the banned New Age, ceased publication on 28 March, following orders placing five of its senior staff members under house arrest and banning them from journalism.^{250/}

358. Journalists Peter Hjul and Randolph Vigne were served with orders restricting their journalistic activities and were obliged to withdraw from Contact, a "non-racial" Liberal fortnightly.^{251/}

^{245/} Southern Africa, London, 22 March 1963.

^{246/} Government Gazettes Extraordinary, 1 March-30 August 1962.

^{247/} House of Assembly Debates, 15 February 1963, cols. 1389-1392. The provision for house arrest seems to have largely gone out of use after some of the victims escaped and the Minister of Justice was enabled under the General Law Amendment Act of 1963 to detain persons for 90-day periods without trial. Among those remaining under house arrest is Mrs. Helen Joseph, national secretary of the multi-racial Federation of Women and a founder of the Congress of Democrats.

^{248/} Government Gazette Extraordinary, 30 November 1962.

^{249/} Government Gazette Extraordinary, 1 March 1963.

^{250/} Government Gazette Extraordinary, 7 December 1962 and 8 March 1963.

^{251/} Ibid., 15 March 1963 and 22 March 1963.

359. Numerous books have been banned. The Publications and Entertainments Act, which expands the State's censorship powers, was adopted by Parliament in the last week of March.

360. The sabotage sections of the General Law Amendment Act of 1962 were utilized increasingly. The first case to be tried under these sections concluded in January 1963 in the Port Elizabeth Supreme Court when two non-White men were convicted of throwing petrol bombs into the house of a native policeman on 6 October 1962. The number of trials and convictions increased to hundreds after the nation-wide arrests in March-April 1963.

361. Towards the end of March 1963, the Government began a wave of arrests throughout the country of persons alleged to belong to the Poqo, an underground organization, or to other unlawful organizations.

362. The Minister of Justice stated in the House of Assembly on 24 April 1963 that 2,294 persons had been arraigned under the General Law Amendment Act of 1962.^{252/} By 5 June, the number of alleged Poqo members in gaol reached 3,246.^{253/}

^{252/} Twenty-three cases involving the conviction of 90 persons had been disposed of to 22 April. There remained 894 cases involving 1,355 accused persons to be dealt with, including 344 persons accused of murder. (House of Assembly Debates, 24 April 1963, col. 4647; and statement by the Commissioner of Police, Gen. J.M. Keevy, on 29 April (Reuters, 29 April 1963).

^{253/} The Minister of Justice told the House of Assembly on 12 June:

"... in so far as sabotage is concerned, to date the courts have convicted 126 people who have been charged since we passed the Sabotage Act last year, and the lightest sentence any of them received was eight years ...

Cases are still being dealt with in the courts every day, and the courts are still giving judgement daily. ... There are still 511 accused persons awaiting trial. If hon. members ask me how many Poqo members have been charged with murder, I can tell them that to date 124 have been convicted and 77 are still in the process of being tried. Seventeen have been charged with attempted murder ...

"Then I come to the continued existence of banned organizations. In that regard action has already been taken against 670 people, and apart from those who are under arrest, 1,357 are in the process of being tried, and the total number of arrests of active Poqo members up to 5 June was 3,246. ... I have said before, and I think I should repeat it, that had it not been for the timeous and prompt action of the police, these people who were foolish enough to believe it possible, and who made preparations for taking over South Africa in 1963, would have caused a bloodbath in South Africa".

(House of Assembly Debates, 12 June 1963, col. 7771).

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Later in June, the Commissioner of Prisons stated that 5,293 persons had been arrested in the previous year for alleged security crimes; of these, 2,047 had been arrested on charges of attempting to further the aims of the African National Congress or the Pan-Africanist Congress.^{254/}

363. The General Law Amendment Act of 1963, providing for 90-day detention without trial and other rigorous measures, was promulgated in May 1963 and the Government immediately proceeded to implement it along with earlier measures.

Mr. Robert Sobukwe, President of the Pan-Africanist Congress, was detained on Robben Island after his release on 3 May from a three year sentence of imprisonment. Four organizations - Poqo, Dance Association, Umkonto We Sizwe and Spear of the Nation - were banned on 10 May.^{255/} On 12 July the S.A.A. Football League was banned.^{256/} By 2 July, 150 persons were detained under the 90-day detention clause.^{257/} Later in July, the Government placed an embargo on information about detainees. It was known, however, that at least 195 persons had been detained by 10 August 1963.^{258/}

364. A succession of cases were conducted during the past few months, involving hundreds of persons charged with sabotage, association with or furthering the aims of unlawful organizations or of communism as broadly defined in the Suppression of Communism Act. Extremely severe sentences were imposed even on a large number of juveniles involved.

365. Allegations of torture were often made against the police.

366. One result of this series of repressive actions was to convince the opponents of apartheid that there was no legal means of fighting the policy of apartheid and that the choice was to go abroad or underground. A number of persons,

^{254/} New York Times, 21 June 1963.

^{255/} Government Gazette Extraordinary, 10 May 1963.

^{256/} Government Gazette Extraordinary, 12 July 1963.

^{257/} A total of 163 persons had been arrested but 13 were subsequently released. (Cape Times, 3 July 1963) In addition, 176 persons are detained without trial under the Emergency Regulations (Proclamation No. 400 of 1960) in the Transkei. (House of Assembly Debates, 25 June 1963, col. 8711).

^{258/} The Star, weekly, Johannesburg, 10 August 1963. See also paragraph 426.

prominent in the movement against apartheid, left the country illegally or with the approval of the Government.^{259/} Several others were reported to have gone underground.

367. The Government's claims to have preserved peaceful conditions must be seen in the light of the fact that a number of major non-White organizations and other groups opposed to apartheid are banned; that all their leaders are under imprisonment or silenced; that thousands of political prisoners are held, many without ever being tried; that anyone demanding full equality of the races faces harsh persecution; and that the Government enjoys and employs arbitrary powers associated with a police state.

368. The arm of the police has reached very far. Rev. Arthur Elaxall, a 72-year old Anglican priest and social worker, has been charged under the Suppression of Communism Act in April and obliged to report to the police regularly.

Bishop Alpheus Zulu has been questioned by the Security Police and his home searched. The Liberal Party has come under severe attack: many of its leaders have been banned or arrested, and its meetings prohibited.

(b) Violent Resistance

369. The progressive elimination of all avenues of peaceful protest has led to the growing conviction among opponents of apartheid, including all the major non-White organizations, that violent resistance is the only means to secure equal rights for all the people of the country.

370. It may be recalled that the non-White people of South Africa had tried a variety of peaceful means to achieve their aims and faced harsh persecution by the Government.

371. In the post-war period alone, one may recall the Indian passive resistance movement of 1946-48 in which 2,300 persons courted arrest; the Campaign of Defiance against Unjust Laws in 1952 in which over 8,500 persons of all races were arrested for non-compliance with apartheid regulations; and numerous demonstrations, boycotts, and strikes. All these had been put down by the

^{259/} The Minister of Justice told the House of Assembly in June that 195 persons connected with subversive organizations had left the country since 1960. (House of Assembly Debates, 12 June 1963, col. 7767).

harshest measures of repression and ever more rigorous laws. The Government has consistently refused to recognize that the demand for a share of political power in the country is legitimate, and has put down all such demands as mortal dangers to the social order.

372. This has created increasing frustration and discontent, and increasing disillusionment in methods of non-violence followed by the principal non-White organizations.

373. A recent survey of attitudes of middle class Africans, published by the South African Institute of Race Relations, indicated that most of them were prepared to accept violence as a method of political action and that nearly half held that force had become inevitable.^{260/}

374. As Mr. Nelson Mandela, leader of the African National Congress, told the Court before his conviction last fall:

"Always we have been conscious of our obligations as citizens to avoid breaches of the law, where such breaches can be avoided to prevent a clash between the authorities and our people, where such a clash can be prevented, but nevertheless we have been driven to speak up for what we believe is right and work for it and try to bring about changes which will satisfy our human conscience ... Government violence can do only one thing and that is to breed counter-violence. We have warned repeatedly that the Government by resorting continually to violence will breed, in this country, counter-violence amongst the people, till ultimately if there is no dawning of sanity on the part of the Government, ultimately the dispute between the Government and my people will finish up by being settled in violence and by force. Already there are indications in the country that people, my people, Africans, are turning to deliberate acts of violence and of force against the Government in order to persuade the Government in the only language which this Government shows by its own behaviour, that it understands."^{261/}

375. In the past two years, the major African nationalist organizations and their allies have announced that they accept force as essential to bring about changes in the situation in South Africa.

^{260/} The Star, weekly, Johannesburg, 13 July 1963.

