At the time of writing, the United Party members of the Transvaal Provincial Council were planning a resolution to be put before this Council, asking the Government for an assurance that provincial rights would be maintained in the republic. This resolution was unlikely to be as far-reaching as the Natal one.

PARTY-POLITICAL DEVELOPMENTS

NATIONAL PARTY

No developments of significance have taken place within the National Party during the year under review. The outcome of the referendum on the republican issue has undoubtedly strengthened the position of Dr. H. F. Verwoerd as leader of the party.

If, as has been suggested, the majority of South Africans voted along party lines in this referendum, then the result indicates that about 52.3 per cent of the Whites in the Union are supporters of the National Party or the National Union Party (dealt with below).

UNITED PARTY

Until the end of October 1960 there had been no developments of note within the United Party, either, since the Progressives broke away, an event described in the previous issue of this Survey. The then broad racial policy of the United Party was expressed by Mr. S. J. M. Steyn, in an amendment he moved during February to a motion in the Assembly by the leader of the Progressive Party. The amendment was as follows:

“That this House:
1. confirms the traditional and accepted South African policy of social and residential separation among the races;
2. condemns the policies of the Government which seek a solution of South Africa’s race problems in unrealistic attempts to develop independent Native states, especially as those policies have no regard to the permanent presence of millions of Natives of the same ethnic groups outside those areas;
3. calls upon the Government to accept the permanent multi-racial character of the South African State and to formulate its policies accordingly; and

4. demands that such reformed policies should, inter alia—
(a) accept the restoration of the Cape Coloured people in the Cape Province and Natal on a common roll;
(b) be based upon consultation with the Native peoples at all levels and their representation as a group in the Parliament of South Africa while ensuring the maintenance of those Western standards of which the European race group is by tradition and history the guardian.”

Late in October, however, the leader of the United Party, Sir de Villiers Graaff, visited Britain and Canada to enlist support for South Africa’s continued membership of the Commonwealth. Before leaving, he issued a statement which reorientated United Party policy. His main points were:

1. Coloured people entitled to vote on a separate roll or a common roll should also have the right to stand for Parliament.
2. Artificial economic discrimination against Coloured people, like job reservation, must disappear.
3. Asians in South Africa must be accepted as a permanent part of the population.
4. Immediate attention must be given to the effects of the application of the Group Areas Act on their economic enterprises.
5. Negotiations must be opened to determine their future political status.
6. Special emphasis must be laid on the development of the African Reserves with White capital and White skill.
7. South Africa must have the courage to accept a permanent detribalised African population as a fact.
8. This group must be given representation in Parliament based primarily on a permanent urban middle class, whose emergence must be fostered.

LIBERAL PARTY

The Liberal Party has recently revised its franchise policy.

The new policy, as published in Contact of 18 June 1960, is, “The Liberal Party of South Africa aims to achieve the responsible participation of all South Africans in the government and democratic process of the country, and, to this end, to extend the right of franchise on the common roll to all adult persons.

“The Liberal Party considers it a prerequisite of a universal franchise that there should be entrenched in a rigid constitution a Bill of Rights based on the Universal Declaration of Human Rights.”

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(13) Page 6.
(14) Assembly, 15 February 1960, Hansard 5 cols. 1560-1.
Rights, which will protect the rights of all individuals, and which shall be enforceable by an independent judiciary.

“The Liberal Party feels that it is not possible at this stage to foresee the precise circumstances under which the change will occur, but aims to have the idea of a universal franchise and a Bill of Rights accepted by the people of South Africa, and to bring about the change with the minimum possible dislocation.”

Early in 1960 the Liberal Party decided to support the economic boycott of South African goods planned in several other countries.

Mainly as a result of one or other of these developments, several prominent party members have resigned, among them Mr. Walter P. Stanford, M.P., Mr. Donald B. Molteno, Q.C., Dr. Oscar Wolheim and Mr. Gerald Gordon, Q.C. Some of those who resigned joined the Progressive Party instead.

