

A SURVEY OF  
RACE RELATIONS  
IN SOUTH AFRICA  
1966

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SOUTH AFRICAN INSTITUTE OF RACE  
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## POLITICAL PARTY DEVELOPMENTS

### POLICIES OF PARTIES ENTITLED TO CONTEST THE GENERAL ELECTIONS

#### Nationalist Party

The Nationalist Party's election manifesto followed the lines of policy statements by the then Prime Minister, the late Dr. H. F. Verwoerd, as summarized briefly in last year's *Survey*.<sup>(1)</sup>

Dr. Verwoerd elaborated on some of his views in a speech delivered at the Voortrekker Monument, Pretoria, on 31 May, to mark the climax of the Republic Festival.<sup>(2)</sup> South Africa's golden age lay ahead, he said, if it could gain the world's understanding and be given time to solve its racial problems in its own way.

Dr. Verwoerd made it clear that he regarded the Republic as being part of the white man's domain in the world, and the anchor of Western civilization in Africa. The Republic, he said, offered to its non-white peoples a future "as separate nations or in other ways if necessary". He added, "To those who cannot accept South Africa as it is and as it grows, but seek to change it into something wholly new with the resultant chaos as elsewhere in Africa, I have nothing to say".

The country sought peace and friendship with other nations, the then Prime Minister continued, but would not sacrifice its independence or its way of life. It did not wish to interfere with others, and would accept no interference. Any attempt at aggression would be resisted. The Republic respected the existence of separate independent Black nations in Africa, offered co-operation and goodwill in their development, but expected to receive goodwill in return. Dr. Verwoerd assured neighbouring African territories that he would not apply any form of economic colonialism and that, if the Republic were invited to attend their independence celebrations, it would be fully represented.

In this speech Dr. Verwoerd did not deal with internal policy. As described in last year's *Survey*, he believed that peace could be ensured in South Africa only by separating Whites and Africans to the maximum extent possible, primarily in the political sphere. Territorial separation would be brought about gradually, but would take a long time to accomplish. Meanwhile, in the White areas there would be strict control of the influx of

(1) Pages 1 *et seq.*

(2) The summary that follows has been compiled from numerous Press reports published on 1 June.

Africans, and residential, educational, and social separation. Africans would have no political rights in these areas, and limitations would be placed on their advancement, economically and in other ways. The Bantu homelands would be developed, and there Africans would have full opportunities of development, even to the point of eventual self-rule and independence.

The Coloured and Asian peoples, Dr. Verwoerd maintained, should remain subject to a White Parliament, but should gradually be given self-government in such matters as education, welfare, and municipal affairs.

It appeared that, during the last year in which he was in power, Dr. Verwoerd's main emphasis was placed on attempting to secure South Africa's future by a combination of military preparedness and economic prosperity.

### Extreme Right-Wing Parties

Two extreme right-wing parties entered candidates in the elections. The first of these was the Republican Party, led by Professor C. F. van der Merwe of the Transvaal. Members considered that Dr. Verwoerd was doing too much for the Black man and not enough for White farmers and the poorer White workers. They opposed the Bantustan concept, maintaining that the Black man was not competent for self-rule, either politically or economically, and that, therefore, Whites must continue to rule over the whole country.

In a pre-election article, <sup>(3)</sup> Professor van der Merwe indicated that Africans who were not serving the White man in White areas would have to return to the Reserves, live under the tribal system, and contribute towards their own development. Advice and capital loans would be provided. A White parliamentarian would be appointed to control the Reserves and to act as liaison officer.

The Republican Party expressed its opposition to secret organizations with political leanings.

The second group was the Conservative National Party, which appeared to consist mainly of right-wing Afrikaans-speaking trade unionists who were anxious to protect the white worker against non-white competition.

### United Party

The United Party, led by Sir de Villiers Graaff, M.P., continued to be the middle-of-the-road group.

In a pre-election article<sup>(4)</sup> one of its senior members, Mr. S. J. Marais Steyn, M.P., emphasized that the United Party stood

<sup>(3)</sup> Contributed to the *Rand Daily Mail*, 18 March.  
<sup>(4)</sup> *Rand Daily Mail*, 14 March.

for White leadership over the whole of South Africa (and was, thus, opposed to the "Bantustan" concept). This White leadership would be the vehicle for bringing civilization to all the peoples of the country.

According to policy statements made at various times<sup>(5)</sup> and in its election manifesto, the United Party, if it came into power, would restore qualified Coloured men of the Cape and Natal to the common voters' roll. Other Coloured people might, perhaps, be granted representation in the Senate, on a separate roll. The Party would provide for the representation of Africans by not more than eight White members of Parliament and six White senators: any change in this method of representation would require the approval of both White and Coloured people, voting separately on the issue. Discussions would be held with Asians to determine their political future.

The Party envisages the creation of democratically-elected communal councils, possibly one for the Whites and Coloured, one for Asians, and one or more for Africans, to control the more intimate affairs of the groups concerned. Matters of national importance would fall under the purview of a central parliament, in which each racial group would eventually be represented "in accordance with the standard of civilization it had reached".

The United Party would like to see all discriminatory legislation reviewed. Social and residential separation, and fairly applied influx control, should be retained, it considers, but petty restrictions should be abolished. The Party accepts that large numbers of Africans have become permanently settled in the towns, and it would help these people to become a property-owning middle-class.

### Progressive Party

Prior to the general election Mrs. Helen Suzman, M.P., stated<sup>(6)</sup> that the Progressive Party rejected racial discrimination and, in particular, the concept of the domination by one racial group over others. It respected the fundamental rights and liberties of the individual, and aimed to foster among all citizens an appreciation of the basic tenets of Western civilization rather than a narrow nationalism.

But at present, Mrs. Suzman said, South Africa was not a homogeneous society. The major problem was how to reconcile the legitimate claims of a white minority with those of a non-white majority, while maintaining civilized standards and economic progress on the one hand, and social justice on the other.

The Progressive Party's suggested solution is a qualified non-

<sup>(5)</sup> See 1963 Survey page 2, 1965 Survey, page 5.  
<sup>(6)</sup> *Rand Daily Mail*, 16 March.

racial franchise, based on educational standards and/or economic attainment,<sup>(7)</sup> in order that South Africa's modern, industrialized society may be controlled by people with the necessary education and experience. The Party advocates a rigid constitution in which a Bill of Rights would be entrenched, to safeguard all groups, and which could be changed only if all groups consented. It suggests that all senators should be directly elected, requiring not only a majority in their constituencies but also the support of at least one-fifth of the voters of each racial group.

If the Progressives were in power, all discriminatory laws would be repealed. Educational and economic opportunities would be provided to enable people of all racial groups to qualify as voters and to develop their potential skills for the benefit of the country as a whole.

The leader of the Progressive Party continues to be Dr. J. Steytler.

#### Liberal Party

The Liberal Party, headed by Mr. Alan Paton and Dr. the Hon. E. H. Brookes, believes that the franchise should be extended gradually, on the common roll, to all adult persons, without any literacy, income, or other qualification.

It has continued to hold national and other congresses, but reluctantly decided not to contest any seat in the 1966 general election because most of its leading members and paid workers had been immobilized by banning orders.

#### The Front

A new group called "The Front" emerged in Natal early in 1966, describing itself as "a democratic alliance of virtual independents", and its policy as being one of "moderate nationalism". Its immediate object, it stated, was to give as many members of the electorate as possible the opportunity of voting for a group other than the Nationalist or United Parties, and thus to help rid political life of past divisions and hatreds.<sup>(8)</sup>

#### THE ELECTORATE

The electorate for the 1966 general election was an all-White one except for 351 Coloured men in Natal who were registered on the common roll in that province when the Separate Representation of Voters Act of 1951 came into force.<sup>(9)</sup> Their numbers are gradually dwindling.

Out of a total electorate of some 1,800,000, approximately

(7) See 1959-60 Survey, page 14.

(8) *Natal Mercury*, 23 February.

(9) See 1955-6 Survey, pages 21 and 23.

211,000 voters were registered in 19 constituencies which were not contested, leaving a potential of about 1,589,000 voters.<sup>(10)</sup>

#### RESULTS OF THE GENERAL ELECTION

Candidates were returned unopposed in 19 constituencies. The Nationalist Party candidate in a Durban constituency was disqualified just before the election because he had not been domiciled in South Africa for the necessary five years.

As mentioned in last year's Survey,<sup>(11)</sup> the Separate Representation of Voters Amendment Act, No. 72 of 1965, stipulated that the existing four White representatives of Coloured male voters in the Cape, and representatives elected in future, should hold office for a fixed period of five years from the time of their election. In terms of the principal Act of 1951, the existing representatives had been elected a week before the polling date fixed for White voters, which was during October 1961. These representatives were, thus, not affected by the dissolution of Parliament on 10 February 1966.

The results of the general election, held on 30 March, were as follows:

#### Distribution of seats

	<i>Nationalist Party</i>	<i>United Party</i>	<i>Progressive Party</i>	<i>Totals</i>
Transvaal . . . . .	62	10	1	73
Cape . . . . .	38	16	—	54
Natal . . . . .	5	13	—	18
Orange Free State . .	15	—	—	15
South-West Africa . .	6	—	—	6
	—	—	—	—
<i>Totals</i>	126	39	1	166
	—	—	—	—

Together with the four Coloured representatives, the total membership of the House of Assembly is 170.

#### Comparison with previous elections

In comparison with the 1961 and 1965 elections, the numbers of seats won by the various parties were as follows (the Coloured representatives are excluded):

(10) *Star*, 13 April.

(11) Page 10.

	1961 general election	1965 provincial elections	1966 general election
Nationalist Party ..	105	116	126
United Party .. ..	49	55	39
Progressive Party ..	1	—	1
National Union .. .	1	—	—
Independents .. .	—	1	—
	<hr/>	<hr/>	<hr/>
	156	172	166

The Nationalists gained the second largest majority in South Africa's political history (this majority being exceeded only in 1935).

Mrs. Helen Suzman, elected by the Houghton (Johannesburg) constituency, remained the only parliamentary representative of the Progressive Party.

#### Analysis of votes

	Seats contested	Total votes cast <sup>(12)</sup>	Average number of votes per seat contested	Percentage of total vote
Nationalist Party	136	776,766	5,712	58.6
United Party ..	140	490,971	3,507	37.1
Progressive Party	27	41,065	1,521	3.1
Republican Party	19	7,924	417	0.6
Front .. ..	10	1,512	151	0.1
Conservative National Party	1	936	936	0.1
Independents ..	4	5,821	1,453	0.4
		<hr/>		<hr/>
		1,324,995		100.0

The total percentage poll was approximately 83. The swing in the Nationalists' favour was estimated at 17 per cent, and for the first time they had a clear majority of the total votes cast.

It was estimated by Mr. Edgar Bernstein in the *Star* of 1 April that, if there had been contests in the 19 constituencies where candidates were returned unopposed, the Nationalist Party would have gained another 122,695 votes, and the United Party another 52,415.

<sup>(12)</sup> According to the *Rand Daily Mail*, 1 April. Averages and percentages calculated by the writer.

#### TENSIONS WITHIN THE NATIONALIST PARTY

As mentioned earlier, the Republican Party and the Conservative National Party split off from the Nationalist Party some time before the elections (they were formed in 1964 and 1961, respectively).

After the elections, certain tensions within the Nationalist Party became evident to the general public.

#### Right-wing element

According to accounts in the *Sunday Times* on 14 and 21 August and 2 October, and to an article by Mr. J. D. du P. Basson, M.P., published in that newspaper on 14 August, a right-wing group of Nationalists has emerged in the Transvaal, known as the "Constantia group" (after the name of its office in Constantia Buildings, Pretoria) or the Afrikaner-Orde.

It is said to have been founded by Dr. Albert Hertzog, M.P. (Minister of Posts and Telegraphs and of Health). His main supporters in Parliament were stated to be Mr. "Jaap" Marais, and Dr. C. P. Mulder. Other supporters were said to be Mr. G. H. Beetge (Secretary of the National Council Against Communism<sup>(13)</sup>), Professor A. D. Pont of the University of Pretoria, Dr. A. P. Treurnicht, editor of *Die Kerkbode*, the Rev. D. F. de Beer, the Rev. J. D. Vorster, the Rev. P. W. Jordaan, Mr. Schalk Botha, and other persons in influential positions, for example in the civil service. So far, its only Press support has come from *Die Vaderland*. (Dr. Hertzog is reported to be one of the three controlling trustees of this paper.)

The Afrikaner-Orde is said to have "infiltrated" the Afrikaanse Studentebond (A.S.B.) and other youth organizations. The A.S.B. conference held in July 1966 is described briefly in a subsequent chapter. Few independent opinions were expressed: the discussions and motions passed were in the main strictly in conformity with Nationalist Party policies.

One of the motions passed, however, was in praise of Mr. S. E. D. Brown, the publisher-owner of a monthly paper called the *South African Observer*. For months past this journal had been attacking so-called "liberalists" and "liberalistic tendencies"—in the English Press, the Christian Institute, the United States—South Africa Leadership Exchange Programme, and other institutions and organizations. Later, however, it turned its attention to questioning the "Afrikanerskap" (loyalty to the Afrikaner people) of certain prominent political, financial, business, and educational persons of Afrikaner origin—including the Principal of the University of Stellenbosch—and of some of the younger Afrikaans writers and artists. The technique of "guilt by association" was

<sup>(13)</sup> See page 8.

used. It was reported that extreme Nationalist right-wingers were using the *Observer* as a mouthpiece.

This move was repudiated by many individual Nationalists and by most of the Afrikaans Press. During August, an estimated<sup>(14)</sup> 1,300 or more students of the University of Stellenbosch signed a petition dissociating themselves from the A.S.B. motion in praise of Mr. Brown, and a mass meeting of students of this university expressed its distaste for his activities.<sup>(15)</sup> The Students' Representative Council of the University of Pretoria supported this stand, as, later, did the executive of the A.S.B.

Members of the extreme right-wing group were leading figures at an International Symposium on Communism, held in Pretoria during September, under the chairmanship of the Rev. J. D. Vorster. It was convened by the National Council Against Communism. Among the local speakers was Major General H. J. van den Bergh, head of the Security Police, but the main speaker was Major Edgar Bundy, executive secretary of the Anti-Communist Church League of America and well-known for his association with the John Birch Society and with Senator J. McCarthy.

Major Bundy alleged that the United States Department of State had been infiltrated by communists. He attacked the World Council of Churches as being a "communist front", and named eight churches in South Africa which, he said, were "tools for advancing communism" because they were members of the World Council. South Africans were advised to leave these churches. Ambiguous warnings were given by several speakers that communism had infiltrated into unexpected quarters in South Africa.

Almost all the members of the English-medium Press who attended were ejected in turn, although they were present by invitation. Some were insulted and manhandled.<sup>(16)</sup>

### Left-wing

The left-wing element within the Nationalist Party is said to centre on a group of "intellectuals", mainly in the Cape, who deplore a widening gap between the theory and the practice of territorial apartheid.

