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A SURVEY OF
RACE RELATIONS
IN SOUTH AFRICA

1961

Compiled by

MURIEL HORRELL

Research Officer

South African Institute of Race Relations



SOUTH AFRICAN INSTITUTE OF RACE
RELATIONS

P.O. Box 97

JOHANNESBURG

1 962

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SOUTH AFRICA BECOMES A REPUBLIC AND LEAVES THE COMMONWEALTH

SIGNIFICANCE OF THESE EVENTS

Early in 1961 South Africa became a republic and withdrew from the Commonwealth. These events are likely to have far-reaching effects on political attitudes in the country, and on its economic well-being.

REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT

(No. 32 of 1961)

Representations by certain Provincial Councils

It was reported in our last *Survey*⁽¹⁾ that, after the referendum on 5 October 1960, when a majority of those entitled to vote indicated that they were in favour of the establishment of a republic, the Natal Provincial Council decided to request that the new republican constitution should include five entrenched "fundamental rights", and should preserve and extend the powers of provincial councils. These requests were rejected by the Prime Minister; as were somewhat similar representations made by the Cape Provincial Council and United Party Provincial Councillors in the Transvaal.

• Opposition to the introduction of the Bill

In the Assembly on 23 January 1961^o Dr. Verwoerd moved for leave to introduce the Republic of South Africa Constitution Bill. Sir de Villiers Graaff, leader of the United Party, moved, as an amendment⁽²⁾, that such leave should not be granted unless and until:

- "(a) it is unequivocally established that the proposed republic will remain in the Commonwealth; and
- (b) the Government gives an assurance that provision is or will be made in such legislation for guaranteeing such basic rights as will advance national unity in South Africa".

A counter-amendment was moved by the leader of the Progressive Party, Dr. J. van A. Steytler⁽³⁾. He proposed that permission to introduce the measure should not be granted unless and

(1) Page 9.

(2) Hansard 1 col. 16.

(3) Col. 17.

(4) Col. 24.

until the Government gave assurances that it would contain provisions, *inter alia*:

- (a) for a rigid constitution and the protection of minority rights;
- (b) for adequate decentralization of power to the provinces;
- (c) for the participation of all responsible citizens in the government of the country irrespective of race or colour.

Both amendments were defeated.

Terms of the Act

The Bill was referred to a Select Committee after its Second Reading. In its final form, (Act 32 of 1961) the measure provided that South Africa would become a republic on 31 May, 1961, with a State President replacing the Queen as the country's constitutional head of state. The office of Governor-General would thus fall away. The State President would be elected by an electoral college consisting of the members of the Senate and the House of Assembly at a meeting presided over by the Chief Justice or a Judge of Appeal designated by him. The President will normally hold office for a period of seven years, but can be removed from office on a resolution passed by both Houses of Parliament during the same Session declaring that this should be done on the ground of misconduct or of inability to perform his duties efficiently.

The Act laid down that the flag of the Union will be the national flag of the Republic, and *Die Stein van Suid-Afrika* the national anthem.

It repeated the declaration contained in the South Africa Act that English and Afrikaans are the official languages and must be treated on a footing of equality. As before, this provision cannot be repealed or altered unless by the decision of a two-thirds majority at a joint sitting of both Houses.

Parliamentary debate

When moving the Second Reading⁽⁶⁾, the Prime Minister said that the attainment of a republic was a long-cherished ambition of the Afrikaner people. In order that the various sections of the population, despite former strife, might be welded into one nation within the republic, the Afrikaners had made several concessions. While many republicans, for example, would have preferred a President who was both the head of State and the head of the Government, the traditions of the "other section of the population" had been kept in mind, and the two offices would be kept separate.

The Nationalists had accepted, too, that the republic should

(1) Assembly, 30 January 1961. Hansard 2 cols. 324-7.

continue to be a member of the Commonwealth, which was so ardently desired by the English-speaking people.

Sir de Villiers Graaf maintained⁽⁷⁾ that the Government could not claim the support of the majority of the people of South Africa for the republic. Registered Coloured voters had not been allowed to vote in the referendum, and no attempt had been made to obtain the views of Africans. Even so, 48 per cent of the electorate had voted against a republic, fearing that relations with the Commonwealth would be endangered and that a vote in favour would be interpreted as an endorsement of the Government's rigid and negative policies. From its inception the republic would be sectional. The onus rested on the Government whether it would ever become a truly South African republic.

The leader of the United Party in Natal, Mr. D. E. Mitchell, went further. He said⁽⁷⁾, "We do not accept the republic. ... We do not propose to live permanently under it. ... We will seek the first opportunity to make our own laws. ... If the opportunity presents itself we in Natal will grasp it in both hands".

Dr. Steytler dissociated the Progressive Party from the stand taken by Mr. Mitchell. He said⁽⁸⁾ that despite deep differences with the Government on the exclusion of Non-Whites from the referendum and on cardinal principles of the constitution, his party regarded the result of the referendum as a mandate for the establishment of a republic. Refusal to accept this would re-open a dispute which had clouded South Africa's public life for fifty years. The Progressives had set themselves the object of granting rights to persons of all colours who deserved them, and would strive to achieve that object whether under a monarchy or a republic. They regarded the establishment of a republic as a mistake, however.

At the conclusion of the Second Reading debate, Mr. J. D. du P. Basson of the National Union voted with the Government, but the United and Progressive Parties and the Coloured representatives opposed the measure.

Election of first President

On 10 May 1961 Mr. C. R. Swart, the previous Governor-General, was elected the first State President, receiving 139 votes to the 71 cast for the Opposition's candidate, Mr. H. A. Fagan⁽⁹⁾. As is reported in the next chapter, Mr. Fagan subsequently became head of the National Union Party.

(6) Cols. 353-62.

(7) Cols. 453-4.

(8) Cols. 463-7.

(9) *Star* renorl, 10 May 1961.

SOUTH AFRICA'S WITHDRAWAL FROM THE COMMONWEALTH

Prior statement by Dr. Verwoerd

In a special broadcast made during January, Dr. Verwoerd said that at the Commonwealth Prime Ministers' conference in London in March he would sincerely endeavour to ensure that South Africa remained a member. However, he added, "It must remain understood that South Africa will not be prepared to pay the price for this of allowing interference in her domestic policies, of sacrificing principles on which her Government has been repeatedly elected since 1948 or of submitting to any reflection on her sovereignty or her national honour". Race problems within the Union's borders were created by a situation which required its own solution⁽¹⁰⁾.

Dr. Verwoerd apparently thought that if he made himself available in person at the conference to explain South Africa's peculiar problems he could correct what he regarded as the outside world's mistaken ideas about his policy of separate development, and that South Africa's request to remain a member of the Commonwealth after she became a republic would be granted automatically, as was done in the cases of India, Pakistan, Ceylon, Ghana and Nigeria⁽¹¹⁾.

Events at the Commonwealth Prime Ministers' conference

The British Prime Minister, Mr. H. Macmillan, hoped to keep separate the issues of South Africa's racial policies and of her continued membership of the Commonwealth. In a speech subsequently made in the House of Commons he said⁽¹²⁾, "In my view there were very strong arguments for taking the course of allowing the application of South Africa on constitutional grounds". He was not satisfied that her exclusion would best help all the Whites there who did not accept the doctrine of apartheid, nor the millions of Africans. "But at the same time I felt it was right that there should be expressed strong disapproval of her racial policies" which "were even threatening to damage the concept of the Commonwealth itself as a multi-racial association".

"Although it is an established convention with these meetings that we do not discuss the domestic affairs of a member country without the consent of that country", Mr. Macmillan continued, "the Prime Minister of South Africa agreed that on this occasion the racial policy of the Union Government should be discussed". Dr. Verwoerd is reported⁽¹³⁾ to have made it clear that while he would tolerate no interference in South Africa's domestic affairs,

(10) *Modern South Africa*, published by S.A. Director of Information, London, January 1961.

(11) statement made by Dr. Verwoerd after the Prime Ministers' conference, as reported in the *Cape Times*, 15 March.

(12) As reported in the *Rand Daily Mail*, 23 March.

(U) *Cape Times*, 14 March.

he was prepared to answer criticism, but did not wish this to be regarded as a precedent for procedure at future meetings.

Strong disapproval of South Africa's racial policies was unanimously displayed, particularly scathing attacks being made by the Afro-Asian countries backed by Canada. New Zealand and Nigeria took the line that all the citizens of the country should not be condemned for the existing Government's attitude. Mr. R. G. Menzies of Australia tried, with Britain and South Africa, to keep the apartheid and membership issues separate, but said that in his opinion apartheid would not work and its continuation could cause trouble which could inflame the whole of Africa, bringing bloodshed and misery⁽¹⁴⁾.

Dr. Verwoerd explained his policy of separate development (which he called "co-existence"), gave figures showing that South Africa spent more on educational, health and welfare services for Africans than did other territories on the continent, and pointed out that thousands of Africans came annually to work in the Union from outside its borders. But he failed to convince the others that the apartheid policy was a just one.

Mr. Macmillan said later in the speech quoted above, "What shocked the conference was that the policy of the present South African Government appeared to set up what we should regard as an unhappy practice—inherited from the past, perhaps—as a philosophy of action for the future". Hardly any country could stand blameless, he added. All kinds of discrimination had been, or were, still practised. "But the fundamental difference between ours and the South African philosophy is that we are trying . . . to move away from the concept in any form . . . It was not, therefore, because all of us were without sin that we felt as strongly, but because this theory of apartheid transposes what we regard as a wrong into a right".

Other Prime Ministers tried to wring some concessions from Dr. Verwoerd. Mr. Macmillan subsequently said, "But the Prime Minister of South Africa, with an honesty which one must recognize, made it abundantly clear, beyond all doubt, that he would not think it right to relax, in any form, the extreme rigidity of his dogma, either now or in the future". Dr. Verwoerd later told the South African House of Assembly⁽¹⁵⁾ that in his opinion the request for small concessions was made with the ultimate object of undermining his policy 'and creating the prospect of full equality, full and equal political rights, for White and Black. The Leader of the Opposition described this as an attitude of "granite stubbornness"⁽¹⁶⁾.

One of the turning-points of the conference was on the question of diplomatic representation between South Africa and

(*) *Cape Times*, 14 and 20 March.

(O5) 23 March. Hansard 9 col. 3492.

(16) Col. 3522.

the Asian and African states. Dr. Verwoerd said⁽¹⁷⁾ that he could not establish such relations with unfriendly countries. If the unfriendly attitude of Ghana and other countries changed, then friendly visits would follow, and as the public in both countries became used to this changed attitude the exchange of missions could be raised between the countries concerned. But if the basis of friendship was absent on the part of other states, and if they threatened to incite the people of South Africa, then diplomatic missions could not be accepted.

Mr. Menzies said later⁽¹⁸⁾ that he thought that this statement had a bad psychological effect. "It seemed to be carrying it pirilly far". Mr. Oimcan Sandys, the British Secretary for Commonwealth Relations, stated that Dr. Verwoerd's attitude on this matter was "something which bit very deeply into all the other members"⁽¹⁹⁾.

Considerable time was spent on searching for a formula that would satisfy honour all round. In the statement quoted above Mr. Menzies said, "For some time it looked as if we could evolve a form of communique which would confirm South Africa's membership while at the same time containing a fair summarized statement of the criticism of South Africa's racial policy, and of Dr. Verwoerd's reply . . . Mr. Macmillan . . . was told by several of the Prime Ministers that it was not good enough. One or two of them indicated quite plainly that they did not accept his (Dr. Verwoerd's) continued membership, and that if it became necessary to move the expulsion of South Africa they would do so. At least half the Prime Ministers there made it clear that they would pursue this matter every time there was a meeting and between meetings on every convenient opportunity".

According to Dr. Verwoerd⁽²⁰⁾, "certain members reserved the right to themselves to reconsider their own position in regard to membership if South Africa should remain a member".

Finally, Dr. Verwoerd withdrew South Africa's request for continued membership. He stated at a Press conference⁽²¹⁾, "I am sure that the great majority of the people of my country will appreciate that in the circumstances no other course was open to us. National pride and self-respect are attributes of any sovereign independent state". South Africa wished to remain friendly with the older members of the Commonwealth: his decision had been taken so as not to put them in the invidious position of having to choose between South Africa and the Afro-Asians.

In his statement on the matter Mr. Menzies said that, if

(17) As renoned by him in the House of Assembly, Hansards 9 and 12. cols. 3492-4303.

(18) As reported in the *Cape Times*, 20 March 1961.

(19) *Star* report, 23 March.

(20) Assembly, Hansard 9 col. 3336.

(21) *Cape Times* reports, 15 and 16 March.

Dr. Verwoerd's application for continued membership had not been withdrawn, he would have divided his colleagues into those who would continue to want to be rid of him, and those who would continue to want to have South Africa as a member of the Commonwealth.

Dr. Verwoerd stated at the Press conference held in London that the proceedings which had obliged him to take "this regrettable step" in his opinion marked the beginning of the disintegration of the Commonwealth. Mr. Menzies was apprehensive too: he said, "To have a member of the Commonwealth virtually excluded . . . on a matter of domestic policy presents, in my opinion, a rather disagreeable vista of possibilities for the future"⁽²²⁾. But Mr. Macmillan regarded South Africa's case as an exceptional one. He told the House of Commons, "I do not accept that this means the Commonwealth will, in future, turn itself into a body for passing judgment on the internal affairs of member countries".

Consequences of South Africa's withdrawal from the Commonwealth

On his return to South Africa, Dr. Verwoerd gave the impression that South Africa's relationship with Britain would remain largely unchanged; but, in the speech quoted earlier, Mr. Sandys said, "We must be careful not to destroy the value of Commonwealth membership by giving to those who are not members all the privileges of those who are".

Some of the immediate economic effects are described in the chapter entitled "Employment"; but it will be a considerable time before the full consequences of South Africa's withdrawal become evident. The United Kingdom Government passed a Republic of South Africa Act which was designed to maintain unchanged for a year the relationship between the two countries while the implications were worked out.

Shortly afterwards the **Commonwealth Relations (Temporary Provision) Act**, No. 41 of 1961, was passed in South Africa. This stated that the provisions of any law relating to Commonwealth relations that were in force in the Union immediately prior to 31 May 1961 would not be affected by the establishment of a republic, nor by the fact that South Africa had left the Commonwealth. If, however, in the Governor-General's opinion any corresponding law in any other Commonwealth country was amended or repealed after the date mentioned, he would be entitled by proclamation to suspend or amend provisions of any South African law that related to the country

(22) *Cape Times* report, 20 March.

concerned. Copies of any such proclamations would have to be tabled in Parliament.

South Africa will remain in the sterling area.

REACTIONS IN SOUTH AFRICA

Many members of the Nationalist Party did not disguise their pleasure that South Africa had left the Commonwealth. Dr. Verwoerd was addressing these people when he said, at the reception of welcome arranged on his return to Cape Town, "What happened is nothing less than a miracle. So many nations have had to get their complete freedom by armed struggle ... but here we have reached something which we never expected"⁽²³⁾.

Certain sections of the Non-White population were glad, too, for the reason that they felt they had the Commonwealth behind them in their opposition to discriminatory laws. If Dr. Verwoerd had been able to retain membership he would have received great acclaim and, possibly, increased support within South Africa. The cause of racial progress would thereby have been set back.

Among the rest of the people there was initially anger over Dr. Verwoerd's handling of the situation—his decision to proclaim a republic, which precipitated the events at the conference. This feeling was coupled, so far as numerous Whites were concerned, with a certain resentment that these events had occurred largely because of Afro-Asian hostility and "interference". A period of bewilderment and confusion of thought followed. Many Whites realized that Commonwealth membership was tied to a partial shedding at least of the colour bar, and they wanted to cling to their privileges and position of dominance. By stressing the criticism of South Africa made by members of the Afro-Asian group, Dr. Verwoerd had succeeded in increasing fears amongst Whites of eventual Black domination.

As will be described in the next chapter, during the months that followed, with a general election pending, Dr. Verwoerd tried to broaden his party's appeal as the spiritual home of all Whites who were dedicated to the defence of White interests as such. He represented South Africa's departure from the Commonwealth as a positive achievement. South Africa was better-off outside a body that was coming to be dominated by the Afro-Asian countries. It would be unrealistic and foolish to think of returning, especially if Britain were to join the Common Market, when Commonwealth preferences might disappear⁽²⁴⁾.

During the same period the United Party moved discernibly to the right, and entered into an electioneering agreement with the

(23) *Cape Times*, 21 March.

(24) Speech as reported in the *Rand Daily Mail*, 24 August.

(ex-Nationalist) National Union Party in the hope of capturing the votes of dissatisfied Nationalists. At its conference held in Bloemfontein during August 1961 the United Party passed a resolution to the effect that, if it regained power, it would apply for readmission to the Commonwealth only if this was "in South Africa's interests". Particularly noteworthy was the fact that the proviso was introduced by Mr. D. E. Mitchell of Natal, who only seven months previously had made the defiant speech, mentioned on page 3, rejecting the republic. In this same earlier speech Mr. Mitchell said⁽²⁵⁾, "He (the Prime Minister) is placing us in jeopardy, where we could have remained completely secure in the Commonwealth".

Many Non-White citizens of South Africa equaled the change to republican status and the break from the Commonwealth with an assumption of power by the Afrikaner; but this in itself did not cause any particular disquietude, for they considered that there was unlikely to be any early radical change in White attitudes, in the absence of which they could be no worse off in a republic than under the monarchy. The view was vividly expressed that Britain and the other Western Powers had been more concerned with preserving their trade with South Africa than with the rights of the Black men there. Many Africans feel that the English are wily and plausible: they would, on the whole, prefer to deal in political matters with the more blunt and downright Afrikaner, for then they know exactly where they stand. These attitudes may, of course, change if the Non-Whites are adversely affected by a deterioration in the economic situation as a result of the loss of Commonwealth membership.

POLITICAL PARTY DEVELOPMENTS

NATIONALIST PARTY

Dissension within the Party ranks, and its temporary suppression

During the past year there has been a ferment of agonized reappraisal of policies amongst Afrikaner intellectuals, especially in the Cape and particularly in regard to the Coloured people.

It was mentioned in our last *Survey*¹⁰⁰ that in July 1960 attention was drawn to this by "Dawie", the political commentator for *Die Burger*, who wrote, "The drive to a forward movement in Nationalist policy for the Coloureds is becoming more and more strong. The most dramatic idea of course is ... that the Coloured voters must be permitted to elect white or

(25) Assembly Hansard 2 col. 452. 31 January 1961.

(10) Page 133.

brown members (of Parliament). This of course is only one part of the complex of plans which are being discussed by thinking people . . ."

The "dramatic idea" was rejected by Dr. Verwoerd in a Press statement made on 24 November. He is reported to have said that, this would be a springboard for the integration of the races, leading to biological assimilation. The policy should be one of parallel development.

During the same month eleven leading professors and ministers of the three Dutch Reformed Churches published a book called *Delayed Action*, in which they called for a new outlook on South Africa's racial attitudes. This is described in more detail in a subsequent chapter, as are the repercussions within the Dutch Reformed Churches of the Cottesloe consultations, held in December, when delegates from the member-churches in South Africa of the World Council of Churches met with representatives of the World Council itself. The consultation attacked certain major aspects of the Government's racial policies.

Just before this gathering was held, Dr. Verwoerd told a Rand conference of the Nationalist Party that Nationalist leaders would have to stand "like walls of granite" on their colour policy because the existence of a nation was at stake. They could accept no policy of integration for the various groups: the "colour streams" were parallel and must remain so. But such a policy did not mean oppression—one group could not forever be the servant of another. Nationalists were prepared to ensure the growth and development of every group in its own sphere. It was the Government's duty to lead development into the different "streams"⁽³⁾.

Dr. Verwoerd summoned the rarely-convened federal council of the Nationalist Party, which endorsed his interpretation of the party's policy towards the Coloured community.

Meanwhile, the S.A. Bureau of Racial Affairs (Sabra) had been planning a congress on the "Position of the Coloured People", which was to have been held during April. On 6 February it was announced that this congress would be postponed indefinitely.

As will be described later, there were very significant repercussions amongst the Coloured community. Groups and individuals who had not previously found it possible to take united action met and set up a planning committee to arrange a Coloured National Convention. Coloured leaders made statements associating their followers with plans being made by Africans to hold demonstrations at the time of the proclamation of a republic, at the end of May.

In a statement made in the Assembly on 10 April⁽⁴⁾ Dr.

^m Star report, 1 December 1960.

(3) Hansard 12 cols. 4191-3. 4314.

Verwoerd further clarified his policy. His statement will be set out in greater detail later, but it is relevant to mention at this stage that he said the Bantu would eventually be able to develop into separate Bantu states, being granted full independence, "thereby buying for the White man his freedom and the right to retain domination in what is his country".

Coloured people would be given opportunities of development in the "White state", firstly by means of local government, and secondly by way of managing affairs at present falling under the control of Provincial Councils. Thirdly, and in due course, methods should be evolved to give them further rights of self-government so far as their national interests were concerned. The same applied to the Indians. But the political development of both groups would be limited to participation in a national council for Coloured (or Indian) affairs. Until the Coloured council performed its functions fully, Coloured representation in Parliament would remain as it was (i.e. four elected White representatives in the Assembly and one nominated White representative in the Senate).

It appeared, by implication, that when the third stage mentioned by Dr. Verwoerd had been reached, Coloured representation in Parliament might cease. Indians would at no stage be granted, this right.