During October 1960 (after the ending of the state of emergency), two meetings which the Liberal Party was to have held in Cape Town and Johannesburg respectively were banned by the magistrates concerned.

PROGRESSIVE PARTY

The Progressive Party, formed in November 1959, held its first national conference in Johannesburg during the same month. The congress adopted a statement of its main principles and policies, the principles being:

1. The maintenance and extension of the values of Western civilization, the protection of fundamental human rights and the safeguarding of the dignity and worth of the human person, irrespective of race, colour or creed.
2. The assurance that no citizen of the Union of South Africa shall be debarred on grounds of race, religion, language or sex, from making the contribution to our national life of which he or she may be capable.
3. The recognition that in the Union of South Africa there is one nation which embraces various groups differing in race, religions, language and traditions, that each such group is entitled to the protection of these things and of its right of participation in the government of the nation; and that understanding, tolerance and goodwill between the different groups must be fostered.
4. The maintenance inviolate of the Rule of Law.
5. The promotion of social progress and the improvement of living standards through the energetic development of a modern economy based on free enterprise, whereby the national resources of men and materials can be fully utilized.

RELATIONS: 1959-60

6. The promotion of friendly relations with other nations, more particularly the members of the Commonwealth and those who share with us the heritage of Western civilization.”

In the Assembly on 5 February 1960, the party leader, Dr. J. van A. Steytler, moved that the House should accept a motion based on these principles. It was in reply to this that Mr. Steyn moved the motion quoted above.

Dr. Steytler was elected leader at the inaugural congress, the Hon. H. G. Lawrence, M.P., Q.C., being elected National Chairman. The congress decided that membership of the party should be open to persons of any race who possessed the qualifications deemed suitable by the party for registering as voters on a common roll. Local branches would in due course decide for themselves whether they should be mixed or exclusively White or Non-White.

A commission of experts was set up to define the qualifications for voting and to draft a recommended new constitution for South Africa, to incorporate a Bill of Rights and constitutional safeguards for minority groups. The decentralization of legislative and executive power in favour of the provinces was suggested by the congress.

Towards the end of 1959 Professor J. S. Fourie, M.P., broke away from the Progressive Party to become an Independent, and Mr. W. P. Stanford, M.P., left the Liberal Party to join the Progressives. The latter party thus continued during 1960 to have twelve Members of Parliament.

It engaged in its first contest with the United Party at a municipal by-election in Johannesburg in July, losing by 99 votes, the total poll being 3,657.

The report of the constitutional commission, which was headed by Mr. Donald Molteno, Q.C., and which embodied four minority reports on various matters, was made public on 14 November 1960, and was considered by a Union-wide Party congress on the two following days.

The congress decided that South Africa should have a rigid constitution incorporating a Bill of Rights, which could only be amended by a special procedure still to be laid down by the commission. Eighteen basic rights and freedoms were suggested by the commission, accepted in principle by the congress and referred to the National Executive Committee for further consideration in detail.

(9) Hansard 3 cols. 1000-1.
It was agreed by the congress that all voters should be South African citizens (as defined by law and entrenched in the constitution), and should have attained the age of 21 years. There should be two voters’ rolls, both non-racial and open to persons of both sexes—an “A” or ordinary roll, and a “B” or special roll. Qualifications for the “A” roll would be:

(a) a Standard VIII certificate or equivalent, or
(b) a Standard VI certificate or equivalent, and, for the past two years, either an income of £300 a year, or occupation (i.e. control) of fixed property valued at £500; or
(c) the passing of a prescribed literacy test in an official language, and, for the past two years, either an income of £500 a year in cash or kind, or occupation of fixed property valued at £500; or
(d) marriage to a person with the necessary income or property qualifications provided that the applicant had the required educational standard; or
(e) past registration on any list of voters for Members of Parliament.

For admission to the “B” roll a literacy test only would be required. “B” voters would elect ten per cent of the members of the House of Assembly, voting three months before each general election in especially delimited constituencies. All candidates for election to Parliament would have to be registered on the “A” roll. If at any time the number of “B” voters fell below 20 per cent of the number of registered “A” voters, then the percentage of special roll seats would be reduced.