Two persons have expressed such views recently. In a book *Apartheid en Partnership*, published in June, Dr. N. J. Rhodie, a sociologist at the University of Pretoria, said that he had found, in a sample test, that about two-thirds of the Nationalist M.P.'s he consulted were of the opinion that economic integration was the greatest immediate problem facing the Nationalists. Sixteen out of thirty of them accepted, as a factor in the country's racial

(14) *Rand Daily Mail* report, 10 August.

(15) *Sunday Times* report, 14 August.

(16) *Ibid.*, 2 October

problem, the view that as long as the permanently-settled Blacks form a majority in the Whites' own area, they have, morally, the potential right to demand an eventual majority government.

It can be accepted, Dr. Rhodie said, that an increasing proportion of members of the Black labour force in the towns are no longer bona fide migratory workers (he estimated the proportion, in the case of Johannesburg, to be 70 per cent). One cannot deny, he continued, that more and more of the urban Bantu are opposed to the idea of self-governing "ethnic enclaves" spread throughout South Africa. Many identify such ethnic exclusiveness with primitive tribal life, and prefer the material benefits of a racially-integrated South Africa.

The author questioned whether the average White would willingly sacrifice his present established interests and high standard of living to accelerate the tempo of apartheid. Since 1948, he said, the Whites had never been presented squarely with this practical choice.<sup>(17)</sup>

The second article of note was by Professor J. P. van S. Bruwer, until recently the Republic's Commissioner-General for Ovamboland, and one of the members of the Odendaal Commission on South-West Africa.<sup>(18)</sup> It was published in the Sunday newspaper *Die Beeld* on 3 July.

Professor Bruwer's main point was the conflict existing between political theory and its application. After almost twenty years of Nationalist control, he said, the country had come little closer to the true image of separate development. Unless a far-reaching and drastic change took place, it was permissible to accept that the distance between theory and practice would grow.

The writer found no fault with the Government's policy as expressed in fundamental legislation, but had certain major criticisms to make of the application of this legislation. He deprecated the "kingdom of dictatorial authority" implicit in the Bantu Affairs code, and the "mass approach" by Whites to Bantu. The White man created laws and regulations for the Bantu without the latter always understanding these. Professor Bruwer was critical, too, of the "patchwork quilt" pattern of the homelands. He considered that White South Africans were living in a dream world.

### THE DEATH OF DR. VERWOERD

On 6 September, the then Prime Minister, Dr. the Hon. H. F. Verwoerd, died of stab wounds inflicted on him in the House of Assembly by a parliamentary messenger, Mr. Demitrio Tsafendas. His assassination took place minutes before he was to have made his first major speech in Parliament since the general election.

(17) Condensed from reports in the *Rand Daily Mail* and other papers on 24 June.

(18) See 1964 *Survey*, page 362.

Mr. Tsafendas appeared in the Supreme Court, Cape Town, on 17 October, before the Judge-President of the Cape, who was sitting with two assessors, one a psychiatrist. *Pro deo* counsel were appointed by the State. Before the accused was asked to plead to a charge of murder, expert evidence was heard on his mental state. He was declared by the judge to be insane and unfit to stand trial, and was committed to prison pending signification of the State President's decision.

#### THE NEW PRIME MINISTER

Various Cabinet Ministers were mentioned as possible successors to Dr. Verwoerd, but after what was reported to be intensive lobbying, all withdrew at an early stage except Mr. B. J. Vorster (then Minister of Justice, Police, and Prisons) and Mr. B. J. Schoeman (Minister of Transport and Leader of the House of Assembly). Shortly before the meeting of the Nationalist caucus which was held to elect a new Party leader, Mr. Schoeman withdrew, too, hence Mr. Vorster was elected as leader by unanimous decision, and became the new Prime Minister.

In a national broadcast made on 14 September, after paying tribute to his predecessor, the Rt. Hon. B. J. Vorster gave a brief outline of his views. So far as international affairs were concerned, South Africa did not seek hostility from anyone, but, on the contrary, sought lasting friendship from all, he said. It would not interfere in the affairs of others, and asked only to be left in peace to work out its own salvation.

Mr. Vorster then dealt with internal policies. In spite of differences, he said, he believed that there should be unity of purpose between English- and Afrikaans-speaking people, and that this should be expressed in service and love for the Fatherland. He was confident that the will to bring about such unity existed.

He believed in the policy of the separate development of the white and the various non-white groups. Mr. Vorster continued, in the interests of everyone in order to eliminate friction, and to do justice to every population group as well as every member thereof. "The best of service to humanity lies herein", he said, "whether one is capable of rendering service to one's own people. . . . There is more work for every leader among his own people than he can do in his lifetime".

In his first statement as Prime Minister in the Assembly, made earlier on the same day,<sup>(19)</sup> Mr. Vorster affirmed his belief in Parliament as an institution, in the rights and privileges of members, and in the rights of minorities in Parliament. He announced that he had asked Mr. P. C. Pelsler, M.P., to serve as Minister of Justice and of Prisons, but that, for the time being, the Police portfolio would remain under his own control, in view

(19) Hansard 7 col. 2017-9.

of the experience he had gained in matters relating to the country's security.

#### REPORTED REFORMULATION OF UNITED PARTY POLICY

It was reported in mid-November that, following a series of provincial congresses, the United Party was re-formulating its policy in regard to the representation of Coloured people in Parliament, and to the concept of communal councils along racial lines.

said<sup>(1)</sup> that they would not vote on this measure, since it had been suggested that they had a personal interest in the matter. He signified his approval of the Bill, however, considering that the *status quo* should be maintained until the Select Committee's report was available. Mr. Bloomberg accused the Progressive Party of having been the cause of the introduction of the Prohibition of Improper Interference Bill, and went on to say that when this Party realized that it was making no headway with White voters, it had as a last resort begun to take an interest in the Coloureds.

#### COMPOSITION OF SELECT COMMITTEE

It was announced on 4 October that the Select Committee on the Prohibition of Improper Interference Bill would be headed by the Deputy Minister of Justice, Mr. S. L. Muller, M.P. Including Mr. Muller, the committee consisted of six members of the Nationalist Party, three of the United Party, and Mr. Bloomberg.

On 19 October the committee was converted into a commission and its terms of reference were extended to include an investigation of any matters concerning the political representation of the various population groups.

Evidence by the Institute of Race Relations to this Commission was presented in the memorandum RR. 152/66. In the concluding paragraphs it was stated:

"The Institute recognizes the difficulties of applying western democratic ideas in a multi-racial society in which people are at different stages of development and have different cultural and historical backgrounds. It does not believe, however, that a position in which decisive political power is a monopoly of one race can endure. It sees the need for devising a means of peaceful change to a system of government in which political power is shared by all races and in which each race has a real sense of participation. It believes that there can be no long-term political stability for South Africa if this is not brought about. Its ideal aim for South Africa would be a society in which members of a particular group, while holding to their cultural heritage, will have ceased to regard themselves primarily as members of a particular race and will have come to think of themselves as members of a single, South African, national community. A broad South Africanism of this nature does not imply the obliteration of all particular cultural characteristics. The aim for South Africa should be unity in and through difference—*ex diversitate vires*—and a mutual cultural enrichment.

(1) Cols. 3172-5.

## NON-WHITE POLITICAL ORGANIZATIONS

### COUNCIL FOR COLOURED AFFAIRS

As mentioned in previous issues of this *Survey*<sup>(1)</sup>, a purely advisory Council for Coloured Affairs was established at the end of 1959, with 15 nominated and 12 elected members. All the leading Coloured organizations boycotted the elections.

The five-year term of office of members of this Council expired in November 1964, but their period of office was then extended for two years pending the creation of a Coloured Persons' Representative Council, as provided for in Act 49 of 1964.<sup>(2)</sup>

The Chairman of the Council for Coloured Affairs continues to be Mr. Tom Swartz. As described on page 171 of last year's *Survey*, in 1964 Mr. Swartz formed the Federal Party. An opposition group to this then emerged within the Council.

### PLANS FOR A COLOURED PERSONS' REPRESENTATIVE COUNCIL

Act 49 of 1964 provided for the establishment of a Representative Council with 46 Coloured members, 30 elected and 16 nominated by the State President. Of the nominated members two must be Malays, two Griquas, and the rest must represent the provinces: eight from the Cape, two from the Transvaal, and one each from Natal and the Free State. The Republic will be divided into constituencies for the election of the elected members, and both men and women will have the vote.

The Council will be an advisory body to the Government, but certain legislative powers may be conferred on it in the fields of finance, local government, education, community welfare, pensions, and Coloured rural settlements. No proposed law may be introduced except with the approval of the Minister of Coloured Affairs, however, and all Bills will require the State President's assent.

A Coloured Persons' Representative Council Amendment Bill was published in 1966, but was not proceeded with. The object was to render it compulsory for Coloured persons over the age of 21 years and not subject to any of the customary disqualifications to register as voters.

The Minister of Coloured Affairs is reported<sup>(3)</sup> to have said

(1) 1959-60 page 132; 1958-9 page 153; 1955-6 page 27.  
 (2) See 1964 *Survey*, page 195.  
 (3) *Rand Daily Mail*, 29 September.



that the first elections would not be held until 1968, at the earliest, for it was necessary to await the report of the Select Committee on the Prohibition of Improper Interference Bill before any arrangements could be finalized. No registration of Coloured voters has, as yet, been held, but, according to a statement by the Minister on 4 February,<sup>(4)</sup> preliminary steps in regard to the delimitation of constituencies are in progress, and the Department has made a start with the recruitment and training of staff for the Council.

#### FEDERAL PARTY

According to its manifesto the Coloured People's Federal Party, led by Mr. Tom Swartz, seeks to make the Coloured people independent, and encourages them to make use of the opportunities offered by the Government's policy of separate development. Autonomous branches of this party now exist in all four provinces. A particularly active one was formed in Natal, under the chairmanship of Mr. E. G. Rooks. It arranged a conference in Durban during November with the object of assessing the role of the Coloured people in South Africa and to ascertain attitudes to the establishment of the Coloured People's Representative Council. It was decided at this conference that the Durban group would constitute itself into a separate party, to be called the Natal Coloured Co-ordinating Council.

Prior to a national congress held at Elsie's River, near Cape Town, during July,<sup>(5)</sup> Mr. Swartz announced that two smaller pro-Government bodies were to dissolve and advise their members to join the Federal Party: they were the Coloured People's Bond and the mainly rural Republican Coloured People's Party.

#### LABOUR PARTY OF SOUTH AFRICA

At a first national congress of the Labour Party of South Africa,<sup>(6)</sup> held in Cape Town during July, Dr. R. E. van der Ross was elected President, Mr. M. D. Arendse vice-president, and Mr. E. A. Deane secretary-treasurer.

This party is totally opposed to the apartheid concept, and is striving for the effective participation of all citizens in the government of the country. Dr. van der Ross is reported to have said, at the congress,<sup>(7)</sup> "The Coloured people do not believe the myth that we are a people apart. . . . As law-abiding people, we accept obedience to the law, but also the responsibility of constantly reminding the law-makers of their responsibilities to the

(4) Assembly Hansard 2 col. 731.

(5) *Cape Times*, 23 June.

(6) A previous (White) party of this name went out of existence after the 1958 general election, when it failed to gain representation.

(7) *Cape Times*, 11 July.

people of this country. . . . We want ordinary, first-class South African citizenship."

#### COLOURED PEOPLE'S POLITICAL PARTY

A third group is said<sup>(8)</sup> to have emerged, formed of a previous party of this name, the Coloured Conservative Political Party, and the Coloured People's National Union, under the chairmanship of Mr. P. F. Kivetts. At the time of writing, its policies and alignment are not publicly known.

#### MR. GRAHAM EDEN'S MOTION IN THE ASSEMBLY

On 2 September a private member's motion was introduced in the Assembly by Mr. G. S. Eden, a United Party member who represents Coloured voters of the Karoo constituency.<sup>(9)</sup> He urged that the House should request the Government to consider the advisability of appointing a commission to enquire into ways and means of affording the Coloured people greater opportunities to participate in the commerce and industry of South Africa.

Coloured people had been deeply humiliated by the apartheid laws, Mr. Eden said. Frustration and inertia had sunk upon many of them as the result of the lack of adequate educational and economic opportunities. The standards of housing in most of the new group areas were unsatisfactory. Because of the drought, many Coloured people in the Northern Cape had migrated from rural areas to the towns, only to find that there were no prospects of jobs or homes for them there.

After debate, this motion lapsed.

#### SOUTH AFRICAN INDIAN COUNCIL

The establishment of a nominated Indian Council was described on page 201 of the 1964 *Survey*. The main concern of members, when meeting during 1966, continued to be the implementation of the Group Areas Act. At the session held in Cape Town during February, disquiet was expressed over the compensation being offered for Indian "affected" properties. The Council resolved to recommend that the definition of "basic value", as contained in the Community Development Act, be amended to include the market or replacement value, whichever is greater on the day of transfer of an affected property.<sup>(10)</sup>

So far as is publicly known, no political groupings have emerged within the Council.

The Minister of Indian Affairs said in the Assembly on 20 September<sup>(11)</sup> that preliminary steps were being taken to explore

(8) *Evening Post*, 14 October.

(9) Hansard 5 cols. 1978-83.

(10) *Rand Daily Mail*, 19 February.

(11) Hansard 8 col. 2534.

the conversion of the Council into a statutory elected body, to which statutory functions and administrative powers could be assigned. The Council, he added, would play a direct and increasingly responsible role in the local government of Indian areas.

#### AFRICANS

Since the banning of the African National Congress and the Pan-African Congress, no new African political parties have emerged except, as described later, in the Transkei. Most of the prominent leaders of the past are in exile, or in prison, or have been subjected to strict banning orders.

## ORGANIZATIONS CONCERNED WITH RACE RELATIONS

### THE CHURCHES

#### Joint Pastoral Letter issued by the Southern African Catholic Bishops' Conference

Following a plenary session which was held in Pretoria during July, the Southern African Catholic Bishops' Conference issued a joint Pastoral Letter, to be read from all Catholic pulpits.<sup>(1)</sup> In this, attention was directed to, and conclusions drawn from, passages of the Vatican Council's "Pastoral Constitution on the Church in the Modern World" which were of particular significance to South Africa.

The Vatican Council laid stress on reverence for man and condemned everything that offended against the dignity of the human person. It stated, "Every type of discrimination, whether social or cultural, whether based on sex, race, colour, social condition, language, or religion, is to be overcome and eradicated as contrary to God's intent". Flowing from this, the Bishops said, "The Christian conscience requires, in the present circumstances, the re-examination of the whole question of racial relationships, with a view to a just solution of the problem through the co-operation of all Christian communities and persons".

One passage of this Pastoral Constitution stated that the natural right of free association among men is unassailable. Quoting this, the Bishops said, "It cannot be either diminished or taken away on racial grounds on the pretext that such association will damage the common good: indeed, the very opposite is true; it is the prohibition of easy intercommunication among all the peoples of the state which offends against the common good". They found it necessary, the Bishops continued, to reiterate that it is a grave violation of the dignity of the human person to prevent anyone, on grounds of race or nationality, from choosing his own mode of living, to restrict his choice of employment, his place of residence, his free establishment of a family.