^{261/} Quoted in House of Assembly Debates, 23 January 1963, col. 109.

376. According to South African officials and press reports, a number of underground organizations have been established since 1960: "Poqo" was formed by adherents of the Pan-Africanist Congress and Umkonto We Sizwe (Spear of the Nation) by adherents of the African National Congress. The latter is said to emphasize sabotage, while "Poqo" had resorted to terrorism.^{262/}

377. A wave of sabotage and violence has been reported since the middle of December 1961 when bombs were exploded in a Johannesburg post office and an attempt was made to destroy an electric power station in Port Elizabeth.^{263/} The Government sought to counter this trend by the severe penalties imposed for sabotage under the General Law Amendment Act of 1962.

378. Despite this Act there was a great increase in incidents of sabotage in the weeks after General Assembly resolution 1761 (XVII). Cases of sabotage against the telephone and telegraph system, electric pylons and railroads were reported at a number of places throughout the Republic, including Port Elizabeth, Cape Town, Durban, Johannesburg and Roodepoort.^{264/} An explosion damaged the editorial offices of the Afrikaans weekly newspaper, the Natallier, on 18 January 1963. Explosions took place in the Bantu Administration Offices in Durban and Johannesburg in March 1963. A Johannesburg store dealing in firearms was attacked on 9 April 1963.

379. Simultaneously, a number of cases of violence were reported, particularly in Western Cape and the Transkei.

380. On 22 November 1962, disturbances broke out in Faarl when, according to press reports, about a hundred Africans surrounded the police station in an effort to release seven African prisoners. The police opened fire and five Africans were shot dead. Two Whites were killed and three others critically injured before the

^{262/} House of Assembly Debates, 25 March 1963, cols. 3343-45; 24 April 1963, cols. 4643-48.

^{263/} The press reported the appearance of a poster which claimed that these attacks had been organized by units of Umkonto We Sizwe, an independent body formed by the Africans, but including South Africans of all races. It stated that though the main national liberation organizations had consistently followed a policy of non-violence, "the peoples' patience was not endless". (African World, London, 1 February 1962).

^{264/} According to Southern Africa, London, 7 December 1962, there had been over 40 acts of sabotage in South Africa in the previous three months.

police could restore order. Four hundred Africans were subsequently arrested and an inquiry into the disturbances was ordered by the Government.^{265/}

381. In Transkei, clashes occurred between police and Africans at Queenstown and Qamata in December 1962: thirteen Africans were killed and hundreds arrested. Five Whites were murdered near Bashee River in February 1963: over a hundred police, assisted by two South African Defence Force helicopters, combed the area and a large number of arrests were made. About 35 Africans were reported to have attacked police and administrative offices in King Williams Town on 8 April 1963: a number of Africans were arrested.

382. Meanwhile on 21 March 1963, an interim report by Mr. Justice J.H. Snyman, acting as a one-man commission of inquiry into the Paarl disturbances, was introduced in the House of Assembly. He warned that terrorism and unlawful activities by Poqo would increase to alarming proportions and should be expected to increase on a national scale with the object of overthrowing the White rule in South Africa in 1963 unless drastic action was taken immediately. He stated that Poqo, with a membership of many thousands, appeared to be at its strongest in the locations of Cape Town - especially Langa. It aimed to destroy the White government by revolutionary methods and replace it with an "African Socialist Democratic State" in which only Africans would have a say. He recommended special legislation and "special courts" to deal with the organization.^{266/}

383. The Government immediately announced acceptance of his findings and recommendations,^{267/} and the police began large-scale arrests of alleged members of Poqo. The Prime Minister, Dr. Henrik Verwoerd, told the House of Assembly that in combatting subversive activities and communism he would not hesitate to "put the safety of the State and of its citizens above mere technicalities" of ordinary court procedure. He argued that the Government could not sit back because it did not have enough evidence to deal with the violent activities of the Poqo in the normal way through the courts.^{268/}

^{265/} Government Notice No. 1982, 30 November 1962; House of Assembly Debates, 5 February 1963, cols. 745-46.

^{266/} House of Assembly Debates, 25 March 1963, cols. 3312-14, 3322-29 and 3343-45; Ibid., 24 April 1963, cols. 4658-60; Reuters, 22 March 1963.

^{267/} House of Assembly Debates, 25 March 1963, cols. 3321-30.

^{268/} House of Assembly Debates, 26 March 1963, col. 3434.

384. After the wave of arrests and convictions, and the promulgation of the General Law Amendment Act, the Government began to claim that the situation had been brought under control, but its statements concede that it had not ended.^{269/}

385. Mr. Justice Snyman, in his final report on the Paarl riots submitted in June, said that Poqo was declining as a result of the drive against it, but that the African National Congress was gaining in strength.^{270/}

386. Soon, the Government detained a number of suspected members of the African National Congress under the General Law Amendment Act of 1963. Officials claimed significant success in their efforts to suppress the African National Congress on 11 July when they arrested 17 persons, including Walter Sisulu and Ahmed Kathrada, who had earlier escaped from house arrest. They were detained without trial under the 1963 Act.^{271/}

387. The African National Congress asserted, however, that the underground organization was carrying on under new leaders.^{272/}

^{269/} Speaking in the House of Assembly on 24 April 1963, the Minister of Justice, Mr. Vorster, said that the Poqo had been "crippled" by the arrests but not destroyed. He quoted Mr. Justice Snyman as stating that the country should be prepared for Pan-Africanist Congress activities for several years. He advised that the country should also keep an eye on the Umkonto We Sizwe, as the police did not have as much success with it as they had with Poqo. (House of Assembly Debates, 24 April 1963, cols. 4643-47). In May, the Minister of Justice claimed that though there may be minor flare-ups by individuals, the new legislation would ensure that there would be no trouble for at least two years. (The Star, daily, Johannesburg, 20 May 1963).

^{270/} Southern Africa, London, 28 June 1963; South African Digest, Pretoria, 4 July 1963.

^{271/} Four of the prisoners escaped on 11 August.

^{272/} Document A/AC.115/L.28.

VIII. BUILD-UP OF MILITARY AND POLICE FORCES^{273/}

388. In the two Interim Reports, the Special Committee has reviewed the tremendous expansion of military and police forces since 1960 and showed that the expansion of all branches of the armed forces, the setting up of air commando units, the establishment of police reserves and home guards, the training of civilians in the use of arms, the development of the radio network to link all of the nearly one thousand police stations in the Republic, the import of vast quantities of modern arms, and the great increase in the defence and police budgets were indicative of the increasing tension in the country. Some of the information is briefly summarized here and supplemented by additional data.

(1) Increases in Defence and Police Budgets

389. During the period between 1960-61 and 1963-64, the defence budget of the Republic of South Africa nearly quadrupled, while the expenditures on police increased by over one-third. Estimates for the current year are far in excess of the highest annual expenditure during the period of the second World War when South African forces saw action in many theatres.^{274/}

^{273/} The Special Committee transmitted detailed information on this question in annex II of the second interim report to the General Assembly and the Security Council (A/5453 and S/5353). See annex IV of the present report.

^{274/} In 1944-45, the expenditure on defence was 102,500,000 rand, and on police 7,190,322 rand. (Official Year Book of the Union of South Africa, 1948, p. 631.) A rand is equivalent to half a pound sterling, or \$1.40.

Estimates of Expenditure for Defence and Police,
1960-61 to 1963-64
(Rand)

	<u>1960-61</u>	<u>1961-62</u>	<u>1962-63</u>	<u>1963-64</u>
Defence	43,591,000	71,550,000	119,755,000	157,000,000 ^{275/}
Police	<u>36,200,000</u>	<u>38,396,000</u>	<u>40,800,000</u>	<u>50,870,000</u>
Total Security Budget	<u>79,796,000</u>	<u>109,946,000</u>	<u>160,555,000</u>	<u>207,870,000</u>

(Source: Republic (Union) of South Africa, Estimates of the Expenditure to be defrayed from Revenue Account during the years ending 31 March 1961, 1962, 1963 and 1964)

390. A breakdown of the expenditures shows that the largest increases are for the acquisition of arms and ammunition, by importation and increase in domestic production. Increases in the strength of the armed forces do not require proportionate increases in public expenditure, as the standing army is kept relatively small.

(2) Increases in Strength of the Military and Police Forces

391. The South African Defence Force consists of:

- (1) The Permanent Force, or the standing army (the Army, Air Force and Navy):
- (2) The Citizen Force, comprising volunteers and citizens drawn by ballot and enrolled in the Force; and
- (3) The Commandos, comprising volunteers and citizens not drawn by ballot for enrolment in the Citizen Force.