The income and property qualifications would be reviewed every five years by a committee headed by a judge, this revision being made in accordance with the purchasing power of money.

It was decided to set up an ad hoc committee to enquire into the question of proportional representation in the Assembly.

The congress was of the opinion that the Senate should be a “comparatively non-racial” body that would have power to check any legislation except money bills, and would be able to block any discriminatory legislation introduced by a majority group in the Assembly. Machinery for resolving any deadlocks between the two Houses of Parliament was suggested. It was proposed that the Senate should consist of twelve members from each of the provinces and six from South-West Africa. They would be directly elected by “A” roll voters in specially defined constituencies, and would require the support of at least one-fifth of the members of each racial group in their constituencies.

An account was given in the previous issue of this Survey of the differences of opinion between Mr. J. D. du P. Basson, M.P., and the leaders of the National Party, which led to his expulsion from the party by majority vote.

During February 1960 Mr. Basson launched a new political party, the National Union, with the broad aim of returning to the main principles of Afrikanerism and achieving a greater degree of co-operation between the Afrikaans and English sections of the population. His party favoured a republican form of government, but emphasized that the republic must be based on the will of the people, based on Western democratic principles and the existing parliamentary system, and within the Commonwealth.

According to its published aims, the party is opposed to any measures which drive the White and Coloured people apart, assail the dignity of the latter as human beings, and hinder them from making constructive contributions to the progress of the country. Coloured people, the party considers, should have the right to elect their own Coloured representatives to legislative bodies.

Large-scale and rapid economic and political development should take place in the Bantu areas on a basis of mutual consultation and joint responsibility. Those whose permanent homes are outside the Reserves should be given a greater responsibility in the management of their own affairs, and measures causing unnecessary friction should be removed. The political rights which were removed in 1959 should be restored, the Bantu outside the Reserves participating more directly in the election of their representatives.

The National Union urges that diplomatic and other forms of contact with other states on the continent of Africa should be fostered, and that a more positive immigration policy should be pursued.

The aims of the S.A. Bond, formed in December 1955, were outlined in an earlier issue of this Survey. In August 1960 the Bond opposed the National Party at a Parliamentary by-election in the Harrismith constituency, its candidate obtaining 416 votes against 4,881 polled in favour of his opponent.

(29) Page 1.
of high treason and of the year-long preparatory examination, all
the end of which 91 were committed for trial. Their trial opened
in August 1958, but after lengthy legal argument the Crown withdrew the indictment. A new indictment was framed against thirty
of the accused, its essence being an allegation of conspiracy to
overthrow the State by violence and to substitute another form of
state.

Leave was granted for an appeal to the Appellate Division
on certain points of law concerning the validity of the indictment,
but the Appeal Court ruled that it had no power to decide on the
matter at that stage. Meanwhile the trial of the remaining 61
accused was commenced. The defence applied successfully for
the indictment to be quashed on the ground that it had been
framed without regard to orders of the court relating to the indictment in the other case.

The trial of the first thirty people was resumed on 3 August
1959. With a recess of nearly two months over Christmas, the
Crown case lasted until early March 1960, when the defence
commenced leading evidence, its object being to prove that it was
not the policy of the organizations mentioned in the indictment
to use violence against the State.

When a state of emergency was proclaimed on 30 March the
accused, who had been out on bail, were again imprisoned. The
leader of the defence team asked the court to consider whether
it was proper for the Crown to continue with the trial in view of
the fact that the Government, in support of its decision to
declare a state of emergency, had made positive statements about
issues in the trial which, in effect, appeared to constitute a judg-
ment. Furthermore, the defence had no knowledge of how many
of the people it wished to call were detained or where; and even
more important, it feared that, in terms of the emergency regulat-
ions, statements made by witnesses in court might be deemed to
be subversive.

The presiding judge adjourned the trial for nearly three weeks
and, when it was resumed, announced that the Minister of Justice
had given the assurance that witnesses would be exempt from the
application of the emergency regulations in so far as evidence
given in court was concerned. The accused stated that they were
not prepared to accept this assurance.