The Constitution gave prominence to the role of the family as the foundation upon which the community is built. "In view of this", the Bishops stated, "we feel compelled once more to deplore any system of migratory labour involving the enforced separation of husband and father from wife and children over

<sup>(1)</sup> The full text was published in the *Cape Times*, 27 July

The Institute also viewed with disfavour the provision which would give to someone outside the university, i.e. the Minister, the power to terminate arbitrarily and for no academic reason a student's studies.

Representations in regard to those Bills were made, too, by university authorities and other interested persons.

This second Bill, too, was held over until 1967.

#### VOLUNTARY SERVICE BY STUDENTS

It was announced in 1965 that the South African Work Camps Association had been disbanded. It was a multi-racial body which organized mixed work camps to undertake such tasks, in South Africa and neighbouring territories, as building or renovating hospitals, schools, community centres, old age homes, and orphanages, and constructing dams. Largely because of intimidation caused by the interrogation of participants by Security Branch policemen, however, the membership dwindled from about 500 to 20, making it impracticable for the association to continue.<sup>(21)</sup>

Work of a similar nature has been carried out by others on a limited scale. During 1966, students from the Universities of Stellenbosch and Cape Town, together with a few Africans, did construction work at a Dutch Reformed Church Mission in the Transkei. Similar work was done at the university in Basutoland by students of Natal University and the Teacher Training College in Pietermaritzburg, with the assistance of Basutoland students. The World University Service has contributed funds to assist such projects.

Later in the year a South African Voluntary Service Organization was formed, under the chairmanship of Mr. Peter Saffery, with headquarters at the University of the Witwatersrand. Volunteers have, so far, helped to build or paint institutions for non-whites, and have assisted with the work of Kupugani (which distributes nutritious foodstuffs at low prices and organizes feeding depots and industrial feeding schemes). The Voluntary Service is planning, in 1967, to send volunteers, especially teachers, to work in African Reserves and in other African territories, and to recruit newly-trained White teachers to work for a year or more in schools for Africans, in the Republic, that are short-staffed. It also plans to arrange work-camps, and to provide coaching for African students.

A Steering Committee to plan a Peace Corps has been established in the Cape.

(21) *Sunday Express*, 5 December 1965.

## SECURITY MEASURES

### THE SOUTH AFRICAN DEFENCE FORCE

Some idea of the intensive development of the South African Defence Force that has taken place in recent years was gained by the general public on 31 May (Republic Day), when a massive military parade took place at the Voortrekker Monument outside Pretoria. Nearly 17,000 officers and men were assembled there,<sup>(1)</sup> and modern military equipment and aircraft were displayed. The country has been equipped with an early-warning radar network, and a programme of naval modernization is being carried out. The strength of the Permanent Force has been considerably increased.

The Defence budget for the year ending 30 March 1967 was R255,850,000, and, in addition, an estimated R3,765,000 is to be spent from Loan Account on buildings and works.<sup>(2)</sup> In his Budget speech the Minister of Finance said that the Government could not afford to relax its vigilance or preparedness. He hoped, however, that the great increase in defence expenditure had come to an end, and that in future there would be only normal increases from year to year.<sup>(3)</sup>

The Minister of Defence announced, later,<sup>(4)</sup> that during the current year South Africa would spend 15.5 per cent of its national budget on defence.

It is planned that pilots will be trained on jet Impalas, to be assembled at a site near the Jan Smuts Airport by the Atlas Aircraft Corporation. During August, an international financier arranged a R10,500,000 loan for this Corporation, which was guaranteed by the South African Reserve Bank to the extent that the loan was taken up. It was reported, later, that it had been undersubscribed.<sup>(5)</sup>

The Commandant-General of the South African Defence Force announced in March<sup>(6)</sup> that the Republic was capable of manufacturing the necessary range of infantry weapons and armour plating (including armoured cars and a large variety of types of ammunition and bombs). As France has not heeded the request of the Security Council, made in 1963, that member-states should refrain from exporting, *inter alia*, military equipment to

(1) *Sunday Times* estimate, 5 June.

(2) Estimates of Expenditure, RP, 1 and 8 of 1966.

(3) Assembly 17 August, Hansard 3 col. 900.

(4) Assembly, 24 August, Hansard 4 col. 1381.

(5) *Sunday Times*, 28 August and 6 November.

(6) *South African Digest*, 25 March.

South Africa, the Republic has been able to acquire helicopters from French firms;<sup>(7)</sup> but, at the time of writing, the United States has blocked the sale of the civil version of some Dassault Mystère aircraft which have American engines.<sup>(8)</sup>

It was announced by the Minister of Defence on 24 August<sup>(9)</sup> that a defence control council was being set up to advise on defence needs, research and development, stock-piling, and the extent to which industry could be converted to meet war-time needs.

Later, he said in the Assembly<sup>(10)</sup> that plans were being formulated for a complete overhaul of the training of members of the Citizen Force and Commando units. These plans would be embodied in draft legislation and referred to a Select Committee. In future, all able-bodied young men except those who joined the Defence Force or Police or Prisons Service should be called up for a year's national service, the Minister considered. (At present the ballot system operates and the period of training is nine months.)

#### OIL SUPPLIES

The Government plans, when economic pressures have eased, to establish a second oil-from-coal plant, in order to raise South Africa's production to between 35 and 40 per cent of its needs.<sup>(11)</sup> The probe for natural supplies continues, throughout the country. Oil companies trading in the Republic have been asked to increase the capacity of their storage depots and tanks; and an Association of Oil Tanker Owners has been established to work for the formation of a South African-controlled tanker fleet.<sup>(12)</sup> On 11 October, the Minister of Defence announced in the Assembly that his Department had purchased an oil tanker.<sup>(13)</sup>

#### CIVIL DEFENCE ACT, No. 39 OF 1966

The Emergency Planning Bill, described on page 25 of last year's *Survey*, was passed during the year under review but was renamed the Civil Defence Act.

When introducing the second reading of the Bill, the Minister of Justice said<sup>(14)</sup> that the already-established Directorate of Civil Defence had divided the Republic into 13 target areas (four of them on the Witwatersrand), each under an area controller who was a retired military or police officer. His duties were to provide a blue-print for action if a state of emergency

(7) See 1964 *Survey*, para 106.

(8) *Star*, 30 August.

(9) *Rand Daily Mail*, 25 August.

(10) 29 September, Hansard 9 cols. 3242-3.

(11) *Star*, 18 March.

(12) *South African Digest*, 13 May.

(13) Hansard 11 col. 3908.

(14) Assembly, 8 August, Hansard 2 cols. 329-332.

should arise; to plan the safeguarding of strategic industries and works; to identify buildings and materials that could be of use if emergency offices, hospitals, or shelters had to be set up; and to train people in rescue work, fire-fighting; and first aid. Classes in first aid had already been conducted with the co-operation of voluntary bodies. Various technical committees had been set up.

The United Party supported the Bill at its second reading, but, on behalf of the Progressive Party, Mrs. Suzman moved<sup>(15)</sup> that it be referred to a select committee. The powers it conferred on the Minister to declare a state of emergency, she said, were far wider than those embodied in the Public Safety Act of 1953. Moreover, even without declaring a state of emergency, the Minister could conscript people for training or to undertake various tasks.

(During 1965, in letters to Members of Parliament, the Institute of Race Relations said that, while appreciating that a government must have wide powers to protect the public at a time of emergency, it nevertheless wondered whether it was wise to eliminate certain safeguards against the arbitrary use of Ministerial power that were thought necessary when the Public Safety Act was passed.)

During the Committee stage, members of the United Party moved that the Minister's powers should be exercised only during a state of emergency, and that, if the Minister did take action of the type provided for, he should report the matter to Parliament, any regulations made by him to lapse if they were not approved by Parliament.<sup>(16)</sup> The second of these amendments was accepted.

#### RADIO AMENDMENT BILL

A summary of the Radio Amendment Bill was given on page 30 of last year's *Survey*. It was again introduced in 1966, but was once more postponed.

#### SUPPRESSION OF COMMUNISM FURTHER AMENDMENT BILL

A Suppression of Communism Further Amendment Bill was published, but was not proceeded with in 1966.

Its main clause was to the effect that no person shall be admitted by any court of law to practise as an advocate, attorney, notary, or conveyancer, unless such person satisfies the court that his name has not been "listed", and that he has not, before or after the commencement of the new section, been convicted of any of the following offences under the Act:

- (a) performing an act calculated to further the achievement of any of the objects of communism, as defined in the Act;

(15) Cols. 352-5.

(16) Cols. 505-6, 520.

- (b) advocating, advising, defending, or encouraging the achievement of any such object, or any act or omission which is calculated to further the achievement of any such object;
- (c) having, while outside South Africa since the commencement of the Act, advocated, advised, defended, or encouraged the achievement by violent or forcible means of any object directed at bringing about any political, industrial, social, or economic change within the Republic, or the achievement of any of the objects of communism as defined in the Act, by the intervention or with the assistance of any foreign government or any foreign or international body;
- (d) having, since the commencement of the Act, undergone training outside the Republic, or obtained any information from a source outside the Republic, which could be of use in furthering the achievement of any of the objects of communism or of an organization that has been declared unlawful;
- (e) having in any way assisted, participated in, or continued the activities or the direct or indirect interests of an unlawful organization, or having been in possession of anything whatsoever indicating that at any time in the past he was in any way associated with an unlawful organization.

The Bill stated that, on an application made by the Secretary for Justice, a court of any division of the Supreme Court shall order that the name of a person be struck off the roll or list of advocates, attorneys, notaries or conveyancers if the court is satisfied that this person's name is "listed" or that he has at any time been convicted of any of the abovementioned offences.

The Press stressed the retrospective effect of this clause, and the fact that the onus of proving their innocence would be placed on the persons concerned.

Further clauses of the Bill sought to widen the powers of the Minister of Justice to prohibit "listed" or banned persons from participating in the activities of organizations specified by him, and the powers of the State President to deport persons who are not South African citizens and are considered to be undesirable inhabitants because they are deemed to be communists or have been convicted of offences under the Act.

It was proposed that a new clause be added to the Section of the Act dealing with presumptions and evidence, to the effect that if, in any prosecution for a contravention of a banning order, it is proved that the accused communicated with a banned or "listed" person, and that the name of the latter person corresponds substantially with a name appearing on the official list or in particulars of banning orders that have been published in the *Gazette*, it will be presumed that the accused knew that the person concerned was "listed" or banned, unless the contrary is proved beyond reasonable doubt.

### INFILTRATION OF TRAINED SABOTEURS

According to a statement by the Deputy Minister of Justice, Police, and Prisons,<sup>(17)</sup> a group of ten armed terrorists entered Ovamboland (the northern part of South-West Africa) in March. From eight of them who were arrested the police learned that other bands were grouping in Angola. They were members of the South-West African People's Organization and the South-West African National Union who had received training in sabotage in other parts of Africa.

A further group of about sixteen crossed the border on 26 August. In a report to the Assembly that day,<sup>(18)</sup> the Minister of Justice said that the police had intercepted them, and had been forced to open fire when the men resisted arrest. It subsequently transpired that two of the infiltrators were killed, two wounded, a further six were captured, and the rest fled into the bush.

The Minister said it had been established that the terrorists followed a route from Tanzania, through Zambia and South Angola, to Ovamboland. They were heavily armed with automatic weapons, presumably of Russian and Chinese origin, had knowledge of the use of explosives, had reached an average degree of proficiency in the art of guerilla warfare, and some of them were proficient in map-reading. Their task appeared to be to murder Ovambo chiefs and Whites, to provide training for members of certain subversive organizations, and in that way to instigate murder and armed revolt.

It was emphasized by the Minister that "the possibility is not ruled out that more such groups will try to cross our borders". According to available information, which appeared to be accurate, African terrorists were being trained in the United Arab Republic, Russia, Algeria, North Korea, the Congo-Brazzaville, Ghana, Ethiopia, Cuba, Red China, and Tanzania. "I want to make an appeal", the Minister said, "to countries and organizations who are concerned with this training to put a stop to it. They will not bring South Africa to its knees in that way. But what they will succeed in doing is to send these incited people to a certain death if they send them to South Africa".

According to Press reports,<sup>(19)</sup> the captured infiltrators were flown to a maximum-security prison in the Transvaal and held under the 180-day law,<sup>(20)</sup> which did not then apply in South-West Africa. Police forces in Ovamboland were strengthened, and an intensive search was carried out for the men who had escaped.

Speaking in the Assembly on 22 September<sup>(21)</sup> the Deputy

(17) *Star*, 30 September.

(18) *Hansard* 4 cols. 1521-3.

(19) *Sunday Express*, 18 September.

(20) See 1965 *Survey*, page 35.

(21) *Hansard* 8 col. 2738.

Minister of Police said that 23 terrorists had, thus far, been arrested in the Republic and sentenced to imprisonment. Another 23 had been apprehended in Ovamboland, and the police were aware of the presence of others in that territory. To the knowledge of the police, the communistic alliance had sent about 2,000 trainee terrorists out of the country during the past few years; more than half of these men had been identified by the police.

Several hundred trained terrorists, fully equipped with sub-machine guns and automatic weapons, were in transit camps in Tanzania and Zambia en route to the Republic, the Deputy Minister continued. Out of a total of some 900 refugees in these camps, about 250 were trained Ovambo terrorists.

Documents found by the police after they had captured terrorists in Ovamboland furnished conclusive proof that the South-West African People's Organization was part of the communistic conspiracy, and that the small group with whom the police came to blows were merely the vanguard of a larger force.

Two further terrorists were arrested later. According to the *Rand Daily Mail* of 21 November, the police believed that they had received basic training locally, from infiltrators who escaped in the skirmish during August.

It was reported at the end of September<sup>(22)</sup> that Portuguese commandos, part of a regiment strung along the Angola border, had shot seven infiltrators, and that the Botswana police had arrested another seven who were found in the north of that territory, carrying arms of Russian and Chinese origin. These men were deported to Zambia, where they were accepted as refugees, "on humanitarian grounds".

Two White policemen were stated to have entered a hut at Ondangua, in the north of Ovamboland, to arrest a suspect. The latter rushed at them with a panga, wounding one of the policemen, and his companion then opened fire and killed the African.

According to further reports, policemen in a helicopter spotted a large group of Africans in bush country on the Angola boundary. They radioed for ground patrols, which were stated to have shot two Africans and captured about 30. The rest of the terrorists fled back into Angola, and ran into Portuguese troops.

Shortly afterwards, a night attack was made on the South-West African border post of Oshikango. A band of terrorists set fire to a number of dwellings and hurled bricks through windows. As the White occupants (including wives and children of officials) ran from the buildings the attackers opened fire on them and a gunfight followed, during which an African night-watchman was seriously wounded. The terrorists escaped.

(22) *Rand Daily Mail* and *Star* 29 September, and *Star*, 4 and 26 October.

## GENERAL LAW AMENDMENT ACT, No. 62 OF 1966

### Extension of the application of security laws to South-West Africa

The Amendment Act of 1966 extended to South-West Africa the provisions of the law relating to sabotage (Section 21 of the General Law Amendment Act of 1962).<sup>(23)</sup>

It was made clear that the Suppression of Communism Act of 1950 as amended (including its penal provisions) applies in South-West Africa, with retrospective effect to the date of commencement of the principal Act.