On 19 April *Die Burger* addressed an urgent appeal to moderate Coloured leaders not to join forces with African extremists or to participate in demonstrations, but to be patient while their friends in White circles, "including the governing group", exerted themselves more and more to get the necessary adaptations made. The leading article stated that many prominent Whites — "especially Afrikaners and Nationalists" — were going through a stage of hard thinking about the future of the Coloured people.

Leaders of the Coloured National Convention movement replied to this article in an open letter to *Die Burger*, published on 25 April. They saw no reason to view the future with optimism, they said. They applauded and saluted those Afrikaners who were re-thinking the situation, but pointed out that this thinking had so far failed to remove a single hardship. They pleaded with Afrikaner intellectuals to convert (their thinking into practical action.

During April and May certain of these Afrikaner intellectuals held a series of talks with Coloured leaders, urging them to use their influence to cancel plans for combined Coloured and African demonstrations at the time of the establishment of the republic, and pointing out that there was much genuine goodwill towards the Coloured people in Afrikaner circles. It was reported that the Coloured men said they would be willing to consider this

appeal only if the Whites present could arrange for the Government to hold top-level talks with Non-White leaders; but that two approaches made in consequence at a Cabinet level were unavailing⁽⁹⁾.

It was also reported⁽⁹⁾ that at a meeting of Afrikaner intellectuals held at Hermanus in the Cape an action committee was set up to try to establish a series of pressure groups with the aim of inducing the Government to modify its racial policies. Thereafter, discussion groups were formed in numerous centres.

Towards the end of May the Moderature of the Nederduitse Gereformeerde Mission Church appealed to the Government to treat the Coloured people "in a just, reasonable and Christian manner". They said, "The Coloured people are just as much citizens of South Africa as the White people", and should be consulted in all matters affecting them. "We want to assure the people of our Church that we, as ministers of the Mission Church, are not unsympathetic as regards certain grievances which they have in connection with the treatment of their group. . . . The dignity of the human personality should always be remembered"⁽⁹⁾.

On the same day, when talking in the Assembly about people who were "busy playing with fire" by suggesting the summoning of a National Convention, Dr. Verwoerd said⁽⁷⁾, "The state of the nation will remain healthy only so long as the policy of this government is supported *in all respects*". (These words were italicised in Hansard).

Early in June a regional conference of the Cape Nationalist Party was called to consider the party's policy in regard to Coloured affairs. Addresses were given by three Deputy Ministers. Any dissident elements present had apparently been induced to conform, for the conference "noted with pleasure the manner in which the Government is applying the party's policy in respect of the Coloured population".

Dr. Verwoerd again emphasized his attitude in a speech in the Assembly on 8 June, when he said⁽⁸⁾, "I do not, therefore, believe in this aim of one multi-racial nation. . . . It is an unrealistic policy to restore them (the Coloured) to the common voters' roll. . . . It would be impossible to entrench the White man's authority in the Cape Province. . . . Would Natal allow . . . that alongside a Coloured-controlled Cape Province there would also be an Indian-controlled Natal?" Asked directly whether he was in favour of Coloured voters having Coloured representatives in the House, he replied that he was not. "If a Government starts

(9) *Kami Daily Mail*, 6 and 8 May 1961.

(5) *Sunday Times*, 30 April.

(6) *Kami Daily Mail* report, 23 May.

(7) Hansard 18 cols. 6947-8.

(8) Hansard 19 cols. 7572, 7577-9.

following the road of political integration and it cannot go the whole way", the Prime Minister said, "it is playing with the most unrealistic policy possible".

Dr. Verwoerd succeeded in reducing the amount of overt criticism within his party's ranks, particularly in Parliament, but the fire was not extinguished. That was, probably, one of the reasons why he decided upon a general election, to be held in October, eighteen months before it would normally have been due. This matter is discussed below.

After the Hennis meeting numbers of discussion groups sprang up in various parts of the country, composed of prominent Afrikaners and English-speaking business and professional men who were concerned about the future of South Africa and the impact of racial policies on the economic situation. Attempts were made to form a common platform on a non-party-political basis, and for this purpose the organizers drew up an eleven-point programme which, *inter alia*, accepted the republic, called for adequate Parliamentary representation of Coloured by Coloured if desired, and for the restoration of the representation of Africans by Whites⁽¹⁰⁾.

Nationalists' bid for (the support of English-speaking South Africans

Shortly after it had been decided that South Africa should become a republic and leave the Commonwealth, two by-elections were held which involved straight rights between (the Nationalists and the United Party. Both were in safe Nationalist constituencies. In the first, Bethal-Middelburg, the Nationalist majority was only very slightly smaller than it had been at the referendum; but in the second, Swellendam, the Nationalists gained a higher percentage of the votes cast than they had done the previous year. It was obvious that the party was certainly not losing ground.

Appreciating that the main cultural objectives of Afrikaner Nationalism had been secured with the advent of the republic, Dr. Verwoerd decided to put less emphasis on the pursuit of purely Afrikaner interests and to concentrate on Black-White relations, thus promoting the conservative-liberal polarization which for a time had been obscured in the country's political life⁽¹¹⁾. He determined to broaden his party's appeal as the spiritual home of White people who wished to defend White interests as such, thus converting Afrikaner nationalism into a much broader White nationalism.

This appeared to be an astute move, for the impact of events in Africa since the Congo upheaval was dominant in the thoughts

(10) The *Rand Daily Mail* of 29 July gave full details of this programme.

(11) Phrases used by Mr. Laurence Gandar in the *Rand Daily Mail*, 22 August 1961.

of many English-speaking Whites, the suppression of Non-White unrest was at the time an apparent success, and the economic and diplomatic repercussions of Dr. Verwoerd's policies were not as yet widely evident.

Addressing the Transvaal party congress on 16 August, the Prime Minister said⁽¹⁾, "I see the National Party to-day ... as a party which stands for the preservation of the White man, of the White government in South Africa". Until recently it had contained mainly Afrikaans-speaking people, but he did not wish this to continue. When English-speaking people joined the Nationalists there was no justification for calling them traitors to their cause or group. "I say the same to my own people. When an Afrikaans-speaking person believes that the other direction is best, we should not look on him as being a traitor to the Afrikaners".

Dr. Verwoerd, apparently, considered that the Nationalist Party would gain the allegiance of large numbers of people who had previously not voted for it in return for the possible loss of support by far fewer dissatisfied party members.

Decision to hold a general election

Although the five-year term of office of the existing Parliament did not expire until April 1963, Dr. Verwoerd decided to hold a general election during October 1961.

It seemed that he had several motives—to gain the support of the many people who were concerned about developments in the North; to eliminate waverers in the Nationalists' Parliamentary ranks; to act before the economic repercussions of having left the Commonwealth became too marked and before subtle changes in long-established party political loyalties had developed too far; and to exclude the Progressives from Parliament.

THE NATIONAL UNION

The launching in February 1960 of the National Union by Mr. Japie D. du P. Basson, and its broad objectives, were described in the last issue of this *Survey*⁽¹²⁾. Very briefly, it aims at achieving a greater degree of co-operation between Afrikaans and English-speaking citizens, is opposed to measures that assault the dignity of the Non-White people, considers that the Coloured should have the right to elect their own Coloured representatives to legislative bodies, advocates the rapid development of Bantustan areas on a basis of joint responsibility, favours the restoration of the African political rights which were removed in 1959, recognizes that many Africans have their permanent homes outside the

(1) *Illicit Daily A/III* report (in Illic following morning).

(2) *Pasc* 15.

Reserves and feels that they should be given increased rights, and urges that diplomatic relations with other African states should be fostered. Generally speaking, the National Union's policy is a blend of traditional South African conservatism with an understanding of the need to make better provision for the Non-White peoples.

Realizing that dissatisfied Nationalists were unlikely to join the United Party, which has always opposed the main goals of sectional Afrikanerdom, Mr. Basson has during 1961 developed his party as a political home for such people.

The S.A. Bond, founded earlier, had a slightly more conservative policy than that of the National Union⁽¹³⁾. It was announced during April 1961 that these organizations had decided to join forces as a first step in the realignment of political parties in order to deal with the country's immediate problems and to unseat the Government. A full organizational merger never took place, however, and the Bond withdrew from the arrangement after the United Party and National Union entered into an election pact.

It was reported¹⁴ that by June 1961 there were about 60 branches of the National Union. During the following month Mr. H. A. Fagan was appointed leader of the Union—he is a former Chief Justice, a former Nationalist Minister of Native Affairs, and was a candidate for the State Presidency. Mr. Basson remained the National Chairman.

CONSERVATIVE WORKERS' PARTY

It was announced on 3 September 1961 that a group of White trade unionists from centre-of-the-road or right-wing unions had formed a Conservative Workers' Party and would put up candidates in certain Nationalist working-class constituencies. Spokesmen said they considered that the Government had "betrayed the interests of White workers". By concentrating on ideological aims it had allowed a recession to develop; and by paying attention to the development of industry in areas bordering on the African reserves rather than in the lowlands it was responsible for unemployment among Whites⁽¹⁵⁾.

THE UNITED PARTY

United Party Policy

After South Africa left the Commonwealth, Sir de Villiers Graaff appealed "over the head of Dr. Verwoerd" to South Africans to unite in support of a policy different from that of the

(12) Its policy was described in this *Survey* for 1051-1052, page 5.

(13) *Rail Daily Mail*, 10 June 1961.

(14) *Sunday Times* report, 3 September.

Africans to unite in support of a policy different from that of the Nationalists¹¹. He pleaded for an ordered advance to a racial federation. Five steps should be taken, he said:

- (a) The Cape Coloured must be accepted as part of the Western group, returned to the common roll, and given the right to sit in Parliament.
- (b) It must be recognized that the Asian community is a permanent part of the population, and should be protected against inroads made by the Group Areas Act upon their traditional means of livelihood. Their future political status should be determined by immediate negotiation with them.
- (c) Urban Africans should be given parliamentary representation on a separate roll, and a stake in the maintenance of law and order by the reintroduction of a system of pass exemptions, the grant of freehold title, and the assurance of an undisturbed family life.
- (d) The African reserves should be developed with White capital, skill and initiative. Africans permanently resident there should be given a measure of self-government on an elected basis, and some form of parliamentary representation.
- (e) The policy of job reservation should be abandoned and replaced by the principle of the rate for the job.

Later, at the United Party Congress held in Bloemfontein during August, Sir de Villiers elaborated on his race federation plan, which was endorsed by his party. The scheme must remain a flexible one, he emphasized, thus it was undesirable to formulate it in detail. The ultimate outcome would be the establishment of a central federal parliament, composed of representatives of races rather than territories. Each racial group would have a defined share in this government, Coloured people being grouped together with Whites. The basic rights of individuals, groups and areas would be entrenched constitutionally. All proposed parliamentary reforms would be laid before the electorate by way of a referendum or an election.

The political units for administrative purposes might be large areas mainly inhabited by Whites or by Africans, such as the Transkei in the latter case. Alternatively, smaller areas that were predominantly White or predominantly Black might be grouped together, White with White and Black with Black.

The first step would be to restore the Cape Coloured to the common roll and to grant them the right to sit in Parliament and provincial councils. Next, negotiations would be undertaken with Asians to determine their future political status.

A distinction would be made between permanently urbanized Africans and those with their homes in the reserves. The former group would be represented in parliament by Whites, on the

(ii) Assembly. 28 March 1961. Hansard 10 cols. 3860-1.

basis of a separate voters' roll. In the reserves, the elective principle would gradually be introduced into local government institutions, and later a considerable measure of self-government would be granted there under the authority of the central parliament. Some form of parliamentary representation for rural Africans would eventually be accorded, not necessarily of the same nature as that provided for urbanized Africans¹².

The United Party congress reiterated its policy of the maintenance of White leadership for the foreseeable future, but stated that the fruits of Western civilization should be shared with Non-Whites capable of joint responsibility in administration, and that there should be respect for individual dignity, regardless of race. Inter-racial consultation at all levels was advocated.

Election Pact with the National Union

It was reported¹³ that, during July, representatives of the United Party and the National Union met to discuss the possibility of forming a united front to fight the general election. Agreement was apparently not reached, but instead the two parties decided on an election pact with nine basic objectives, which, in summarized form, were:¹⁴

1. to pledge themselves to the fullest co-operation of English-speaking and Afrikaans-speaking citizens in the government;
2. to accept the republic, strive to protect it against attack, and secure its progress;
3. to uphold the White man's right of self-determination;
4. to eliminate from the legislation and administration, by way of continuous mutual consultation, those things that offend against the dignity of the Non-White groups;
5. in spite of differences between the two parties on the question of Non-White parliamentary representation, to co-operate in respect of the urgent matters on which there was full agreement;
6. to accept the plan for a race federation;
7. to develop the reserves with the aid of White capital, initiative and skill, while protecting the interests of Africans in these areas; -to introduce controlled freehold title for responsible urbanized Africans; and to aim at a more rational and sympathetic application of such measures as (he pass laws);
8. to establish effective machinery for consultation between the different race groups; and
9. to work for a rapid increase in the tempo of economic and industrial development, an improvement in the standards of

(11) From reports in the *Star*. 2 June, *Kami Daily Mail*, <> August and *Sunday Times*, 20 August 1961.

(12) c.R. *Xiniliif Times*, 2 July.

(13) These objectives were set out fully in the *Star* of 16 AUKUM.

living of all sections of the population, and the fullest opportunities of employment for all.

The Progressive Party offered to enter into an election pact with the United Party, but this proposal was rejected, in order to try to overthrow the Government the United Party was competing for votes in a conservative region of public opinion, thus it preferred to dissociate itself from groups to its left and to co-operate instead with the National Union, which party might succeed in gaining the votes of dissident Nationalists.

III', PROGRESSIVE PARTY

The policy of the Progressive Party was described in some detail in the previous issue of this *Survey*^m. During November 1960 a further point was decided upon: that party membership should be open only to those who qualified for the suggested common roll. Those admitted to the "15" or special roll would be organized into special branches, and would have no say in the formulation of party policy.

Professor I. S. Fourie, previously an Independent M.P., joined the Progressives in June 1961.

Between February and May this party participated in straight fights against the United Party in four by-elections — Hospital, Johannesburg (parliamentary), Green Point and Constanlia (Cape provincial council) and a Johannesburg municipal ward. On an average it gained 30.2 per cent of the votes cast.

Feeling confident that in the long run South Africa would accept its policies but aware that it had no hope of any pronounced success at the polls in 1961, the Progressive Party decided that at the general election it would concentrate on spreading its message as widely as possible. It resolved against entering into any three-cornered contests where a split Opposition vote might result in a Nationalist victory. Instead, it would enter candidates in constituencies that were Nationalist strongholds or those in which Nationalists could not win.

THE LIBERAL PARTY

The policy of the Liberal Party, as described in previous issues of this *Survey*⁽²¹⁾, remains unchanged.

This party decided upon the innovation of using Non-White canvassers prior to the election.

RESULTS OF THE GENERAL ELECTION

At the general election in 1958 the Nationalists won 103 and the United Party 53 of the 156 seats in the House of Assembly.

(20) Vase 12.

(21) 1959-60 IWRC 11, 1956-57 pnci: 4, 1952-53 page 5.

But later, as was described in previous *Surveys*⁽²²⁾, eleven Members of Parliament who had come to the conclusion that the United Party was showing an unwillingness to face up to the challenge of contemporary events broke away to found the Progressive Party. Mr. T. f. du P. Ikison, M.P., who was expelled from the Nationalist Party after he had opposed the decision to abolish the parliamentary representation of Africans, founded the National Union Party. As those who had seceded from the original parties did not resign their seats, the support they would have obtained from the electorate was unknown. The new parties fought their first general election in 1961.

As is mentioned earlier, the United Party entered into an election pact with the National Union. Mr. Basson, who was unlikely to succeed against the Nationalists in his original constituency, was given a safe United Party seat. Both the Nationalists and the United Party decided not to contest seats they had no hope of winning: as a result there were 50 Nationalist Party and 20 United Party members returned unopposed. The Progressives resolved on this occasion not to enter into any three-cornered contests where a Nationalist victory might result from a split Opposition vote.

In the 86 constituencies that were contested there were 60 Nationalist candidates, 80 from the United Party/National Union pact, 23 Progressives, 4 from the Conservative Workers' Party, 2 Liberals and 9 Independents.

The three last-mentioned groups did not achieve any success. The Nationalists gained three seats from the Pacl, and the latter gained ten from the Progressives, the final state of the parties being:

	At dissolution	New Parliament
Nationalists	102	105
United Party	42	49
Progressive Party	11	1
National Union	1	1

The total percentage poll was 77.75.

Between 1958 and 1961 there had been a substantial swing of support to the Nationalists. It was clear that the uneasiness felt by numbers of Afrikaner intellectuals, described earlier, was not reflected in the election results. Some of them may have abstained from voting or have voted for other parties; but it appeared that, in general, although such people may have had doubts about the methods which the Government was adopting in pursuit of its policy of separate development, they nevertheless agreed that this policy was a desirable one.

(22) 1958-59 page 7, 1959-60 page 15.

Other Afrikaners, even if more in sympathy with the aims of Mr. Basson's party than with those of the Nationalists, may have disapproved of his election agreement with their traditional opponents, the United Party.

It may have been that if the election had been held at the normal time in April 1963 numbers of these people would have voted differently. Dr. Verwoerd's decision to hold it eighteen months earlier apparently paid dividends in this respect. He obviously gained substantially, too, from portraying his party as the one standing for the preservation of the White man in South Africa; in concentrating on White-Black relations. His main access of strength must have come from people who had previously supported centre groups but who had become convinced that the policy of separate development was the only one that would safeguard the future of the Whites.

The United Party's strategy failed—its vaguely outlined *ph* development for a race federation, that did not commit it to either separate development or integration, and its hope of using the National Union as a bridge by which dissatisfied Nationalists could cross to the Opposition. Although it was returned to Parliament with an increased number of seats, in fact it had shed support on both flanks. The National Union gained only the one safe seat that had been made available to Mr. Basson. Otherwise, the nearest it came to victory was in the Boksburg constituency, when its candidate lost by 1,507 votes to a Nationalist.

The Conservative Workers' Party and the Liberals were defeated by large majorities, averaging 3,793 in the former case against Nationalists, and 5,378 in the latter case, against United Party candidates.

Progressive Party candidates made it entirely clear that they stood for a society based on merit, not race. They scored a nine greater success than many people had thought was possible. They gained only one seat—that won by 564 votes by Mrs. Helen Suzman in Houghton, Johannesburg—but they came very close to victory, against United Party opponents, in Parktown, Johannesburg, where Mr. J. Cope lost by only 85 votes, and in Pietermaritzburg District, where Mr. G. Forder lost by 175. There were four other constituencies in which the United Party majority over the Progressives was less than 900. It was evident that more clear-cut polarity between liberal and conservative thinking was emerging in South Africa.

According to the *Star*⁽²³⁾, 800,590 votes were cast in the 81 constituencies that were contested, as follows:

	Number of votes	Percentage of total
Nationalist	370,431	46.26
United Party	302,875	37.54
National Union	35,903	4.48
Progressive Party	69,042	8.62
Conservative Workers' Party ...	6,229	1.07
Liberal Party	2,461	0.31
Independents	10,704	1.34
Spoiled papers	2,945	0.37
	800,590	99.99

It would appear that these figures are not correct, 11,317 votes cast for the National Union and 2,325 for the Conservative Workers' Party being in error credited to the United Party. Also, one of the Independents gained more votes than was stated in this Press report. Adjustments made to allow for these apparent mistakes would, however, make no substantial difference to the percentages given above.

The results of the election of four representatives of the Coloured people of the Cape are described later.

COLOURED POLITICAL ORGANIZATIONS

Disunity among Coloured people in the past

The Coloured people have traditionally been very much divided amongst themselves.

As Dr. O. D. Wollheim pointed out in a paper given at a meeting of the Institute of Race Relations⁽²⁴⁾, those in the sub-economic group have not been politically conscious, being more concerned with the struggle to obtain the essentials of life for their families than with politics. Dr. Wollheim estimated that about 30 per cent of those in Cape Town and 50 per cent of those in rural areas fall into this category. Many others, though better-off financially, have been apathetic: Coloured people, however well educated, have never had an effective voice in the formulation of Government policies.

In the early 1940's a great cleavage took place in the ranks of the politically active minority over the question of the acceptance or otherwise of the Government-appointed Coloured Advisory Council. This breach has remained unhealed.

As Dr. Wollheim pointed out, of the 10,000 to 15,000 Coloured people whom he estimated were actual paid-up members of any political organization early in 1961, support was divided between:

- (a) Conservatives—the *Kleitdingbond*, a rural group which supports the Government; and the Coloured People's National Union, led by Mr. George Golding, which gives qualified support to the Government-created Union Council for Coloured Affairs and Coloured Affairs Department. The latter group appears to be losing ground.
- (b) Moderates—the Coloured People's Congress (formerly known as the S.A. Coloured People's Organization), led by Messrs. George Peake, Reggie September and Barney Desai. This organization is part of the Congress movement and shares its views⁽²⁾.
- (c) Radical — the much smaller Non-European Unity Movement, led by Mr. Ben Kies, which developed from the Anti-C.A.D. movement of the 1940's, and stands for complete non-co-operation with Whites.