The emergency regulations were then amended by a procla-
mation providing that no evidence given by a person in a criminal
trial begun before 29 March would be used in evidence against
him in a criminal prosecution concerning any alleged contraven-
tion of the emergency regulations. Nor would it be taken into
account by the Minister, a magistrate or commissioned officer for
any purposes of the emergency regulations. The reason trials of
accused still maintained that witnesses were not adequately pro-
tected, but the court ruled that the trial should continue.

REORGANIZATION OF THE CITIZEN FORCE

In terms of an announcement made during December 1959
by the Minister of Defence, South Africa's Citizen Force, instead
of being formed into an armoured task force for the defence of
the Middle East gateways to Africa (as had been planned a
few years earlier), was being recast into lightly armed, highly
mobile regiments strategically scattered over the Union, and
designed chiefly for internal security.

UNREST AND RIOTING AMONG AFRICANS

DISTURBANCES RESULTING MAINLY FROM OPPOSITION
TO THE BANTU AUTHORITIES SYSTEM

EAST PONDOOLAND

Introductory remarks

There has been great unrest since the end of 1959 in Bizana,
Flagstaff and Lusikisiki, the three eastern districts of Pondoland,
bordering on Natal. This unrest spread later to certain other
districts of the Transkei.

Press reports were discouraged by the authorities. Reporters
could not be debarrd from visiting the small "White" towns in the
area nor from travelling along the main roads, but were not granted
permits to enter the African Reserves, and were refused permission
to meet the Paramount Chief. The newly-appointed Commissioner-
General for the Transkei is reported\(^9\) to have said on 21 September
1960, “It is quite clear that some newspapers have embarked on a
systematic campaign of creating suspicion with regard to events in
the Bantu homelands, and every opportunity is seized to discredit
the Bantu authorities in the eyes of the Bantu as well as the White
people”. He is said to have refused to see a party of journalists, and
to have stated that news would be released only through his office
and solely to the S.A. Press Association.

A departmental committee was appointed to enquire into the
causes of the disturbances, with special reference to the observance
of Pondo law and custom in connection with the establishment of
tribal authorities, the fixing of their boundaries, the appointment
of members, the proper functioning of these bodies, and such other
matters as appeared to be necessary. The chairman was the Chief
Bantu Affairs Commissioner for the Ciskei. The findings of this
committee are summarized later in this Survey.

The disturbances

The first reported incident took place on 16 February 1960,\(^\text{10}\)
when it was stated that two White constables went to an area near
the town of Bizana to investigate an allegation that Africans had
ploughed up land in a betterment scheme that had been reserved
for other purposes. Their vehicle was attacked by about twenty men
brandishing assegais and sticks, but they made good their escape.
Although the incident was in no way directed against White traders
as a precaution several White families in the area went to the town
for the night.

Information about the next incident was given by the Prime
Minister in the Assembly on 22 March.\(^\text{10}\) On the 19th of that
month two tribal councillors were taken to hospital in Bizana after
an angry mob had assaulted them and burned down their huts.
Rumours spread that the crowd planned to attack the hospital in
order to murder the councillors, and also to storm the gaol to try
to release a man who had been arrested in connection with the
assault. Numbers of White traders from outlying areas brought their
families to Bizana for safety, on the nights of the 19th and 20th
fifteen women with their children sought refuge in the hospital,
where a guard was posted, and the town was patrolled at night.

According to Press reports\(^9\) a crowd of about 500 Africans
gathered on the main road: the Prime Minister said that they came
no nearer than eight miles from the town and the rumoured attack
did not eventuate.

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\(^{1}\) Rand Daily Mail, 22 September 1960.
\(^{2}\) Star, 17 February.
\(^{3}\) Hansard 10 Oct. 3848-9.
\(^{4}\) Star, 21 March.