^{275/} This amount includes 26,111,000 rand allocated from the Loan Account for 1963-64; 7,000,000 rand from the 1961-62 surplus for the Defence Special Equipment Account; and 2,000,000 rand to the Special Account. (House of Assembly Debates, 20 March 1963, col. 3056).

392. The strength of the Permanent Force has increased between 1960-61 and 1963-64 from 9,019 to 15,288.

	<u>Strength of the Permanent Force, 1960-61</u> <u>to 1963-64</u>			
	<u>1960-61</u>	<u>1961-62</u>	<u>1962-63</u>	<u>1963-64</u>
Officers	1,275	1,421	1,903	2,288
Other Ranks	<u>7,744</u>	<u>9,036</u>	<u>10,797</u>	<u>13,000</u>
Total:	9,019	10,457	12,700	15,288
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

(Source: Estimates of Expenditure, 1960-61, 1961-62, 1962-63, 1963-64.)

393. The Citizen Force consists of about 10,000 men called to service annually to serve for four years, or a total of 40,000 men available at any time. Before 1961, members of this Force underwent a three-month continuous training in the first year, and a three-week training in the second, third and fourth years. Under the Defence Amendment Act of 1961, the period of training was increased to nine months in the first year and three months in the following years.

394. The greatest expansion has been in the Commando in which every able-bodied South African citizen is required by law to serve for four consecutive years in case he has not been previously a member of the Permanent Force or the Citizen Force or the Reserve unit of either. Members of the Commando are trained in the use of weapons and in combat operations, and are subject to call for service at any time.

395. The Defence Amendment Act of 1963 provided for the formation of Air Commandos whose primary task would be to assist the armed forces and the police in transporting troops and equipment, in reconnaissance flights and in providing other forms of air support to the ground commandos.

396. The Minister of Defence, Mr. J.J. Fouche, stated in the House of Assembly on 28 May 1963: "Our aim is to train every young man for military service whether he is flat-footed or not."^{276/} He announced in June 1963 that South Africa could have 140,000 men in uniform by the end of 1964.^{277/}

^{276/} House of Assembly Debates, 28 May 1963, col. 6784. See also paragraph 433.

^{277/} House of Assembly Debates, 3 June 1963, col. 7056.

397. The police force has not been correspondingly increased, but has been supplemented by a police reserve and assured of support by the Armed Forces in dealing with internal disturbances.

Strength of Police Force, 1960-61
to 1963-64

	<u>1960-61</u>	<u>1961-62</u>	<u>1962-63</u>	<u>1963-64</u>
Whites	13,452	13,455	13,459	14,560
Non-Whites	<u>14,635</u>	<u>14,645</u>	<u>14,645</u>	<u>14,783</u>
Total:	28,137	28,111	28,104	29,343
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

(Source: Estimates of Expenditure, 1960-61, 1961-62, 1962-63, 1963-64)

The staff of the Security Branch of the police, however, has been more than tripled between January and July 1963, and further enlargement is planned.^{278/}

398. The strength of the police reserve was 12,000 in July 1963 and was expected to increase to more than 15,000 by the end of the year. Brig. J.A.C. Reay, Assistant Commissioner in charge of the Police Reserve, said that it was conceivable that the reserve could have 50,000 men in the next few years.^{279/}

399. In May 1963, the Parliament approved the Defence Amendment Act, which enabled members of the Citizen Force or Commando to carry out police duties, and authorized magistrates to call on them to help the police when necessary for the maintenance of public safety. The Minister's approval would have to be obtained in four days.

400. Significantly, the security forces remain largely White. The military forces are fully White: non-Whites are employed only in the police forces. While

^{278/} Statement by the Commissioner of Police, Lt. Gen. Johannes Kevy, on 18 July. (Reuters, 18 July 1963).

^{279/} The Star, weekly, Johannesburg, 20 July 1963.

continuing to exclude Africans from the security forces,^{280/} except the police force, the Government has taken some limited measures to utilize the services of Coloureds and Indians.

401. On 11 April 1963, the Minister of Justice announced a decision to create police reserves of Coloureds and Indians.

402. The Government has also decided to revive the Cape Corps, which had been abolished after World War II, as an integral part of the Permanent Force. The Minister of Defence announced on 19 February 1963:

"Initially and for the first year the intake of recruits will be restricted to 140. Some of these will be specially selected with a view to being trained as instructors. ... Members of the Corps will not be trained and used in combatant capacities. Initially their services will be utilized in musterings for which there is an immediate requirement, e.g. drivers, guards, stretcher bearers, cooks, etc. ... Members of the Cape Corps will for the first year ... receive training in regimental duties, e.g. drill and ceremonial, first aid and hygiene, driving and maintenance of vehicles. ... Regarding musketry, however, they will only be trained in the handling of single-shot small arms for self-defence and the protection of Government property which may be entrusted to them." ^{281/}

403. In view of the re-establishment of this Corps, the Government introduced an amendment to the Defence Act of 1957 to preclude a non-White officer from arresting a White soldier or exercising authority over a White soldier.

(3) Role of Military Forces with Respect to Internal Security

404. In view of the stated policies of other Governments that they would not supply arms which may be utilized for the implementation of the policies of apartheid, the

^{280/} Mr. Harry Oppenheimer, the prominent industrialist, recently suggested that Africans should be allowed to take a greater part in the defence of the country, as the major arms build-up taking place could well be interpreted overseas as a means of repression and oppression of racial groups within its borders.

"Overseas opinion will not accept that our purpose of having a large, efficient defence system is to fight totalitarianism, aggression and oppression of our people from outside sources.

"Until now the defence of the country has rested entirely with the White population - we must see that in future other races are fully represented in our defence programme."

(The Star, weekly, Johannesburg, 30 March 1963).

^{281/} House of Assembly Debates, 19 February 1963, cols. 1576-77.

Government has recently insisted that the military expansion is for external defence and not for internal purposes. The provisions of the Defence Amendment Act, however, make clear the close connexion between military and police duties. Military forces have frequently been used in recent months in connexion with local disorders.

405. Moreover, a number of statements made by the Government since 1960, when the expansion was undertaken, show that internal security is regarded as one of the main functions of the defence forces.

406. On 28 March 1960, the Minister of Defence, Mr. J.J. Fouche, declared in the Senate:

"It is accordingly the defence policy of the Union first of all to concentrate its defence organization upon the implementation of internal security tasks and secondly, to protect the sea-routes around South Africa, in company with the British Royal Navy. ...

"The task of the Army and the Air Force is to take action for internal security as soon as disturbances have reached a degree where the police are unable to control them. ... Greater mobility, armoured protection and increased striking power have been given to twelve of the infantry units at strategic places in the form of Saracens. These Citizen Force units, together with the two Mobile Watches which are organized as Saracen units for internal security, form a shock element in the Army. ... Besides these Watches and the units of the Citizen Force the commandos have been organized over the past years in order to ensure that they will be able to act more efficiently for internal security. At the moment, there is a scout corps of twenty-five men with each commando and these will be available immediately in case of internal emergency ..." 282/

He further stated before the Senate on 26 April 1961:

"Our policy is, Mr. President, within the limits of our financial and manpower ability, to establish an armed force and equip it so that (1) it can ensure internal peace and order in co-operation with and in support of the South African Police. The South African Defence Force has already been largely equipped for this task. (2) At the same time the armed forces must be in a position to take action against such aggression as we may expect; (3) the armed forces have to be able to enter the fray immediately after mobilization without further training and (4) in the course of time produce more and better-trained reservists ..." 283/

282/ Senate Debates, 28 March 1960, col. 1403.

283/ Senate Debates, 26 April 1961, col. 3684.

"I want to point out, Mr. President, that in the internal sphere the armed forces and the police have to work together closely. The police have their own duties in which the armed forces do not participate, namely, the combating of crime. The armed forces have their demarcated duty, namely, the combating of aggression in which the police do not share. However, between these two extremes lies the central field which concerns the safeguarding of internal peace and order. Here both forces have their responsibilities. We learnt a great deal during the state of emergency last year and also in Pondoland. ...

"Because our armed forces have to be prepared to combat internal subversion as well as outside aggression, the best weapons have to be supplied for this purpose. Automatic small-arms have already been obtained and the Citizen Force and the Permanent Force are now being equipped with them as far as the combat units are concerned. Eventually the weapons will also be made available to the commandos. Large numbers of radio sets have already been ordered and more are being ordered for the improvement of communications in our field forces. Competent officers have been sent overseas to evaluate the main equipment on the market with a view to obtaining it." 284/

407. As recently as 24 June 1963, the Minister of Defence confirmed that the first of the three main tasks of the armed forces was "to assist the police to maintain internal order." 285/

(4) Foreign Sources of Arms and Ammunition

408. In recent years, the Government of the Republic of South Africa has spent enormous amounts of public funds for the purchase from other countries of modern arms, such as frigates, minesweepers, and various types of aircraft.