During the year under review there have been various moves to create organizations that would foster greater unity and enlist the support of Coloured people who, although awake to their situation, did not belong to any of the bodies mentioned above.

Transvaal People's Organization

In last year's *Survey*³ an account was given of a conference of the local Coloured community that was convened by the Southern Transvaal Region of the S.A. Institute of Race Relations of the decision to form an association; and of the six main objects proposed for this association.

Thereafter, a draft constitution was drawn up. The name provisionally chosen was the Transvaal Association for the Advancement of Coloured People. Its suggested aims were to secure positive co-operation among all the Coloured people of the Transvaal in order to promote their economic, social and political advancement, and in particular, by all lawful means to strive for the six main objects mentioned above, which dealt with the removal of the colour-bar in political, industrial, educational, sporting and recreational fields and of restrictions in regard to land or premises. It was suggested that any person who supported these objects would be eligible to become a member.

A public meeting, at which the Rev. L. Bergens was in the chair, was held on 18 March to bring the organization into existence. About 120 persons were present, including a few Africans, Indians and Whites.

As a result of events mentioned earlier in this chapter, the feelings of Coloured people had hardened since the time when

(2) Other members of the Congress movement are the African National Congress (not included), the S.A. Indian Congress, the Congress of Democrats and the S.A. Congress of Trade Unions.

(3) Page 134.

the original conference took place. They had become more politically aware. Moreover, they were increasingly resentful of being treated by the Whites as a separate, inferior group. The result was that there was a strong move at the meeting to create a non-racial rather than a Coloured body, and to bring political issues more to the fore-front than had originally been intended. After lengthy discussion the meeting decided to drop the term "Coloured" from the name, and to call the association the Transvaal People's Organization. About a third of those present disagreed and left the meeting. The chairman and the acting secretary resigned, and the whole matter has been left in abeyance.

Establishment of the Coloured National Convention

1. Preliminary moves

During February 1961, fifteen leaders of the Coloured community in the fields of religion, education, politics and cultural and trade union activities met in Cape Town. They were deeply perturbed over the Prime Minister's "granite wall" speech, and discussed the possible summoning of a national convention, and methods of bringing together organizations and individuals opposed to the system of apartheid and White domination.

In a report entitled "The Malmesbury Convention", Mr. Dennis Brutus wrote, "It was not intended to supersede any of the existing organizations, or to form a new organization".

A series of further meetings was held, other influential leaders being drawn in. Also there were consultations with African leaders.

Mr. Brutus reports that it was agreed:

- "(a) The only policy that can succeed in South Africa is one of complete equality for all people.
- "(b) Having accepted that we stand for complete equality in a non-racial South Africa, we therefore reject all political and social agencies that have as their purpose the perpetuation of a system which implies the inferiority of, and imposes inequality upon, any South African of whatever race or colour.
- "(c) Bearing in mind that the stated policy of the Government as enunciated by Dr. Verwoerd, and the political and social institutions which are being used to implement this policy, are entirely repugnant to, and inimical to, the true interest of the people, it was agreed that there could be no compromise or collaboration with the present Government.
- "(d) After consultation with, and the approval of, African opinion, it was decided to call an initial conference of 'Coloured people'.
- "(e) That the basis of discussion at the convention would be the

clear and unmistakable demands of the people for:

- (i) *the total abolition of the colour-bar in every sphere;*
- (ii) *full citizenship for all the peoples of South Africa.*

A planning committee was set up, with Mr. D. van der Ross as chairman and Mr. J. C. A. Daniels as secretary. Members toured the Union and set up further committees in Port Elizabeth, Kimberley, Durban, Johannesburg, East London, Pietermaritzburg, several Western Province towns, and in other centres. The conservative and radical groups mentioned earlier held aloof, but other organizations and many individuals previously non-political in their approach associated themselves with the movement.

Among such organizations were the British Commonwealth Ex-Servicemen's Coloured League and Durban's Coloured Federal Council. The Cape Moslems (Indians and Cape Malays) also aligned themselves with the Convention group. A broader front emerged than had ever existed in the past.

It was planned to hold a Coloured National Convention on 24 June. But, as will appear subsequently, in the meanwhile Non-Whites had been planning demonstrations to take place at the end of May, when a republic was to be proclaimed. In order to forestall this plan, the Government banned all meetings, with limited exceptions, from 19 May to 26 June. Magistrates were empowered to grant exemptions. On 23 May the magistrate of Cape Town refused permission for the holding of the convention and for meetings of its organizing committees.

The dates for the convention were then changed to a period from the evening of 7 July to 10 July inclusive. Some 800 invitations were sent out and a great deal of organizational work was carried out.

2. Meeting of the Convention

By 6 July, about 150 delegates had already arrived in Cape Town or were on their way there. Late that evening the Minister of Justice, acting under the Suppression of Communism Act, banned the Coloured National Convention from meeting during the period 7 to 16 July at any place within the magisterial districts of the Cape, Bellville, Wynberg, Simon's Town, Paarl, Wellington, Somerset West, Stellenbosch or Worcester (an area about 110 by 60 miles in extent, stretching inland from the Cape Peninsula and including all the main urban centres there).

Leading citizens of Cape Town held a protest meeting at which a former ex-Chief Justice, the Hon. A. van der Sandt Centlivres, was in the chair. Numerous organizations also protested, amongst them the Liberal Party and the Institute of Race Relations⁽⁵⁾.

(5) RR 146/61.

The district of Malmesbury, some 35 miles north of Cape Town, was not included in the banning order. The organizers made hurried plans to transfer the convention to a hall in Malmesbury town; but then heard that members of the Security Police were present there. At that stage a farmer in the district offered to allow the delegates to meet in the open on his property. Elaborate precautions to keep the matter secret were necessary and not all the delegates could be informed in time, but successful arrangements were made to transport to the farm more than 150 people, including representatives of all the main organizations that had been invited.

3. Findings of the Convention

The convention adopted the formulation of policy as agreed upon earlier by the original leaders.

The findings dealt with a variety of matters⁽⁶⁾. The convention declared that the "Coloured" people are a separate group only by discrimination, thus it rejected the principle of a separate racial status. It pledged itself to work for the creation of a non-racial democratic South Africa. For this a new constitution would be needed, which should be determined by a National Convention and should embody a Bill of Rights. A continuation committee was appointed to enter into negotiation with other bodies having similar aims with the object of holding non-racial conferences in the various areas preparatory to a National Convention.

The convention called for the repeal of the Group Areas Act, condemned the industrial colour-bar and job reservation, and stated that education should be free, integrated, and compulsory and that all institutions of higher learning should be open to everybody. All laws which discriminate against people on a basis of race, colour or creed should be abolished. Active measures were suggested to raise the level of skill and the efficiency of the working population. It was considered that a re-division of the land should take place.

Mr. D. van der Ross was elected chairman of the continuation committee of the convention, with Dr. R. E. van der Ross as deputy chairman and Mr. J. C. A. Daniels as secretary.

Attitude of Coloured voters to the election

As at 1 January 1961 there were 24,043 Coloured voters registered on a separate roll in the Cape, and 511 on the common roll in Natal⁽⁶⁾ (no further Coloured voters have been registered in Natal since 1956, when the Separate Representation of Voters Act was re-validated).

(5) Again, the writer is indebted to Mr. Titmus for sending a detailed summary of the findings.

(6) The Minister of the Interior, Assembly 17 February 1961. *Parliamentary Debates*, 117...

Very many more Coloured men in the Cape possess the necessary qualifications but have not registered because they are opposed to separate rolls and regard the present system of representation as ineffectual. The number of registered Coloured and Asian voters in that province reached a peak figure of 47,677 in 1953, which was during the height of the constitutional struggle over Coloured voting rights. By the following year it had decreased to 37,764, and by 1959 to 24,306⁽⁷⁾.

Having decided to reject all systems and agencies which seek to perpetuate the conception that the so-called Coloured people have a separate racial identity, the Coloured National Convention called on its members to boycott the election of four White persons to represent Cape Coloured voters in the Assembly. The Coloured People's Congress decided upon a similar attitude, and the Non-European Unity Movement has consistently refused to participate. However, the conciliatory Coloured People's National Union and *Kleurlingbond* announced that they would take part in the election.

Results of the election

In view of the attitude of most Coloured leaders to their system of parliamentary representation, the Progressive and Liberal Parties decided against putting forward candidates. The Nationalists did not do so, either.

The Coloured people displayed very little interest. Mr. M. W. Holland (United Party) was returned unopposed in Oulcniqua, as was Mr. A. Bloomberg (Independent) in the Peninsula.

Of the five Independents who stood in the other two constituencies, Mr. C. Barnett was returned for Boland and Mr. G. S. C. le Roux for Karoo. The average percentage poll was only about 40 per cent: only 4,740 Coloured people voted.

AFRICAN POLITICAL ORGANIZATIONS

Renewal of ban on the A.N.C. and P.A.C.

It was mentioned in last year's *Survey* that on 8 April 1960 a proclamation was issued, to have effect for a year, declaring the African National Congress and the Pan-African Congress to be unlawful organizations. This ban has been renewed for a further period of twelve months, leaving Africans with no political organization through which they can express their views. Numbers of the political leaders have left the country: they have established a South African United Front with representatives in Dar-es-Salaam, Cairo, London, Accra and New York. Other leaders have remained in South Africa, but it has been difficult for them

to keep in touch with African opinion because some are prohibited from attending meetings or from leaving specified districts, numbers are serving prison sentences, and certain of the leaders, fearing imprisonment, have gone underground.

Several further Africans have been prosecuted under the Unlawful Organizations Act of 1960 for allegedly having continued the activities of the A.N.C. or P.A.C. One of them was Canon J. A. Calata of the Anglican Church, whose offence was that he had two photographs, taken in 1939 and 1942, hanging on the walls of his home showing him as President of the A.N.C. in the Cape, and as a member of an A.N.C. deputation. He had resigned from this organization in 1956. Canon Calata received a sentence of 180 days suspended for three years⁽⁸⁾; but others, accused of having actively promoted the objects of one or other organization, were more severely punished. Mr. A. 13. Ngcobo, for example, was sentenced to two years' imprisonment⁽⁹⁾.

"All-in" conference

1. Preliminary planning

During December 1960 about forty prominent leaders in various fields of activity met in Johannesburg to discuss ways of uniting Africans in opposition to the proposed constitutional changes. Invitations had been sent out in the names of ex-Chief A. J. Lutthili, the Rev. N. B. Tantsi, Professor Z. K. Matthews. Mr. Duma Nokwe and Mr. W. H. Ngakane. The meeting was raided by Security Branch detectives, who seized a number of documents and temporarily detained twelve delegates for questioning in connection with their reference books.

A continuation committee was appointed to plan an "all-in" conference with the object of unifying the African people. It was agreed that this conference would consider an action programme, including the possibility of calling on the Government to summon a national convention, representative of all the people of South Africa, to work out a new constitution.

A cable was sent to the Secretary-General of the United Nations urging that a commission of observers be sent to Pondoland "to observe the alarming military operations against unarmed people by the South African Government".

In January Mr. Jordan K. Ngubane, the chairman, said⁽¹⁰⁾ the continuation committee felt that a positive alternative to apartheid could not be produced by Africans alone. They should invite members of organizations representative of other racial groups to help formulate such an alternative, using methods that

(8) *Rand Daily Mail*, 21 June 1961.

(9) *Star*, 24 February.

(10) *Star*, 25 January 1961.

would eliminate racial friction. A united stand should be made on moral values which weighed on both sides of the colour line. For these reasons a multi-racial convention ought to be held after the "all-in" conference.

Ex-members of the P.A.C. on the committee objected to the emphasis that was being placed on a multi-racial gathering. They were not prepared to participate in such a meeting. During March they resigned. Mr. Ngubane and others, including Mr. Paul Mosaka and Mr. J. C. M. Mbata, then suggested that preparations for the conference should be suspended while the differences were ironed out, for the principle of unity should be adhered to at all costs. They felt that the ex-members of the A.N.C. were using the continuation committee to further their own programme. It proved impossible to reach agreement, however, and these men also resigned. Thus, in the event, the conference was representative mainly of ex-members of the A.N.C.

2. Arrest of certain committee members and ex-members

On 20 March, five days before the conference was due to start, ten of the original planners were arrested and were later charged with having contravened the Unlawful Organizations Act read with provisions of the Suppression of Communism Act. Three further arrests were made some days later. The men concerned were the Rev. N. B. Tantsi, the Rev. B. R. Rajuili, and Messrs. H. J. Benghu, J. Malie, J. C. M. Mbata, G. Mbeki, J. Molefi, P. Mosaka, W. B. Ngakane, J. Ngubane, A. Nzo, D. Nokwe and M. Shope. As has been mentioned, several of them had resigned from the committee before the arrests were made. They were granted bail but for some time were confined to the districts where they lived. Their trial is described on page 39.

3. Proceedings at the conference

The conference was held in Pietermaritzburg on 25 and 26 March. More than a thousand delegates were present: as has been stated, they were mainly people who had supported the A.N.C. The venue was altered at the last moment because it was reported that the Special Branch had installed a microphone and tape recording equipment in the hall that had been booked. As it proved impossible to find accommodation for all the visiting delegates the meeting was continued through the night.

The conference called for a national convention of elected representatives of all adult men and women, without regard to race, colour, creed or other limitations, to be held not later than 31 May. It was agreed that if the Government ignored this demand, the people would be called upon to organize mass demonstrations on the eve of the declaration of the republic, Africans would be urged not to co-operate with the republic or with any

other form of government "which rests on force to perpetuate the tyranny of a minority", Africans would organize to carry out constant actions "to oppose oppression and win freedom", and the Indian and Coloured communities and "all democratic Whites" would be invited to join with them in opposition "to a regime which is bringing South Africa to disaster"⁽¹¹⁾.

A National Action Council was appointed which, during April, sent letters to several hundred political, church, industrial, commercial and other organizations urging that before 31 May they should voice strong public protests against the Government's apartheid policies, mobilize their members and supporters to demonstrate opposition to the Government and to reinforce the demand for a national convention, and break off all co-operation with the Government and any of its branches.

The three-day "stay-at-home" demonstration planned by the council, and the action taken by the Government, are described in a subsequent chapter.

Award of Nobel Peace Prize to ex-Chief A. J. Luthuli

The Nobel Peace Prize for 1960 was awarded to ex-Chief A. J. Luthuli, who had been President-General of the banned A.N.C. The Nobel Committee said⁽¹²⁾ that "in spite of the unmerciful South African race laws, Luthuli has always urged that violence should not be used. To a high degree it is due to him that struggles in South Africa have not taken the form of bloody conflicts".

Mr. Luthuli is the first South African to have received this honour. At the time of the award he was banned from attending gatherings and was confined to the rural Lower Tugela district of Natal.

He was granted a ten-day passport to go to Oslo to receive the prize, but was refused the permission he had requested to visit Tanganyika *en route*. He was also unable to accept an invitation extended to him to visit the United States.

In announcing that the temporary passport would be granted, the Minister of the Interior said⁽¹³⁾ that the Government could not understand or support the award, which was regretted in important circles in South Africa. Ex-Chief Luthuli's role in this country could not be deemed to have promoted peaceful community life. This award must necessarily rob the Nobel Peace Prize of all its high esteem in the judgment of objectively minded people.

(11) *New Age* report, 30 March.

(12) *Ranil Daily Mail*, 24 Orloher 1961.

(U) *Star*, 3 November 1961.

INDIAN POLITICAL ORGANIZATIONS

The larger of the two Indian political bodies, the S.A. Indian Congress, is now led by Dr. G. M. Naicker. With the other members of the Congress Group it has pledged itself to bring about a multi-racial state by non-violent means, exercised mainly in the economic field.

The S.A. Indian Organization is both considerably smaller and more conciliatory than the Indian Congress. In giving evidence before the Group Areas Board, for example the Organization, accepting that the relevant Act is the law of the land, has sought to obtain the best deal possible for Indians in the circumstances. Congress, on the other hand, has consistently expressed its opposition to the removal of anyone.

Like the members of other Non-White groups, Indians have become increasingly embittered during recent months. They have objected strongly to the creation of a Department of Indian Affairs and to the establishment of a separate university college for Indians. Events have caused the Indian Organization to become more anti-Government in its attitude than it was in the past and to move closer to the outlook of the Congress.

Being a minority group in the country, Indians realize that some solution other than an exclusive White or Black nationalism is necessary for their survival. Thus the Indian Congress has aligned itself with the A.N.C. rather than the P.A.C. and supports multi-racialism. Members have a great respect for the older A.N.C. leaders, but are apprehensive about the spirit of nationalism evident in many of the younger ones. Congress has been fully behind the demands for a national convention.

Indian leaders, very seriously concerned about the course of events in South Africa, have been gravely re-considering their policies⁽¹⁴⁾.

The Southern Transvaal Region of the Institute of Race Relations convened a conference of the local Indian community, which was held during November 1960. Throughout the discussions the injustice of denying Indians any right to effective political participation in central, provincial and local governing bodies, and their consequent inability to have justifiable grievances redressed, was a constant theme⁽¹⁵⁾.

THE FEDERATION OF S.A. WOMEN

The Federation of S.A. Women, an inter-racial body whose President is Mrs. Lilian Ngoyi, held its first national conference for five years in Port Elizabeth during September 1961. It was

(14) Mentioned in talk given by Miss Hansi Potlak at a meeting of the Institute of Race Relations.

(15) The report of the conference was published as RR 227/60.

preceded by a series of meetings in various centres of South Africa held to commemorate the march of women to the Union Buildings in Pretoria on 9 August 1956⁽¹⁶⁾.

About 186 delegates and hundreds of observers attended the conference. The main resolution passed was to the effect that apartheid, race discrimination and the lack of democratic rights constituted the greatest disabilities of all for the women of South Africa. To achieve equal rights and decent living conditions "we must end these political disabilities once and for all"⁽¹⁷⁾.

Mrs. Ngoyi was subsequently banned from attending meetings for a period of five years.

**DEMONSTRATIONS PLANNED FOR THE
END OF MAY****PRELIMINARY PLANNING**

At the "All-in" African conference, described in the last chapter, a National Action Council was appointed to carry out the resolutions that had been passed. It was made known that Mr. Nelson Mandela was the honorary secretary; but otherwise the names of members were a close-guarded secret.

The Coloured People's Congress decided to support the action resolved upon by the Africans. Towards the end of April it sent a letter to the Prime Minister, signed by Messrs. Barney Desai and Reg September, giving warning that if a national convention had not been called by 31 May the Coloured community would be asked to demonstrate its dissatisfaction with a republic based on a White minority. Two days later Mr. Mandela sent a similar letter from the African National Action Council⁽¹⁸⁾.

Mr. Mandela announced in a statement to the Press⁽¹⁹⁾ that the demonstrations were not intended to be anti-White, and would be peaceful and disciplined. He called upon the Indian and Coloured people and "democratic" Whites to stage demonstrations too. A few days later the National Action Council distributed thousands of leaflets calling on "all freedom-loving South Africans of all races" to make the next six weeks "a time of active protest, demonstration and organization" against a Verwoerd republic⁽²⁰⁾. Later, a call was made to all Non-Whites to remain at home on

(16) See 1955/5C Survey, iwcc 86.

(17) *New Asr report*, 7. Sentinil>er 1961.

(18) *Rand Daily Mail*, 21 April and *Sunday Times*, 23 April.

(19) *Rand Unity Mail*, 21 April.

(20) *Mail*, 1 May.

UNREST AND DISTURBANCES

THE TRANSKEI

VIOLENCE THAT OCCURRED BETWEEN MARCH AND NOVEMBER 1960

Since the end of 1959 there has been unrest in the five eastern districts of the Transkei, bordering on Natal, viz Bizana, Flagstaff, I-usikisiki and Tabankulu (Pondoland), and Mount Ayliff (East Griqualand). Reasons for the disturbances, and the events that occurred up to October 1960 were described in detail in last year's *Survey*⁽¹⁾: briefly, they arose out of opposition to the Bantu Authorities and land rehabilitation systems. One of the most serious of the happenings that took place during this period was a clash between tribesmen and the police in a valley adjoining Ngqusa Hill on 6 June, when eleven Africans were killed and thirteen wounded.

The findings of a Departmental Committee of Enquiry were also described in the 1959-60 *Survey*⁽²⁾: these were rejected by a meeting of some 6,000 Pondo at Imzizi Hill near Bizana, those present deciding to refuse to pay their taxes as a sign of their opposition to the Bantu Authorities system. A boycott of stores run by Whites in Bizana was also decided upon.

It was reported⁽³⁾ that a movement known as the "Congo" (*Ikongo*), the hierarchy of which was called "the Hill", was behind the disturbances. This organization, run on a cell system, was said to be a second and violent stage of what had started as a peaceful pressure group. Government spokesmen and magistrates⁽⁴⁾ maintained that it was led by "irresponsible agitators" from outside the Transkei. People were repulcely terrorized into joining and required to pay subscriptions towards the defence of those involved in court actions.

Further outbreaks of violence occurred, particularly in the Flagstaff district. According to Press reports, on 20 November a police party was ambushed, stoned and fired upon, the tribesmen dispersing only after the police had fired back over their heads. Five more kraals were burned down⁽⁵⁾.

On the previous day some hundreds of tribesmen gathered illegally at Ngqindilili Hill in the same area to discuss their

< i > Pases 39 cl sca.

r-1 Page 45.

(1) *Sunday Times*, 27 November 1960. *Star*, 2 December. *Contact*, 28 January.