### Presumptions

A further presumption was added to those contained in Section 12 of the Suppression of Communism Act, to the effect that if in any prosecution it is alleged that an accused, at any time while outside the Republic, had undergone training (or had attempted to do so) which could be of use in committing sabotage or in furthering the aims of communism or of an organization declared unlawful, and if it is proved that the accused left the Republic without proper travel documents, it will be presumed, unless the contrary is proved beyond a reasonable doubt, that he did, in fact, receive or attempt to receive such training.

### Detention of terrorists for interrogation

The Act empowered any commissioned officer of the police of or above the rank of Lieut.-Colonel to arrest any person without warrant if he has reason to believe that this person is a terrorist, or favours terrorist activities, or has undergone training of the kind described above (whether within or outside the country), or has encouraged others to do so, or has obtained information which could be of use in furthering the objects of communism or of an organization declared unlawful, or has committed sabotage or conspired with others to do so, or is found in the illegal possession of explosives, or intends to commit any of these offences.

Persons so arrested may be detained for interrogation at such place and subject to such conditions as the Commissioner of Police may determine, for a period not exceeding 14 days. The Commissioner may, however, apply to a judge of the Supreme Court for the extension of this period until such date as the judge may decide. He must satisfy the judge that, from information taken on oath, there are reasonable grounds for suspicion against the detainee, must explain why further detention is considered necessary, and must state under what conditions the detainee is being held.

(23) See 1962 Survey, page 27.

Should the judge consider it to be necessary, he may afford the detainee an opportunity of submitting to him in writing reasons why he should not be detained. If the detainee does so, the judge is then required to afford the Commissioner of Police an opportunity of replying in writing. Should the judge decide to grant the Commissioner's application, he may order that the conditions of detention be altered. His decision will be final.

Unless the judge orders any amendment, the determination by the Commissioner of the conditions of detention will not be subject to review or appeal; and no court of law shall be competent to order the release of a detainee.

#### Evidence by State witnesses

In terms of an amendment made in 1964 to the Criminal Procedure Act, any person produced as a witness for the prosecution in a criminal case who, in the opinion of the prosecutor is an accomplice, is compelled to be sworn or to make affirmation and to give evidence in respect of the case under investigation even though the evidence might tend to incriminate him.

The 1966 Act widened this provision. Any witness called by the prosecutor (and not only an alleged accomplice) may be compelled to answer questions which might incriminate him in respect of an offence mentioned by the prosecutor.

As previously, if the witness answers all lawful questions to the satisfaction of the court he will be discharged from liability to prosecution for the offence concerned. Should he refuse to answer questions he may be dealt with by the court as a recalcitrant witness,<sup>(21)</sup> liable to a sentence of imprisonment for up to a year.

(21) See 1964 Survey, page 36.

## RESERVATION OF SEPARATE AMENITIES AMENDMENT BILL

#### PREVIOUS LEGISLATION

A Reservation of Separate Amenities Amendment Bill was published during the year under review, but was postponed until the 1967 Session of Parliament.

The principal Act, No. 49 of 1953 as amended, empowered "any person who is in charge of or has control of any public premises or any public vehicle, whether as owner or lessee or whether by virtue of his office or otherwise, or any person acting under his control or direction", to reserve such premises or vehicle, or any portion thereof, for the exclusive use of persons belonging to a particular race or class.

The term "public premises" was defined to include any land (including the sea-shore), enclosure, building, structure, hall, room, office, or convenience to which the public has access, whether on the payment of an admission fee or not. Persons wilfully entering or using amenities reserved for persons of racial groups other than their own were made liable, on conviction, to a maximum sentence of R100, or three months' imprisonment, or both.

The Act did not empower any governmental authority to *force* a person or a local authority in charge or control of public land or buildings to reserve these for persons of a particular race or class.

#### ZONING OF BEACHES IN THE CAPE

In terms of the powers granted to "persons in control", some local authorities, in their own discretion, reserved beaches for persons of particular racial groups, and erected appropriate notice boards. Others, notably the Cape Town City Council, were unwilling to do so. Eventually, after receiving reports from various commissions and committees, the Minister of Planning decided to make recommendations on the allocation of various beaches—these are described in a subsequent chapter.

The Cape Town City Council maintained that the beaches suggested for Coloured people in its area were totally *inadequate*, and objected to the erection of notice boards. The introduction of further legislation to make it possible for the Government to

enforce beach apartheid was forecast. As has happened on previous occasions, however, the terms of the Bill that was published were far wider than the public had expected, and, it appeared, would enable the Government to bring about racial segregation in public buildings as well as at pleasure resorts.

#### TERMS OF THE BILL

The Bill stated that the definition of "land" (included in the definition of "public premises" in the principal Act), would be extended to include a lake, dam, river, or vlei.

The responsibility for deciding upon the racial use of public premises was to be divided between three Ministers: the Minister of Community Development in a group area; the Minister of Bantu Administration and Development in a scheduled area, or on land vested in the S.A. Bantu Trust, or in a Bantu location or village; and, elsewhere, the Minister of Planning.

The Minister might direct the person in charge or control of public premises (including land) "to set apart or reserve any public premises or any portion thereof in such manner or by such means, and within the period specified in the direction, for the exclusive use of persons belonging to a particular race or class".

Before issuing any direction, the Minister would have to give the person concerned notice of his intention, and specify a period within which the person might submit written representations.

In the discretion of the person by whom a setting apart or reservation was effected, or in the Minister's discretion, such setting apart or reservation might be effected:

- (a) for a particular purpose; or
- (b) for a specified or unspecified period; or
- (c) for a special occasion or type of occasion.

A setting apart or reservation would not affect persons who were entitled to be on the premises by virtue of a permit issued under the Group Areas Act, in accordance with the conditions of such permit.

If any person failed within the period fixed by the Minister to comply with a direction issued, the Minister might authorize the Secretary of his Department to take such steps as were deemed necessary in order to comply with the direction, recovering the costs from the person concerned. A setting apart or reservation effected by the Secretary would be deemed to be a setting apart or reservation effected by the person in control. The Secretary, or any person authorized by him, would have right of

access to any land or other property in charge or under the control of the person who failed to comply with the direction. A certificate by the Secretary as to the costs incurred by him would be conclusive proof of that amount.



## CONTROL OF PUBLICATIONS, AND THE S.A. BROADCASTING CORPORATION

### BANNING OF PUBLICATIONS

Every week or so, a further long list appears in the *Government Gazette* of publications that have been banned.

In the Assembly on 23 September<sup>(1)</sup> the Minister of Finance was asked how many imported publications had been held back by the Customs Department since the 1961-2 financial year, and how these had been dealt with. The Minister replied that specific records had been kept only since 1 October 1964, and these did not distinguish between books, periodicals, and newspapers.

Between 1 October 1964 and 31 March 1966, the Minister continued, the Customs Department had held back 1,401 titles for scrutiny, and had submitted 927 of them to the Publications Control Board. The Board had declared 399 of these to be objectionable. The remaining 474 titles had not been submitted to the Board because they were closely similar to publications which had previously been declared objectionable (e.g. "Glamour" magazines imported by private individuals), and had consequently been "seized forthwith" by the Customs Department.

In an article published in the *South African Law Journal* in mid-1966,<sup>(2)</sup> Professor Ellison Kahn said that, while many of the banned publications were "meretricious rubbish", numbers were works of library merit, for example *I, Claudius* by Robert Graves, *Island* by Aldous Huxley, and the *Studs Lonigan* trilogy by James T. Farrell.

It seemed, Professor Kahn continued, that the Publications Control Board acted against a book if it contained even one or two passages which frankly portrayed sexual activity. But the world was going through a long-term cultural swing towards frankness and realism. "Even though we may not like this trend in Western culture, we cannot change it—and by isolating ourselves against it, through the censorship of literature, we isolate ourselves from a significant part of world thought and literary expression. . . . Suppression of a publication has not only the immediate effect on the right to read the prohibited work; it has a depressing effect on writers, publishers, and importers, driving them to excessive caution and indirectly influencing future works".

(1) Hansard 8 cols. 2757-9.

(2) Summarized in the *Sunday Times*, 4 September.

Some of the losses to the South African public as a result of banning orders are mentioned in the chapter of this *Survey* dealing with recreation; but it is relevant at this point to mention that some books have been prohibited recently for the apparent reason that they deal with inter-racial or political matters and contain conclusions that are not acceptable to right-wing opinion. One, it would seem, that falls into this category is *Against the World*, by Douglas Brown, published by William Collins. The publishers stated<sup>(3)</sup> that Mr. Brown, an experienced journalist of repute, had been commissioned to write this work "because a great many of the books that had come out about South Africa in the past had been written from a left-wing point of view. We wanted to get someone who knew South Africa well . . . and who was not identified with the left . . . (Mr. Brown) produced a book which—even if its conclusions were not to the liking of the South African Government—was eminently fair-minded. . . . He comes to the conclusion that the idea of apartheid is one he cannot respect, but this has always been something which could be discussed up till now".

The vice-chairman of the Publications Control Board denied that this book had been banned merely because it was critical of the Government.

Another book that was banned during the current year was *The Late Bourgeois World* by Nadine Gordimer, published by Bollancz. In this novel Miss Gordimer attempted to examine, she said, the social influences that produced the wave of young white saboteurs in 1963-4. The characters were shown in all their human weaknesses.<sup>(4)</sup>

During August, the Board banned a long-playing record of an "Address to the Churches" by Dr. Martin Luther King, which had been produced and circulated in South Africa by two private citizens. By the time it was banned, 1,200 copies had been circulated to churchmen in the country.

Towards the end of 1965, the Board demanded that all films released for public showing by embassy information services in South Africa should be submitted for censorship. It was reported<sup>(5)</sup> that the Board appeared to be particularly interested in showing American films dealing with desegregation.

A book entitled *White Man, Think Again*, by Anthony Jacob, was banned during November, by majority decision of the Board. Several influential people who had read it, including "Dawie" of the *Burger*, described it as being violently racialistic—"an uncontrolled anti-Black outburst".

In the March issue of *Race Relations News*, the Institute of Race Relations published a legal opinion about the possession of

(3) *Cape Times*, 28 April.

(4) *Sunday Times*, 26 June.

(5) *Rand Daily Mail*, 18 December 1965.

banned books and other publications, this opinion being designed to clarify a complicated situation.

#### "CURRENT AFFAIRS" PROGRAMME OF THE SOUTH AFRICAN BROADCASTING CORPORATION

In its annual report for 1965, the South African Broadcasting Corporation (S.A.B.C.) termed its "Current Affairs" programme "the leading article of the air."<sup>(6)</sup>

As was pointed out in a *Rand Daily Mail* leader on 6 December 1965, "The S.A.B.C. is a public corporation and a monopoly maintained by public funds in the shape of licence fees which must be paid by everyone who wants to use a radio set. It, therefore, has no right to display political partisanship".

It has been mentioned in previous chapters of this Survey that, although SABRA was permitted to broadcast a commentary on its 1965 Congress, the Institute of Race Relations was refused permission to broadcast impressions of its Council meetings. The Most Rev. Denis E. Hurley, O.M.I., was twice refused time on the air to reply to attacks made on him in the "Current Affairs" programme, and the Christian Council of South Africa was denied any opportunity of refuting charges made about the policy of the World Council of Churches.

Similarly, in May, the S.A.B.C. rejected an application by NUSAS for time on the air to reply to allegations made against it in the "Current Affairs" programme.

Towards the end of 1965, the anonymous writer of this programme conducted a sustained attack, over the best part of a week, on the *Argus Company* and two of its newspapers (both English-medium), with the apparent intention of casting doubt on their loyalty to South Africa. On 3 December *The Star* described these "smear tactics as nothing more than a manoeuvre in a party political campaign".

At its annual congress, held in May, the South African Society of Journalists passed a unanimous resolution to the effect that the S.A.B.C. should be the forum of public opinion rather than the major propaganda medium for the policies of the ruling political party. Grave concern was expressed at the "vendetta" being conducted against certain newspapers—as South African as the S.A.B.C.—because of their opposition to Government policies. It was urged that persons and organizations affected should be allowed the basic democratic right of replying to allegations made against them.<sup>(7)</sup>

The "Current Affairs" speaker then turned his attention to the Society of Journalists, and asked, "Where do you stand in respect of South Africa?" The Society's president, Mr. Mil-

(6) *Cape Times*, 2 August  
(7) *Ibid.*, 9 May.

Brokensha, asked for time to reply, but this was refused, the Director of Programmes stating that the broadcast had merely been the S.A.B.C.'s reaction to the Society's attack at its congress, and that the matter would be regarded as closed.

Mr. Brokensha immediately repeated his request, pointing out that, by innuendo, the Society's loyalty had been placed at issue, and that the only way in which it could reply to listeners was through the medium of the S.A.B.C. Nearly a month later the Director of Programmes wrote saying that he had nothing to add to his previous letter. In a Press statement.<sup>(8)</sup> Mr. Brokensha reaffirmed the Society's loyalty, which had never been questioned, and said, "With this refusal, the attack by the S.A.B.C. becomes a cowardly one".

During May, it was admitted in "Current Affairs" programmes that one of the S.A.B.C.'s purposes was to counter views presented in the English-language Press.<sup>(9)</sup>

In a private member's motion, Senator J. H. D. E. du Toit (U.P.) moved in the Senate on 23 September,<sup>(10)</sup> "That this House deplores the fact that the Government is using the South African Broadcasting Corporation as a propaganda machine for the National Party".

During the discussion of his Vote in the Assembly, the Minister of Posts and Telegraphs alleged<sup>(11)</sup> that the English-language newspapers had, over the years, published "slanted news". The "Current Affairs" programme, he said, could "bring home to the English-speaking people of South Africa the true facts in regard to the news".

(8) *c.r. Rand Daily Mail*, 15 June.

(9) *Ibid.*, 21 May.

(10) Hansard 4 cols. 634 *et seq.*

(11) 20 September, Hansard 8 cols. 2479-80.

## CONTROL OF PERSONS

### RIGHTS OF ARRESTED PERSONS

A memorandum entitled *The Power of Arrest and the Rights of Arrested Persons in South Africa* was prepared for and published by the Civil Rights League during January. Copies were duplicated and distributed by the Institute of Race Relations.<sup>(1)</sup>

### DETENTION UNDER THE "180-DAY" CLAUSE

This matter is dealt with in the next chapter.

### CONTINUED DETENTION OF MR. R. M. SOBUKWE

The Suppression of Communism Amendment Act, No. 8 of 1966, extended until 30 June 1967 the provisions of the Act under which the Minister of Justice may order the continued detention of a person who has served a term of imprisonment for a political offence but, in the Minister's opinion, is likely, if released, to further the achievement of any of the objects of communism.

Mr. Robert Sobukwe, former leader of the Pan-African Congress, continues to be the only person detained under this measure. His fourth year of detention commenced in May 1966. The Minister said in the Assembly on 2 February<sup>(2)</sup> that P.A.C. refugees abroad still regarded Mr. Sobukwe as their leader, and from time to time attempted to revive the organization in South Africa.