409. The United Kingdom was the main supplier of arms to South Africa, particularly in connexion with agreements signed by the two countries on 30 June 1955 concerning the transfer of the Simonstown naval base to South Africa and co-operation for the defence of the sea routes around South Africa. 286/ Lately, however, the Republic of South Africa has made substantial purchases in other countries. 287/

284/ Senate Debates, 26 April 1961, cols. 3669-70.

285/ House of Assembly Debates, 24 June 1963, col. 8627.

286/ Agreement on the Defence of the Sea Routes round Southern Africa, and Agreement relating to the Transfer of the Simonstown Naval Base. Texts in Cmd. 9520. These agreements were maintained in force after South Africa left the Commonwealth.

287/ See second interim report, annex II, paragraphs 33-44.

410. Subsequent to the Special Committee's second interim report, the representative of the United States of America announced in the Security Council on 2 August that his Government expected to bring to an end the sale of all United States military equipment to the Government of South Africa by the end of 1963.

411. The Secretary of State for Foreign Affairs of the United Kingdom, Lord Home, stated on 3 August:

"We agree that no arms should be exported to South Africa which could be used to further the policy of apartheid.

"Like the Americans, we do have certain outstanding commitments. We are members of the Simonstown Agreement, which provides for the defence of sea routes round the Cape - a matter very important to Britain. We shall continue to supply arms, like ships, which are legitimate weapons for self-defence. We shall certainly oppose, though, any suppression of the natives by arms." 288/

412. On 13 August, the Prime Minister of the United Kingdom, Mr. H. Macmillan, stated that the United Kingdom would carry out its obligations under the Simonstown Agreement and would continue to export arms to South Africa "for that country's strategic defence, but not weapons which can be used for suppression." He added that the United Kingdom would meet the strategic needs of both countries "such as warships or something of that sort; the position is broadly that taken by the United States." 289/

413. The representative of France stated in the Security Council on 6 August 1963 that "the French authorities will take all measures which they consider necessary to prevent the sale to the Government of South Africa of weapons that might be used for measures of suppression." 290/

(5) Manufacture of Arms and Ammunition in South Africa

414. Manufacture of weapons and munitions in South Africa has been greatly expanded in recent years. The budget provision for the manufacture of munitions has increased over the past four years as follows:

288/ The Times, London, 5 August 1963.

289/ The Star, weekly, Johannesburg, 17 August 1963.

290/ S/PV.1054, p. 62.

1960-61	-	368,000 rand
1961-62	-	3,341,000 rand
1962-63	-	14,289,000 rand
1963-64	-	23,572,000 rand

(Source: Estimates of Expenditure, 1960-61, 1961-62, 1962-63, 1963-64)

415. On 15 March 1963 the Minister of Defence stated:

"We have drawn up a comprehensive programme which provides for the manufacture locally of ninety-two major items of ammunition." 291/

He announced on 30 March 1963 that twice as many shifts would be worked soon to produce twice as much ammunition of certain types as before.

416. Production of automatic weapons is planned for 1964. Production of tear gas and other gases used against rioters has been commenced because there was some doubt whether the Republic would be able to import enough of these for "peace time use". 292/ The Government is reported to be planning to train scientists and engineers to build rockets with conventional warheads. 293/

291/ Senate Debates, 15 March 1963, col. 1764.

292/ The Star, weekly, Johannesburg, 20 April 1963.

293/ Reuters, 27 August 1963.

IX. DEVELOPMENTS SINCE THE SECURITY COUNCIL RESOLUTION OF 7 AUGUST 1963

417. On 7 August 1963, the Security Council strongly deprecated the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the United Nations Charter and contrary to its obligations as a Member State of the United Nations; called upon the Government of South Africa to abandon the policies and discrimination as called for in the previous resolution of 1 April 1960; and further called upon that Government to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid.^{294/}

418. This resolution, based on the Council's conviction that the situation in South Africa was seriously disturbing international peace and security, obviously required urgent and adequate measures by the Government of the Republic of South Africa. However, instead of giving earnest consideration to measures to comply with its terms, the Government of the Republic of South Africa has taken a hostile attitude and continued to impose its policies of apartheid on the people of South Africa.

419. In an address on 17 August 1963, Prime Minister Dr. Verwoerd declared with reference to the Security Council resolution:

"We will never give in. If we weaken we are lost ... Here I stand. I cannot do otherwise.

"Like Luther, we too say that we cannot do otherwise. Our conscience shows us the road - but so does our 'selfishness'. If we yield we throw away everything - our money, our goods, and our lives."

420. He added that it may be that South Africa was the country where the whites of the world were destined to regain their inspiration:

"We are here to hold the fort so that they can regain their strength and start anew the battle for Christianity and civilization."

^{294/} For the text see paragraph 57.

421. He claimed that if South Africa appeared to be isolated in regard to its racial policies, the country was definitely not isolated in the very important spheres of life because its purchasing power was of great value in the international market. South Africa's prosperity ensured that it could afford to implement separate development which, he said, could not be achieved without money.^{295/}

422. Speaking on 28 August to the annual Congress of the National Party of Natal in Durban, Prime Minister Dr. Verwoerd claimed that the world would once more consider it right and proper for the white man to act as guardian and protector of the developing Black Nations. He argued that mixed democracy would inevitably lead in the end of majority rule, despite constitutional blocks, and added:

"I am not prepared to give away our heritage. I am prepared to fight to the death for my right and that of the nation to exist.

"... we can only go ahead, no matter how stubborn the people call us when we stick to our guns; it remains our duty to stand by our convictions. Why must we be called stubborn, when we fight for our existence?"

He set out three ways in which he said that the Republic of South Africa could stand fast and ward off the onslaught and criticism from outside: (a) South Africans should stand together as a bold white nation; (b) they should preserve the strength and independence of South Africa - thus preserving peace and order; and (c) they should put South Africa's message across to the other Western nations to whom South Africa had pledged support if they should be threatened.^{296/}

423. On 3 September 1963 Prime Minister Dr. Verwoerd stated that apartheid was the road to economic prosperity, good will between the races and good neighbourliness between self-governing territories established on a strictly racial basis, and indicated his opinion that the extension of apartheid to Basutoland, Bechuanaland and Swaziland under South African guardianship would be to their advantage. He declared:

"We offer a new deal for them which is better than anything they can get under the British ... South Africa ... would under her guidance free them in the same way as she is doing in the Transkei."^{297/}

^{295/} Reuters, 17 August 1963; South African Digest, Pretoria, 22 and 29 August 1963.

^{296/} South African Digest, Pretoria, 5 September 1963.

^{297/} New York Times, 4 September 1963.

424. The Government continues to implement all apartheid legislation and refuses to negotiate the grievances of non-whites with their leaders and organizations. On 27 August 1963, the Prime Minister, Dr. Verwoerd, declined a proposal of fifteen Indian leaders for a meeting between Indian representatives and the Cabinet to discuss problems of the Indian community.^{298/}

425. Moreover, the Government of the Republic of South Africa has taken no measures to comply with the demand of the Security Council that it "liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid", but has, on the contrary, implemented harsher repressive measures.

426. A number of persons have been detained since 7 August under the provisions of the General Law Amendment Act of 1963.^{299/} The Minister of Justice, Mr. B.J. Vorster, announced on 23 August that more than 300 persons were under detention under this Act.^{300/} He stated that 165 detainees would be charged in the coming weeks with sabotage and related activities and that similar charges against eighty-five other detainees were being investigated.

427. He claimed:

"I do not want to say that we have finally put an end to subversive activities, but I regard our success as a tremendous breakthrough."

He added that frequent arrests of this nature would continue in connexion with the "normal investigations of the police".^{301/}

428. Also in August, the Minister of Justice threatened to take action against the National Union of South African Students, which, he said, was planting "Progressive-Liberalist" ideas in certain universities and misleading the youth.^{302/}

^{298/} S.A.P.A., 27 August 1963.

^{299/} The Act, it may be recalled, provides for ninety-day detention without trial. On 7 August 1963 the first person to serve the full ninety-day period without trial was released and immediately re-arrested before leaving police headquarters in Johannesburg. His family was not notified of his re-arrest, nor allowed to see him during his moment of freedom (The Star, weekly, Johannesburg, 10 August 1963).

^{300/} See also paragraph 363.

^{301/} The Star, weekly, Johannesburg, 24 August 1963.

^{302/} The Star, weekly, Johannesburg, 31 August 1963.