(2) e.K. *Rand Daily Mail*, 25 March 1961. *Star*, 25 August.

(3) *Rand Daily Mail*, 21 November.

grievances. Vukayibambe Sigcau, the half-brother of the Paramount Chief, is said to have informed the police of the whereabouts of the meeting, and to have accompanied them when they went to disperse it. According to reports⁽⁶⁾, tear-gas bombs were thrown, followed by shots. Vukayibambe reputedly fired two shots over the heads of the crowd. One African is said to have been killed during this ad'ray, and four were admitted to hospital with gunshot wounds. That evening a crowd intent on revenge advanced on Vukayibambe's kraal but was repulsed. Next night a stronger party came, killed Vukayibambe and two of his headmen, seriously injured two of his cousins, and razed his kraal of ten huls. It was reported that, in retaliation, his supporters burned live kraals belonging to the assailants.

A few days later there was another flare-up in the Flagstaff district, sixty huts being set on fire⁽⁷⁾.

ACTION TAKEN BY THE GOVERNMENT

Chiefs empowered to arrest White "agitators"

The Minister of Bantu Administration and Development announced on 22 November 1960⁽⁸⁾ that African chiefs in the Transkei would immediately be granted powers to apprehend and hand over to the police "White Communist agitators" who were operating ihrc.

Regulations for the Transkei

Special regulations for the administration of the Transkeian Territories were gazetted on 30 November (R 400) and amended on 14 December (R 413).

A. Regulations that applied throughout the Transkei

Certain of them applied immediately throughout the Transkei:

1. Entry and departure

The Minister was empowered to prohibit any person from entering or being in the Transkei, or from leaving it.

2. Meetings

It was laid down that, with certain exceptions, no meeting or gathering of more than ten Africans might be held unless with the permission of the Native Commissioner, who might stipulate conditions, and might prohibit any person from holding or addressing or being present at any assembly.

(6) *Kami Daily Mail*, 22 November and 11 May. *Star*, 23 and 27 November.

(7) *Star*, 25 November.

(8) *Rand Daily Mail*, 23 November.

Meetings of Bantu Authorities, and those convened for official or judicial purposes, could be held without permission. Unless specially prohibited, so could sporting events, *hona fide* church services, funerals, entertainments, meetings held in connection with the domestic affairs of a kraal, business meetings of statutory bodies, and gatherings held for the purpose of instruction under any law.

A Native Commissioner, member of the police, officer or N.C.O. of the Defence Force, chief or headman might order persons present at an unlawful meeting to disperse. If such an order was not obeyed forthwith, force might be used to exact compliance.

It was rendered an offence to be present at an unlawful meeting or to disobey an order in connection therewith.

3. Actions deemed subversive

It was also rendered an offence:

- (a) to make any verbal or written statement or to do any act which was intended or was likely to have the effect of interfering with the authority of the State, one of its officials, or a chief or headman, or which contained any threat that any person would suffer loss, violence or inconvenience;
- (b) to organize or take part in a boycott of a meeting convened by a State official or a chief or headman, or a boycott against any person with the object of causing him loss or inconvenience;
- (c) for an African to refuse to obey a lawful order issued by his chief or headman, or to treat a chief or headman with disrespect.

4. Removal of subjects by a chief

Any chief so authorized by the Minister might order any African to move, with his household and property, from one place to another within the chief's area of jurisdiction. It would be an offence to disobey such an order.

Appeals might be lodged within thirty days to the Native Commissioner, whose decision would be final. If an African on whom such an order was served did not appeal, or if his appeal failed, the chief might use force to compel him to obey, and might demolish his huts without incurring any liability for compensation.

5. Assistance available to officials and chiefs

It was provided that any member of the police or the Defence Force might render assistance, including the use of force, to a Native Commissioner, chief or headman who was acting in terms of the regulations.

6. Trials and penalties

If specially authorized by the Minister, a chief who had been granted powers of criminal jurisdiction might try and punish any African in his area who was accused of an offence under the regulations. Such chiefs could impose maximum penalties of a fine of £50, or four head of large stock, or twenty head of small stock, or, in default of payment, three months' imprisonment. Should a fine not be paid the offender must be arrested and brought to the Native Commissioner within 48 hours. Written records of the trial and sentence must be kept.

Appeal lay to the Native Commissioner. If he confirmed the conviction, he might increase the sentence to a maximum of £300, or three years, or both, or imprisonment without the option of a fine. Similar sentences might be imposed for other convictions under the regulations, for example of non-Africans, or of Africans who did not fall under the jurisdiction of a chief who had been granted the powers mentioned above,

7. Arrests without warrant

The amendment to the regulations stated that whenever a Native Commissioner or police officer or N.C.O. was satisfied (that anyone had committed an offence under the regulations or any law, or intended to do so, he might without warrant cause him to be arrested. He might likewise arrest persons whom he considered to be in possession of information relating to an offence. Such persons would be held in custody until the Native Commissioner or policeman was satisfied that they had fully and truthfully answered all relevant questions put to them, or until the Minister ordered their release.

No persons arrested in terms of this regulation would be allowed to consult with a legal adviser unless with the Minister's consent.

8. Saving clauses

No interdict might be issued for the stay of any order given under the regulations. No civil action arising out of the operation of the regulations might be issued against the State, a Cabinet Minister or State employee, a member of the Defence Force, a chief or headman, or any person acting under their direction.

B. Regulations governing entry into specific districts and possession of firearms

There were other regulations that might be applied in specified areas. In terms of R 1979 of 30 November they were

brought into force in the districts of Bizana, Flagstaff, Mount Ayliff, Lusikisiki and Tabankulu.

With certain exceptions, it was rendered an offence for anyone not resident therein to enter any of the districts mentioned without a permit from the Native Commissioner on which conditions might be stipulated. The onus of proof of residence rested on the person concerned. Appeal against the refusal of a permit lay to the Chief Native Commissioner, whose decision was final. Those exempted were persons travelling through the area by public transport on unbroken journeys, *bona fide* travellers with permits issued by a Native Commissioner or police station commander, and certain others. Among those *not* exempted were Africans who had been away from the district for the purposes of employment or who habitually resided elsewhere, even if they were occupiers of dwellings within the district, or were registered taxpayers there, or owed allegiance to chiefs there. Non-Africans who did not live in the district permanently or habitually were also not exempt.

On the expiry of their periods of validity, permits had to be surrendered. Africans issued with them had to report their arrival and departure to a specified chief.

Every adult, of the apparent age of eighteen years and over, was obliged to report the presence of any person who was unlawfully in one of the specified districts, and was guilty of an offence if he failed to do so.

A chief could without warrant arrest anyone who failed to satisfy him that his presence in the district was lawful. Arrested persons had to be taken to the Native Commissioner or to the nearest police station without undue delay.

If anyone was convicted of entering a prohibited area unlawfully, a magistrate's court or the Supreme Court might order that any motor vehicle that was used to convey him there was forfeited to the State.

All persons in the specified districts were required to surrender any arms or ammunition in their possession to the Native Commissioner. In his discretion the latter might grant a permit authorizing an applicant to retain his firearms. Appeal against the refusal of such a permit lay to the Chief Native Commissioner, whose decision was final.

C. Regulations governing departure from prohibited areas

There were further regulations which might be applied in specified areas but which, in the event, were not brought into force.

They stipulated that it would be an offence for any resident of a prohibited area to absent himself without a permit. This

would not apply to chiefs, headmen, or members or employees of Bantu Authorities who were travelling in the course of their official duties, nor to persons who were required to appear in a court of law outside the area.

Certain action taken under these regulations

On 27 January 1961⁽⁹⁾ the Minister of Bantu Administration and Development said in the Assembly that Paramount Chiefs Botha Sigcau, Victor Poto and Sabata Dalinyebo and Chief Kaiser Matanzima had been granted the extended powers of criminal jurisdiction described above, and had been authorized to order the removal of Africans from one place to another. (*New Age* reported later⁽¹⁰⁾ that Chief Kaiser Matanzima had given Mr. and Mrs. Abel Ntwana thirty days within which to move to the location where he had established his headquarters).

The Minister said, too, that 361 Africans had been arrested for questioning and detained for periods ranging from two to 43 days. None of them had asked permission to consult with their legal advisers.

The Deputy Minister reported on 21 February⁽¹¹⁾ that up to 30 January live motor vehicles belonging to Africans had been declared forfeited to the State. In three instances appeals had been noted.

News to be reported through official channels only

It was announced early in December⁽¹²⁾ that all newspapermen had been ordered to leave the five districts to which entry had been controlled. Journalists would be allowed into these areas to report court cases only.

Arrival of troops, and provision of body-guards for chiefs

During December several heavily armed Permanent Defence Force units moved into Pondoland to operate with the police.

The Chief Information Officer of the Bantu Administration Department is reported⁽¹³⁾ to have said that a nucleus of sixty African police N.C.O.'s was to be sent to the Traiskai for a special training course, after which they would instruct some 300 tribesmen in the duties of home guards, for chiefs who had incurred hostility among certain sections because of their support for the Government's Bantu Authorities and land rehabilitation schemes.

(9) Hansard 1 cols. 224-5.

(10) 2 February.

(11) Assembly, Hansard 5 col. 1648.

(12) *Snr. 2 December, Kami Daily Mail*, 28 January.

(13) *Star*, 13 December.

According to the Minister of Bantu Administration and Development⁽¹⁴⁾, at the end of January police protection had been granted to Paramount Chief Botha Sigcau, and home guards provided for six chiefs and three headmen in Eastern Pondoland. Places of safety were arranged for two chiefs and several headmen at the height of the disturbances.

Threatened dismissals and banishments

A report in *Contact*⁽¹⁵⁾ stated that teachers in the Engcobo district, where two headmen had been murdered, were threatened with dismissal if they co-operated with those working against the Bantu Authorities system. At least one, Lewis Majija, was served with a notice of dismissal; this occurred before the assassinations had taken place.

Numbers of Africans were banished from the Transkei: a *New Age* report⁽¹⁶⁾ quotes the names of Councillors William Tyabashe and Vumisa Mbabama, Headman Mmagacle Vclilc, and Douglas Milkili and a Mr. Nompila. So far as the Institute of Race Relations can ascertain, others who were banished are Chiefs Edward Tyalite and Hlamcndane Mhlabuvelile, and Joseph Saliwa, A. K. Ganyile, Alex Tikaha and Mngqingo Pikani. They are all reported to be men who had opposed Bantu Authorities. Five of these men were later allowed to return home. At the time of writing it was believed that the rest were still exiles. The case of Mr. Ganyile is dealt with below.

They were widely scattered, being banished, for example, to the Driefontein or Frenchdale camps in the north-western Cape, or to Tabaans Location in the Sibasa district of the Northern Transvaal, or to the Nebo area of Groblersdal, or to reserves in the Pietersburg area.

FURTHER DISTURBANCES

For some time disturbances continued in spite of all the action the Government had taken. The Minister of Bantu Administration and Development reported on the casualties that had occurred up to 31 January in a speech made in the Assembly on that day⁽¹⁷⁾. Before the promulgation of the emergency regulations for Pondoland, he said, one chief and nine commoners were murdered, while fourteen other Africans lost their lives as a result of self-defence action by the police. (These include the eleven killed at Ngqusa Hill: an account of the inquest is given below).

Since the publication of the regulations, the police had killed one more African in self-defence. One chief, two sub-head-

(14) Assembly, 31 January, Hansard 2 col. 439.

(15) *II* rebruary.

(16) 29 January.

(17) *H.tribeml* 2 cols, 438-9.

men, four councillors and eight commoners had been murdered, and 26 others injured, by their fellow-Africans, and one African had been wounded as a result of police action. Four policemen had been injured during the disturbances.

The second chief to be murdered, on 2 December, was Stanford Nomaqwctckaua, head of the Mzizi tribe in the Bi/ana area, and a cousin of Paramount Chief Bolha Siycau. Four of his followers were killed at the same time⁽¹⁸⁾.

During October a mob burned down the hut of Spalding Matyile, chairman of the Engcobo District Authority and of the local school board. He escaped and hid for a time, but returned during January and was sheltered by William Matambeka. Both of these men were murdered on 30 January⁽¹⁹⁾.

Besides the murders, large numbers of huts were burned down, and fencing was destroyed in certain areas where betterment schemes were in progress. Various clashes took place between home guards and tribesmen⁽²⁰⁾. Until the home guard system was arranged numbers of chiefs and their leading supporters hid away, and many people took to the veld at night to escape possible violence.

THE NGQUSA HILL INQUEST

It was mentioned in last year's *Survey*⁽²¹⁾ that an order was issued for the exhumation of the eleven Africans who died at Ngqusa Hill on 6 June 1960. According to the Press⁽²²⁾ the Government pathologist testified subsequently that although examination was difficult, he found that six of the men had been killed by bullets and that three of them had been shot in the back of their heads.

At the inquest, held during February, the magistrate is reported⁽²³⁾ to have said that three of the policemen involved did not fire to an excessive extent and their action would appear to have been justified as it was in self-defence. The firing of stcn gun bullets by two other policemen, however, was "unjustified and excessive, even reckless", in spite of alleged provocation. There was insufficient evidence to establish that the shots fired by one of these men had killed anyone; but in the case of the other, deaths had resulted, this killing being unlawful and *prima jade* amounting to culpable homicide. The matter was in the hands of the Attorney-General.

(18) *Star* report, 5 December.

(19) *Rantl Daily Mail*, 31 January.

(20) *New Asc* reports, 26 and 29 January.

(21) Page 42.

(22) *Star*, 14 February.

(23) *Rantl Daily Mail*, 14 February.

The Minister of Justice said later^(2*) that the Attorney-General had decided not to prosecute.

Some of the men who had been wounded and the dependants of those who had been killed issued summonses calling upon the Minister to pay damages to a total of R69,496^(2*). As will be mentioned later, the Indemnity Act, No. 61 of 1961, made it impossible to proceed with this action; but the Minister appointed a departmental committee to investigate the claims and to recommend the payment of *ex gratia* payments in cases considered to be deserving.

TRIALS KKSULTING FROM THE DISTURBANCES

The police apparently conducted very large-scale raids throughout the affected areas, making many hundreds of arrests. People who had refused or neglected to pay their taxes were rounded up and taken to court: to avoid this very large numbers paid their taxes voluntarily. According to Press reports^(2*) those who were prosecuted and found guilty received sentences ranging from R1 to R2, with alternative sentences of imprisonment, for each year that they had defaulted, and were required to serve the prison sentences unless they paid the fines and tax arrears promptly. It was stated^(2*) that by these means the officials collected R36,000 in the Bizana, Flagstaff and Lusikisiki districts during December and January, as compared with only R7,200 during the corresponding period in 1959-60.

The reports quoted above stated that during the two months mentioned, in the districts of Bizana and Lusikisiki, 1,680 Africans were prosecuted for tax offences, 161 for reference book offences, and 38 for being in possession of dangerous weapons. In the JKentani district about 650 people were charged with these offences. Sentences in the more serious cases ranged from fines of R20 to imprisonment for six months without the option.

There were numbers of prosecutions for entering the prohibited areas without permits. According to the *Star*^(2*) by 10 February 120 Africans and one White man had been arrested on this charge in the Mount Ayliff district and about twenty Africans in Bizana and Lusikisiki. Those who had good excuses were cautioned and discharged. Fines for those found guilty at first averaged R10, but were gradually stepped up to increase the deterrent effect. One man is said to have been sentenced to R200 or one year. Seven motor vehicles had been confiscated in Mount

(2*) Assembly, 3 March. Hansard 6 col. 2331.

(2*) Figure Diverg by the Minister in the Assembly, 2 May. Hansard 15 col. 5695
Hl (otic Knnd)=ten shillings.

(2*) *Istfin*, 10 February. *Star*, 24 February.

(2*) *Star*, 11 February.

(2*) *Ibid*.

Ayliff. The Minister of Justice reported^(2*) that two White men had been taken into custody for illegal entry: one was cautioned and discharged and the other fined R4. (The *Star* stated that the first man was apparently a tramp).

Special courts were set up in Kokstad to try people accused of more serious offences. Numbers were prosecuted for holding, presiding at or addressing meetings of more than ten Africans that were held in support of a campaign against the Bantu Authorities and Native Taxation and Development Acts. In some cases there was a further charge of having solicited or received money to be used in this campaign. Average sentences for those found guilty ranged from twelve to eighteen months, half suspended, on each count^(2*).

The Minister of Justice said on 20 April^(2*) that 524 persons were then still in detention as a result of the disturbances. Of these, 114 were to be charged with murder, 121 with arson and 289 with other breaches of the law. He added on 23 May^(2*) that 218 persons had been detained without trial under the emergency regulations for periods longer than three months.

Early in September nine men were found guilty of arson. All received partially or wholly suspended sentences of terms of imprisonment ranging from four to ten years, and in addition, four were sentenced to strokes. The Judge President is reported^(2*) to have said that he felt justified in giving lenient sentences because "unscrupulous persons" had been behind the unrest and the Pondo were a primitive people, receptive to lying advice and incitement.

On 25 August^(2*) six men were sentenced to death for the murder of a lay preacher Gideon Mqu in the Flagstaff district, a seventh accused being gaoled for ten years. The judge said he would report his views that pressure had been brought to bear on the tribesmen by outside agitators, and that there had been general dissatisfaction with the land rehabilitation scheme. He hoped that, as a result, (he death sentences would be commuted.

Six more were found guilty on 14 October of murdering an agricultural demonstrator in the Bizana district. They were sentenced to seven years' imprisonment with two years suspended^(2*).

GRADUAL RELAXATION OF RESTRICTIONS

By means of the stringent emergency regulations and action

(*) Assembly, 28 February. Hansard 6 col. 2093.

(*) *Star*, 13 March, 13 and 20 April: *Rand Daily Mnl*, 1-1, 25 and 31 March.

(*) Assembly, Hansard 13 col. 4999.

(*) Assembly, Hansard 1B cols. 6939-40.

(*) *Sunday Times*, 17 September.

(*) *Star* report of that date.

(*) *Star*, 14 October.

taken by the police and troops the Government apparently re-established law and order. It was reported⁽³⁶⁾ that tribesmen in some areas apologised for their conduct and agreed upon levies in order to pay compensation to those who had suffered damages. By 11 May most of the troops had been withdrawn⁽³⁷⁾.

In lewis of Government Notice 77 of 16 June 1961 the regulations governing entry into the five eastern districts of the Transkei were withdrawn; but at the time of writing the rest of the emergency regulations remained in force.

INVESTIGATIONS BY THE GOVERNMENT

The Minister of Bantu Administration and Development announced⁽³⁸⁾ that he had appointed an officer with wide experience of the language and customs of the Pondo to make a thorough investigation of their troubles and grievances. The result of his work, as well as that of the Chief Magistrate and his officials, had been most encouraging.

The Minister had also appointed a departmental committee consisting of experienced officials, African chiefs and councillors, to go into the question of how certain changes in the working of the Bantu Authorities could best be effected for the whole of the Transkei.

AFTERMATH OF THE 1960 DISTURBANCES

PERSONS DETAINED UNDER THE EMERGENCY REGULATIONS

Following the disturbances which occurred at Sharpeville and Langa on 21 March 1960, and in other parts of South Africa during the days that followed, a state of emergency was proclaimed throughout the country, which lasted from 29 March to 31 August⁽¹⁾. In terms of the emergency regulations, the Minister of Justice or a magistrate or commissioned police officer might order the arrest without warrant and detention of any person if this was considered to be desirable in the interest of the public order or of the person concerned.

It was only during the 3961 Session of Parliament that full information was given about the number of persons who had been detained. On 3 February the Minister of Justice said in the Assembly⁽²⁾ that 98 Whites (including 35 women), 36 Coloured persons, 90 Asians and 11,279 Africans had been detained under the emergency regulations.

(36) *Star*, 26 January. Minister of Bantu Administration and Development, Senate. 27 February. Hansard 6 col. 1477.

(37) *Cape Times* report of that date.

(1) Senate. 27 February. Hansard 6 cols. 1475-9; Assembly. 21 April, Hansard 13 col. 5042.

(2) These events were described in detail in last year's *Surrey*, page 55 *ct seq.*

(3) Hansard 2 cols. 698-9.

Of these, the numbers who were charged with specific offences before the established courts, and the numbers convicted as at 3 February 1961, were:

	Whites		Non-Whites	
	Men	Women	Men	Women
Numbers charged ...	3	1	301	19
Numbers convicted ...	Nil	Nil	136	16

(Further persons were convicted later)

Conflicting statements were made in regard to the numbers of Africans involved. On 6 May 1960 the Minister said⁽³⁾ that by then 18,011 Africans had been arrested. He explained later⁽⁴⁾ that this figure referred to the total number arrested and gaoled during the period of the emergency: the number actually arrested under the emergency regulations was 11,503. (But this docs still not agree with the total of 11,279 quoted above).

Of the persons who were detained and subsequently released without any charges having been laid against them, 105 subsequently instituted actions against the Government for unlawful detention, the total amount of the claims being R1,144,000. As will be described below, the Indemnity Act was introduced during 1961, with retrospective effect to 21 March 1960, which had the effect of nullifying these actions. A committee was appointed to examine claims for compensation on account of death or personal injury as a result of police action, and to recommend the payment of *ex gratia* grants in deserving cases. The Minister said, however, that claims for alleged unlawful detention would not be considered⁽⁵⁾.