### BANISHMENT OF AFRICANS

Section 5(1)(b) of the Native Administration Act of 1927 empowered the State President, whenever he deems it expedient in the public interest, without notice to order any tribe, portion of a tribe, or individual African to move to any stated place. When such orders are issued, they are for indefinite periods.

In the Assembly on 9 August and 14 October,<sup>(3)</sup> the Minister of Bantu Administration and Development said that 39 banishment orders were then in force. Six had been issued during 1965, and one so far in 1966. Sixteen orders were withdrawn on 9 February.

According to a Press statement,<sup>(4)</sup> an official of the Minister's

(1) RR. 44/66.

(2) Hansard 2 col. 567.

(3) Hansard 2 col. 390, Hansard 11 col. 4229.

(4) *Star*, 19 July.

Department said in July that these orders were reviewed annually, or, on request, at intervening dates. During recent years it had been found possible to withdraw 59 orders, while others had been allowed to lapse or had been conditionally withdrawn. (Some people have died in exile, and other banished people have escaped and left the country.) Banished persons had not necessarily committed any offence, the official continued. The criterion was whether their presence in their home area gave rise to dissension and was, consequently, detrimental to good government.

On 23 September<sup>(5)</sup> the Minister was questioned in the Assembly about some individual banished persons. It transpired that the man who has been longest in exile is Mr. Paulus Mopeli, who was banished from the Witzieshoek Reserve in 1952 after disturbances had taken place there. He was originally sent to a Trust farm in the Groblersdal district, two years later was moved to another farm in that district, and since 1957 has been at Frenchdale, a remote Trust property in the Mafeking area. He is an elderly man, not in good health. Another exiled old man, more than 80 years of age, is Mr. William M. Sekhukhune, who was banished from Sekhukhuneland in 1959 and sent to the barren farm of Driefontein, in the Vryburg district.

Conditions of banishment were described on page 93 of the 1961 *Survey*.

### EMERGENCY REGULATIONS IN THE TRANSKEI

Most of the emergency regulations for the Transkei, originally gazetted as Proclamations 400 and 413 of 1960, remain in force.<sup>(6)</sup> They provide, *inter alia*, for the detention without trial of Africans suspected of committing an offence, or of intending to do so, or of possessing information about an offence. Chiefs who are specifically authorized to do so may order persons to move from their homes to stated places in the territory. Meetings of more than ten Africans may not be convened without special permission (church services, funerals, etc. are exempt); and it is an offence to say or do anything likely to have the effect of interfering with the authority of the State, one of its officials, or a chief or headman.

During the 1966 session of the Legislative Assembly, members of the Opposition Democratic Party once again called for the repeal of these proclamations. Mr. O. O. Mpondo said that for the past six years Africans in the Transkei had been deprived of freedom of expression and assembly. Spokesmen for the Transkeian Government considered, however, that the emergency regulations were still needed to safeguard internal security and peaceful administration. In reply to their remarks, Mr. Mpondo stated it

(5) Hansard 8 cols. 2752-3.

(6) See 1961 *Survey*, page 43.

At a meeting of the General Council of the Bar, held in June, it was decided to recommend to the Minister of Justice that a judicial commission of enquiry be appointed to re-examine the whole question of legal aid in South Africa.

## FOREIGN AFFAIRS

### CONSIDERATION BY THE UNITED NATIONS OF SOUTH AFRICA'S RACIAL POLICIES

#### Membership of the United Nations

During 1966, Guyana, Botswana, Lesotho, and (later) Barbados were admitted to the United Nations, bringing the total membership up to 122. Of these, 38 are African states, the Afro-Asian bloc is reported to number 63, and the Latin-American group 22.

#### General Assembly's Special Committee on Apartheid

It was decided at the end of 1965 that the membership of the previously eleven-member Special Committee on Apartheid should be increased, six nations from among the major industrialized countries to be invited to join it. (The members appointed in 1963 were Algeria, Costa Rica, Ghana, Guinea, Haiti, Hungary, Malaysia, Nepal, Nigeria, the Philippines, and Somalia.)

It was reported in June<sup>(1)</sup> that the Soviet Union had agreed to become a member, Denmark and Italy gave qualified consent, but fifteen countries had declined to join: the Argentine, Australia, Austria, Belgium, Brazil, Ceylon, France, Japan, Mexico, the Netherlands, Norway, Spain, Sweden, the United Kingdom, and the United States. Canada had, by then, not replied to the invitation.

In a report published in June, the committee accused South Africa's major trading partners of encouraging the Republic, through their economic support, to defy United Nations' resolutions relating to the abandonment of the apartheid policy. In a further report, issued in October, universal economic sanctions were again urged.

At the committee's request, the United Nations' Secretariat prepared a report on the South African economy and the country's overseas trade. This formed part of the background material for a conference held in Brasilia during August and September, which, at the General Assembly's request, was organized by the Secretary-General in consultation with the Special Committee and the Human Rights Commission. Some thirty countries sent delegates. According to reports,<sup>(2)</sup> the conference was

(1) *Rand Daily Mail*, 30 June.

(2) *Rand Daily Mail*, 6 September.

unanimous in condemning apartheid, but was divided on the question of whether South Africa's policies constituted a threat to world peace.

#### United Nations' resolutions on South Africa's racial policies

During December 1965 the Afro-Asian nations submitted a draft resolution to the United Nations Special Political Committee in one paragraph of which they maintained that the situation in South Africa, constituting a threat to world peace, should be dealt with under Article 7 of the Charter, mandatory sanctions then being imposed. The United States, Britain, and certain other countries opposed this paragraph. The remainder of the motion was along lines similar to those adopted in previous years, calling upon South Africa to revoke all discriminatory and repressive measures, asking member-states to impose a total arms embargo, and urging the Republic's major trading partners to cease all economic collaboration. South Africa's delegates absented themselves from the proceedings. The motion as a whole was passed by 78 votes to one, with 16 abstentions.<sup>(3)</sup>

It was then referred to the General Assembly, where it was passed by 80 votes to 2 (South Africa and Portugal), again with 16 abstentions, including the major Western powers, most of the Western European nations, Japan, Canada, Australia, and New Zealand. Denmark and Sweden voted in favour of the motion, but made it clear that they did not support all of its provisions.<sup>(4)</sup>

The United Nations Social Committee met during October 1966, adopting various resolutions with averages of 79 in favour, 2 against, and 19 abstentions. These resolutions condemned the violation of human rights in colonial territories; expressed regret at the failure of many states to sever political, economic, and military ties with South Africa, Portugal, and Rhodesia; urged diplomatic and economic sanctions against South Africa and a total arms and oil embargo; requested the Secretary-General to establish within the Secretariat a special unit to deal with apartheid policies; and appealed to the Security Council to take effective measures to eradicate discriminatory racial policies in South Africa, Portuguese territories, and Rhodesia.<sup>(5)</sup>

At the time of writing, these resolutions have still to be put before the Special Political Committee.

#### Warning to South Africa against interference in the affairs of neighbouring territories

During August, the Afro-Asians sponsored a motion in the Trusteeship Committee which expressed concern at the serious

(3) *Star*, 9 December 1965.

(4) *Rand Daily Mail*, 16 December, 1965.

(5) *Ibid.*, 11 October.

threat to the territorial integrity and sovereignty of Basutoland and Bechuanaland (which were to be granted independence the following week) and of Swaziland, this threat being constituted by "the aggressive policies of the present regime in South Africa". Any attempt by the Republic to interfere in the affairs of these territories "shall be declared by the United Nations to be an act of aggression, and . . . a flagrant violation of the United Nations Charter", it was stated.

The South African Ambassador to the United Nations, Mr. Matthys Botha, pointed out that no evidence had been presented in support of allegations of intended interference, and that the three countries concerned reciprocated South Africa's desire for peaceful co-existence.

The motion was passed in the Trusteeship Committee by 82 votes to 2 with 15 abstentions, and subsequently, in the General Assembly, by 84 votes to 2 with 19 abstentions.<sup>(6)</sup>

#### UNITED NATIONS TRUST FUND FOR SOUTH AFRICA

In 1963 the General Assembly asked the Secretary-General to institute a scheme for the provision of international assistance for the families of persons "persecuted for their opposition to apartheid". It was suggested that, pending the conclusion of other arrangements, member-states should contribute to existing organizations, as they deemed appropriate. As a result, gifts were made by various governments to the British-based Defence and Aid Fund, the World Council of Churches, Amnesty International, and other bodies.

On 15 December 1965, the General Assembly voted by 95 votes to one (South Africa), with Portugal abstaining, to set up a United Nations Trust Fund which would make grants to voluntary organizations, governments of countries in which political refugees from South Africa were living, and to other appropriate organizations. These, in turn, would give legal aid and social assistance to the "victims of apartheid" and to their dependants. Member-states as well as private organizations and individuals were asked to contribute to this fund.

A committee of trustees was set up under the chairmanship of Mr. Sverker Astrom of Sweden, and with four other members, from Chile, Morocco, Nigeria, and Pakistan. It is reported that contributions have been received, *inter alia*, from Bulgaria, Cyprus, Morocco, the Philippines, Turkey, and Yugoslavia.

#### UNITED NATIONS EDUCATIONAL FUND

As mentioned on page 90 of last year's *Survey*, at the request of the Security Council, in 1965 the Secretary-General drew up a

(6) *Star*, 29 August; *Rand Daily Mail*, 30 August.

plan for the training of Africans from South Africa in various professions and trades, and as administrators. Member-states were asked to contribute two million dollars over a three-year period to a fund which would be administered by a director at the U.N. Secretariat. He would enlist the assistance of United Nations' agencies such as UNESCO and others. Teacher training would be given priority. Both refugees from and residents of South Africa would qualify for assistance, and remedial education would be provided for those who did not meet the standards of admission to training institutions.

By the end of 1965, contributions amounting to about R170,000 had been received from Denmark, Norway, Sweden, the United Kingdom, and the United States. According to a report in the June issue of *Race Relations News*, about 40 bursaries had thus far been granted for education at secondary and higher levels.

### THE ADMINISTRATION OF SOUTH-WEST AFRICA

#### The background

The question of South-West Africa has been before the United Nations since 1946, when General Smuts refused to enter into an agreement placing the territory under international trusteeship.

At the General Assembly's request, in 1950 the International Court of Justice gave an advisory opinion to the effect that while South Africa was not bound to enter into a trusteeship agreement, the mandate remained in force, and South Africa continued to have the international obligations set out in the Covenant of the League of Nations and the terms of the mandate, including the submission of reports on the territory. The supervisory functions over the mandate should be exercised by the United Nations.

South Africa rejected this opinion, stating its view that its obligations to the international community had lapsed with the dissolution of the League.

As the United Nations as a body may only seek advisory opinions from the International Court, Ethiopia and Liberia, in their capacities as former members of the League, decided to seek a judgment that would be binding. In 1960 they instituted an action against South Africa, asking the Court to give a ruling, instead of merely an opinion, on the points that had been raised earlier, and accusing South Africa, *inter alia*, of failing to promote to the utmost the material and moral well-being of the inhabitants of South-West Africa (which it was required to do in terms of the mandate). South Africa, they maintained, had practised apartheid measures which were detrimental to human dignity and suppressed the rights and liberties of inhabitants of the territory.

At a preliminary hearing in 1962, South Africa contended that

the Court had no competence to decide on these matters,<sup>(7)</sup> but the judges ruled, by 8 votes to 7, that the Court did have powers of jurisdiction over the administration of the mandate.

After memorials, counter-memorials, and replies had been submitted, oral pleadings commenced in March 1965. In the early stages, counsel for Ethiopia and Liberia gave examples designed to prove that the non-white people of South-West Africa were being subjected to discrimination, repression, and humiliation. It was alleged that military bases had been established in the territory.

Counsel for South Africa denied these charges, and suggested that the judges should visit South-West Africa, Ethiopia, Liberia, and other sub-Saharan states to enable them to compare standards of what was being done in these countries to promote the well-being and progress of the inhabitants. This suggestion was not accepted. General S. L. Marshall of the United States gave evidence that on a visit to South-West Africa in 1965 he had not seen anything that could be described as a military base.

Later during the proceedings counsel for Ethiopia and Liberia dropped charges that the inhabitants of the territory were being oppressed, and that the territory was being militarized. They accepted factual reports of work being done to improve the people's standards of living. Argument centred, instead, on the submission that South Africa was failing to apply internationally-accepted norms and standards of non-discrimination.

The South African Prime Minister said in the Assembly on 21 September,<sup>(8)</sup> "Our case before the World Court was so sound that we made the offer to the applicants that if they wanted to call witnesses, we would pay the costs of bringing those witnesses to the Court". There were no "takers" he added.

#### Debate on the United Nations, December 1965

Although the International Court's proceedings were still in progress, the Trusteeship Committee and the General Assembly debated the question of South-West Africa in December 1965. A motion was passed (by 85 votes to 2 with 19 abstentions in the Assembly) condemning South Africa's policies of racial discrimination and its refusal to co-operate with the United Nations in granting independence to the territory; maintaining that the situation constituted a threat to world peace; reaffirming calls for an arms and oil embargo; and deprecating the actions of states in continuing to trade with South Africa. South Africa was called upon to remove all military bases and installations from the territory; and it was declared that any attempt at annexation would be deemed to be an act of aggression.

(7) See 1962 *Survey*, page 232.

(8) *Hansard* 8 col. 2620.

On behalf of the Republic, Mr. Matthys Botha denied charges that had been made about the administration of South-West Africa, and again declared that no military bases had been established there.<sup>(9)</sup>

### Judgment by the International Court

On 18 July, the Court rejected the case brought by Ethiopia and Liberia. As the fourteen judges had been evenly divided on the matter, the decision was reached by the casting vote of the President, Sir Percy Spender from Australia. This decision would possibly have been different if a judge from Egypt, who had voted against South Africa's contention about the court's powers of jurisdiction, had not died during the proceedings.

In delivering judgment, Sir Percy did not pronounce on South Africa's international obligations in respect of the mandate, nor upon accusations made by Ethiopia and Liberia about mal-administration. He did not accept the contention that humanitarian considerations were sufficient in themselves to generate legal rights.

The case was rejected on the ground that, in terms of the Covenant of the League of Nations, individual member-states had no power to institute actions in the Court in regard to the administration of a mandate. They could appear before the Court only as litigants in a dispute. Their interest in mandates could be exercised only through the appropriate organs of the international body: individual states possessed no "policing" functions. Ethiopia and Liberia could, thus, not be considered to have established any legal right or interest in the subject matter before the Court.

Among the judges who dissented was Mr. Justice P. Jessup of the United States, who said that in his opinion the Court had not been justified in avoiding a decision on the fundamental question of whether the policy and practice of apartheid in the mandated territory was compatible with the "sacred trust" of South Africa as the mandatory power.<sup>(10)</sup>

### Subsequent proceedings at the United Nations

#### (a) Recommendations by the Committee on Colonialism

A seven-nation sub-committee of the Committee on Colonialism was set up to consider action that United Nations might take following this judgment. Its recommendations were subsequently approved by the full committee, in some cases with reservations. They were that South Africa's responsibility as the

<sup>(9)</sup> *Star*, 10 and 30 December; *Rand Daily Mail*, 18 December 1965.