429. Meanwhile, trials on charges of sabotage and membership in unlawful organizations continue and the accused are sentenced to harsh penalties.^{303/}
430. These repressive measures seem to have heightened the danger of violence. On 17 August, the offices of the Bantu Affairs Commissioner at Wynberg, which contained vital statistics covering the African population of Alexandra and Johannesburg North, were completely destroyed by fire. At the same moment, the largest Dutch Reformed Church in Alexandra was completely destroyed by fire.^{304/}
431. On 3 September 1963, saboteurs dynamited signal cables at five different places on a suburban railway near Cape Town. The dynamiting was considered the boldest action by saboteurs in recent months. Police said that it appeared to have been carried out by four separate groups of saboteurs working together.^{305/}
432. Finally, the Government is contemplating steps to expand its security forces further. Prime Minister Dr. Verwoerd stated on 17 August 1963 that the State was able to provide the Police Force with all equipment necessary to maintain order and that the Defence Force could also be enlarged and strengthened to an almost unbelievably high level.^{306/} On 23 August 1963, he added that South African industries could supply all the arms and ammunition needed for the country's internal defence.^{307/}
433. On 4 September 1963 the Transvaal Congress of the National Party voted overwhelmingly to extend military training to white women. The Minister of Defence, Mr. J.J. Fouché, said that the build-up of a strong and balanced defence force was progressing well and that by 1963, 62 per cent of South Africa's white youth would have received military training. He added that in the light of current programmes it would be economically impossible to extend full military training to white women, but that the Department was considering employing women as office workers,

^{303/} On 23 August 1963, twenty-one Africans were sentenced to imprisonment for periods ranging from five to twenty years on charges of sabotage or membership in an unlawful organization. (The Star, weekly, Johannesburg, 24 August 1963; Agence France Presse, 23 August 1963). On 30 August 1963 the Supreme Court sentenced twelve Africans to terms of imprisonment ranging from three to fifteen years on similar charges. (Reuters, 30 August 1963).

^{304/} The Star, weekly, Johannesburg, 17 August 1963.

^{305/} Reuters, 3 September 1963.

^{306/} South African Digest, Pretoria, 22 August 1963.

^{307/} The Star, weekly, Johannesburg, 31 August 1963.

transport drivers, and in a variety of such jobs in the Permanent Force, thus releasing men for other duties.^{308/}

^{308/} In response to another proposal at the Congress that automatic rifles be freely made available to all whites, the Minister of Defence said that it could not be done but that enough arms were available to ensure that every member of the Commandos was well armed in case of need. (Reuters, 5 September 1963).

PART III

CONCLUSIONS AND RECOMMENDATIONS

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I. RACIAL POLICIES OF THE REPUBLIC OF SOUTH AFRICA AND THEIR REPERCUSSIONS

434. In the discharge of its mandate under operative paragraph 5 of General Assembly resolution 1761 (XVII), the Special Committee has carefully reviewed the racial policies of the Government of the Republic of South Africa; taken note of numerous communications from Governments, non-governmental organizations and individuals; heard a number of petitioners; and studied official statements and documents of the South African Government, as well as reports in the Press.

435. The results of the Committee's study, as indicated in the two interim reports and the present report, make it clear that the Government of the Republic of South Africa has not only not complied with the General Assembly resolution, but has taken further measures to aggravate the situation. It has likewise not complied with the provisions of the Security Council resolutions of 1 April 1960^{309/} and 7 August 1963.^{310/}

436. The Special Committee notes that the Government of the Republic of South Africa continues to implement the mass of discriminatory and repressive legislation, and has added to it serious new measures such as the Transkei Constitution Act, the Bantu Laws Amendment Act and the General Law Amendment Act.

437. During the period since 6 November 1962, the Government has uprooted thousands of families from their homes in the urban areas and expelled many thousands of persons from these areas. Hundreds of thousands of persons have been arrested under pass laws and other racially discriminatory measures. The non-Whites have been excluded from new categories of employment. A reign of terror has been instituted against opponents of apartheid: the leaders of the non-Whites have been jailed or restricted, and thousands of persons have been thrown in jail for opposition to apartheid, with no certainty of ever being set free. Harsh penalties have been imposed on members of the major non-White organizations. Simultaneously, efforts are being made to set up colonial enclaves in the African reserves as a means to consolidate White supremacy.

^{309/} For the text, see annex II.

^{310/} For the text, see paragraph 57.

438. The Government has openly relied on its political, military and economic power to defy the will of the great majority of the people of South Africa, as well as that of the United Nations. With ruthless measures of repression, it has denied all avenues for peaceful change, greatly increased tension within the country and has created the grave danger of a violent conflict which cannot but have serious international repercussions.

439. The Special Committee notes that, far from pausing to consider the means to comply with the provisions of the resolutions of the General Assembly and the Security Council, the Government of the Republic of South Africa reacted to these resolutions by new and harsher measures of repression against its opponents, the hastening of apartheid measures, and attempts to rally its supporters to mere stubborn resistance to the legitimate and urgent demands of the international community. The unrepresentative and minority Government of the Republic of South Africa continues thus to pursue an increasingly isolationist course and policy, dragging the overwhelming majority of the inhabitants against their wishes away from the mainstream of international life and co-operation and from the benefits and advantages deriving therefrom.

440. The Special Committee notes that the attitude of the Government of the Republic of South Africa to the Security Council resolution of 7 August 1963, described in the previous chapter, deserves particular condemnation in the light of Article 25 of the United Nations Charter. In calling for a report by the Secretary-General by 30 October 1963, the Security Council gave sufficient time for the South African Government to reconsider its position and take meaningful steps towards compliance so that additional measures may be avoided. The Special Committee feels that the utterly negative reaction of the South African Government makes it essential to consider, with no further delay, possible new measures in accordance with the Charter which provides for stronger political, diplomatic and economic sanctions, suspension of the rights and privileges of the Republic of South Africa as a Member State, and expulsion from the United Nations and its Specialized Agencies.

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Certain Aspects of the Situation in the Republic of South Africa

441. Before discussing such measures, the Special Committee wishes to submit certain observations on the salient aspects of the problem.

442. First, the Special Committee wishes to emphasize that the problem in South Africa is not merely the perpetuation of inequalities arising from historical developments or the continued existence of such inequities as the denial of franchise to a majority of the population, the separation of peoples by race or the discrimination in the sharing of the fruits of labour. Such terms as segregation and discrimination can hardly describe the humiliation and oppression to which millions of people, who constitute a large majority of the population of the country, have been subjected by the policies of its Government.

443. Second, the Special Committee considers that the problem is not one of a peculiar political or social system which democratic-minded peoples find objectionable, but of an official policy of a State, a tyrannical policy imposed for purposes which are repugnant to the fundamental principles of the United Nations Charter. The racist creed that the policies of apartheid are based on is not only unjust, but is the very antithesis of the concept of international co-operation which is at the root of the existence of the United Nations.

444. Third, the Special Committee rejects the claims of the Government of the Republic of South Africa that it is, by its policy, defending the Western or Christian civilization in its territory or that it is the victim of attacks led by one of the protagonists of the cold war. The Special Committee notes that the policies of the Republic of South Africa are a matter of concern to all States and to all peoples. They have been denounced almost unanimously by the Member States and by world public opinion. It is the responsibility of all Member States, irrespective of other differences, to co-operate in an endeavour to put an end to the dangerous situation in the Republic of South Africa, in the interests solely of the people of South Africa and the maintenance of international peace and security.

445. Fourth, the Special Committee reiterates its view, stated in its first interim report, that the problem in the Republic of South Africa is not one of colour or race but "the consequence of a racialist ideology enshrined as State policy and implemented by force against the majority of the people of the

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country, despite the obligations of the Government of the Republic of South Africa under the United Nations Charter".^{311/}

446. The hearings of the petitioners and the review of the developments have underscored the Committee's view that the policies of apartheid are detrimental to the interests of all sections of the population of the Republic of South Africa. These policies cannot be implemented without undermining the freedom and human rights of all persons, White and non-White alike. Indeed, as the Committee declared in the declaration issued by its Chairman and Rapporteur on the occasion of the publication of its second interim report:

"The present Government of the Republic of South Africa offers for all time no other future to its non-White population than perpetual subordination. Though it describes itself as engaged in a struggle for the survival of the White population, it deliberately imperils their own safety and offers them no other destiny than a hopeless struggle for domination."

447. The Special Committee rejects as unfounded the claim of the Government of South Africa that the choice in South Africa is between White domination and the end of the White community in the country. It feels that the White community cannot ensure its survival by seeking perpetual domination over the non-Whites, and that efforts to that end can only lead to catastrophic consequences.