ANNIVERSARY OF SHARPEVILLE AND LANGA

Various organizations, mainly those belonging to the Congress Group, planned meetings in the main urban areas to commemorate the victims of Sharpeville and Langa on 21 March 1961, the first anniversary of the tragedies.

At the last moment, on the evening of 20 March, the Minister of Justice banned all such meetings, under the Suppression of Communism Act. The announcement of this did not reach the morning newspapers in time for publication. The police posted notices in the streets, and visited the offices of Congress organizations to warn them of the ban. A meeting planned in Johannesburg was called off, but demonstrators did assemble in Cape Town and Durban. In the former case they were dispersed by the police.

(3) Assembly. Hansard 16 of 1960. col. 6818.

(4) W Assembly. 15 February 1961. Hansard 4 col. 1346.

(5) Assembly. 25 May 1961. Hansard 18 col. 7188.

COMMISSIONS OF ENQUIRY INTO EVENTS AT SHARPEVILLE AND LANGA

The reports of the one-man judicial commissions into the events that occurred at Sharpeville and Langa were published on 23 January 1961⁽⁶⁾.

In his report on Langa, Mr. Justice Dicmont said that, according to evidence led, the Pan-African Congress had launched a campaign which was planned to reach a climax in 1963, when it would take over control of the country. A policy of non-violence was advocated for the initial phase of the campaign; but this did not mean that the P.A.C. necessarily expected to achieve its ultimate goal by peaceful means. The leaders at Langa, although urging the people to avoid violence, had taken no effective steps to prevent it. Some of the speeches made were inflammatory.

It appeared from the evidence that the majority of the people at Langa were anxious and frustrated because they felt there were no constitutional channels through which they could make their grievances known to the State. Their main grievances were low wages and the operation of the reference book system. Whether their complaints were well-founded was not relevant to the enquiry; but what was relevant was that they formed a fertile soil for the sowing of P.A.C. doctrines.

Wide credence was given to a rumour that a senior official was to visit Langa to answer their demands for the abolition of the reference book system, the judge considered; hence they attended the meeting in spite of a ban. This rumour, it was found, was spread deliberately by Mr. Philip Kgosana. The police did not know of it: had they done so, their actions might have been different.

Some of the decisions made by the officer in charge of the police contingent were strongly criticised, particularly the decision to use force before an effective warning to disperse had been given; but the judge found that this officer was acting lawfully when he ordered the use of firearms. Some of the shooting that occurred later was unjustified and unlawful, however, and a number of policemen, particularly Africans, had acted in an undisciplined manner, using their batons indiscriminately.

Mr. Justice P. J. Wessels made a purely factual report on Sharpeville, stating that in his opinion it was not his task to deal with the liability or responsibility of individuals.

Later, at the trial of certain Africans accused of public violence and incitement at Sharpeville, the Regional Magistrate is reported⁽⁷⁾ to have said in his judgment that while the use of fire-

(6) The Institute of Race Relations published a Tact-paper (No. 10) entitled *A Précis of the Report* of the Commissions appointed to enquire into the events occurring on 21 March 1960 at Sharpeville and Langa.*

(7) *Rand Daily Mail*, 23 June 1961.

arms by the police had been justified, there was undoubtedly not sufficient justification for the very extensive firing which had taken place.

CLAIMS FOR COMPENSATION

It was reported by the Minister of Justice during May 1961⁽⁸⁾ that, arising out of the disturbance at Sharpeville, 244 claims had been instituted against members of the Government, for a total sum of R895,955.77½. This amount was made up of 11493,215 for compensation on account of the death of breadwinners, R306,740.77i- for personal injury, and R96,000 for alleged unlawful arrest.

Six claims, to a value of R52,000 had been made by people at Langa or Nyanga, and, as was mentioned in the previous chapter, Africans in Pondoland had claimed R69,496.

INDEMNITY ACT, No. 61 OF 1961

When introducing the Indemnity Bill, the Minister of Justice said⁽⁹⁾ it was essential that it be passed in order to prevent the waste of time and money which would inevitably be coupled with defending actions for compensation.

The Act provides that no proceedings, whether civil or criminal, shall be brought in any court of law against the Government its officers or persons acting under its or their authority, in respect of any acts or statements committed, ordered or issued in good faith on or after 21 March 1960 (the date of the Sharpeville and Langa disturbances) with intent:

- (a) to prevent or suppress internal disorder, or to maintain or restore good order or public safety or essential services, or
- (b) to preserve life or property, or
- (c) to terminate a state of emergency in any area, whether or not such a state of emergency was actually declared in terms of Section two of the Public Safety Act.

Any such legal proceeding which was commenced prior to the coming into operation of the Indemnity Act will be deemed void.

It will be presumed, until the contrary is proved, that any actions or statements referred to above were in fact done or made in good faith.

The provisions of the Act will apply also in respect of any default by an officer or person acting under Government orders in complying with any provision of a law or regulation in connection with actions taken or statements issued.

(8) Assembly, 2 May 1961, Hansard 15 col. 5695, and 25 May, Hansard 15 col. 7187.

(9) Assembly, 25 May 1961, Hansard 18 col. 7188.

COMMITTEE ESTABLISHED TO CONSIDER EX GRATIA PAYMENTS

The Minister of Justice announced during February⁽¹¹⁾ that a committee had been set up to examine the claims for compensation and to recommend the payment of *ex gratia* grants in deserving cases. The State Attorney would be chairman, and the members would be the Chief Magistrate of Pretoria, the Under Secretary for Justice, two Police Brigadiers and the Principal Bantu Affairs Commissioner.

It has not been announced whether any grants have been made.

TRIALS ARISING FROM THE DECLARATION OF A STATE OF EMERGENCY

Africans accused of incitement or public violence

Trials which took place up to November 1960 were described in last year's *Survey*⁽¹²⁾.

During December three Africans were convicted of incitement: it was found that they had gathered at the police station at Evaton, near Sharpeville, to encourage the crowd to break the law. One was sentenced to a fine of R120 or five months' imprisonment, and the other two to R60 or three months'. Notice of appeal was lodged.

The Minister of Justice said in April^{1962*} that 190 persons were still serving sentences of imprisonment as a result of charges arising from the declaration of a state of emergency. They were detained in 17 institutions. Remission of sentence for good behaviour was not automatic: each case was considered on its merits.

Thirty-two Africans were originally charged with incitement committed at Langa, the principal accused being Philip Kgosana. Eight of them were discharged at various times. After an initial period when they were held in custody, lasting four months in some cases, the rest were allowed out on bail. Philip Kgosana and seven others then fled the country. The remaining sixteen faced trial, but at the conclusion of the Crown case the magistrate acquitted them, stating that he was satisfied that there was no charge for (hem to meet⁽¹³⁾.

Thirteen men were charged with public violence and incitement in Vanderbijlpark (near Sharpeville) on 21 March 1960. The case began on 26 September, but was held up several times because of the illness of one of the accused, and, on another

(11) > Assembly, 2] February 1961, II. Ins.ird 5 col. 1660.

(Hi) Pace H5.

(12) Assembly, 7 April 1961, Hansard 11 col. 4050.

(Hi) Reports in *Kami Daily Mail*, 24 January, and *Star*, 14 June 1961.

occasion, when four of them were unavoidably away. Then, on 4 April 1961, the magistrate who had been hearing the case died. The Attorney-General decided against commencing the proceedings *de novo* before another magistrate: accordingly the accused were discharged and their bail refunded⁽¹⁴⁾.

Nineteen persons were charged with public violence and incitement alleged to have been committed at Sharpeville. During June 1961 fourteen of them were acquitted. Four were found guilty on both counts, one being sentenced to three years' imprisonment and the rest to two years. A fifth, found guilty of public violence, received a sentence of one year's imprisonment. Bail was allowed pending an appeal⁽¹⁵⁾.

Prosecution of the editors of certain journals

The emergency regulations were withdrawn on 31 August 1960. A few days later summonses were served on Mr. J. G. Sutherland, editor of the Port Elizabeth *Evening Post*, and on the publishers, the charges being that by publishing an article on 7 May setting out the impressions of two young Canadian tourists they had contravened the emergency regulations, the article being a subversive one in terms of these regulations.

The chief magistrate in Port Elizabeth quashed the charges during November 1960, ruling that the accused could not be prosecuted under the emergency regulations because these regulations had lapsed before the summonses were issued. A similar ruling was given a few days later by a regional magistrate in Cape Town, when Mr. Fred Carneson, a director of *New Age*, and the publishers of this newspaper, were prosecuted for having published subversive statements⁽¹⁶⁾. But another Cape Town magistrate did not accept the argument that prosecutions could not be legally instituted after the withdrawal of the regulations. He sentenced Mr. Patrick Duncan, the editor of *Contact*, to R900 or 350 days on finding him guilty of having published two statements that were subversive within the meaning of the regulations. Mr. J. A. Daniels, the secretary of this journal, was sentenced to R100 or 50 days, and the publishers were fined R200⁽¹⁷⁾.

The Attorney-General of the Eastern Cape took Mr. Sutherland's case to appeal. By a majority decision of (two to one, a full bench of the Eastern Cape Division of the Supreme Court confirmed the magistrate's decision. Further appeal was made to (he Appellate Division, and the Crown then succeeded. It was stated that, according to the Interpretation Act of 1957, unless a contrary intention appears in a repealing law, legal proceedings may be

(U) *Kami Daily Mail*, 5 April, and *Star*, 11 April.

(ff) *Kinil Daily Mail*, 23 June.

(16) *Kami Daily Mail*, 1 December 1960.

(17) *Ihhl*, 30 November 1960, and Minister of the Interior, Assembly, 7 March 1961, Hansard 7 cols. 2511-P.

instituted or continued under the Jaw concerned as if it had not been repealed^(1*). The case was remitted to the chief magistrate in Port Elizabeth for further hearing.

On 23 June 1961 this magistrate found Mr. Sutherland and Ilie Eastern Province Newspapers guilty of publishing a statement. Ilial was likely to stir up feelings of hostility between certain sections of the South African people, but acquitted them on charges of subverting the Government, inciting the people to resist authority, and spreading panic and alarm. Their transgression had been of a highly technical nature, the magistrate said, and the punishment would be more technical than otherwise. Each of (he accused was fined R10^(1*).

AFTERMATH OF THE CATO MANOR MURDERS

An account was given in last year's *Survey*^(1*) of the murder of four White and five African policemen while they were conducting a liquor raid in Cato Manor on 24 January 1960. Other policemen were seriously injured.

A committee consisting of senior members of the Departments of Justice, Police and Bantu Administration was appointed to enquire into the events, to recommend what steps should be taken to prevent their repetition, and in general to try to ensure greater safety for the police. This committee's report was presented to Parliament during February 1961. It dealt largely with proposals to prevent a recurrence of the events, but also described the filth and squalor at Cato Manor and criticised the Durban City Council for suspending sewerage, water and other services to the area after the rioting that took place in June 1959^(2*).

Of the Africans who were arrested in January 1960, 26 finally faced charges of murder. Eight were acquitted, eight were sentenced to terms of imprisonment ranging from five to fifteen years, and ten were sentenced to death. One of these ten appealed successfully to the Appellate Division: appeals by the others were dismissed. Two who had been sentenced to imprisonment for periods of twelve years also made successful appeals^(2*).

A further 26 people faced charges of public violence. Some of them were acquitted and the charges against others were withdrawn; but thirteen were found guilty. A woman was sentenced to five years' imprisonment, and a youth to eight cuts with a light cane. The others received varying terms of imprisonment.

(*) M. Iliil. 31 March 1961.

(1*) *Star*. 23 June.

(2*) Page 50.

(1) Sec. 1958-59 *Surrey*, page 132.

(2*) *Star* reports, 15 December 1960 and 15 March 1961.

FURTHER UNREST AND DISTURBANCES

ZULULAND

There have been sporadic disturbances in Zululand during the year under review. It was reported⁽¹⁾ that although the people of the Toka/i location, near the seat of the Zulu Paramount Chief, rejected the betterment scheme in 1958, it was nevertheless imposed on them. Some of the men were fined for refusing to move their huts to new sites, as required, or were punished by being refused permission to cultivate their fields. Resentment mounted among the opponents of the scheme until eventually, in November, 1960, they cut certain fences and burned the huts of some men who supported the programme. During this affray an African dipping tank inspector and another man were killed.

Fourteen Africans were later found guilty, with extenuating circumstances, of their murder, and were sentenced to terms of imprisonment ranging from eight to fourteen years⁽²⁾.

On several occasions dipping tanks have been destroyed. During July 1961 women stoned dipping and stock inspectors in the Melmoth district: more than 40 arrests were made⁽³⁾.

It was announced during March⁽⁴⁾ that a home-guard had been provided for the Paramount Chief, Cyprian Bhckczulu.

WARMBATHS

Early in 1961 the Manager of Non-European Affairs at Warmbaths was sentenced to six months' imprisonment on a charge under the Immorality Act. He lodged a successful appeal, and thereafter was re-instated in his work.

Many of the Africans of the town objected. On 28 April they held a protest demonstration, and early next morning picketed the gates of their township to prevent people from going to work. On the following evening some men who tried to leave to go on night-shift duty were attacked, one being killed and another injured. Then the crowd marched on the municipal offices, apparently intending to burn them down.

The police made an unsuccessful attempt to disperse the mob by using tear-gas, and finally, on being stoned, they opened fire. One man was shot dead and two seriously injured, one of them later dying in hospital.

A one-man commission of enquiry was appointed and the manager was meanwhile suspended.

MABIESKRAAL

There has been continued dissatisfaction among a large section of the Ba-Thlako tribe of Mabieskraal, about fifty miles

(1) *New Age*, 2 February 1961.

(2) *Star*. 30 November 1960 and 26 May 1961.

(3) *Ibid.*, 25 July.

(4) *Ibid.*, 15 March.

north of Rustenburg in the Western Transvaal. These people state that they rejected Bantu Authorities "because it is a Government attempt to impose on us an undemocratic system contrary to our tribal traditions. Our experience teaches us that acceptance of Bantu Authorities would mean rule by Government officials and not our legitimate leaders".

As a result of this opposition to the system the regent, Jeremiah Mabie, was deported to the Vryburg area of the Northern Cape in 1956, being replaced by Mogatle Mabie. The tribesmen who support Jeremiah are said to allege that Mogatle has applied tribal laws harshly and often without justice, and has victimized his opponents. During April 1961 they petitioned the Speaker of the House of Assembly and the Secretary-General of the United Nations for Jeremiah's return. It was reported that some 5,000 tribesmen signed these appeals^(vi).

PORT ELIZABETH

The Police District Commandant of Port Elizabeth, Major, O. Kjelvei, was stabbed to death on 25 June 1961 when he tried to stop a group of about fifty Africans on the march. It was stated that the authorities thought that they were on their way to intimidate residents of the African township into supporting a transport boycott that they had planned.

Fifty-seven men later appeared at a preparatory examination. Three of them were later discharged, one was charged with murder, and the rest were committed for trial on public violence and other charges^(vii).

SEKHUKHUNELAND

The disturbances that took place in Sekhukhuneland in 1958 as a result of differences of opinion over the Bantu Authorities system were described in earlier issues of this *Survey*^(viii). There has, ever since, been much unrest in this area.

It was reported^(ix) that at a meeting convened by the Native Commissioner during August 1961 a large majority of those present once again refused to accept the system, even though this decision meant that the threat of deportation hanging over the chief's head would remain, and that the five senior tribesmen who have been banished would still not be able to return.

UNESSA

Just before the republican celebrations five White members of the United English-Speaking South Africans' group were

(5) *Sunday Times*, 18 December 1960. *Rand Daily Mail*, 6 April 1961.

(6) *Rand Daily Mail*, 26 June, 11 August and 7 November. *New Age*, 10 August.

(7) 1957-58 page 72, 1958-59 page 126, 1959-60 page 49.

(8) *New Age*, 7 September 1961.

arrested on being found in possession of explosives. It was reported^(x) that in the home of the leader, Mr. M. H. Mallinck, the police found a memorandum outlining plans for resistance and sabotage in Natal.

It was decided that one man would be tried separately. The Other four accused, one of whom was a woman, appeared in court on 13 September. Although they were Inter acquitted on the main count of conspiring to aid the commission of, or to commit, public violence, three of them were found guilty on lesser charges, the fourth being discharged. Severe sentences were imposed.

THE KU KLUX KLAN

It was reported in June 1961^(xi) that Mr. R. K. Rudman, leader of the Ku Klux Klan in Natal, had accused "certain people" of taking unauthorized action in its name, thus besmirching the reputation of an organization which did not sloop to criminal means, although it did issue warnings and threats to communist leaders.

These anonymous persons, who acted sometimes in the name of the K.K.K. and at other times signed letters with titles like "Order of the Green (or Red) Dragon", stepped up their activities in 1961. A petrol bomb was thrown through the window of the home of an Indian family in Cape Town: the son had been detained by the police the previous week for distributing anti-republican leaflets. Bricks were thrown through the windows of homes of three leaders of the Coloured People's Congress — Messrs. George Peake, Alex la Guma and Barney Desai.

During May five hooded gunmen knocked on the door of the home of Mr. Rowley Arenstein, a Durban lawyer who had frequently defended Non-Whites accused of various offences. As he had been previously warned in a letter allegedly from the K.K.K., fifteen of his friends were acting as his bodyguard. A clash took place, and the hooded men fled, firing at their pursuers, one of whom was slightly injured.

Mr. Ben Turok, who represented Africans in the Cape Provincial Council and is national secretary of the Congress of Democrats, was warned in an anonymous telephone call that he would be the next to sulter. He was refused police protection. Various other people have been threatened. Those responsible We said to possess wide knowledge of their victims, knowing their movements and telephone numbers that are not listed in the directories^(xii).

(x) *Ihirl*, 14 September.

(xi) *Sunday Times*, 14 June.

(xii) From reports in the *Sunday Times*, 4 June. *Star*, 29 May and *Rand Daily Mail*, 30 May.

THE TREASON TRIAL

THE BACKGROUND

Accounts have been given in previous issues of this *Survey*⁽¹⁾ of the arrests of 156 persons during December 1956 on charges of high treason and of the year-long preparatory examination, at the end of which 91 were committed for trial. Their trial opened in August 1958, but after lengthy legal argument the Crown withdrew the indictment. A new indictment was framed against thirty of the accused, its essence being an allegation of conspiracy to overthrow the State by violence and to substitute for it a communist state or some other form of state.

The trial⁽²⁾ of the first thirty people began during January 1959 and lasted, with occasional adjournments, until the end of March 1961. During this time one of the accused died and another absconded.

THE END OF THE TRIAL

After a great volume of evidence had been led, counsel for the Crown began their argument during November 1960. On two occasions the judges rejected the submissions in the form in which they were presented, ordering the Crown to recast its arguments.

The Defence argument began on 7 March 1961. On 24 March, before this had been concluded, the Presiding Judge adjourned the hearing, stating that he and his two fellow-judges required a few days to consider the argument so far advanced.

Then, on 29 March, the Presiding Judge announced that the 28 accused were acquitted and discharged, this verdict being unanimous. The alleged policy of violence attributed to the African National Congress, he said, was the cornerstone of the case for the prosecution: if this case failed, it must fail against the other organizations of the Congress Alliance. The evidence showed that all these organizations had been working together to replace the existing form of state with a radically different one, based on the demands set out in the Freedom Charter⁽³⁾. It had, however, not been proved that such a form of state would be a communist one: the prosecution had failed to show that the accused had personal knowledge of the communist doctrine of violent revolution or that they propagated this doctrine. It was impossible for the Court to come to the conclusion that the A.N.C.'s policy was to overthrow the State by violence.

Reasons for the judgment were handed in later, on 30 June.

(1) 1956-1 page 41, 1957-8 page 34, 1958-9 page 44, 1959-60 page 37.

(2) The official name of this trial is *Rccina VJ Farid Adams and Others*.

<>> Sec 1954-5 *Survey*, page 5.

As this verdict was given on a question of facts, and not points of law, there could be no appeal by the Crown. It was announced later⁽⁴⁾ that no further action would be taken against the remaining 61 accused.

COSTS INCURRED

The Minister of Justice said on 11 April 1961⁵ that during the 2 years 8 months of the trial the direct costs to the State had been R297,169 and the indirect costs R116,909. Nine counsel had been engaged to prosecute on behalf of the Crown, the fees for those who were not members of the public service being R174,614 already paid and R5,733 still due.

The Government had not considered making any form of compensation to any of the accused, (he Minister added).

The costs of the preparatory examination were not included in his figures, nor the salaries of the many State officials who were employed full-time or part-time on the investigations or Court proceedings (unless the Minister allowed for these salaries in his figure indicating indirect costs). The expenditure incurred by the Treason Trial Defence Fund (a voluntary organization) over the whole period of the trial, from the beginning of the preparatory examination, was some R400,000. This figure includes expenditure on the welfare of the accused and their dependants. All the defence counsel charged reduced fees.

ATTITUDES OF THE CHURCHES TO RACE RELATIONS

THE COTTESLOE CONSULTATIONS

THE BACKGROUND

A description was given in last year's *Survey*⁽¹⁾ of the background to the Cottesloe Consultations. Briefly, during April 1960 the Anglican Archbishop of Cape Town stated that the events at Sharpeville had confronted the Church in South Africa with the gravest crisis in its history. Unless it openly and publicly repudiated the doctrine and practice of compulsory segregation it was condemning itself to extermination. He called upon the Dutch Reformed Churches to identify themselves with this attitude, and appealed to the World Council of Churches to send out a fact-finding team to investigate the racial situation in South Africa.