It was alleged, he continued, that the chief of Tzekelo Location
near Bizana intended enlisting the help of men of the Maci tribe
at Harding in demonstrating at a meeting of chiefs and tribal
authorities that was planned for 23 March. The Chief Bantu Affairs
Commissioner, accompanied by police in saracens, entered the
town to investigate. At first only a few women and children could
be seen, but when the party had penetrated deep into the location
the women uttered loud war cries and the Africans began emerging
and collecting in large armed groups. The Commissioner addressed
several groups in turn and heard their complaints: opposition was
expressed to the Bantu authorities system, and it was said that the
tribal authorities wanted to deprive the people of their land. He
offered to explain the working of the system if a meeting was
arranged. The groups dispersed when ordered to do so.

Policemen who later gave evidence in court are reported\(^9\) to
have said that between 20 March and 23 June, 27 kraals were
burned down. On 2 May a police party was forced to open fire on a
mob that had set fire to the hut of a headman in the Bizana district.

Further disturbances took place on 22 May. It is reported\(^\text{11}\)
that the kraal of Chief Cele, near Bizana, was set alight, and that
when the mob failed to obey an order to disperse the police opened
fire, one African being killed and three wounded. On the same after-
noon a crowd numbering more than a hundred is said to have
attacked the kraal of Councillor Dana, a member of the Territorial
Authority, in the Lusikisiki district. He faced them with a shotgun
while neighbours went for help. When the police arrived Councillor
Dana had been injured and two Africans were found dead with
shotgun wounds. The crowd had left, on its way setting fire to five
kraals about three miles away. Three more kraals were burnt
during the next week.\(^\text{12}\)

According to Press reports\(^9\), squads of heavily armed police
patrolled the affected districts, employing a helicopter to search for
people who had been involved in the disturbances.

A serious clash between tribesmen and the police took place
on 6 June in a valley adjoining Ngquza Hill, between Bizana and
Lusikisiki. It was reported\(^\text{13}\) that Africans from a score of kraals
met there to discuss complaints against their chiefs: estimates of
their numbers varied from between four and five hundred to several
thousand. Two aircraft and a helicopter dropped tear gas and smoke
bombs on the crowd, and police vehicles approached from two
directions, one party apparently descending from the hill. The
A S U R V E Y O F R A C E R E L A T I O N S : 1 9 5 9 - 6 0

Grievances voiced by the people

The whole situation naturally gave cause for considerable concern, and at first it was uncertain whether the findings of the committee of enquiry would be published. Miss Mary Draper, the Institute's Natal Regional Organizer, thus visited such areas of Pondoland as were open to the public, submitting a report(12) on her tentative conclusions about the reasons for the unrest. Similar reports by others were published in various journals and newspapers.

It was stated in Contact(3) that an “Anti-Bantu Authorities Committee” in Pondoland, which had women's brigades too, had been organizing the tribesmen. Pondos throughout the Union had been banding themselves into groups and committees to lend support and to raise money for the campaign.

According to Miss Draper (and other sources, where this is stated) the main causes of the unrest tentatively appear to be four-fold.

1. Recent actions by the Paramount Chief, Botha Sigcau, had caused an old dispute to flare up again. Botha was the eldest recognised son of his father, but according to Pondo custom was not eligible to succeed him to the Paramountcy. The second son, Mandlonke, was appointed. He committed suicide in 1937. Tribesmen expected that the third son, Nelson, would then be selected, but instead the then government appointed Botha. Aided by substantial contributions from the tribesmen Nelson unsuccessfully contested this decision in the courts. This matter is still a cause for resentment. Botha's life was threatened on several occasions during 1960: from time to time he had to flee temporarily from the Great Place at Oa Kkeni.(9)

2. Secondly, the appointment and actions of certain chiefs, sub-chiefs, councillors and headmen have been resented. Botha Sigcau is said to have overlooked persons opposed to his rule when appointments were made. According to a Press report(15) of a statement by the Chief Bantu Affairs Commissioner for the Transkei, the appointment of some members of some Bantu authorities was made without consultation with the people. Under cross-examination at the trial of certain Africans accused of arson, a police sergeant is reported(16) to have said that before the introduction of Bantu authorities decisions were made by the tribesmen, and not only by the indunas as was the case subsequently.