<sup>(10)</sup> *Rand Daily Mail*, 19 July.

mandatory power be terminated, and that the United Nations should take over control of the territory—by force if necessary. A date should be decided upon by this new administration for elections to be held under universal adult suffrage, leading to independence.<sup>(11)</sup>

#### (b) Original draft resolution by the Afro-Asians

A draft resolution, sponsored by 54 Afro-Asian nations, was drawn up for consideration by the General Assembly, reaffirming that the people of South West Africa had the right of self-determination, freedom and independence and that the territory had international status, which it would retain until it gained independence. The resolution declared that South Africa had failed to fulfil the terms of the mandate; urged that the United Nations should take over the mandate and establish an administering authority; and requested the Security Council to recommend a date for the territory's independence and to start immediately devising effective measures to enable the authority to carry out its task.<sup>(12)</sup>

#### (c) Views of other delegations

The Scandinavian countries moved, as an amendment, that a committee be established to examine what methods would be legal and appropriate to bring about a change in administration. Canada, too, recommended a full study of the implications of such a change. It was reported that some Latin-American countries were in favour of securing the opinion of the International Court as to whether the United Nations had the competence to take over the mandate. But all speakers were severely critical of South Africa's administration of the territory.

The Soviet Union was reported to have suggested that the Organization of African Unity should take over the administration; but it was stated, the Afro-Asians admitted that this Organization lacked the necessary funds and trained personnel.

The South African delegate, Mr. D. P. de Villiers, reiterated that his country was under no obligation to submit to United Nations' supervision of its administration of the territory. He pointed out that, during the International Court proceedings, Ethiopia and Liberia had abandoned charges of oppression of the inhabitants. If the territory were treated as a single political entity in which a majority vote were decisive for all, he said, all its peoples would be plunged into chaos and misery. South Africa was seeking a solution by evolution: it was moving towards a form of self-determination for all the various population groups.

<sup>(11)</sup> *Ibid.*, 11 and 16 September.

<sup>(12)</sup> The account of events in this and the following paragraphs has been compiled from numerous Press reports between 8 October and 15 November.

## THE POPULATION OF SOUTH AFRICA

### SIZE OF THE POPULATION

According to the Bureau of Statistics<sup>(1)</sup> the estimated size of the population in mid-1966 was:

	<i>Males</i>	<i>Females</i>	<i>Totals</i>
Whites	1,738,000	1,743,000	3,481,000
Coloured	894,000	911,000	1,805,000
Asians	276,000	271,000	547,000
Africans	6,287,000	6,178,000	12,465,000
	<u>9,195,000</u>	<u>9,103,000</u>	<u>18,298,000</u>

The Minister of Planning said in the Assembly on 20 September<sup>(2)</sup> that, according to the latest available information, the Asian group included 7,174 Chinese.

Calculating from figures given by the Minister on 30 August<sup>(3)</sup> it would seem that, of the African population as enumerated in 1960, 35.44 per cent were in the Reserves (including the Transkei), 31.76 per cent in towns, and 32.80 per cent in "White" rural areas. Such figures are, however, becoming increasingly meaningless as growing numbers of urban African workers are housed in townships near industrial areas but situated within the borders of African Reserves.

### VITAL STATISTICS

No overall vital statistics for the African group have been calculated, for, although it is theoretically compulsory, in fact not all births and deaths are registered.

Provisional statistics for the other racial groups are as follows:<sup>(4)</sup>

<i>Per 1,000 of population, 1965</i>	<i>Whites</i>	<i>Coloured</i>	<i>Asians</i>
Birth rate	22.8	46.1	34.4
Death rate	9.1	15.8	8.1
Natural increase rate	13.6	30.3	26.3
Infant deaths (per 1,000 live births)	29.2	136.1	56.1

(1) News release on 24 August.

(2) Hansard 8 col. 2421.

(3) Hansard 5 col. 1651.

(4) *Monthly Bulletin of Statistics*, September.

### POPULATION REGISTRATION

As from 1 August it became compulsory for all citizens of the Republic over the age of 16 years to possess identity cards and to be able to produce these at the request of a peace officer or other authorized person. The maximum penalty for those convicted of failure to comply with these regulations is a fine of up to R100. The racial group of the holder is indicated on his card.

In reply to a question in the Assembly on 12 August, <sup>(5)</sup> the Minister of the Interior said that between the beginning of 1965 and 30 June 1966, appeal boards set up under the Population Registration Act had heard 54 appeals against racial classifications as determined by officials. Of these, 30 had been allowed, and 24 rejected. There were 245 appeals waiting to be heard. Of those heard or awaiting hearing, 244 were by persons in possession of Coloured identity cards who wished to be reclassified as White.

Mrs. C. D. Taylor, M.P., said in the Assembly on 15 September<sup>(6)</sup> she estimated that some 148,000 people on the racial borderline had not applied for identity cards, in most cases because they feared that they might be placed in a racial category that would prejudice their social status, and might lead to dismissal from existing employment or to enforced removal to another group area.

There were likely to be large numbers of appeals, Mrs. Taylor continued. She pleaded for a speed-up in the machinery. Decisions of appeal boards affected the whole future of the applicants, and delays caused great tension and anxiety. In many cases inspectors appointed under the Group Areas Act visited "borderline" families to make enquiries: this caused suspicion among neighbours and, often, ostracism of the families concerned. She quoted a case in which, as a result, parents had taken their children out of school.

The Minister replied<sup>(7)</sup> that in his opinion the large number of appeals was due to the fact that "we have opened the gates too wide", making it possible for "people to steal a ride on the back of deserving cases". For example, he said, "If A and his family have always been classified as, say, Coloured, and his brother as a White, then A is going to try to obtain classification as a White, and that in spite of the fact that he has been regarded as a Coloured throughout".

"I cannot accept that there will be borderline cases for all time," the Minister added. "If that is so, then the position is in reality so complicated that this legislation is not workable. I am prepared to approach those borderline cases which exist with great sympathy. . . What I want to do is to close the gate so that we cannot continue indefinitely creating new borderline cases as rapidly as we deal with the already existing cases."

(5) Hansard 2 col. 619.

(6) Hansard 7 cols. 2155-6.

(7) Cols. 2163-5.



The Minister said that there were then two appeal boards, one in Cape Town and the other in the northern provinces. If it appeared necessary, he would give consideration to the question of establishing more boards.

Some cases have succeeded on further appeal to the Supreme Court. In May, for example, a judge ordered the board to reclassify an elderly couple as White. The board, he said, had found that by appearance they were apparently White. There was proof that they had lived as Coloured people until about 1950, but all the evidence after that pointed to the fact that they were presently accepted as Whites.<sup>(8)</sup>

Another appeal was allowed during the following month, that of a man stated to have a White father and a Coloured mother. Although his birth certificate indicated that he was White, he had been classified as Coloured, and, because of a feeling of embarrassment, had not appealed to the board within the stipulated 30 days.<sup>(9)</sup>

Several appeals to a Full Bench of the Supreme Court in Cape Town were successful during November, the board being ordered to reclassify the persons concerned from Coloured to White. In each case the judges ruled that the crucial test was general acceptance as Whites. Among those who were thus reclassified were two married couples (one of whom had six children), and a man who had served in the Defence Force as a Corporal.

According to the *Sunday Express* of 27 November, the chairman of the board in Cape Town said that these judgments had clarified the way in which people who were not obviously white or non-white in appearance should be classified, and it should now be possible for the outstanding appeals to be dealt with more swiftly. On the basis of the Supreme Court decisions, the board instructed the Department of the Interior to issue White identity cards to several people who had previously received Coloured ones.<sup>(10)</sup>

#### IMMORALITY ACT

Numbers of convictions under the Immorality Act still take place, and, as a result, established family groups may be broken. In December 1965, for example, a White man and the Coloured woman with whom he had been living for more than five years were each sentenced to four months' imprisonment, suspended for three years; but were warned by the magistrate that they could not continue to live together. They have two children. The man had applied, unsuccessfully, to be reclassified as Coloured, which would have made it possible for the couple to marry.<sup>(11)</sup>

(8) *Cape Times*, 4 May.

(9) *Rand Daily Mail*, 9 June.

(10) *Ibid.*, 4, 16 and 23 November; *Sunday Times*, 27 November.

(11) *Ibid.*, 4 December 1965.

In reply to a question in the Assembly on 7 October,<sup>(12)</sup> the Minister of Justice gave the following information about persons who were prosecuted and convicted under the Immorality Act during the year ended 30 June 1965:

	<i>Prosecuted</i>	<i>Convicted</i>
Whites	412	206
Coloured	145	74
Asians	9	9
Africans	229	116

During that year, there were three cases in which one of the accused was found guilty and the other not guilty. Those convicted were a Coloured woman, a White man, and an African woman. Those found not guilty were two White men and one African woman.

In the following year, there were seven such cases, all of them involving relations between White men and African women. All seven White men were acquitted, and all seven African women found guilty.

(12) Hansard 10 cols. 3804-5.

## GENERAL MATTERS AFFECTING AFRICANS

### STATISTICS RELATING TO INFLUX CONTROL

In reply to a question in the Assembly on 12 August<sup>(1)</sup> the Minister of Bantu Administration and Development gave figures relating to the numbers of Africans who were admitted to and endorsed out of the prescribed areas<sup>(2)</sup> of Bloemfontein, Cape Town, Durban, East London, Kimberley, Pietermaritzburg, Port Elizabeth, Pretoria, and the Witwatersrand during 1965.

The statistics are incomplete, since no figures were available in regard to women in Durban. Moreover, it appears doubtful whether the Cape Divisional Council area is included. With these reservations, the totals were:

	Men	Women
Admitted . . . . .	131,282	14,475
Endorsed out . . . . .	66,303	19,883

More men were endorsed out than were admitted in East London and Pretoria; but this probably was because, as a result of schemes for racial zoning, numbers of workers were sent to live in "homeland" townships, within the borders of Reserves near at hand.

The figures for women are more revealing. For some reason the picture in Pietermaritzburg differs radically from that in other centres: 6,681 were admitted and 500 endorsed out. If these figures are subtracted from the rest, it transpires that in the other towns mentioned (except Durban, which could not furnish statistics), 7,794 women were admitted and 19,383 sent out. No women at all were admitted to the Cape Town municipal area.

More detailed figures for Africans (men and women) who were allowed to enter Witwatersrand towns, Pretoria, and Vereeniging in 1965 were given by the Minister on 4 February.<sup>(3)</sup> They totalled 84,358. (For some reason, this figure is lower than that given for the Witwatersrand and Pretoria—excluding Vereeniging—in the table that is quoted above.)

As mentioned later, Africans who wish to enter the Western Cape to take up employment are allowed to come only as contract labourers. According to the Minister,<sup>(4)</sup> 29,526 men (and no women) were recruited for such work during 1965.

Of those who were ordered out of prescribed areas in 1965, the Minister said,<sup>(5)</sup> 3,023 men and 1,043 women were sent out

(1) Hansard 2 cols. 627-8.  
 (2) See 1964 Survey, page 174.  
 (3) Assembly Hansard 2 cols. 753-4.  
 (4) Assembly Hansard 2 col. 630.  
 (5) 12 August, Assembly Hansard 2 col. 629.

after they had been deemed to be idle, and 92 men and 16 women because they were deemed undesirable.<sup>(6)</sup> A majority of them (2,821) were sent to their original homes or to some other place indicated by the Bantu Affairs Commissioner; but another 1,283 were sent to a farm colony or refuge or rescue home, to perform such labour as might be required. In terms of the law, they may be detained in such places for up to two years.

### AFRICANS REFUSED PERMISSION TO ENTER PRESCRIBED AREAS

No overall figures are available indicating how many Africans who apply for permits to enter prescribed areas are refused these. An "official spokesman" was quoted in *The Star* of 8 July as having said that such unsuccessful applicants, in the case of Johannesburg, averaged between 900 and 1,000 men, and 400 women, each month.

### ARRESTS FOR CONTRAVENTION OF THE "PASS LAWS"

There are numerous offences for which Africans may be arrested and charged under the "pass laws", the two most frequently-occurring being failure to possess identity documents which establish their right to be in the area concerned, and being in a prescribed area for more than 72 hours without permission.

In the Assembly on 12 and 28 August<sup>(7)</sup> the Minister of Justice gave statistics relating to those who were arrested and charged under these two heads, during the first six months of 1966, in the nine main areas listed in the first paragraph of this chapter. The totals were as follows:

	Men	Women
Not being in possession of proper identity documents . . . . .	44,798	3,490
Being in the area for more than 72 hours without permission . . . . .	34,661	4,286

Of these people, the numbers convicted were:

	Men and Women
Not being in possession of proper identity documents . . . . .	36,762
Being in the area for more than 72 hours without permission . . . . .	27,323

The numbers arrested and charged for the first of these two offences only in 1965, for the Witwatersrand alone, were given by the Minister<sup>(8)</sup> as totalling 69,598 men and 5,739 women.

(6) See 1964 Survey, page 180.  
 (7) Hansard 2 col. 628, Hansard 4 cols. 1241-3.  
 (8) Assembly, 1 February, Hansard 2 col. 438.

It would appear, from numerous Press reports, that particularly during the earlier part of the year under review repeated police raids were conducted in the African townships of most urban areas, with the object of removing people who were there illegally and of reducing the rate of crime.

#### STRICTER ENFORCEMENT OF INFLUX CONTROL

Revised Bantu Labour Regulations were published on 3 December 1965, in terms of Government Notice 1292. These are complicated and lengthy, and it is most difficult for Africans and for White employers to understand the implications. Furthermore, Departmental directives to officials, dealing with the application of the various laws and regulations, are not made public.

As mentioned on page 36, the Black Sash has published two booklets which help to clarify the situation.

A few of the implications of influx control machinery that have recently become evident as a result of the Black Sash investigations and other enquiries are described in the paragraphs that follow.

#### Professional people

It has been made clear that<sup>(9)</sup> professional people such as teachers are not exempt from the regulations. The usual permits are required if a teacher wishes to enter a prescribed area to take up an appointment.

#### Entry of wives

If a man who qualifies to remain in any particular prescribed area under Sections 10 (1)(a) or (b) of the Urban Areas Act<sup>(10)</sup> marries a woman from outside this area he must obtain permission for his wife to come and live with him. Should the wife come from another prescribed area such authority may be granted if both Bantu Affairs Commissioners agree to issue the necessary permits, if the woman was living lawfully in the prescribed area concerned, if the couple can prove that they were lawfully married, and if accommodation for them is available. (It is often very difficult for Africans to produce acceptable proof of the legality of African customary unions, since there is no general provision for the registration of these.)

If, however, the wife previously lived outside a prescribed area, special permission for her entry must be obtained from the Department of Bantu Administration and Development, and this is rarely granted.

<sup>(9)</sup> *The World*, 27 September.

<sup>(10)</sup> Sec 1964 *Survey*, page 175.

#### Tenancy of houses by women

The tenancy of dwellings in prescribed areas is, as a general rule, registered in the name of a man. Should a husband die, the tenancy may be transferred to his widow if she can prove that the marriage was legal, can afford to pay the rent, and qualifies to remain in the area.