448. Contrary to the assertions of the Government of the Republic of South Africa, the Special Committee noted that the major non-White organizations favour equality of all citizens, irrespective of race, and that they have repeatedly expressed a desire for discussions to ensure progress towards equality. It has also noted with great satisfaction that among those who oppose the policies of apartheid, despite severe repression, are members of all racial groups in the country, including many Whites.

449. The United Nations has already made clear in General Assembly resolution 616 B (VII), reaffirmed in subsequent resolutions, that the peaceful development of a unified community in multi-racial societies such as the Republic of South Africa would best be assured "when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless

^{311/} S/5310 and A/5418, para. 22 (see annex III).

of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality". The Special Committee feels that this is the only course which can serve the true interests of all the peoples of the Republic of South Africa, irrespective of race or colour.

450. Fifth, the Special Committee notes that the harsh repressive measures instituted by the Government frustrate the possibilities for peaceful settlement, enhance hostility among the racial groups, and precipitate a violent conflict with incalculable harm to persons of all racial groups in the country, to friendly relations among States and to the maintenance of peace in Africa and the world.

451. The Special Committee, therefore, attaches the utmost importance to the release of political prisoners, withdrawal of orders of banishment and other restraints against political leaders and the abolition of repressive legislation. Moreover, it takes note of serious and special hardship faced by the families of persons persecuted only because of their opposition to the policies of apartheid and considers that the international community, for humanitarian reasons, should provide them with relief and other assistance.

452. Sixth, it is the duty and in the interest of the leaders and people of the Republic of South Africa to seek the aid and support of the United Nations to help them overcome the burdensome legacy of inequality, prejudice, tension and fear.

453. The present Government, however, has aggravated the tensions in the country and attempted to entrench itself in power by utilizing the fears and prejudices of the White population. The Special Committee feels, therefore, that in order to put an end to the explosive situation in the country, it is essential that the White community in South Africa should be made to realize that the Government's plans to reinforce White supremacy cannot succeed and will only lead to needless suffering for all concerned.

454. Seventh, the Special Committee notes that the racial policies of the Government of the Republic of South Africa have long been matters of international concern. The General Assembly has dealt with this problem at every session since 1946 and adopted numerous resolutions with a view to dissuade the South African

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Government from its racial policies. The Security Council has twice considered the matter and adopted resolutions on 1 April 1960 and 7 August 1963.

455. The Special Committee recalls that, as early as the first session in 1946, the General Assembly noted that friendly relations between South Africa and India had been impaired because of the treatment of people of Indian origin in South Africa. It notes that the refusal of the South African Government to implement the recommendations of the General Assembly led to further aggravation of its relations with the Governments of India and Pakistan.

456. The Special Committee also recalls that the General Assembly and the Security Council have repeatedly recognized that the continuance of the racial policies of the Government of South Africa had led to international friction and seriously endangered international peace and security.

457. It recalls further that the Government of South Africa has extended its racial policies to the mandated Territory of South West Africa, and has refused to fulfil its obligations towards that Territory, defying numerous resolutions of the General Assembly. The report on South West Africa by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and recent statements of the Government of the Republic of South Africa concerning South West Africa, indicate the grave dangers created by the policies of apartheid, as the South African Government threatens to prevent by force the fulfilment of the responsibilities of the United Nations towards the people of South West Africa.

458. Further, the recent developments in the colonial territories in southern Africa indicate that the racial policies of the South African Government are a grave hindrance to the peaceful and speedy development of the neighbouring colonial territories to independence and prosperity.

459. The Special Committee wishes to emphasize that, in the context of the historic developments in Asia and Africa since the establishment of the United Nations, the policies and actions of the Republic of South Africa have increasingly serious international repercussions. They have become a constant provocation to peoples beyond the borders of the Republic who feel an affinity with the oppressed people of South Africa, and to all opponents of racism everywhere. They have obliged many States to break relations with the

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Republic of South Africa or to refrain from establishing relations. They have caused friction between African and other States on the one hand, and Governments which, these States feel, have not taken adequate measures to dissuade the Government of the Republic of South Africa from its present policies. Finally, they constitute a serious threat to the maintenance of international peace and security.

II. MEASURES TO DISSUADE THE GOVERNMENT OF SOUTH AFRICA
FROM ITS PRESENT POLICIES

460. The General Assembly and the Security Council have repeatedly appealed to the Government of South Africa since 1946 to modify its policies in order to conform with its obligations under the Charter. As these appeals were not heeded, it became essential that effective measures be taken to induce that Government to recognize the folly of its policies and fulfil its obligations. General Assembly resolution 1761 (XVII) of 6 November 1962 represented a new stage in the United Nations consideration of the matter as it recommended specific measures for implementation by all Member States.

461. In operative paragraph 4 of that resolution, the General Assembly requested Member States to take the following measures, separately or collectively, in conformity with the Charter, to bring about the abandonment of those policies:

- "(a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;
- "(b) Closing their ports to all vessels flying the South African flag;
- "(c) Enacting legislation prohibiting their ships from entering South African ports;
- "(d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;
- "(e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa."

462. The Security Council, in its resolution of 7 August 1963, taking note of General Assembly resolution 1761 (XVII) and the interim reports of the Special Committee, again called upon the Government of South Africa to abandon its policies of apartheid and discrimination; called for the liberation of all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid; and solemnly called upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa.^{312/}

^{312/} For the text, see paragraph 57.

463. The Special Committee considers that these resolutions represent important steps in the efforts of the United Nations to dissuade the Government of South Africa from its disastrous policies and deserve full support by all Member States. In this connexion, the Special Committee wishes to make the following observations.

464. The Special Committee notes the increasing abhorrence of the South African racial policies by world public opinion and the growing recognition that the continuation of these policies would seriously endanger the maintenance of international peace.

465. Member States of the United Nations have condemned the racial policies of the Republic of South Africa by ever-increasing majorities, and recognized that effective and prompt measures need to be taken by the international community to deal with the problem. No Member State has condoned or defended these policies.

466. A number of United Nations bodies have been obliged to take action in view of the effects of the policies of apartheid in their fields of competence.

467. The sixteenth World Health Assembly in May 1963 adopted a resolution noting that the conditions imposed upon the non-White population of South Africa seriously prejudiced their physical, mental and social health, and was contrary to the principles of the Organization; inviting the Government of the Republic of South Africa to renounce the policy of apartheid, and take appropriate measures so that all populations of South Africa would benefit by the public health services of that country; undertaking, within the provisions of the Constitution of the Organization, to support all measures that may be taken to contribute towards the solution of the problem of apartheid; and requesting the Director-General to transmit the resolution to the Special Committee. 313/

468. The Governing Body of the International Labour Office adopted three resolutions in June 1963 deciding inter alia that the Republic of South Africa be excluded from meetings of the International Labour Organisation, the membership of which is determined by the Governing Body; that the Director-General be invited to provide the full co-operation of the Organisation in United Nations action relating to the Republic of South Africa; and that the Director-General, accompanied by a tripartite delegation of the Governing Body, should meet the

Secretary-General of the United Nations to express the grave concern of the forty-seventh International Labour Conference and the Governing Body on the subject of apartheid and jointly seek a solution of the problems posed by the membership of the Republic of South Africa so long as it continues to maintain its present policy.^{314/}

469. The Economic and Social Council decided by a resolution adopted on 30 July 1963 that, in accordance with the recommendation of the Economic Commission for Africa, the Republic of South Africa "shall not take part in the work of the Economic Commission for Africa, until the Council, on the recommendation of the Economic Commission for Africa, shall find that conditions for constructive co-operation have been restored by a change in its racial policy".^{315/}

470. The Special Committee has, moreover, taken note of the condemnation of the racial policies of South Africa by numerous non-governmental organizations which represent great segments of humanity, and of concrete measures taken by many organizations and individuals, despite serious sacrifices, to assist in the solution of the problem.^{316/}

471. The Special Committee attaches great significance to the moral isolation of the Government of the Republic of South Africa which these developments represent. However, in view of the failure of efforts at persuasion to dissuade the Government of the Republic of South Africa from pursuing its disastrous course, the implementation of the concrete measures recommended by the General Assembly and the Security Council has become imperative.

472. The Special Committee draws the attention of the General Assembly and the Security Council to the replies received from Member States to the letter dated 11 April 1963 by the Chairman of the Special Committee, which are annexed to this report.^{317/}

473. The Special Committee notes with great satisfaction that a number of Member States have reported effective measures taken by them in accordance with the provisions of General Assembly resolution 1761 (XVII). It notes that a number of other States have taken similar measures and awaits reports from them in due course.

^{314/} A/AC.115/L.12.

^{315/} E/RES/974 (XXXVI).