(9) RR 152/60.
(10) Issue of 10 September.
(11) Information partly obtained from an article in Drum, Sept. 1960.
(12) Rand Daily Mail, 15 June.
(13) Ibid, 12 August.
people are convinced that the members of the Bantu authorities had
for the general good... but they were in a minority, and such persons had to make sacrifices.

He admitted that there were a few instances of this sort; building a house from cement blocks and who had received only
of a man in the Matatiele district who had spent about £200 on
available locally, financial loss was not great. I mentioned a case
were in the main very primitive and constructed of mud and thatch
compensate ... One agricultural officer... explained that as dwellings
under betterment schemes receive only a small token sum as re-
rural villages. Africans who are required to move their homes
reason, the landless section of the community is to be re-housed in
insufficient arable land that can be re-apportioned to the population
writes, "the authorities are faced with the problem that there is
during the rule of a previous Paramount Chief.

"In rehabilitating or stabilising rural locations", Miss Draper writes, "the authorities are faced with the problem that there is
insufficient arable land that can be re-apatitioned to the population in economically-sized plots for agricultural purposes. For this
reason, the landless section of the community is to be re-housed in rural villages... Africans who are required to move their homes
under betterment schemes receive only a small token sum as re-
compense... One agricultural officer... explained that as dwellings
were in the main very primitive and constructed of mud and thatch
available locally, financial loss was not great. I mentioned a case of
a man in the Matatiele district who had spent about £200 on
building a house from cement blocks and who had received only
about £30. He admitted that there were a few instances of this sort
but they were in a minority, and such persons had to make sacrifices
for the general good...

"Several Africans I talked to expressed the opinion that the
people are convinced that the members of the Bantu authorities had
no real powers, 'but were merely tools by which the Government
imposed its will on the people'.

"It is probably true to say that governments anywhere in the
world who have attempted to introduce widespread agrarian reforms
have met with little co-operation from the people most directly
affected, the peasant class, who are by tradition averse to anything
that spells change. In the Union, the Government policy of appointing
its own nominees to Bantu authorities to assist in implementing
reforms is making the work immeasurably more difficult... When
unpopular laws are administered by unpopular leaders the difficulties
are multiplied...

"Whatever the operative factors, there seems little doubt that
the word 'betterment' is among the worst swear words in the Pondo's
vocabulary".

Intimidation was undoubtedly occurring. Chiefs and councillors
who were attempting to implement Government policies went in
fear of their lives. Miss Draper was told, she said, "that if tribesmen
called a meeting or staged a demonstration against Bantu authorities
it was dangerous not to attend, as it might be thought that one
supported the system, and one therefore ran the risk of one's kraal
being burnt down".

Findings of the Departmental Committee of Enquiry

A meeting of tribesmen was called at Bizana on 11 October to
hear the findings of the Departmental Committee of Enquiry
announced by its chairman. It was reported that no members of the
police were present at the meeting, but that a strong force was
standing by at the police station.

According to Press reports, the chairman said that numbers
of the people's complaints were justified; but instead of bringing
these to the notice of the Government through local magistrates or
the Chief Magistrate at Umtata, they had wasted money in employ-
ing attorneys and had held secret meetings. Law-abiding people
had been threatened, told that if they did not attend the meetings
their huts would be burned, and ordered to contribute money, being
 fined £5 if they refused. Many huts had been burned and £20,000
damage caused.

The people had been seriously misled. They were told that the
Government was against them, whereas all the time the Govern-
ment was anxious to govern the various tribes according to their
own laws and through their own chiefs and councillors.

Dealing with various complaints, first, that the people were
not properly consulted about the Bantu authorities system and that
it had been forced on them, the committee found that the system was fully explained to the chiefs and headmen and many of the people. When the tribal authorities were formed, however, the old customs of the tribes who resided at Bizana were not observed in all respects. The people of Bizana had every right to resent this.