The position is more difficult for a divorcée, even if the court has awarded her the custody of her children. The tenancy of the home cannot be transferred to her unless her ex-husband voluntarily agrees to cede his right to it (he cannot be forced to do so).

Applications for the tenancy of houses by unmarried mothers are not entertained.

#### Minor children

Even if a child was born in a prescribed area, he may lose the right to remain there (apparently conferred on him by Section 10 (1)(a) of the Act) if he is a minor and his parents are forced to leave the area concerned.

A child under the age of sixteen years who leaves a home in a prescribed area—for example to attend a rural boarding school—is supposed to be in possession of a document of identification which indicates that his father or guardian, or the Bantu Affairs Commissioner, has consented to his absence. While he is away, the father or guardian must ensure that the child's name remains on the housing permit.<sup>(11)</sup>

As is well illustrated in the *Memorandum on the Application of the Pass Laws and Influx Control* published by the Black Sash, numerous cases arise in which minor children are prevented from returning to their parents because regulations have not been fully understood and complied with, or documents have been lost.

#### Absence of workers on leave

A man who does not qualify to remain in a prescribed area, but has been permitted to work there, forfeits this permission if he goes away on leave for a period of six months or more, even if he is returning to his previous employer, unless, before leaving his home to return to the town, he obtains permission to do so from the Bantu Affairs Commissioner, and is freshly recruited. A woman worker may not be away for more than three months unless she complies with this procedure.

#### The obtaining of qualification for permanent residence

According to Section 10(1)(b) of the Urban Areas Act, an African may earn the right to remain in a prescribed area by virtue

<sup>(11)</sup> Letter from the Secretary for Bantu Administration and Development, dated 21 March.

of having worked there uninterruptedly for a long period and fulfilling other qualifications. It appears, however, that in practice Africans who do so qualify find it difficult to have the endorsements in their reference books altered in such a way as to change their status from temporary to permanent residents of the area.

In Cape Town, a judge ruled on 4 August 1965 in the case of Houghton Hlahlane that no African who did not register within 72 hours of 24 June 1952 will be deemed to have resided there previous to that date. This has prevented many Africans (particularly women) from qualifying for permanent residence under Section 10 (1)(b).

The Athlone Advice Office has ascertained, too, that if two firms amalgamate, any service with the first firm which, in consequence, loses its identity is disregarded for the purpose of qualifying for permanent residence.

#### AFRICANS IN THE WESTERN CAPE

As explained in detail on page 157 of last year's *Survey*, the Government is making every effort to reduce the number of Africans in the Western Cape. Very large numbers of wives and children who do not qualify to remain there have been sent away, and no women work-seekers are admitted.

A male work-seeker from the Transkei or Ciskei must register at a labour bureau in his home area. If he wants employment in the Western Cape, and any vacancy exists there, he is offered a contract of not more than a year. If he accepts, it is illegal for him to break this contract or to change jobs, and at the end of the specified period he must return home unless special permission for one extension only is granted.

An employer in the Western Cape who wants non-white workers must first apply to the Department of Labour to find out whether Coloured persons are available. If not, he applies to the Department of Bantu Administration for the number of Africans he needs. Should no work-seekers who qualify to remain in the area be available, the employer is required to pay R15 a head to cover the cost of importing "contract" labourers.

There have been repeated complaints from industrialists<sup>(12)</sup> that available Coloured workers are not prepared to do heavy manual tasks.

Farmers have been dissatisfied with the official recruiting system. Four organizations have, apparently, been set up—the Durbanville-Philadelphia Group, the Cape Flats and Peninsula Farmers' Group, the Hex River Farmers' Group, and the Berg River Farmers' Group—members of which share the costs of employing their own recruiting officers to act in a liaison capacity between Africans, officials, and the farmers; to do the paper work

(12) e.g. *Cape Times*, 20 June

required; to speed up official machinery; and to transport recruits.<sup>(13)</sup>

The Minister of Bantu Administration and Development said in the Assembly on 16 September<sup>(14)</sup> that in 1965 there were about 25,039 African families, and 131,414 single "contract" labourers, in the Western Cape.

Quoting the Department of Statistics as its source, the *Cape Times* reported on 20 June that the population of the Cape Town municipal African townships in January 1966 was:

Township	Bachelor quarters		Family units		Totals
	Men	Men	Women	Children	
Langa .. ..	18,925	1,682	2,374	4,439	27,420
Gugulethu ..	---	5,946	6,429	17,472	29,847

It would appear, however, that these figures may have been an under-estimation, for on 16 September the Minister of Bantu Administration said in the Assembly (Hansard 7 col. 2210) that the African population was:

Langa (Municipal township) .. ..	33,045
Gugulethu (Municipal township) ..	44,472
Nyanga (Divisional Council township)	21,700

The unattached "contract" workers at Langa are known locally as *magodukas*. Ill-feeling has developed between these men and the permanent residents. It is reported<sup>(15)</sup> that gang warfare has taken place between home-town *tsotsis* (juvenile delinquents) and the migrants, the former often robbing the unsophisticated *magodukas* of their pay-packets on Friday nights, and the latter retaliating by taking the law into their own hands. Assaults and murders have resulted.

In his opening address at a session of the Council for Coloured Affairs that was held in October, the chairman, Mr. T. R. Swartz, complained about the growing number of Africans in the Cape Town area. As so many of them were there without their wives it stood to reason, Mr. Swartz said, that many would seek association with Coloured women. As a result, the "character and appearance" of the Coloured community was being changed.<sup>(16)</sup>

#### INFLUX CONTROL ON THE WITWATERSRAND

A symposium on "Effective Bantu Employment", organized by the National Development and Management Foundation in Benoni on 21 June, was opened by the Deputy Minister of Bantu Administration, Mr. B. Coetzee. In his address Mr. Coetzee said, "The

(13) *Cape Times*, 23 June, 11 and 31 August.

(14) Hansard 7 col. 2182.

(15) *Cape Times*, 29 June and 27 July.

(16) *Rand Daily Mail*, 12 October.

Government cannot allow an unlimited flow of Bantu labour to the Witwatersrand. This flow of labour must be reduced, then it must be stopped, then it must be turned back."

The African population of the Rand exceeded the White population by more than 500,000, Mr. Coetzee said. He gave the following percentage breakdown of the racial groups in the Witwatersrand complex:

	Whites	Coloured and Asians	Africans
East Rand .. .. .	29.4	1.3	69.3
West Rand .. .. .	20.1	1.5	78.4
Central Rand .. .. .	31.4	8.6	60.0
Vanderbijlpark .. ..	49.5	0.2	50.3

The number of Africans could be reduced without retarding work, Mr. Coetzee continued, by a combination of influx control, more effective use of labour, increased mechanization, the decentralization of industries, and the development of the Bantu homelands.<sup>(17)</sup>

Previous statements on this matter by other Cabinet Ministers are quoted on page 159.

#### SOME COMMENTS ON THE PASS LAWS AND INFLUX CONTROL

In the Assembly on 4 August<sup>(18)</sup> Mr. S. J. Marais Steyn (United Party) said that the Nationalists "are changing the nature of that Black labour force from a settled, law-abiding community to an excessive proportion of migrant labour with no roots and no interest in the part of South Africa where they live and move and have their being; . . . with no stake in the country in which they earn their livelihood, with no security, with no roots whatsoever, with no family life, with no home ownership, with none of the fundamental things which are necessary for good citizenship . . . They are sowing dragons' teeth for South Africa."

"We," Mr. Steyn continued, "want to establish a stable Black middle-class in the White areas of South Africa, a property-owning middle-class enjoying family life."

In its *Memorandum on the Application of the Pass Laws and Influx Control*, referred to earlier, the Black Sash described how Africans, seeking somewhere where they may legally live and work, are often sent from department to department, even from town to town or from town to country, while all the officials deny responsibility. In order to prove his right to be in any area, "the African must be a collector of documents from the day of his birth to the day of his death".

"For thousands of Africans these laws result in broken families," the Black Sash said, "in unemployment, in poverty and

(17) *Ibid.*, 21 June, and *South African Digest*, 1 July.

(18) Hansard 1 cols. 180-3.

malnutrition, insecurity and instability, and in a state of hopelessness . . . Millions of rands are spent in administering these laws, and millions of man-hours are wasted in the attempt to enforce unenforceable laws. The real cost must be counted in terms of human sorrow, bitterness, suffering, and tragedy on a vast scale."

Speaking in the Assembly on 13 October (Hansard 11 col. 4140), the Minister of Bantu Administration and Development again emphasized his Party's policy that Africans were present in White areas purely for the work they performed. This statement is outlined on page 146. The Minister went on to say that influx control measures must be strengthened, and that industrialists must not continue to be allowed to establish factories wherever they wished, without regard to the composition of the labour force. The Government, he said, was giving very serious consideration to ways and methods of placing this matter under statutory control.

#### "FOREIGN" AFRICANS IN SOUTH AFRICA

Questioned in the Assembly on 5 August,<sup>(19)</sup> the Minister of Bantu Administration and Development said that in 1960 there were 585,429 "foreign" Africans in South Africa. No later figure was available. Asked about where these people were employed, the Minister replied:

- (a) as at 31 December 1965, 256,276 were working on mines that were affiliated to the Chamber of Mines;
- (b) as at 30 June 1964, 42,091 were working on unaffiliated mines;
- (c) as at 30 June 1964, labour bureaux had registered 53,213 contracts of service for foreign Africans in prescribed areas, and 27,401 in non-prescribed areas.

During 1965, the Minister said, 1,438 Africans had been repatriated on completion of their contracts (this figure does not include Africans who were repatriated by the mines).

The Minister's figures left large numbers of "foreigners" unaccounted for, and these workers are probably mainly on White-owned farms. According to the Agricultural Census for 1961-2,<sup>(20)</sup> of the Africans employed on farms in June 1962, 95,967 (including 21,675 women) had been born outside South Africa.

All foreign Africans in the Republic were required to be in possession of passports from the beginning of 1966; but, apparently, many did not know this and failed to apply for these documents. In certain circumstances this may be condoned, and an alien's permit is issued. If an African from a country other than Lesotho, Botswana, Swaziland, or Portuguese East Africa is permitted to work in South Africa, a fee of R20 must be paid when the service contract is registered, towards the cost of his eventual repatriation.<sup>(21)</sup> (This arrangement does not apply to mine-workers, who are repatriated by the mining authorities.)

(19) Hansard 1 col. 236.

(20) R.P. 65/1965, page 44.

(21) Letter dated 17 July from Chief Bantu Affairs Commissioner for the Witwatersrand.

### AID CENTRES

As mentioned on page 182 of the 1964 *Survey*, the Bantu Laws Amendment Act of that year made provision for aid centres, with the object of keeping petty offenders out of gaol. The Minister said on 4 February<sup>(22)</sup> that no such centres had yet been established.

### CIVIL ACTIONS BY AFRICANS AGAINST THE STATE

The Bantu Laws Amendment Act, No. 63 of 1966, added a new Section 32A to the Bantu Administration Act of 1927 to the effect that no civil action against the State or any of its officers, a Cabinet Minister, a chief or headman, or an African tribe or community, in respect of any matter arising from the Act or rules or regulations made thereunder, shall be capable of being instituted if a period of twelve months has elapsed from the date on which the cause of action arose.

### ESTATES OF DECEASED AFRICANS

Revised regulations for the administration and distribution of the estates of Africans, in cases where Bantu law and custom apply and the deceased left no valid will, were published as Government Notice R 34 of 7 January.

The common law is applied (as for Whites) if a valid will was left, or if the deceased had been a partner in a marriage in community of property or under ante-nuptial contract, or if the Minister considers that in any particular case the application of Bantu law and custom would be inappropriate.

### LEGAL STATUS OF AFRICAN WOMEN

The Minister announced in 1962 that he intended instituting a departmental enquiry into the legal rights and the status of African women.

Questioned in the Assembly on 16 September,<sup>(23)</sup> the Minister indicated that the Department had changed its mind. He replied that this "is a matter which, in the first instance, affects the Bantu population, and which, in view of the trends in the development of self-government by the Bantu, will have to be regulated by the Bantu themselves."

### URBAN BANTU COUNCILS

The Minister of Bantu Administration and Development told members of the Assembly on 30 August<sup>(24)</sup> that only three Urban Bantu Councils had, thus far, been established—in Welkom,

(22) Assembly Hansard 2 col. 743.  
(23) Hansard 7 col. 2224.  
(24) Hansard 5 col. 1656.

Benoni, and Kroonstad. There is, apparently, another at Sharpeville, Vereeniging.

As mentioned on page 120 of the 1961 *Survey*, the Urban Bantu Councils Act, No. 79 of 1961, provided that these councils will replace advisory boards in areas where the local residents so wish, and may be granted wider powers than the boards possess. They will have both elected and selected members. If a council is to be established for a particular national (i.e. "ethnic") unit, only members of the unit concerned will vote for the elected members. Otherwise, all qualified Africans who live in the area for which the council is to be established may vote.

Plans for an Urban Bantu Council in Johannesburg have been delayed pending a decision on the constitution of such a body. The Soweto Joint Advisory Board wanted elections to be run on a regional or ward basis; but, after lengthy negotiations, the Minister finally decided they should be conducted, instead, on an "ethnic" (tribal) basis.<sup>(25)</sup>

Some comments on the limitations of this system were mentioned on page 165 of the 1965 *Survey*.

The Daveyton Bantu Council, in Benoni, has committees dealing with general administration, social services, township development, and transport and licensing.

### DIRECT EXPENDITURE BY THE STATE ON BEHALF OF AFRICANS

The Report of the Controller and Auditor-General for 1964-5<sup>(26)</sup> sets out direct expenditure by the State during that year on behalf of Africans.

The statistics exclude advances from Loan Account for housing, and statutory appropriations to the Transkeian Government (see page 129). They include expenditure by the Republican Government on services such as health, police, and others which it still provides in the Transkei.

The column headed "General Administration" includes expenditure which employers are required to incur for registration fees of workers, and contributions to the Bantu Services Levies.<sup>(27)</sup>

Department	General Administration R	Social Services R	Capital Expenditure R	Totals R
Bantu Administration and Development	9,582,600	9,393,104	34,527	19,010,231
S.A. Bantu Trust	4,405,067	3,644,718	28,798,398	36,848,183
Bantu Education	1,405,546	19,433,575	1,357,567	22,196,688
Education, Arts and Science	9,504	112,061	10,694	132,259
Health and hospitals	16,726	20,368,752	—	20,385,478
Other departments	218,618	343,974	—	562,592
	<u>R15,638,061</u>	<u>53,296,184</u>	<u>30,201,186</u>	<u>99,135,431</u>

(25) *Star*, 27 October.  
(26) R.P. 56/1965, page 222.  
(27) In terms of Acts 64 of 1952 and 53 of 1957.