^{316/} See paragraph 26.

^{317/} See annex V.

It recognizes that the adoption of such measures represent a substantial sacrifice for many Member States.

474. The Special Committee wishes to express its great appreciation to all Member States which have thus given concrete evidence of their attachment to international solidarity and their abhorrence of racial discrimination. It has noted with satisfaction the fact that many developing countries have made great sacrifices and have thereby shown their determination to contribute to the speedy solution of the problem.

475. The Special Committee notes in connexion with operative paragraph 4 (a) of General Assembly resolution 1761 (XVII), that States other than those which maintained diplomatic representatives in the Republic of South Africa on 6 November 1962, have refrained from establishing diplomatic relations with the Republic. A number of States have taken effective action in pursuance of operative paragraph 4, sub-paragraphs (b) to (e), concerning trade and landing and passage rights to South African ships and planes.

476. Moreover, the Special Committee notes that in the light of the conclusions of its first interim report, supported unanimously by the Conference of the Heads of African States and Governments, a number of countries have broken consular relations or have refrained from establishing such relations, and have denied use of their air space to the aircraft of the Republic of South Africa.

477. The Committee notes, however, that a number of countries continued to maintain diplomatic relations with the Republic of South Africa, and some have substantially increased their trade with the Republic of South Africa. The colonial powers have granted new passage and overflight facilities to provide alternate routes to South African aircraft, while various non-African States continue to grant landing and passage rights.

478. The Special Committee feels, therefore, that the United Nations must insist that all Member States should adopt the measures recommended in General Assembly resolution 1761 (XVII) and the Security Council resolution of 7 August 1963. Further, in view of the rapid deterioration of the situation in the Republic of South Africa and in order to ensure effective international action, the Special Committee feels that consideration should be given to appropriate additional measures.

479. The Special Committee is convinced that the Government of the Republic of South Africa could not have continued its disastrous policies and cannot continue them further, in opposition to world opinion, if the international community had not been patient and refrained from effective economic and other measures to induce it to abandon its policies.

480. The crucial aspect of the present system in the Republic of South Africa, defended by the power of its Government, is the appropriation of a disproportionate share of the fruits of labour of all racial groups for the benefit of the White minority. Political rights are restricted to the Whites and a tyranny imposed over the country to ensure a perpetuation of this inequity. The Government appeals to the material interests of the Whites, and to the very dangers and fears generated by its policies, to ensure the support of the White electorate and remain in power.

481. The international community, however, has adequate means to disabuse the Government of South Africa and its supporters of their short-sighted and dangerous calculations.

482. Foreign trade plays a great role in the economy of the Republic of South Africa which depends largely on the export of a few commodities. The international community can show its determination to end the policies of apartheid by a boycott of these exports. Moreover, as the Special Committee suggested in its second interim report,^{318/} an effective embargo on petroleum and on the means to manufacture arms would have a decisive effect on South Africa.

483. Foreign investments - mainly from a few countries - have contributed greatly to the economic development of the Republic and continue to play a significant role. A freeze on such investments can have a serious effect on the economy of South Africa.

484. The Government of the Republic of South Africa does realize its vulnerability to international action, but has persisted in its course in the belief that effective measures to dissuade it from pursuing its policies of apartheid would not be taken in the near future. The Special Committee considers that the South African statements in this connexion deserve serious consideration.

^{318/} Annex IV.

485. Spokesmen of the South African Government express confidence that the moral isolation of the Republic of South Africa with respect to its racial policies would not lead to isolation in other fields. They claim that measures recommended by the United Nations would remain ineffective as they would not be implemented by Member States which have the closest relations with the Republic. They note that the Member States which voted for General Assembly resolution 1761 (XVII) accounted for less than one-sixth of the foreign trade of the Republic of South Africa, while the Member States opposed to it accounted for nearly two-thirds. They claim, moreover, that South Africa's strategic position is so important and South Africa's role in the "cold war" so significant that the Western Powers could not accept and implement effective measures against the Republic of South Africa.

486. The Special Committee reiterates its view that the question of the policies of apartheid of the Government of the Republic of South Africa is not an aspect of the cold war.^{319/} It feels, however, that the small number of States on whose co-operation the Government of the Republic of South Africa counts have a special responsibility to implement effective measures to disabuse that Government and its supporters of its hopes to continue with its policies.

487. In this connexion, the Special Committee recalls its recommendation, in the first and second interim reports,^{320/} that a special appeal be addressed to the Governments of (a) the States with traditional relations with South Africa; (b) the small number of States which account for most of the foreign trade of, and foreign investment in, the Republic of South Africa and which are the principal suppliers of arms and equipment to that country; and (c) the colonial powers responsible for the administration of territories neighbouring South Africa.

488. The Special Committee wishes to reiterate and emphasize the importance of effective measures by these States. For, without the co-operation of these States, the practical effect of the sacrifices presently made by many others towards promoting a solution of the problem would be limited.

489. The Special Committee draws the attention of these States to the negative response of the Government of the Republic of South Africa to all efforts at persuasion by the United Nations and by Member States, and to the appeals of the

^{319/} See paragraph 444.

^{320/} Annexes III and IV.

major non-White organizations in South Africa for effective measures despite the temporary sacrifices which they might entail for the people of South Africa.

490. The Special Committee feels that the geographical position or strategic value of the Republic of South Africa cannot justify policies and actions which tend to permit perpetuation of racial oppression and thereby aggravate international friction and the threat to international peace and security. It notes, moreover, that the policies of the present Government of South Africa have evoked such abhorrence that any recognition of a community of interest with it tends to be regarded by large segments of world public opinion as an encouragement to that Government in its oppressive policies. Countries which claim to have special interests in the area should bear a special responsibility to take all measures to promote an end to the present dangerous situation and ensure the speedy implementation of the decisions of the United Nations.

491. The Special Committee feels that all Member States have an obligation to respect the decisions and recommendations of the General Assembly and the Security Council, attempt to implement them in good faith and bring any difficulties of implementation to the attention of the United Nations, if necessary.

492. The Special Committee, however, cannot but express its regret at the actions of certain States which have increased their trade with and investment in, the Republic of South Africa, signed new trade agreements with it, provided new facilities for South African aircraft, or continue to supply military equipment to the Republic of South Africa.

493. The Special Committee feels, moreover, that special attention should be devoted to the attitudes and actions of Member States which administer colonial territories neighbouring the Republic of South Africa.

494. It notes with regret that the Government of Portugal has provided new facilities for South African aircraft and entered into agreements for greater co-operation with the Government of the Republic of South Africa.

495. The Special Committee has watched with serious anxiety the treatment of South African nationals opposed to the policies of apartheid in the colonial territories administered by the United Kingdom.

496. In the first three months of 1963, forty-six South Africans were arrested in Southern and Northern Rhodesia by the authorities of the Federation of Rhodesia and Nyasaland and handed over to the South African police.^{321/}

497. On 1 April 1963, Basutoland police arrested eleven persons at the offices of the Pan-Africanist Congress in Maseru.^{322/} Mr. Potlako Leballo was reported to have disappeared mysteriously during the raid.

498. On 23 May, twelve South African refugees were arrested as prohibited immigrants in Lusaka, Northern Rhodesia, by the immigration authorities of the Federation of Rhodesia and Nyasaland. They were released on 4 June after strong protests by Northern Rhodesian authorities and a successful habeas corpus action by one of the prisoners.

499. Sir John Maud, United Kingdom Ambassador to South Africa, stated on 15 May 1963 that there could be "no question" of the United Kingdom refusing political asylum to South African refugees in the three High Commission territories of Basutoland, Swaziland and Bechuanaland, but that the United Kingdom was "against the territories being used for fomenting violence in the Republic".^{323/}

500. But complaints have been made by South African refugees that the authorities in these territories have denied political asylum even within the limits of that policy statement. A number of South African refugees have been declared prohibited immigrants in the High Commission territories - among them Mr. Patrick Duncan, a petitioner before the Special Committee.

501. The Special Committee noted with grave anxiety the reports that Dr. Kenneth Abrahams and three other South African political refugees had been kidnapped from Bechuanaland by South African authorities on 11 August 1963.^{324/}

^{321/} Nine were convicted in Pretoria on 4 April 1963 and thirty-seven on 5 April on charges of leaving the country without valid travel documents. Southern Africa, London, 12 April 1963.

^{322/} Six were subsequently reported to have been released.

^{323/} Reuters, 15 May 1963.