(1) *Str.* 26 July 1961.

(5) Assembly, Hansard 12 col. 4246.

(i) Prices 95 n. sen.

be allowed to continue to do so. But where areas were replanned or evacuated, fresh application would have to be made. New applications would have to be referred to the Minister, who would refuse permission unless the candidates could comply with the conditions for recognition.

GENERAL MATTERS AFFECTING COLOURED PEOPLE

POLICY STATEMENTS

STATEMENT BY THE PRIME MINISTER, 7 DECEMBER 1960

In a statement issued on 7 December 1960 the Prime Minister made the following points:

1. The representation of Coloureds in Parliament by Whites would remain as it was.
2. A Minister of Coloured Affairs would be appointed.
3. An effective development programme would be undertaken in Coloured rural settlements, which were about 2-million morgen in extent, and a system of local government would be evolved.
4. Housing schemes would be undertaken in Coloured urban residential areas, which would become separate entities with their own elected local authorities. Coloured professional men, traders, etc. would be protected against inter-racial competition in these areas, and educational, hospital, sporting, entertainment and public facilities would be established there.
5. A development and investment corporation would be created to encourage and assist private Coloured enterprise.
6. A Coloured technical high school, trades school and one or more agricultural gymnasia would be established.
7. An investigation would be made of the desirability of placing all Coloured education, including the Coloured university college, under the Department of Coloured Affairs. If this were done Coloured school committees and boards could be formed, and more senior educational posts could be opened to Coloured people.
8. The Department of Coloured Affairs would take over all welfare services and institutions, developing them by using Coloured personnel and working with Coloured organizations.
9. The Union Coloured Affairs Council would be developed to become a self-governing body and given gradually increasing status and authority, for instance administrative authority over Coloured villages and towns, education and welfare services. It would be reconstituted to include more elected members. It was intended that the Prime Minister and the Minister of Coloured Affairs should have annual discussions with council members.

10. White and Coloured labour would have preference over that of Africans in the Western Cape. Through job reservation protection would be given to Coloured workers in fields of employment which were traditionally theirs.

The Government's aim, the Prime Minister concluded, was to ensure that the White and Coloured groups should develop side by side, each retaining its own identity.

Mr. P. W. Botha, M.P., formerly Deputy Minister of the Interior, was during August appointed Minister of Coloured Affairs.

FURTHER STATEMENT MADE ON 10 APRIL 1961

In a subsequent statement, made in the Assembly on 10 April 1961⁽¹⁾, the Prime Minister elaborated on his "four parallel streams" policy. His statement that the African Reserves would be able to develop into separate Bantu states has been dealt with earlier⁽²⁾.

He continued, "The problem of giving political rights to the Coloureds and the Indians will then still exist. In this case I accept the rejection of the old proposition that one cannot have a state within a state. I accept firstly that in our State we will have to give the Coloureds opportunities for development, firstly by means of their own local governments, secondly by way of managing the sort of thing now falling under the control of the Provincial Councils—*viz* their own municipal affairs, the education of their own children and similar matters.

Thirdly, I accept that within the White state ... an institution should be established or a method should be evolved to give the Coloureds further rights of self-government over their national interests. The time to decide precisely how and in regard to what this must be done can wait until the development has progressed to that second stage ...

"We (shall) limit their development to that of a council which will exercise authority over their own affairs". There will be political separation but mutual economic dependence, the Prime Minister said.

He concluded, "Until we have reached the stage of development to which I referred, where the Coloured Council fully performs its functions ... the Coloured representation in this Parliament ... will remain as it is now".

Later, the Prime Minister added⁽³⁾, "If the separate development of the Coloureds should advance beyond the stage of the Coloured Council and should take place in the form of a state within a state, in the direction of a parliament of their own, it might be that they will not be represented here ... If this development

(1) Hansard 1.2 cols. 4191-3.

(2) See page 97.

(3) Assembly. 11 April. Hansard 12 col. 4314.

should move along different lines, a different answer might have to be given".

UNION COUNCIL FOR COLOURED AFFAIRS

The present constitution of the Union Council for Coloured Affairs, which has twelve elected and fifteen nominated members, was described in the 1958-59 issue of this *Survey*".

At its meeting during March 1961 the Council is reported⁽⁵⁾ to have adopted a unanimous resolution stating that it was the opinion of its members that "the Coloured people have legitimate grievances, aggravated by discriminatory legislation like the Group Areas Act". The Council had noted the activities of certain Coloured leaders in linking the Coloured people's fortunes and fate with those of the other Non-White groups. The resolution said, "We make an earnest and urgent appeal to the Government to expedite the positive aspects of its policy in a bold, courageous and statesmanlike manner, and so win and maintain the goodwill, understanding and co-operation of the majority of law-abiding Coloured people as an effective answer to this political gamble which will doom them to be an unimportant and weak group with no say in the new political set-up that the movement envisages".

All the major Coloured organizations opposed the creation of this Council, and boycotted the elections⁽⁶⁾. The views of these bodies are described earlier, on page 22 *et seq.*

COLOURED MISSION STATIONS AND RESERVES

MISSION STATIONS AND COMMUNAL RESERVES ACT OF 1909 AS AMENDED

In terms of the Mission Stations and Communal Reserves Act No. 29 of 1909 (Cape), as amended by Act 32 of 1959, certain mission stations where land was held in trust for the Coloured occupants were brought under a system in which a definite grant of land was made to the missionary body, the remainder of the station being reserved for the registered occupiers.

Boards of management may be created in the latter areas, to consist of six members elected by the registered occupiers and three appointed by the Governor-General. Such a board is presided over by the magistrate of the district, who has a casting as well as a deliberative vote. The board is responsible for the control of roads, fences, sanitation, water supply and the use of the commonage, and

W P.I.E.C. 153.
(5) *Rand Daily Mail*, 31 March.
(6) See 1959-GO *Survey*. parC 132.

subject to the approval of the Minister of the Interior, has power to make regulations in regard to these matters. Rates of R4 a year are levied on registered occupiers, from which the aged and chronic sick may be exempted.

After consultation with the board, the Minister may declare an area which falls under the Act, or part of it, to be a betterment area. Then, out of moneys appropriated by Parliament, he may carry out and maintain any works required for its development, and decide upon the proportion of the cost which must be repaid by the board out of rates levied. This proportion will not exceed ten per cent unless the board agrees, nor may more than ten per cent of the rates be used for the purpose.

*PRESERVATION OF COLOURED AREAS ACT, No. 31 OF 1961

* 1. Further areas may be bought under the provisions of the 1909 Act

The Preservation of Coloured Areas Act of 1961 provides that any area which has been granted to or set aside for Coloured people, or which is a traditionally or locally acknowledged Coloured area mainly occupied or owned by them, may be brought by the Governor-General under the provisions of the 1909 Act as amended, by means of a proclamation in the *Gazette*. The Governor-General may do this if he deems it advisable in the public interest or if he is requested to do so by the majority of the lawful inhabitants and owners of the area concerned, but in any case must consult the inhabitants and owners. He may make such reservations and conditions as he deems fit.

The Governor-General may also combine one or more incorporated Coloured areas or portions thereof; and, after consultation with the board of management, or in the absence of such a board, the lawful inhabitants and owners, may release any previously incorporated area from the provisions of the Act.

During the Parliamentary debate an Opposition speaker suggested that the Minister might try to create separate homelands for the Coloured people by proclaiming new Coloured rural areas under the Group Areas Act, and then applying the provisions of the Preservation of Coloured Areas Act.

The Deputy Minister of the Interior denied that this was the Government's intention, and, to make this clear, moved an amendment, which was adopted, specifying that only areas that, at the time when the new Act came into operation, had been granted to or set aside for Coloured, or were regarded as being traditionally Coloured areas, could be incorporated in terms of the Act.

He said⁽⁷⁾ that the areas that might be involved were, in all, about 200.000 morgen in extent. The inhabitants of four such areas—Saron, Dyseldsopf, Slangrivier and Kruisfontein—had already

(7) *Assembly*, Hansard 6 col. 2259; Hansard 5 cols. 1613, 1750.

asked for incorporation. He did not wish to make mention of areas with whose residents the Department had not yet discussed the matter. During discussion it transpired, however⁽⁸⁾, that these might include Opperman, Suurbraak, and possibly, after the removal of the African residents, the Dunn Reserve.

2. Ownership of land in Coloured areas

As from the date of a proclamation bringing a Coloured area within the scope of the Act, it will become free of any previous restrictions or encumbrances affecting the ownership or occupation of land (except in regard to rights of way), and will be vested in the Minister of the Interior in trust for the Coloured occupiers. But as soon as a board of management has been appointed the land will vest in the board. Coloured registered owners of surveyed lots will be deemed registered owners for the purposes of the Act.

An Opposition speaker pointed out that the title to land afforded under the 1909 Act was not unrestricted freehold, thus the rights of Coloured owners who might possess such title would be diminished.

The Deputy Minister said¹¹ that, according to the 1909 Act, if a board of management adopts a resolution in favour of a survey for the purposes of introducing individual tenure of land, the Minister will arrange for a public meeting of registered occupiers to be held to consider the matter. If property rights are granted, this must be subject to the Minister's approval, and no land may be alienated, ceded, sub-divided, leased, mortgaged or rendered liable to execution for debt without his consent.

He added, however, that these limitations will not militate against existing rights, because as far as he could ascertain all areas in the Cape that might be affected were originally granted under quitrent title (but free of quitrent payments). In the other provinces no individual title existed. There had, so far, been no requests for property rights in farming areas.

What was becoming a practical problem, he said, was the question of the townships. The plots were being surveyed, and steps were being taken to transfer the trust vested in the Minister to the management boards in order that they might grant property rights to individuals, subject to the conditions laid down in the Act. This would enable land-holders to apply for National Housing loans.

3. Disqualified persons

When a Coloured area is brought under the provisions of the Act, the ownership of land in the area by Whites or Asians will lapse after the expiry of a period fixed by the Governor-General by proclamation, which will be not less than twelve months.

(8) Hansard 7 col 2746; Hansard 5 cols. 1750, 1751.

(9) Hansard 5 cols. 1755-6, 1909; Hansard 6 col. 2255.

The Act lays down detailed provisions relating to compensation⁽¹⁰⁾.

COLOURED PERSONS COMMUNAL RESERVES ACT, No. 3 OF 1961

The Coloured Persons Communal Reserves Act provided that the Mission Stations and Communal Reserves Act of 1909 (Cape) as amended, shall apply to every area which has been declared to be a Coloured persons' settlement area in terms of Section one of the Coloured Persons' Settlement Areas Act of 1930. This 1930 Act is repealed.

Anyone who has been granted a right of occupation of land within such an area shall for the purposes of the 1909 Act be deemed to be a registered occupier.

When introducing the Bill¹¹, the Deputy Minister of the Interior said that only one area had been established under the 1930 Act—the Mier settlement, about 200 miles north-east of Upington. 430,000 morgen in extent. About 90 Coloured families lived there, mainly engaged in stock-farming. The object of the new measure was to enable it to be administered in the same way as were the Coloured mission stations and reserves, and to make it possible for much-needed betterment works to be undertaken, for example the provision of water supplies.

REGULATIONS FOR COLOURED MISSION STATIONS AND RESERVES

Revised regulations for Coloured mission stations and reserves were published in R 1866 of 18 November 1960. They deal with the constitutions of boards of management, voting rights of residents, residential rights, rates, trading in these areas, etc.

They again provided, as the previous regulations had done, that with certain exceptions, it is an offence for anyone, unless with the permission of the Coloured Affairs Department or the magistrate, to hold or address a gathering of more than five persons¹².

DEVELOPMENT AND INVESTMENT CORPORATION FOR COLOURED AREAS

In his Budget Speech on 15 March 1961¹³ the Minister of Finance said that an initial R500,000 was to be provided for the establishment of a Development and Investment Corporation which would stimulate the development of Coloured enterprises and provide expert advice and financial assistance.

(10) See Kit 84/61 for a Mimniary if these.

(11) Assembly, 9 February 1961, Hansard 3 col. 1085.

(12) See 1957-58 *Surrey*, page 40, for details.

(13) AviciniMy, Hansard 8 cols. 3006-7.

EXISTING COLOURED MISSION STATIONS AND RESERVES 3

Of the fifteen existing Coloured mission stations and reserves, nine are in the arid region of the north-western Cape. The most northerly of these is Mier, which is mentioned above.

About 250 miles south of this is the irrigation settlement of Eksteenskuiil, on the Orange River near Upington. According to the *Star*⁽¹⁾ which ran a series of articles on these areas, Eksteenskuiil is the most flourishing of them. The people have three-morgen allotments and grow cotton.

Richtersveld, the largest of the Coloured settlements, is in Namaqualand near the mouth of the Orange River. The *Staff* reports⁽¹⁵⁾ that two groups of people, who have little communication with one another, live in this area. There is a very poor group whose home language is the old Nama tongue, although they can speak Afrikaans. Most of them live in reed huts. The majority of the heads of families earn a living by going away to work for White farmers. Then there is a more progressive community of Coloured people who are small stock farmers, keeping sheep and goats, and live in stone dwellings. The Deputy Minister of the Interior said on 20 February⁽¹⁶⁾ that development work was in progress in the Richtersveld, which had previously been badly neglected. Forty miles of boundary fences had already been erected and ten boreholes sunk.

South and inland from the Richtersveld, also in Namaqualand, is a group of settlements: Steinkopf, Concordia, Komaggas, Leliefontein and Rietpoort. The *Star* stated⁽¹⁷⁾ that some of the people of Steinkopf are small stock farmers, owning karakul sheep and goats, but as not all can make a living in this way the incomes of the majority of the 782 families are derived from wages earned in employment outside the settlement. The farmers spend months away from home travelling with their flocks in search of grazing. More boreholes are badly needed. In the speech referred to above (the Deputy Minister said that a concrete dam fed by a windmill had recently been provided at Steinkopf, and another at Concordia).

The *Star* stated that four-fifths of the heads of families at Concordia have to earn a living outside, in many cases by working at the near-by O'okiep copper mine. Of roughly 450 families, only 260 live in dwellings that can be classed as permanent. Conditions at Leliefontein are even less prosperous. The majority of the people there are semi-nomadic, moving with their stock and living in reed huts. Many work as casual farm labourers for White farmers to supplement their very meagre living. Of a total of some 600 families only 87 live in "permanent dwellings".

(1) 22 February 1961.

(15) 21. and 23 February.

(16) Assembly. Hansard 5 of 1961. col. 3.745.

(17) 22. 23 and 24 February 1961.

To the south of these settlements, in the Van Rhynsdorp district, is the Ebenezer reserve. There are three more in the Western Cape—Mamre near Malmesbury, Pniel near Paarl, and Genadendal near Caledon. Development work is in progress in some of these areas: the Deputy Minister said that thirty miles of inner camp fencing had recently been erected at Mamre and the water supply improved.

Lastly, there is a Coloured settlement at Zoar near Ladismith in the Cape, one at Enon near Uitenhage, and a small reserve called Thaba Patchoa in the Free State, near the Basutoland border, which was created as a home for wandering cattle farmers.

The total area of all these reserves is just under two million morgen. According to the *Star*, they have a population of about 31,000: just over two per cent of the Coloured people in South Africa.

GENERAL MATTERS AFFECTING ASIANS

POLICY STATEMENTS BY THE PRIME MINISTER

After outlining the programme for Coloured people that is described on page 134, the Prime Minister said⁽¹⁾, "It can be mentioned that for another Non-European community, the Indian community, development plans on the same lines can be considered should this community show signs of co-operation on this basis—also as a separate community".

Later, when developing his "four parallel streams" policy, after stating that Coloured people would gradually be given increasing control of their own affairs until the stage was reached at which the Union Council for Coloured Affairs handled certain national Coloured interests, the Prime Minister added⁽²⁾, "And precisely the same applies to the Indians ... A start will be made by developing a division which will in time grow into a Department of Indian Affairs. We shall be prepared to establish a council representing the Indian population to deal with the interests of the Indians, as we did in regard to the Coloureds ... As the result of the establishment of group areas we want to give the Indians also full control over their residential areas so that they can have their own local governments on parallel lines". The Prime Minister made it clear (that Indians would not be granted representation in Parliament).

(1) *Kami Daily Mail* report. 8 December 1960.

(2) Assembly. 10 April 1961. Hansard 12 col. 11.92.

DEPARTMENT OF INDIAN AFFAIRS

On 1 September 1961, in terms of Proclamation No. 74, a Department of Indian Affairs was created, and provision was made for the appointment of a Secretary for Indian Affairs. During August Mr. W. A. Maree was appointed Minister of Indian Affairs.

The Institute of Race Relations wrote to the Prime Minister giving reasons why it opposed the establishment of such a Department and asking him to reconsider this plan⁽¹⁾, but he replied that he was not prepared to do so.

DIFFICULTIES OF TRAVEL

Dr. A. D. Lazarus wrote an article on the difficulties of travelling in South Africa experienced by Indians, which was published in the April 1961 issue of *Race Relations News*.

Indians cannot move from province to province, Dr. Lazarus said, except under permit from a magistrate or a passport control office. They cannot visit the Free State at all except to make journeys of 24 hours' duration through this province. Whenever an Indian from Natal wishes to travel to the Transvaal or the Cape, he has to apply for a permit, which costs 25c, and he is put to considerable trouble and inconvenience to obtain it since he has to appear in person and fill in a long questionnaire on which he has, *inter alia*, to state his parents' names and those of all his children, their ages and sex. Each time this document is placed in his personal dossier.

The permit allows for a visit of six weeks' duration, at the end of which period or sooner he has to appear in person to surrender it. If in any one calendar year an Indian has had permits to visit, say, the Transvaal and in the aggregate has been three months in that province no further permit will be issued during that year.

In the past, Natal Indians experienced great difficulty when wishing to travel to the Cape by road, since they were not allowed to go via the Transkei. If they went through the Free State this added 367 miles to the journey; but because this province is most inhospitable territory many Indians preferred to drive an additional 110 miles to Kimberley, where the long journey could be broken. This meant that to do a trip from Durban to East London, which would be 435 miles through the Transkei, an Indian would have to travel 1,022 miles.

In recent months, since the Minister of Bantu Administration and Development made it clear that the national road through the Transkei is itself not African territory, Indians have been allowed to travel that way; but they then require an additional permit from the Commissioner for Bantu Affairs, which record

(1) «K 185/61.

the registration number of the car, the names of all passengers travelling in it, and prescribes the route to be followed and the exact date. On entry into the Transkei the permit has to be produced at the police station where the police record the time and date of entry. A similar procedure has to be followed on leaving the Transkei. In the event of his car breaking down in the territory, necessitating a delay, a permit holder would be likely to experience much inconvenience.

The Southern Transvaal Region of the Institute of Race Relations wrote to the Secretary for Indian Affairs asking what action an Indian should take in an emergency, when he had to leave hurriedly for another province on a day or at a time when the offices where permits are issued are closed. In his reply¹ the Secretary suggested that in such a case the Indian should, before departure, inform the police authorities of his difficulties, and then, as soon as practicable after arrival at his destination, should report to the police or to the passport control office.

The Department of Indian Affairs was asked to make it clear to the relevant authorities that such procedure is acceptable, since at least one case was known of an Indian who acted in this way but, on arrival, was ordered by the police to return home immediately.

INDIAN IMMIGRATION

Although no further Indians from overseas are permitted to settle in South Africa, it is reported^{15*} that the Minister of Indian Affairs has said his department accepts in principle that teachers and religious instructors from India should be allowed to come under contract for specified periods.

REGULATIONS FOR THE WITBANK "ASIATIC BAZAAR"

Witbank, in the Transvaal, is the only town in South Africa where Indians are subject to much the same type of restrictions as apply to urban Africans: in some respects, in fact, they are even more onerous.

Regulations for the "Asiatic Bazaar" there were published in Government Notice No. 244 of 17 February 1961. They provide that Indians and Chinese may occupy residential or trading lots in the Bazaar, but that the period of lease is not to exceed twelve months. No lot may be sold by the Town Council without, the Minister's permission. No building may be erected except in accordance with plans approved by the Council, and there must be at least 300 cubic feet of free airspace for each person who will live

W 13/3/3 of 26 August 1961.

(5) *Slur.* 25 Srrnlemher .1.101.

there. Every building permit will be endorsed with (the maximum number of persons who may inhabit the building.

An inspector will keep a register of the lawful residents of the Bazaar. Lessees must produce their Transvaal Asiatic Registration Certificates when called upon to do so. No persons over the age of sixteen other than lessees and their wives may live in the Bazaar unless they have a six-monthly permit issued by the inspector. Anyone found in the Bazaar may be required to satisfy the inspector that his presence is lawful. It is an offence not to leave if ordered to do so.

No business may be carried on except on demarcated trading sites and with the Council's approval. Two shop assistants without their families may sleep on trading premises, but otherwise the sites may not be used for residential purposes.

The inspector may prohibit any game or entertainment which is likely to cause nuisance or annoyance to others in the Bazaar. No liquor may be brought in unless the person doing so has an exemption certificate.