On the complaint that the Paramount Chief of Eastern Pondoland did not consult the people when nominating members of tribal authorities, it was found that there was consultation, but mistakes were made later when members of tribal authorities were nominated. These mistakes were not deliberate, nor were they made by the Paramount Chief. The membership of tribal authorities was too small. Some locations had no representation and others had insufficient. The laws and customs of the tribes concerned should have been observed, and they should have been given an opportunity to say whom they wanted on the Bantu authorities.

The complaint that headmen who were not heads of tribal authorities should not try cases was justified, and the committee recommended that this matter be put right.

A number of grievances, however, could not be attributed to Bantu authorities. One of these was the rehabilitation scheme, the fear of which was unfounded. The Government never undertook rehabilitation, stock reduction, fencing, control of ploughing, etc., unless the people asked for these measures.

Increased taxation and stock rates, the health rate and increases in the general levy were necessary because of increased expenses.

As far as reference books and labour bureaux complaints were concerned, the committee found that hardships were sometimes experienced, but these were due to non-compliance with the law. The many advantages of these books had not been fully explained.

On Bantu education, the finding was that the syllabuses were better now than they had been before and that the education was not inferior.

Complaints about dipping regulations had been referred by the Committee to the Veterinary Department for investigation.

Mr. V. M. P. Leibbrandt, Chief Magistrate and Bantu Affairs Commissioner of the Transkei, then addressed the tribesmen. Those complaints about boundaries between different authorities and the appointment of members of tribal authorities which the commission had found to be justified would be rectified as soon as possible, after consultation with the people, he said.

A similar meeting of tribesmen was called at Flagstaff on 12 October, the findings of the departmental committee being heard without comment. But at a third meeting held at Lusikisiki on the following day, after listening to the findings a spokesman for the

local Pondo said that they still did not want the Bantu authorities system, they did not want their chiefs and headmen because these had not been appointed according to tribal custom, and they would like the Government to relax a ban recently placed on Mr. R. I. Arenstein, a Durban lawyer who had been representing them in certain legal cases, but had recently been prohibited from attending gatherings or leaving the Durban magisterial district. This ban was subsequently lifted for the purpose only of enabling Mr. Arenstein to continue his defence of certain tribesmen accused of arson.

Shortly afterwards, on 25 October, it was reported that a meeting of about 6,000 Pondo at Imzizi Hill near Bizana rejected the committee's findings and decided to refuse to pay taxes as a sign of their opposition to the Bantu authorities system. A deputation of headmen was appointed to convey the feelings of the meeting to the Bantu Affairs Commissioner at Bizana, and to state that if there was any official victimization of the tribesmen as a result of the decision, the people of Eastern Pondoland would adopt an attitude of total non-co-operation with officials. A boycott of stores run by Whites in Bizana was also decided upon.

TENEBULAND

According to a report by the editor of Contact, resentment of the Bantu authorities system is building up also in Tembuland in the central Transkei. In this area, too, journalists have been warned that they may not leave the White towns or main roads without a permit.

A hut in the Engcobo district belonging to a headman, Spalding Matyile, in which census returns for part of the area were temporarily housed, was burned on 10 September. About two days later at Baziya, near Umtata, the hut of another pro-Government chief, Absolom Yenga, was set on fire when he and his wife and child were asleep inside. As the woman tried to escape she and the child were slightly wounded by gun-fire. Mr. Yenga then began shooting at the attackers and drove them away. There was a serious clash at Mqanduli, south of Umtata, on 16 September between supporters and opponents of Bantu authorities, eleven people being killed.

On 24 October, three prominent Tenbus, Jackson B. Nkosiyanke, Bangilizwe M. Joyi and Twalimfane A. G. Joyi, applied for a court order directing the Minister of Bantu Administration and Development to furnish particulars of banishment orders served on them in 1958, or failing compliance, for an order setting aside the

deportations. They had been sent to Voorspoed, Soekmekaar; Louis Trichardt; and the farm Wesselsvlei in the Kuruman district respectively. Mr. B. M. Joyi said in court that he was earning only £4 10s. a month at Louis Trichardt, and out of that had to pay for his food and clothing. It was impossible for him to support his family. The court dismissed these applications with costs.