## AMOUNTS PAID BY AFRICANS IN TAXATION

In reply to a question in the Assembly on 9 August,<sup>(28)</sup> the Minister of Bantu Administration and Development gave the following figures relating to the 1963-4 financial year, and excluding Africans in the Transkei:

- (a) 3,978 paid normal income and provincial taxes, the sum collected being R112,645;
- (b) R7,592,325 was paid in basic and additional general taxes, including an estimated R230,000 paid by 114,140 persons liable for the additional tax;
- (c) R48,141 was paid in hospital levies;
- (d) R3,121 was received from rates imposed by Bantu Authorities;
- (e) R967,440 was paid in tribal levies.

A different figure relating to normal income and provincial taxes was given by the Minister of Finance on 2 August, also relating to the 1963-4 year.<sup>(29)</sup> He said that 4,271 Africans paid R118,033.

On an earlier occasion<sup>(30)</sup> the Minister of Bantu Administration and Development said that in the 1964-5 financial year, 2,620,000 Africans were liable to pay general tax, the sum collected being R8,248,948.

The Controller and Auditor-General reported<sup>(31)</sup> that in 1964-5, there were 404 compulsory and 795 voluntary tribal levies in force (again excluding the Transkei). They yielded R1,652,952. (Bantu Authorities decide for themselves if levies should be imposed, and whether or not these should be compulsory.)

A separate report on taxes paid in the Transkei in 1964-5 was published by the Controller and Auditor-General.<sup>(32)</sup> The amounts, in round figures, were:

	R
Income tax .. .. .	950
General tax .. .. .	1,184,090
Local tax .. .. .	227,537
Quitrents .. .. .	107,941
General levy .. .. .	233,492
Tribal levies .. .. .	25,555
Regional levies .. .. .	1,144
District levies .. .. .	4,270
	R1,784,979

(28) Hansard 2 col. 385.

(29) Assembly Hansard 1 col. 22.

(30) Assembly, 28 January, Hansard 1 col. 248.

(31) R.P. 57/1965.

(32) T.G. 1966, page 32.

At a rough approximation, then, in 1964-5 Africans in the country as a whole paid R11,856,174 in direct taxation. But, besides this, Africans in urban areas paid large sums towards the erection of schools and the salaries of teachers additional to those whom the Department can afford to pay; Africans, like other sections of the community, contribute to the country's revenue from customs and excise duties; and, by their labour, Africans help to make possible the profits on which mining and other companies are taxed. Furthermore, free labour is often made available for the construction of works in Bantu areas.

## COLOURED AND ASIAN AFFAIRS

### LOCAL GOVERNING BODIES IN URBAN AREAS

In the Assembly on 19 and 23 August,<sup>(1)</sup> the Minister of Community Development gave details relating to the 20 Coloured management committees, 28 Coloured consultative committees, 5 Indian consultative committees, and 11 Indian local affairs committees that had, thus far, been established.<sup>(2)</sup>

Early in 1966 the Western Cape Regional Board, under the chairmanship of Dr. Erika Theron, organized a series of seminars for leaders of the Coloured community and Coloured businessmen—in Paarl, Bellville, Worcester, Stellenbosch, and Beaufort West. Discussions were held on the conducting of meetings, Government policy in regard to housing, the establishment of business concerns, the administration of welfare organizations, and other matters.

It appears that the local government system has, so far, reached a more advanced stage in Indian group areas of Natal than elsewhere. Initially, all the members of local affairs committees were appointed. A second stage has now been reached in Verulam, Glencoe, Estcourt, and Isipingo Beach, in which three of the five members of the committees are elected by adult men and women who own rateable property, or rent property to the value of R500 or more. So far, these bodies possess only advisory powers; but it is planned gradually to confer on them certain executive and financial authority. An Indian has been appointed Assistant Town Clerk of Verulam, which is eventually to become an all-Indian town; and other local authorities plan to employ Indians in order to give them experience in administration.

### RURAL COLOURED AREAS

A number of scattered Coloured rural settlements exist, situated mainly in the Northern and Western Cape, with a total area of 1,912,751 morgen. As at 31 March 1965, there were 41,193 inhabitants, amongst whom were 7,599 registered and 2,512 non-registered occupiers of property. Only 4,878 of the dwellings were regarded as being of a permanent nature, but township planning is in progress. There were then 62 schools, with 10,860 pupils.<sup>(3)</sup>

At that date, R704,685 had been spent on development works. The Boards of Management are required to repay ten per cent of the costs to the Department of Coloured Affairs. The amount

(1) Hansard 3 col. 1068; Hansard 4 col. 1247.

(2) See 1962 Survey page 122, and 1965 Survey pages 173-6, for the constitution and functions of these committees.

(3) Report of the Department of Coloured Affairs, R.P. 25/1966, pages 8-9.

refunded, constituting ten per cent of sums collected in rates, was then R18,469.<sup>(4)</sup> The Minister of Coloured Affairs said in the Assembly on 20 September<sup>(5)</sup> that the average annual income from rates levied by all Boards of Management over the past three years had been R42,609.

The Annual Report of the Soil Conservation Board for the year ended 30 June 1965<sup>(6)</sup> stated that, during that year:

- 50 miles of boundary fencing and 256 miles of camp fencing had been erected;
- 31 boreholes had been drilled and 13 of them equipped, 6 open waters developed, 8 miles of pipeline laid, and 13 waterways and culverts built;
- 24 miles of contour banks had been constructed;
- 81,722 trees had been planted;
- 3 bridges had been built;
- 15 morgen of driftsands and 132 morgen of grazing had been reclaimed, 285 morgen of noxious weeds cleared, and 35 morgen of termite-damaged grazing land treated.

In a speech made in February<sup>(7)</sup> the Secretary for Coloured Affairs said that the Coloured Development Corporation, established in 1962, had a share capital of R1,750,000. (All the shares are owned by the Government.) One of its activities had been to found the Spes Bona Savings and Finance Bank, which, besides normal banking activities, provided free, expert advice on business management. Two Coloured and two White men constituted the Board of Directors. A Coloured man was being trained to take over as manager; and all other members of the staff were Coloured. The Minister added, later,<sup>(8)</sup> that by 31 August 1966, Coloured persons had deposited R95,722 in savings accounts and R145,536 on fixed deposit.

The Minister said, too,<sup>(9)</sup> that between 1962 and 31 July 1966 the Corporation had made loans totalling R1,282,479 to 80 private Coloured undertakings. (Later, on 12 October, the Minister said that 130 business undertakings had been assisted.)

Concessions for diamonds in Coloured areas in Namaqualand and Van Rhyndorp, and for quartzite in the Richtersveld, have been granted to the Corporation; but as this body lacks the necessary capital and mining experience, the prospecting and subsequent exploitation will in most cases be carried out by White companies, who will pay to the Corporation a percentage (five per cent during the prospecting stage) of the gross value of the yield. The Minister said on 20 August<sup>(10)</sup> that, to date, the Corporation had received R4,031 from this source.

(4) *Ibid.*, page 8.

(5) Hansard 8 col. 2425.

(6) R.P. 24/1966.

(7) *Cape Times*, 19 February.

(8) Assembly, 20 September, Hansard 8 col. 2425.

(9) Assembly, 16 August, Hansard 3 col. 821, and Hansard 11 col. 4045.

(10) Assembly Hansard 8 col. 2426.



The Leliefontein area in Namaqualand is an exception: there the rights were granted to a company, named Leliefontein Mining Company Ltd., which had been registered by a group of Coloured diggers. Mr. Graham S. Eden, who represents the Coloured people of the Karoo in the Assembly, said on 15 October<sup>(11)</sup> that, in accordance with an offer made by the Coloured Development Corporation in 1964, the company applied to the Corporation for assistance in raising the necessary capital. The Corporation, apparently, offered a loan of R50,000, which was totally inadequate in view of the fact that it was unknown whether or not diamonds existed in the area, and prospecting would, thus, be expensive.

The Coloured company then approached De Beers Consolidated Mines, Ltd., which agreed to advance all the money required for prospecting and the pre-development of any mine that was established, at current rates of interest, without requiring any security for the loan. All the profits, if any, would accrue to the Coloured company. Coloured people would be trained to take over the entire operations. In return, De Beers wanted only the right to buy any diamonds produced, at ruling prices.

Mr. Eden said that the Leliefontein company informed the Minister of Mines of this suggested arrangement: "they wanted more or less approval to go ahead". Out of courtesy, a copy of this letter was sent to the Coloured Development Corporation. The Corporation wrote back saying, "Any assistance granted by De Beers to your company would not be acceptable to this Corporation's directors". It gave the Coloured people three months' notice, from 13 September, of its intention to cancel the concession unless they floated a company.

The Corporation has acquired a quota in the rock lobster export market on behalf of Coloured fishermen, and floated a company for the purpose, the share-holders being the Corporation and individual Coloured persons. As this company was unable to fulfil its quota in 1965, five private companies were allowed to export against it. As at 30 June 1966, the Corporation's profit on this venture amounted to R85,013.<sup>(12)</sup>

#### EMIGRATION OF COLOURED PEOPLE

It is reported<sup>(13)</sup> that, since 1963, at least 900 Coloured people have emigrated from South Africa because there were better opportunities for them elsewhere. Most are said to have gone to Canada, because the Canadian Government does not require a financial deposit against the emigrant's becoming a burden on the State. Others have gone to England, the United States, Nigeria, and other African states.

A high proportion of these people were teachers; but other

(11) Assembly Hansard 11 cols. 4401-5.

(12) Minister of Coloured Affairs, Assembly, 4 February, Hansard 2 col. 732, and 20 September, Hansard 8 col. 2426.

(13) *Sunday Times*, 1 May.

professional people have left, including four highly qualified medical practitioners—Dr. Ralph Hendrickse, Dr. Paul Hendrickse, Dr. H. Jadwat, and Dr. Rustin Gool.

#### CONFERENCE ON THE INDIAN SOUTH AFRICAN

During October, the Natal Region of the Institute of Race Relations arranged a two-day conference on "The Indian South African", papers being given by Mrs. Fatima Meer, Mr. L. P. McCrystal and Mr. G. Maasdorp, Dr. B. Rambiritch, Mr. L. Schlemmer, and Mrs. P. Ramasar. Attention was drawn, *inter alia*, to the need for higher education; to the under-employment of Indians; and to the social problems arising from poverty and from the re-settlement of people in new group areas.<sup>(14)</sup>

#### INTER-PROVINCIAL MOVEMENT BY INDIANS

Indians require permits if they wish to move, even for a visit, from one province to another. In June<sup>(15)</sup> the South African Society of Journalists pointed out to the Minister of Indian Affairs that, as these permits were not obtainable at times when the official offices were closed, Indian journalists were often placed at a disadvantage when they wanted to leave at short notice for another province to follow up a news story.

#### NATURALIZATION OF INDIANS

In 1966, another 228 stateless persons born in India were granted South African citizenship. These are people who were born in areas under the authority of a rajah or other Indian ruler and were, thus, not British citizens. They had settled in South Africa before the Indian Republican Constitution came into effect in January 1950, and thus were not regarded as citizens of India.

#### SOUTH AFRICA'S CHINESE PEOPLE

The Institute of Race Relations has issued a brief memorandum on the Chinese people of South Africa (RR. 161/65).

(14) Copies of these addresses are available from the Institute's office in Durban.

(15) *Natal Mercury*, 23 June.

## EMPLOYMENT

### THE GENERAL ECONOMIC SITUATION

As mentioned on page 204 of last year's *Survey*, following a meeting of the Economic Advisory Council held in October 1965, the Prime Minister announced that the country's current income was insufficient to finance the enormous increase in expenditure on both capital and consumer goods. The human and material resources of the country were unable to keep pace with the general rate of development, and this rate would have to be decreased for the time being. The Government was curtailing its capital expenditure programme: provincial administrations and local authorities were asked to follow suit; and mining houses and insurance and investment companies were urged to postpone the less essential of their expansion programmes.

In his Budget Speech,<sup>(1)</sup> in August, the Minister of Finance referred to a "disturbing continuance of a potentially inflationary situation". He described measures which had already been taken to counter this: the Reserve Bank had requested the monetary banks to restrict their credit to the private sector to the level which obtained at the end of March 1965; the control of interest rates on deposits had been lifted; certain relaxations had been made in import control. Government expenditure, the Minister continued, would as far as possible be financed from current revenue. The rates of income and other forms of taxation were raised, and rail tariffs increased.

Following a meeting of the Economic Advisory Council in February, the then Prime Minister announced<sup>(2)</sup> that the restrictive measures adopted "with a view to retarding the rate of development to a level more in keeping with the country's available resources" had led to a levelling off of the general rate of economic activities. The time had, however, not yet arrived for a relaxation of these restrictive measures.

Curbs likely to be imposed on industrial expansion in the major urban complexes are mentioned on page 159.

### MANPOWER RESOURCES

During the past few years much thought has been given to the rate of economic growth at which South Africa should aim in the light of its available and potential resources, and to the question of how these resources can be augmented. During 1964 the Government established an Advisory Council for Manpower

(1) Assembly, 17 August, Hansard 3 col. 893.

(2) Press statement 65/66 (P).

Research and Planning to co-ordinate the activities of various agencies concerned with these matters.<sup>(3)</sup> Since then, a Resources and Planning Advisory Committee has been created. A National Productivity Conference was held in Pretoria during October, at which it was decided to recommend that a national productivity council be set up.

According to an article in *The Star* on 27 October, it became clear at this conference that unless industry, commerce and the public services made more efficient use of manpower and equipment, the country had no adequate answer to inflation and overseas price competition. Addressing a meeting of the Institute for Social Research of the University of Natal, Dr. E. G. Malherbe (ex-Principal of this University) said<sup>(4)</sup> that economic development depended on three main factors—capital investment, technological development, and, most important, human resources, with the emphasis on quality instead of quantity.

In an address given in Pretoria on 16 September,<sup>(5)</sup> the Minister of Labour pointed out that many more trained workers were urgently required to maintain South Africa's expansion and to assure a future for the growing population. He emphasized the need for greater productivity. Some of the Government's plans for increasing the numbers of trained White workers were outlined on pages 238-9 of the 1964 *Survey*, and are described in the chapter of this *Survey* dealing with technical training.

Industrial experts have again, during 1966, pointed to the fact that it is impossible for the white section of the population to supply all the skilled labour that is needed and that if greater prosperity is to be achieved, it is essential that the productivity, skills, and earnings of the non-white peoples should be advanced.

In February, Mr. J. H. Liebenberg, president of the South African Confederation of Labour and of the Federal Consultative Council of Railway Staff Associations, said<sup>(6)</sup> that the country's economic growth could not be maintained at the rate recommended by the Economic Advisory Council<sup>(7)</sup> without a more intelligent use of labour resources, involving further concessions to allow non-whites to do more skilled work.

Similar opinions were expressed by the senior vice-president of the Trade Union Council of South Africa, Mr. T. P. Murray, in an address to the National Productivity Council. He stated<sup>(8)</sup> that any attempt to raise the general level of productivity was doomed to failure at the outset unless there was a determined move to develop the skills and thereby utilize the potentials of the non-whites. Positive steps to increase African proficiency and productivity to the point where higher remuneration could be justified

(3) See 1964 *Survey*, page 235.

(4) *Natal Mercury*, 21 October.

(5) *Star* of that date.

(6) *Rand Daily Mail*, 3 February.

(7) See 1965 *Survey*, page 203.

(8) *Star*, 27 October.