The Indians of Witbank made an unsuccessful protest against these regulations to the Town Council. They resented, particularly, the necessity for children over the age of sixteen to obtain six-monthly permits to live with their parents, and the insecurity of one-year leases, which would be felt particularly by traders. They pointed out that the inspector would have the power to remove a trader's source of livelihood by preventing his White and African customers from visiting his shop.

LIQUOR

THE PREVIOUS POSITION

Prior to the passing of the Liquor Amendment Act of 1961, the position was that Coloured people in Natal, and Coloured and Asians in the Cape (excluding the Transkei) were able to buy liquor of any type, subject to any conditions imposed by licensing boards. A wide variety of conditions had, in fact, been imposed, relating to sales on Saturdays, quantities to be purchased at any one time, hours during which hotels might serve Coloured visitors, etc.

Asians in Natal could obtain liquor for on-consumption only, and the same applied to Coloured persons other than Griquas in the Transkei who were the owners or sole lessees of immovable property worth at least R150.

Subject to certain exceptions, Coloured people and Asians in the Transvaal and Free State, and Africans throughout Soutif

(6) *Sunday Times* report. 18 June 1961.

Africa, were precluded from obtaining liquor (other than kallis beer in the case of Africans). Those exempted from these provisions were holders of letters of exemption, ministers of religion permitted to buy wine for sacramental use, and holders of medical certificates that recommended the use of liquor. The tot system allowed certain employers in the Cape and Free State to give specified amounts of liquor to their Non-White employees (see page 148).

A fuller description of the liquor laws, an account of their inefficacy, and a summary of the recommendations made by the J. Malan Commission, were given in last year's *Survey*⁽¹⁾.

RECOMMENDATIONS BY THE INSTITUTE OF RACE RELATIONS

At its meeting in January 1961 the Institute's Executive Committee considered the liquor laws. It prefaced its findings⁽²⁾ by a plea for improved social conditions, the provision of healthy recreation, and state assistance for those investigating the causes of alcoholism, spreading knowledge of the evils of excessive drinking, or trying to bring about a greater sense of family responsibility.

The committee went on to recommend:

1. All Non-White citizens of South Africa should be able to obtain liquor on the same basis and subject to the same conditions as apply in the case of Whites.
2. Consideration might be given to the revision of the rates of excise duty with the object of encouraging the consumption of unfortified wines and malt liquors rather than that of fortified wines and spirits.
3. Whether or not municipal beehalls have been established in African townships, individual Africans and other Non-Whites should be able to obtain licences to sell any type of liquor in hotels, restaurants and bottle stores in Non-White urban residential areas, subject to the same controls that apply in White areas.
4. The system of local option should, however, operate where feasible; but in no case should there be prohibition throughout all the Non-White townships in any local authority area.
5. Subject, where feasible, to the system of local option operated through tribal or community authorities, local councils, etc., individual Africans should be able to obtain licences to sell all types of liquor, including kaffir beer, in rural areas and the Reserves.
6. The tot system should be abolished. There should be more distribution points for liquor in the country districts of the Cape to cater for Coloured farm workers.
7. Restrictions on the purchase and possession by Non-Whites of methylated spirits and yeast should be abolished,

(1) *Pace* 138.

(2) *RR* 127/61.

8. Those local authorities which did not already do so were urged to allow off-sales of kaffir beer to all adult members of their African communities, and to permit the purchasers to offer it free of charge to guests in their homes.
9. Home brewing of beer, which is an anachronism in modern industrial societies, should be prohibited in urban areas.
10. Local authorities were asked to consider leasing existing beer-halls and beer gardens to private African enterprise, supplying beer to the lessees at wholesale prices from municipal breweries. In towns where such breweries have not been established, private White or Non-White enterprise should be permitted to brew beer under suitable conditions and control for wholesale supply to retailers.
11. Consideration might also be given to the sale or lease of municipal beerhalls to private enterprise.
12. The Government was urged to encourage local authorities to establish recreation grounds, incorporating better-class tea-rooms, licensed restaurants and other amenities, for Africans living in the cities and towns as well as for those in the African townships.
13. Traditional home brewing should not be prohibited in rural areas even if individual Africans are licensed to sell liquor there.
14. African farm workers should not require special permits to enable them to offer liquor to their guests. Africans in the Reserves wishing to do this should not be required to give notice of their intention to the headman.

CHINESE AND EGYPTIAN PEOPLE

Government Notice R 11 of 6 January 1961 provided that Chinese people and Egyptians would be treated on the same basis as were Whites in regard to the supply of liquor for on-consumption on licensed premises. It is, thus, now legal for people belonging to these groups to be served with drinks in bars and hotel lounges.

THE LIQUOR AMENDMENT ACT, No. 72 OF 1961

THE TERMS OF THE ACT

- (a) All restrictions on the purchase of alcohol by Coloured people and Asians for off-consumption, throughout South Africa, are to be removed. These people will be able to buy liquor for on-consumption in any licensed premises catering for them.
- (b) All powers of licensing boards to impose conditions on sales are to be repealed, and restrictions or conditions already imposed by them will lapse.
- (c) Holders of off-consumption licences, for example bottle-store keepers, are to be permitted to sell liquor to any African of legal age of eighteen or over.

- (d) The State President may, however, declare that holders of off-consumption licences within any specified area may not supply liquor to any particular class of persons.
- (c) The State President will establish a National Liquor Board to advise him or the Minister on any matter arising out of the application of the provisions of the Act or the general distribution of liquor.
- (f) On the recommendation of this Board the Minister of Justice, in consultation with the Minister of Bantu Administration and Development, may, subject to stated conditions, grant authority to any person, or to the nominee of an urban local authority, an association of persons (White or Non-White), a divisional council, a Bantu Authority, or an employer regularly employing and housing African labourers, to sell liquor to any African of the age of eighteen or over for on- or off-consumption. If the premises where it is proposed that the liquor should be sold are situated within the area of an urban local authority, this authority will first be consulted.
- (g) In consultation with the Minister of Finance, the Minister of Justice will determine the licence fee payable, which will not exceed R400, such payments to be credited to the Consolidated Revenue Fund. Licences will remain in force for twelve months, and may on application be renewed for further periods of twelve months. They can be revoked by the Minister at any time. After consultation with the Treasury, the Minister will stipulate the manner in which profits shall be dealt with.
- (h) Within two weeks after the commencement of a Parliamentary session the Minister must table a report on all authorities given to sell liquor in African townships, stating the manner in which it was directed that profits should be used.
- (i) Non-Whites will commit an offence if they consume or are in possession of liquor on private premises without first obtaining the consent of the owner or lawful occupier.
- (j) In terms of the principal Act, no licence for the sale of alcohol shall be granted, except as otherwise provided, within half a mile of the boundary of an African location or village. The Amendment Act also prohibits this within half a mile of the boundary of any area set apart for occupation by Coloured or Asian persons.
- (k) All penalties for contraventions of provisions of the Liquor Act were increased.

Those for offences such as purchase of liquor at an unauthorized time or place, altering or making unauthorized use of a letter of exemption, supplying employees except as is permitted, etc. are to be increased from a maximum of R50 to R100 or three months.

Those for supplying liquor in contravention of the provisions of the Act. the sale to Africans or purchase by them of methylated

spirits, malt or liquid yeast, etc. are to be increased from a maximum of R200 to R400 or twelve months.

Those for being drunk, violent or disorderly in a public place or consuming liquor in a public part of an urban area—a street, job or premises—are to be increased from a maximum of R50 to R400 or twelve months.

The heaviest increase is for those found guilty of making or possessing concoctions. The maximum penalty was R400 or twelve months. It is now to be R1,000 or five years or both for a first conviction, and, for a second or subsequent conviction, imprisonment without the option for a period not less than six months or more than five years, with the possible addition of a fine of up to R1,000. These are the same penalties as apply for dagga offences.

THE TOT SYSTEM

In terms of the principal Act, farmers in the Cape have been permitted to supply adult male Non-White farm workers with a free pint of unfortified wine daily, or one-and-a-half pints of kaffir beer. Any employer in the Free State might give his male adult Non-White employees a quarter of a pint of spirits or one pint of other liquor per day.

The amending Bill, as originally presented, would have empowered any employer to supply light wine or malt liquor to any Non-White employee of the age of eighteen or over, provided that this was given free and not as part of the worker's pay.

During the Parliamentary debate speakers protested that the effect this clause extended the tot system to the whole of South Africa, and did away with the limitation on the amount of liquor that could be supplied.

The Minister of Justice agreed to debate the clause. He said that for the time being the existing provisions of the law relating to the tot system would not be altered, but consideration would be given to this matter when a consolidating measure was drafted.

KAFFIR BEER

The Minister said, too⁽⁴⁾, that the whole question of kaffir beer would be dealt with in the consolidating measure.

DEVELOPMENTS SINCE THE AMENDMENT ACT WAS PASSED

In terms of R 376 of 11 August 1961 the National Liquor Board was established. It is reported⁽⁵⁾ that Mr. F. J. le Roux of the Department of Justice has been appointed chairman of the board.

R 753 of 22 September set out the procedure for applying for

(4) Senate, 24 June 1961. Hansard 19 col. 5661.

(5) Col. 5735.

(6) Rnrrt Daily Mail, 9 August.

authority to sell liquor to Africans. Seven days before the application is submitted the applicant must give notice of his intention in the D Afrikaans and an English newspaper circulating in the district concerned. He must fill in a prescribed form, stating, *inter alia*, the names and addresses of those who will have any financial interest in the business, and must submit plans of the premises in which he proposes to sell the liquor. These particulars must be sent to the magistrate's office, where, for a fortnight, they can be inspected by members of the public, who are entitled to lodge objections. Should an objection be lodged the applicant must be informed and given the opportunity of replying.

A police report will be obtained on the character of the applicant.

Finally, the applications will be considered by the National Liquor Board, which will meet in January 1962 and thereafter each month.

It is reported⁽⁶⁾ that the National Bureau of Educational and Social Research is to investigate various aspects of the use and misuse of alcohol. According to another report⁽⁷⁾, bottle-store-keepers must decide for themselves whether or not to provide separate entrances and counters for Non-White customers. At the time of writing the provisions of the Amendment Act which will abolish restrictions on sales to Non-Whites had not come into effect.

The board had not yet indicated whether licences for selling liquor to Africans in the townships will be granted mainly to local authorities, or whether Africans will be able to obtain these, and whether hotels in Non-White townships will be licensed.

The Chairman of Johannesburg's Non-European Affairs Committee is reported⁽⁸⁾ to have said that his committee is in favour of licences being granted to the municipality only, except, possibly, for hotels, in order that profits may be used for housing and welfare projects. The municipality has submitted plans for bottle-stores and bar-lounges in the African townships, including four better-type "ladies" where strict rules of dress and behaviour would apply, and where men with escorts would be admitted⁽⁹⁾.

Numerous other towns have also submitted plans for buildings for the sale of liquor.

(6) TO Ibid. 20 June.

(7) Ibid. 4 July.

(8) V Ibid, 26 September.

(9) W Star. 17 October.

EMPLOYMENT

THE ECONOMIC SITUATION

OUTFLOW OF PRIVATE CAPITAL

In his Budget Speech, the Minister of Finance said⁽¹⁾ that during 1960 South Africa's gold and foreign exchange reserves dropped by R132-million, as against a rise of R80-million in 1959. This decline was caused mainly by an increase in imports of roughly R133-million over the 1959 level, and a net capital outflow of R162-million compared with an outflow of £78-million in 1959. The fears of private investors that occurrences in South Africa, as well as in other African territories, would jeopardise their investments were mainly responsible for the outflow of private capital.

The Governor of the S.A. Reserve Bank, Dr. M. H. de Kock, said at an annual general meeting of stock-holders on 9 September that while during the year ended 30 June 1961 there had been a sustained expansion of general economic activity, this had been at a slower pace than in the previous year, and in certain branches of activity such as the motor assembly and building industries and certain sections of the engineering industry there had been a decline.

The Reserve Bank's holdings of gold and foreign exchange declined from R312-million at the end of January 1960 to R212-million on 30 June 1960, and again to R153-million on 30 June 1961, Dr. de Kock said. The outflow of private capital had continued.

In a review of the affairs of the Anglo-American Corporation of S.A., Ltd., its Chairman, Mr. H. F. Oppenheimer, said⁽²⁾ that during 1960 the market value of the quoted holdings of this group fell by 23 per cent. This severe fall in share prices was caused in the main by the heavy selling of South African shares by investors outside the country. These shares had, to an important extent, been brought back to South Africa through the medium of the local financial institutions.

Speaking at the annual general meeting of the General Mining and Finance Corporation, Ltd, in June 1961, Mr. C. S. McLean said⁽³⁾, "My colleagues and I have seen the market value of our investments for which we are responsible decline in about eighty per cent, or £12-million, due to events entirely beyond our control".

(1) Assembly. 15 March 1961. Hansard 8 cols. 2999-3000.

(2) *Kami Daily Mail*, 10 September 1961.

(3) *Ibid.*, 9 June 1961.

(4) *MM*, 14 June 1961.

Mr. Oppenheimer pointed out that a capital inflow on a fairly large scale was essential if the country's full economic potential was to be realized. Less than almost any other country was South Africa, with her grave racial problems, able to afford a slowing-down in the rate of economic growth. Such racial problems could only be successfully dealt with against a background of rising standards of living. This consideration probably applied with even greater force if race relations were to be approached along the lines of racial separation or apartheid than if the aim were to build up a multi-racial community. As has been mentioned earlier⁽⁴⁾, Mr. Oppenheimer went on to suggest that in the absence of support from overseas capital it might not be possible to invest in the Bantu areas on a large scale without reducing the rate of growth of the economy and the standards of living of the people as a whole. In fact, without a substantial capital inflow from abroad, large-scale development of these areas might be entirely impracticable.

CONTROLS IMPOSED BY THE GOVERNMENT

During May the Government was forced to tighten import and currency controls and to take steps to restrict the supply of credit. The value of the initial allocation of import permits had previously been reduced. Now, *inter alia*, textile piece goods were made subject to import control, and a reduction was made in the issue of import permits for motor cars.

The bank rate was raised from 4½ to 5 per cent and the rates on government stock were increased. This was followed by an increase in the commercial banks' minimum overdraft and fixed deposit rates. The building societies followed suit by raising their rates on fixed deposits and mortgage bonds. The commercial banks' minimum statutory reserves against their demand liabilities to the public were increased.

The foreign exchange allowances for tourists and emigrants were reduced. Residents were required to declare their holdings of foreign assets⁽⁵⁾.

A few weeks later the Minister of Finance prohibited South African residents from buying securities on the London and Bulawayo stock exchanges. He also forbade the repatriation of funds obtained from realizing foreign-owned shares through the Johannesburg stock exchange. Such funds would have to be paid into a blocked Rand account and could be used to pay for other South African-quoted securities⁽⁶⁾.

In the speech quoted above, Mr. Oppenheimer said that in the circumstances these steps were unavoidable; but they would not

(*) See page 106.

(5) Information from "Normic Review" by Mr. T. V. de Jough in the Reserve Bank's *Quarterly Bulletin of Statistics*, June 1961.

(6) *Sunday Times*, 18 June 1961.

EXTERNAL AFFAIRS

VISIT BY THE LATE MR. DAG HAMMARSKJÖLD

As was mentioned in last year's *Survey*, during March 1960 (he then Secretary-General of the United Nations, the late Mr. Hammarskjöld, was asked by the Security Council to make such arrangements, in consultation with the South African Government, as would adequately help in upholding in that country the purposes and principles of the United Nations Charter. Mr. Hammarskjöld made it clear to the South African Government that any consultations would not require its prior recognition of the United Nations' authority; and on that basis South Africa agreed to participate in discussions.

Events in the Congo forced Mr. Hammarskjöld to delay visiting South Africa until January 1961. He then found time for a brief visit, during which he had discussions with the Prime Minister and with as many as possible of those who had asked to see him. Dr. Verwoerd said subsequently⁽¹⁾ that no obstacles had been placed in the way of his meeting whomsoever he wished. The Government had considered, Dr. Verwoerd continued, that misunderstanding might be avoided if the chief official of the United Nations acquainted himself personally with certain major aspects of the South African scene. The talks had been useful and constructive, and the Government had decided to invite Mr. Hammarskjöld to visit South Africa again in order that the contact might be continued.

Mr. Hammarskjöld is reported⁽²⁾ to have told the Security Council that, although Dr. Verwoerd and he had so far failed to reach agreement, the exchange of views on racial questions had served a most useful purpose. He looked forward to a continuation* of the talks. But Mr. Hammarskjöld's tragic death in an aeroplane accident on 18 September made this impossible.

BOYCOTTS

It was announced by the Minister of Economic Affairs in the Assembly on 7 February⁽¹⁾ that boycotts of South African goods had been imposed by legislative measures in India, Jamaica, Antigua, the Sudan, Ghana, Malaya, Barbados and Netherlands-Guiana.

Since then, Ethiopia, Nigeria and Sierra Leone have decided upon similar trade boycotts. Sierra Leone and Liberia have closed

(1) Assembly, 23 January 1961. Hansard 1 cols. 15-16.

(2) *Rural Daily Mail*, 24 January.

L.T. Mamml 3 cols. 854-6.

their ports and airports to South African ships and aircraft except in cases of extreme urgency; and Senegal and Sierra Leone have decided to debar holders of South African passports from entering their territories.

The United Arab Republic withdrew its diplomatic mission from South Africa and placed a total ban on the entry of South African goods and on the trans-shipment of these goods at any of its ports. It notified all its consulates that they were not to issue visas to holders of South African passports: applications for visas would have to be made direct to Cairo. (Since June, when these decisions were made, Syria has seceded from the United Arab Republic.)

UNITED NATIONS' CONSIDERATION OF APARTHEID. APRIL 1961

Early in April 1961, twenty-four African states, led by Ghana, submitted a resolution to the Special Political Committee asking that the General Assembly should call upon all member-states to consider:

- (a) breaking off diplomatic relations with South Africa, or refraining from establishing such relations;
- (b) closing their ports and airports to South African ships and aircraft;
- (c) boycotting all South African goods, and refraining from exporting goods to South Africa.

A milder resolution was submitted by Afghanistan, Ceylon, India, Indonesia and Malaya, asking that all member-states should consider taking such separate and collective actions as were open to them, in conformity with the United Nations Charter, to bring about the abandonment by South Africa of policies based on racial discrimination.

The first resolution was passed by 41 votes to 32, with 21 abstentions, by the Special Political Committee, and subsequently by 42 votes to 34, with 21 abstentions, by the General Assembly. In the General Assembly, which then had 99 members, a two-thirds majority was required, in assessing which abstentions were not considered. This first resolution thus failed to gain sufficient support, and was withdrawn.

The milder resolution was ratified by the General Assembly by 95 votes to one (Portugal), with no abstentions. South Africa, Spain and Nepal did not vote.

MOTION OF CENSURE

During October 1961 South Africa's Minister of Foreign Affairs, Mr. Eric Louw, made a speech in the General Assembly in which he outlined his country's policy and also criticised certain other states. Liberia then introduced a motion censuring Mr. Louw and the South African Government for this address, declaring it to be "offensive, fictitious and erroneous." This motion was passed

by 67 votes to one (South Africa), with 20 abstentions. Britain, France and the United States were amongst nine members who did not participate in the vote, as distinct from casting abstentions.

Liberia withdrew a further resolution that the verbatim text of Mr. Louw's statement should be expunged from the official records after the Australian delegate had stated that such an action would set a precedent with very serious implications for the future of United Nations' debates.

CONSIDERATION OF APARTHEID IN NOVEMBER 1961

At the session of the Special Political Committee in November 1961 nine African states and Iraq introduced a sanctions motion, in similar terms to the Ghana-sponsored motion that had been debated in April. They also proposed that the attention of the Security Council should be drawn to Article 6 of the Charter, which provides that a member who has persistently violated the principles of this Charter may be expelled, and they moved that the Security Council should at an early date consider South Africa's continued membership.

The British delegate is reported⁽⁴⁾ to have said that while the United Kingdom had used every means to bring home to the South African Government its disapproval of the latter's racial policies, it did not support the imposition of sanctions. These might lead only to a stiffening of South Africa's resolve to pursue such policies and thus worsen the position of the very people whom the United Nations was seeking to help. They might drive to despair the many Whites who were not supporters of apartheid. It would not be logical to expel South Africa and so remove it from the influence of the world organization. New Zealand and Italy supported this attitude.

Again a more moderate resolution in the terms of the one moved in April was also introduced, this time by Afghanistan, Ceylon, Denmark, India, Malaya, Norway and Venezuela. Numerous amending clauses to both resolutions were proposed.

The sanctions motion, calling for the breaking off of diplomatic relations, closing of ports and airports and boycotting of South African goods did not gain a two-thirds majority in the Special Political Committee, but more votes were cast for it than it received seven months earlier. The voting was 48 to 30, with 23 abstentions.

The results were along somewhat similar lines so far as the various other clauses of this motion were concerned. The motion calling for an early discussion of South Africa's continued membership was passed by 47 votes to 32, with 22 abstentions. Pakistan's appeal to member-states to refrain from exporting petroleum to South Africa received 44 votes to 31 with 26 abstentions. The

⁽⁴⁾ *Rand Daily Mail*, 1 November.

resolution as a whole, including an assertion that South African policy endangered world peace and was "reprehensible and repugnant to the dignity and rights of peoples and individuals" was carried by 55 votes to 26 with 20 abstentions. Britain and the United States voted against the motion. There were no Asian countries amongst those who abstained.