^{324/} In an application to the Cape Town Supreme Court on 20 August 1963, Dr. Abrahams stated that he and his three companions had been held up in Bechuanaland, about 100 miles from the South African border, by six armed men, two of whom were members of the South African police, and taken by road to South Africa. The South African Minister of Justice denied the allegation, but the United Kingdom authorities were reported convinced that the four persons had been abducted from Bechuanaland (Reuters, 29 August). On 30 August, the Minister of Justice ordered the return of the prisoners to Bechuanaland and they arrived in Francistown on 5 September.

502. It has, further, noted with grave anxiety that an aircraft chartered to fly South African political refugees to Tanganyika was destroyed by explosions and fire at the Francistown, Bechuanaland, airport on 29 August. It has noted reports that Bechuanaland authorities suspected sabotage and that the South African press had hinted that unorthodox methods might be used by the South African Government to deprive the refugees of their sense of security in neighbouring territories.^{325/}

503. The Special Committee considers it essential that the General Assembly and the Security Council should insist that the colonial powers concerned should provide asylum and other facilities to South African refugees and should take no action to assist the Government of the Republic of South Africa in the pursuit of its policies of apartheid.

504. Finally, the Special Committee recalls that, in the two interim reports, it had reviewed the rapid expansion of the military and police forces in the Republic of South Africa, and noted with grave anxiety that this expansion not only reflects the gravity of the present situation in the country but is likely to have serious international repercussions. It provided information on the main sources of arms^{326/} and recommended that the General Assembly and the Security Council call upon the States concerned to halt forthwith all assistance to the Government of South Africa in strengthening its armed forces. It emphasized the importance of the provision in paragraph 4 (b) of General Assembly resolution 1761 (XVII) requesting Member States to refrain from exporting any arms or ammunition to South Africa.

505. The Special Committee has noted with great satisfaction the provision in the Security Council resolution of 7 August 1963 solemnly calling upon "all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa". It has also noted with satisfaction the declaration by the United States of America that the sale of all military equipment to the Government of South Africa would be brought to an end by the end of 1963.^{327/}

^{325/} Reuters, 29 and 30 August 1963; The Observer, London, 1 September 1963.

^{326/} Annex II of the second interim report (annex IV of the present report). See also paragraphs 408-413.

^{327/} See paragraph 410 and annex V.

It has also taken note of the declarations made by a number of other Member States concerning the measures taken by them in this respect. The Special Committee, however, cannot but express its regret that certain main suppliers of arms have not taken requisite action.

506. In connexion with the question of arms supplies, the Special Committee wishes to reiterate its conclusion that the provision in paragraph 4 (d) of General Assembly resolution 1761 (XVII) "covers the supply of all material, from government or private sources, which can be used for military purposes or for the suppression of resistance to the policies and practice of apartheid, as well as assistance, direct or indirect, for the manufacture of such material in the Republic of South Africa". It recalls, further, the following observations made by it in its second interim report:

"... the Special Committee wishes to emphasize that Member States, in taking appropriate measures, should note that there is not merely the danger of a racial conflict within the Republic of South Africa, but that the present situation constitutes a threat to international peace and security. They should refrain from supplying not merely the small arms and ammunition, but any means to increase the mobility of the security forces, as well as material which can be used by the Government of South Africa to perpetuate by force the policies of apartheid and by the abnormal military build-up pose a threat to the security of the other States which abhor the policies of apartheid."

"The Special Committee also notes, in this connexion, that the Government of the Republic of South Africa has continued to refuse to fulfil its obligations with respect to the mandated Territory of South West Africa."

507. The Special Committee wishes to emphasize that any distinction between equipment for external defence and that for internal security purposes is bound to be illusory and devoid of any practical interest, as the Government of the Republic of South Africa has viewed the two aspects as complementary and regards the defence forces as intended, in the first place, for the maintenance of internal security.

III. RECOMMENDATIONS

508. In the light of the foregoing observations and conclusions, the Special Committee wishes to submit the following recommendations to the General Assembly and the Security Council for their consideration.

509. First, in view of the non-compliance of the Government of the Republic of South Africa with the provisions of General Assembly resolution 1761 (XVII) and its defiance of the Security Council resolutions of 1 April 1960 and 7 August 1963, the Special Committee feels that the situation should be considered without delay and with particular reference to the obligations of the Republic of South Africa under Article 25 of the Charter.

510. Second, the Special Committee deems it essential that the General Assembly and the Security Council should: (a) take note of the continued deterioration of the situation in the Republic of South Africa, in consequence of the continued imposition of discriminatory and repressive measures by its Government in violation of its obligations under the United Nations Charter, the provisions of the Universal Declaration of Human Rights and the resolutions of the General Assembly and the Security Council; (b) affirm that the policies and actions of the Republic of South Africa are incompatible with membership in the United Nations; (c) declare the determination of the Organization to take all requisite measures provided in the Charter to bring to an end the serious danger to the maintenance of international peace and security; (d) call upon all United Nations organs and agencies and all States to take appropriate steps to dissuade the Republic of South Africa from its present racial policies.

511. Third, the Special Committee deems it essential that all Member States be called upon to take requisite measures speedily to implement the relevant provisions of General Assembly resolution 1761 (XVII) and the Security Council resolution of 7 August 1963. It feels that Member States which have taken effective measures in this respect should be commended, and that an urgent invitation should be addressed to all others to take action and report without delay. It feels, moreover, that the General Assembly and the Security Council should express disapproval at the actions of certain States which have taken

measures contrary to the provisions of the resolutions of the General Assembly and the Security Council on the policies of apartheid of the Government of the Republic of South Africa.^{328/}

512. Fourth, the Special Committee feels that the States responsible for the administration of territories neighbouring the Republic of South Africa should be called upon to provide asylum and relief to South African nationals who are obliged to seek refuge because of the policies of apartheid and to refrain from any action which may assist the South African authorities in the continued pursuit of their present racial policies.^{329/}

513. Fifth, in view of the persecution of thousands of South African nationals for their opposition to the policies of apartheid and the serious hardship faced by their families, the Special Committee considers that the international community, for humanitarian reasons, should provide them with relief and other assistance. It recommends that the Secretary-General should be requested, in consultation with the Special Committee, to find ways and means to provide such relief and assistance through appropriate international agencies.^{330/}

514. Sixth, with regard to the request to the Member States by the General Assembly that they refrain from exporting all arms and ammunition to South Africa, and by the Security Council that they cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa, the Special Committee submits the following supplementary recommendations: (a) Member States should be requested not to provide any assistance, directly or indirectly, in the manufacture of arms, ammunition and military vehicles in South Africa, including the supply of strategic materials, provision of technical assistance, or the granting of licenses; (b) Member States should be requested to refrain from providing training for South African military personnel; and (c) Member States should be requested to refrain from any form of co-operation with South African military and police forces.

^{328/} See paragraphs 472-478, 492-505.

^{329/} See paragraphs 495-503.

^{330/} See paragraph 451.

515. Seventh, the Special Committee suggests that the General Assembly and the Security Council give consideration to additional measures, including the following, to dissuade the Government of the Republic of South Africa from its racial policies: (a) recommendation to all international agencies to take all necessary steps to deny economic or technical assistance to the Government of the Republic of South Africa, without precluding, however, humanitarian assistance to the victims of the policies of apartheid; (b) recommendation to Member States to take steps to prohibit or discourage foreign investments in South Africa and loans to the Government of the Republic of South Africa or to South African companies; (c) recommendation to Member States to consider denial of facilities for all ships and planes destined to or returning from the Republic of South Africa; (d) recommendation to Member States to take measures to prohibit, or at least discourage, emigration of their nationals to the Republic of South Africa, as immigrants are sought by it to reinforce its policies of apartheid; and (e) study of means to ensure an effective embargo on the supply of arms and ammunition, as well as petroleum, to the Republic of South Africa, including a blockade, if necessary, under aegis of the United Nations.

516. Finally, the Special Committee feels that Member States should be urged to give maximum publicity to the efforts of the United Nations with respect to this question and take effective steps to discourage and counteract propaganda by the Government of the Republic of South Africa, its agencies and various other bodies which seek to justify and defend its policies.

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517. Considering the extreme gravity of the situation in the Republic of South Africa, and its serious international repercussions, the Special Committee deems it essential that the General Assembly and the Security Council should keep the matter under active consideration in order to take timely and effective measures to ensure the fulfilment of the purposes of the Charter in the Republic of South Africa. The Special Committee feels that they should consider, with no further delay, possible new measures in accordance with the Charter, which provides for stronger political, diplomatic and economic sanctions, suspension of rights and privileges of the Republic of South Africa

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as a Member State, and expulsion from the United Nations and its specialized agencies. The Special Committee will actively pursue its task of assisting the Principal Organs in connexion with this problem, and to this end invites the continued co-operation of the Member States and the specialized agencies, as well as all organizations and individuals devoted to the principles of the Charter.