The Special Political Committee (then turned its attention to the milder motion, to which various clauses had also been added by way of amendments. A U.S.S.R. amendment calling on all member-states to refrain from supplying arms or military assistance to South Africa was passed by 50 votes to 29, with 22 abstentions. An assertion that apartheid was incompatible with United Nations membership received 80 votes to two (South Africa and Portugal). A clause deploring the South African Government's continued disregard of resolutions of the General Assembly, and its application of further discriminatory laws and measures, the enforcement of which had "led to violence and bloodshed" was carried by 99 votes to one (South Africa), with one abstention (Portugal).

The motion as a whole, containing the key paragraph calling on member-states to consider taking such separate and collective actions as were open to them, in conformity with the Charter, to bring about the abandonment by South Africa of policies based on racial discrimination, received 82 votes to two (South Africa and Portugal), with 17 abstentions.

Later, in the General Assembly, supporters of the sanctions motion attempted to obtain a two-thirds majority for it by proposing that there should be no separate votes on individual clauses of the motion being considered in its entirety. This move was defeated by a narrow majority of five votes.

The sanctions clause failed to gain the necessary majority. The Canadian delegate, who had abstained in the Special Political Committee, now voted against it, but the attitude of others was unchanged. The voting was, thus, 48 to 31 with 22 abstentions. In view of this, the other clauses were withdrawn.

The General Assembly decided to retain the clause of the second resolution which proposed such separate and collective actions as were open to members to induce South Africa to abandon its racial policies. Other clauses did not gain the required majority and fell away. The resolution, as so amended, was passed by 97 votes to two (South Africa and Portugal) with one abstention. Three delegations were absent.

UNITED NATIONS' CONSIDERATION OF SOUTH-WEST AFRICA

Proceedings instituted at the International Court of Justice

As was pointed out by Mr. R. B. Ballinger in his book *South-West Africa: The Case Against the Union*⁽⁵⁾, only states

⁽⁵⁾ Published by the Institute of Race Relations in 1961.

may be parties to suits before the International Court of Justice, thus the United Nations cannot on its own behalf institute proceedings. It may only seek advisory opinions, which are binding neither on the United Nations nor on any state directly concerned in them.

Such an opinion was sought in 1950. The Court then stated it considered that while South Africa was not bound to enter into a trusteeship agreement with the United Nations in regard to South-West Africa, the Mandate remained in force, and South Africa continued to have the international obligations set forth in the Covenant of the League of Nations and the Mandate, including the submission of reports on the territory. The supervisory functions over the Mandate should be exercised by the United Nations.

The United Nations General Assembly subsequently accepted this opinion in the form of a resolution; but South Africa rejected it, stating its view that the Mandate, and its obligations to the international community, lapsed with the dissolution of the League of Nations.

During November 1960, in their capacities as former members of the League of Nations, Ethiopia and Liberia instituted an action against South Africa in the International Court. They accused South Africa of substantially modifying the terms of the Mandate without the consent of the United Nations, and of failing to promote to the utmost the material and moral well-being and social progress of the inhabitants of the territory, thus violating the terms of the Mandate. In administering the territory, they stated, South Africa had practised apartheid and applied legislation and administrative decrees which were arbitrary, unreasonable, unjust and detrimental to human dignity, and which suppressed the rights and liberties of inhabitants of the territory essential to their orderly evolution towards self-government. South Africa had exercised powers inconsistent with the international status of the territory, and had failed to render reports or transmit petitions.

The Court has been asked to rule that the Mandate is a treaty in force, that South Africa remains subject to the international obligations set forth in the Covenant of the League of Nations, that the General Assembly is legally qualified to exercise the supervisory functions previously exercised by the League, and that South Africa is under an obligation to submit to the supervision and control of the General Assembly regarding the Mandate, and to submit annual reports and to transmit petitions.

These are, in essence, the points on which the International Court gave an opinion in 1950; but, as Mr. Ballinger made clear, in this case a binding judgment, and not merely an opinion, will be given. Should the Court's views remain unchanged, and if South Africa does not alter its attitude, the two applicants could then appeal to the Security Council, Mr. Ballinger said. This could lead to such measures as sanctions or the legal revocation of the Mandate.

The President of the Court allowed Ethiopia and Liberia until 15 April to file their documentary pleadings, and South Africa until 15 December 1961 to file its counter plea.

Proceedings at the United Nations, December 1960 to April 1961

During December 1960 a series of resolutions, which had been initiated in the Trusteeship Committee, were passed in the General Assembly by very large majorities. South Africa's motion that the debate be adjourned because the general question was before the International Court and the issue was thus *sub judice* was rejected.

The Assembly resolved:

- (a) that South Africa had failed and refused to carry out its obligations under the Mandate (86 to nil with 6 abstentions);
- (b) that the application of apartheid in South-West Africa was to be deprecated, and that South Africa should be called upon to revoke all laws and regulations based on this policy (90 to nil with 3 abstentions);
- (c) that South Africa should be urged to cease imprisoning and deporting Africans and to ensure the free exercise of political rights (84 to nil with 7 abstentions);
- (d) that South Africa should be called upon to seek the aid of United Nations' special agencies and to co-operate with them in urgent programmes to assist the indigenous population (98 to nil);
- (e) that the United Nations Committee on South-West Africa should be invited to investigate the situation in the territory and to propose steps leading towards internal self-government for the indigenous inhabitants; and that South Africa should be urged to facilitate this mission (78 to nil with 15 abstentions).

South Africa did not vote on any of these resolutions.

Later, during March, the Assembly requested the committee to proceed immediately to make on-the-spot investigations, and to report back with recommendations for granting the territory a wide measure of self-government leading as soon as possible to complete independence. The committee was asked to carry out this assignment "as fully and expeditiously as possible, with the co-operation of the South African Government if such co-operation be available, and without it if necessary."

Just before the Commonwealth Prime Ministers' Conference in March the General Assembly appealed to all members of the United Nations having close relations with South Africa to bring, as a matter of urgency, all their influence to bear on her Government, "with a view to ensuring that it shall adjust its conduct to its obligations under the Charter of the United Nations and shall give effect to resolutions adopted by the General

Assembly" (74 votes to nil with 9 abstentions, South Africa and 15 other countries not casting votes).

A further resolution, passed in the Assembly by 84 votes to nil during April, referred to members' "grave concern" over the practice of apartheid in South-West Africa and their opinion that the continuance of existing conditions in the territory was "likely to endanger international peace and security". The attention of the Security Council was drawn formally to the situation.

Proposed visit by the Special Committee

The United Nations' Committee on South-West Africa consisted, during 1961, of representatives from Brazil, Denmark, Ethiopia, Guatemala, Indonesia, Ireland, the Phillipines, the United Arab Republic and Uruguay, under the chairmanship of Professor E. Fabregat of Uruguay.

It is reported⁽⁶⁾ that South Africa's Foreign Minister, Mr. Eric Louw, wrote to the Secretary-General of the United Nations, and that later her Ambassador sent a similar letter to Professor Fabregat, stating that South Africa would not facilitate a visit by the Committee, as the whole question of South-West Africa was before the International Court and, in any case, the terms of the original Mandate had not required South Africa to allow international supervisory visits.

Professor Fabregat informed Mr. Louw that eight members of his committee planned to arrive in South Africa during May; the representative from Ireland had decided not to participate in the tour. The South African Government announced, however, that the committee would not be admitted to South-West Africa nor to South Africa.

Its members first went to Ghana, where they interviewed certain political refugees from South-West Africa. From there they sent a message to the Secretary-General of the United Nations slating that the situation in the mandated territory was explosive and could become a grave threat to international peace. Mr. Louw then repeated a suggestion that he had made two months previously to the United Nations: that an independent observer of international standing should be asked to investigate the South African Government's claim that the situation in the territory was not in any way a threat to world peace⁽⁷⁾. This suggestion was not accepted.

Britain had granted committee-members visas to enter Bechuanaland on condition that they would not attempt to cross the border from there. However, there were wide-spread rumours that some members of the committee intended defying this condition and South Africa's prohibition on entering South-West

(6) *Evening Post*, 17 February.

(7) *Digest of South African Affairs*, 24 July.

Africa. It was reported⁽⁸⁾ that South Africa sent police to patrol the border, and that Mr. Louw said that if committee-members entered the territory they would be arrested and sent back to Bechuanaland. Mr. Louw stated later⁽⁹⁾ that he had used the word "detained", and not "arrested".

According to the official *Digest of South African Affairs* of 24 July, Mr. Louw informed the Secretary-General of the United Nations that if the committee attempted to cross the border illegally, the South African Government, however reluctantly, would be obliged to prevent such an attempt, which would involve the United Nations in an act of aggression.

At this stage the British Government notified the committee that, as the latter had failed to give an assurance that none of its members would attempt to cross the border, their visas to enter Bechuanaland had been suspended. The committee, which was then passing through Salisbury, decided to go to Tanganyika to interview political refugees from South-West Africa, and after this to return home.

Two reports were drawn up for submission to the United Nations. The committee suggested that South Africa should be called upon to withdraw its military forces from the territory, to halt the immigration of Whites, to cease the enforcement of apartheid measures, and to release seventeen Africans who had been charged with violence after the Windhoek riots of December 1959.

It also stated that in its opinion the best interests of international peace and security demanded as a matter of great urgency that the General Assembly should undertake a study of the ways and means by which South Africa's administration of the territory should be terminated, and that administration be assumed directly or indirectly by the United Nations, in existing circumstances, it was stated, a solution would probably be impossible without compulsive measures within the purview of the Charter.

Proceedings at the United Nations, November 1961

During the debate in the Trusteeship Committee in November 1961, Mr. Louw announced that the South African Government intended inviting three people of international standing, probably past presidents of the United Nations General Assembly, to visit South-West Africa in their personal capacities. Their impressions and opinions of conditions in the territory would be published in full by his Government.

Britain tabled a draft resolution proposing that after the

(8) *Rumil >all>' Mail*, 5 July, quoting a news-release from the S.A. Broadcasting Corporation.
 (9) *Ibid.*, 20 July.

International Court's judgment had been delivered the President of the General Assembly should appoint a special commission of five members to consider any recommendations made by the independent committee suggested by Mr. Louw. The preamble called upon the United Nations to declare itself "convinced of the need to ensure for the people of South-West Africa a future of their own choice".

These proposals were not accepted. Instead, it was decided by 86 votes to one (Portugal), with only four abstentions, that a seven-nation committee should visit South-West Africa before 1 May 1962 to investigate conditions and to prepare for general elections to be based on a full adult suffrage and held under United Nations' supervision. The committee would be charged, in consultation with South Africa, with achieving the repeal of all apartheid legislation and the release of political prisoners.*

SOUTH AFRICAN CITIZENS OF INDO-PAKISTAN ORIGIN

Once again in 1961 the United Nations attempted to persuade South Africa to hold discussions with India and Pakistan about the treatment of its citizens who are of Indo-Pakistan origin, and once more South Africa boycotted the proceedings, contending that the matter was one of domestic jurisdiction.

In March 1961 Ghana tabled a 14-power Afro-Asian resolution expressing deep regret that South Africa had not replied to communications from India or Pakistan and had shown no disposition to arrive at a solution of the problem. South Africa's attention was drawn to the repeated appeals of the General Assembly to enter into negotiations. All member-states were invited to use their good offices to bring about such discussions. This resolution, introduced in the Special Political Committee, was subsequently passed by the General Assembly by 78 votes to nil with two abstentions. For the first time Britain and Australia voted for it.

During June India made public the terms of a Note it had sent to the South African delegation proposing negotiations in New York "without prejudice to the position adopted by any of the parties concerned in respect of the issue of domestic jurisdiction". It was announced that Pakistan had sent a similar communication.

In a statement issued by the South African Information Service⁰ Mr. Louw is reported to have said that the South African Government "would not even bother to answer" these Notes. It considered that the Indians living in its country were South African citizens, having given up "long-cherished plans" of repatriating them. The Government of India had no right to

* The General Assembly later endorsed this resolution by 90 votes to one with four abstentions.
(1) *Rand Daily Mail*. 18 August.

interfere with a South African domestic matter. Mr. Nehru "should rather sweep his own porch and clean up his own backyards".

During November 1961 a 13-power resolution in almost identical terms to that described above was once more introduced in the Special Political Committee. For the first time it was unanimously endorsed. The representatives of South Africa and Portugal were not present. Later, the General Assembly also endorsed the resolution unanimously, the South African delegation again having withdrawn.

INTERNATIONAL COMMISSION OF JURISTS

In December 1960 the International Commission of Jurists published a lengthy report entitled *South Africa and the Rule of Law*, which was the result of a detailed investigation into the situation in South Africa. Copies were sent to the United Nations, with which the International Commission has consultative status, and to Governments and lawyers throughout the world.

It was stated in the report that in its pursuit of a systematic policy of racial separation in all spheres of life, the South African Government had established a rigid and all-embracing network of legislation which denied to a vast majority of the population those opportunities without which the legitimate aspirations and dignity of a human being could not be realized. While the deep sociological problem confronting the Government could not be minimised, it was manifestly apparent that the pursuit of its present policy constituted a serious encroachment upon the freedom of all inhabitants, White and Non-White alike.

The effects of the application of apartheid in various fields were analysed. The pass-law system, (he Commission considered, had resulted in flagrant abuses of the law involving arbitrary arrest and detention, and had created a situation of which certain aspects could be described only as legalized slavery. No less disturbing were the negation of social rights and of free choice of marriage, and the restriction of assembly. To assure (he continuation of the policy of inequality a carefully supervised educational system had been introduced whereby Non-Whites were to receive instruction solely in preparation for their acceptance of an inferior social, economic and political status.

Such discriminatory policies were not only contrary to generally accepted concepts of justice and principles of human rights, but also created a potentially explosive situation which might soon lead to even more widespread internal violence than had already been experienced.

The very expression of opposition to or protest against the policy of apartheid constituted a criminal offence. South Africa's judiciary had up to the present always enjoyed a high reputation for independence, impartiality and concern for fundamental human rights. Yet a judge could only apply and interpret the law as he

found it. And it was possible that the relative independence of the Bar might become subject to a serious threat: the Minister of Justice had stated that he had instructed his Department to make recommendations on how the admission of advocates could be submitted to stricter control.

The International Commission did not wish to present a mere indictment of the ideology and political practice applied in South Africa, it said, but desired rather to create an awareness of the full legal and moral implications of the current situation and to stress the need for a change of policy. To renounce hope that wiser counsel would eventually prevail and that South Africa would meet the challenge of the future by solving its complicated internal problems with justice and foresight would mean to lose faith in (the power of free institutions and in the decency of man.

MEMBERSHIP OF THE INTERNATIONAL LABOUR ORGANIZATION

At the International Labour conference in June 1961, Nigeria tabled a resolution, which was amended by India, stating that South Africa's apartheid policy subjected its indigenous African citizens to racial discrimination to their economic and social disadvantage; declaring that its continued membership was inconsistent with the aims and purposes of the Organization; and requesting that South Africa be advised to withdraw from membership until such time as it abandoned its apartheid policy. In a plenary session this resolution was passed by 163 votes to nil with 89 abstentions.

South Africa's Deputy-Secretary for Labour announced that his country had no intention of withdrawing. As the constitution of the Organization does not provide for expulsion, stalemate has been reached unless the constitution is amended.

DIPLOMATIC REPRESENTATION AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS

The withdrawal of the Minister Plenipotentiary for the United Arab Republic from South Africa has left the latter country without a single Non-White diplomat. Of the African countries, only the Federation and the High Commission Territories have representatives in South Africa. Remaining colonies are represented by diplomats from Britain and Portugal.

South Africa has a High Commissioner in the Federation, a Commissioner in Kenya, and Consul-Generals in Angola and Portuguese East Africa.

It is a member of the United Nations, the Food and Agricultural Organization, the International Labour Organization, the International Telecommunications Union, the Universal Postal Union, the World Health Organization, the World Meteorological Organization, the International Civil Aviation Organization, the General Agreement on Tariffs and Trade, the International Atomic

Energy Agency, the Commission for Technical Co-Operation in Africa South of the Sahara (C.C.T.A.) and its associated Commission for Scientific Control (C.S.A.), the Inter-Governmental Committee for European Migration, the International Whaling Commission, the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Bureau for the Protection of Industrial Property⁽¹⁾.

PROPOSED VISIT BY THE UNITED STATES ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

During July 1961 the United States Assistant Secretary of State for African Affairs, Mr. G. Mennen Williams, made a tour of Africa. The United States Embassy in Pretoria asked whether he might visit South Africa, but the Department of Foreign Affairs replied that "to the regret of the Government it has not been possible to arrange for the inclusion of a visit to South Africa at the time this would have been convenient to Mr. Williams. It is hoped that it will be possible to arrange a visit later at a mutually convenient time"⁽²⁾.

UNITED STATES-SOUTH AFRICA LEADERSHIP EXCHANGE PROGRAMME

The United States-South African Leadership Exchange Programme was commenced in 1958 with the object of developing through non-governmental means a mutual basis of co-operation between professional, business and civic leaders in the two countries. The necessary funds were raised privately. Assistance with the organizational work is given by the Institute of Race Relations.

Eleven exchanges were made in 1959, twelve in 1960, and thirteen were planned for 1961. In addition, six South African professors and teachers were invited to participate in the National Science Foundation Summer Institutes on the teaching of scientific subjects, and twelve senior members of the staff of South African universities went to the United States in terms of the Faculty Exchange Scheme.

NON-WHITE VISITORS

Delegates to a southern regional conference of the geological section of the Commission for Technical Co-Operation in Africa South of the Sahara, held in South Africa during August, were guests of the Government. One of them, from the Congo, was an African. The Government included him in all entertainments and excursions, and arranged accommodation for him with the other delegates at leading hotels.

A senior representative of the Africa-Division of the Department of Foreign Affairs met two Cabinet Ministers from Katanga

(1) *Official Year Book*, 1960.

(2) *Star*, 15 July.

when they arrived at Jan Smuts Airport a few days later. They came for discussions with a firm of consulting civil engineers, but during their visit met members of the South African Cabinet, and stayed at an hotel in the centre of Johannesburg.

POLITICAL REFUGEES FROM SOUTH AFRICA

Non-White political refugees from South Africa and South-West Africa have formed the S.A. United Front, which has offices in Dar-es-Salaam, Cairo, London, Accra and New York.

By April 1961 there were 25 refugees in Basutoland. Some left South Africa during the State of Emergency in 1960 and could return, but have chosen not to do so. Eleven would have to face prosecution if they went home. Of these, four estreated their bail when they were facing charges of incitement. South Africa applied for their extradition, which was refused by a magistrate in Maseru on the ground that in his opinion the charges were of a political nature. Seven escaped to Basutoland from banishment camps in South Africa. The Basutoland Congress Party gave assistance to the refugees at first, but its funds ran short and those who have been unable to find employment are reported to be having a very difficult time.

Other refugees have escaped via Bechuanaland to Tanganyika. Apart from a few top-ranking leaders who are flown on from there to London or Accra, the refugees find that their escape trail peters out in Dar-es-Salaam. It was reported⁽¹³⁾ in February 1961 that the exile colony there then numbered about 40 and was still growing. At first the Tanganyika African National Union provided refugees with hotel accommodation and pocket money; but as the influx grew the financial burden became too great. The reporter stated that most of the exiles were then living in a converted school provided by the T.A.N.U. Having no proper documents they could not be absorbed into the local life, and nearly all of them were unemployed and frustrated.

Philip Kgosana, who also estreated bail, was taken to London from Dar-es-Salaam, later visiting Accra at the expense of the Ghana Government, which also provided him with funds. There have been rumours of dissent within the S.A. United Front between ex-leaders of the banned African National Congress and Pan-African Congress.

SOME RECENT PUBLICATIONS DEALING WITH RACE RELATIONS

PUBLISHED BY THE INSTITUTE OF RACE RELATIONS

- "Tilings New tint/ Old"*, by Prof. the Hon. Edgar H. Brookes (Presidential Address).
- Liberty, Equality, Fraternity—Today*, by Prof. D. V. Cowen (Hocrn1<5 Memorial Lecture).
- Political Systems in Multi-Racial Societies*, by Kenneth A. Heard.
- South-West Africa: The Case Against the Union*, by Ronald B. Bnllingcr.
- South African Trade Unionism: A Study of a Divided Working Class*, by Muriel Horrell.
- Looking Outwards: Three South African Viewpoints:*
South Africa and the Commonwealth, by Dr. B. Friedman.
South Africa and the Changing African Slates, by John Sutherland.
South Africa and the Wider World, by Ronald B. Ballinger.
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- Fact Paper No. 9—*The Urban African in Local Government: A Study of the Advisory Board System*, by Lawrence Rcyburn.
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- Vol. XXVII No. 4:
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Libraries for Native Africans: An Exploration, by Elizabeth Hoyt.
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nantu Marriage at the Cross-Roads, Part III, by Dr. J. F. Holleman.
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- The Frontier Tradition and Race Attitudes*, by Prof. I. D. MacCrone.
Address of the Hereditary Chiefs of Basutoland to Mr. Mennen Williams.
- Some Comments on Bantu Education*, by Dr. Ellen Hellmann.
Some Facts about Baragwanath Hospital.
- Race Relations News*—12 issues.
- Thought* (A Journal of Afrikaans Thought for (he English-Speaking).
 Four quarterly issues.
- (Memoranda issued in roneod form arc mentioned in the text of this Survey).