GCALEKALAND

It was reported in a subsequent issue of Contact that the opposition to the Bantu authorities and rehabilitation schemes was also spreading to Gcalekaland, the home of the true Xhosa tribe. A meeting of about 500 tribesmen called by the Willowvale magistrate informed him of their rejection of these schemes. There was widespread distrust of the newly-appointed Paramount, Zwelidumile Bungeni Sigcawa.

NORTHERN TRANSVAAL

There is also dissatisfaction among the Tsonga people of the Northern Transvaal in regard to the Bantu Authorities system. The Field Officer of the Institute of Race Relations, Mr. J. C. M. Mbata, visited the area during September 1960, and reported (RR. 177/60) that there is a considerable intermingling of Tsonga, Venda and Sotho people in this area. Until recently there was peaceful coexistence. But the Tsonga now complain that Venda chiefs have been appointed in predominantly Tsonga areas and are being given very considerable authority. The people no longer have the say in their own affairs that is customary according to the traditional tribal system.

One of the four regional authorities in the Northern Transvaal is composed entirely of Tsonga chiefs; but the Tsonga are in the minority on the other three, and feel that their affairs are neglected by these regional authorities. Certain Venda practices are being forced on them. One Tsonga school board has been dissolved and its powers transferred to a predominantly Venda regional authority. The change-over in another case was not complete at the time of the visit. All of this has caused much resentment, and assaults on chiefs and reprisals have been reported.

On 28 August, at a meeting called to discuss the formation of a territorial authority, the Tsonga spokesman requested the Government to establish a separate Bantu authorities system for his group. At the time of writing no solution to this dispute had been found. The three groups had been asked to appoint committees to discuss the matter with Bantu Affairs Commissioners.

RELATIONS: 1959-60

SEQUELS TO RIOTING THAT OCCURRED BEFORE THE YEAR UNDER REVIEW

Sekhukhuneland

The rioting that took place in Sekhukhuneland during May 1958 after large sections of the Ba-Pedi tribe had opposed the Bantu authorities system was described in an earlier edition of this Survey.

During the disturbances there was a dispute at Madibong between pro- and anti-Government factions. John Kgolane had been made sub-chief there, but the majority of the people considered that his ex-wife should have been appointed. Finally he and his bodyguard were murdered, sixteen Africans later being sentenced to death in consequence. The sentence was set aside by the Appeal Court, which referred the case back to the Transvaal Supreme Court for further evidence on certain points. After hearing fresh evidence, the court again imposed the death sentence. Once more the accused appealed, and on this occasion the convictions and sentences were set aside in two cases but upheld in the remaining fourteen cases.

Those who had been convicted and various organizations, among them the Institute of Race Relations, urged the Governor-General to exercise his prerogative of mercy. In its petition the Institute said, “A study of the background and the sequence of events which gave rise to public violence does reveal acts which, while not constituting provocation in the legal sense, nevertheless, in the situation in Sekhukhuneland, all provoked local feelings of resentment, bitterness and a sense of outrage.”

The Governor-General commuted all the sentences to life imprisonment.

There is still great unrest in Sekhukhuneland, and widespread opposition to the Government’s policies and to the methods used by pro-Government chiefs in carrying them out. It was reported that at a recent meeting the Ba-Pedi decided upon a campaign of open defiance; to refuse to pay taxes or rent for Trust land, to defy agricultural planning schemes that impose restrictions on the area of ground which can be cultivated, and to refuse to cull cattle.

Mabeskraal

An account was given in our last Survey of a disturbance that occurred at Mabeskraal, to the north of Rustenburg in the Transvaal, after a section of the people had demonstrated against the authority of an acting chief who had been appointed by the Government following the banishment of the chief, Jeremiah Mabie.

(10) 22 October 1960.

(1) 1957-58, page 72.
(2) Sunday Times, 23 October 1960.
(3) Page 129.
A SURVEY OF RAC

There is obviously still unrest. Proclamation No. 24 of 19(8 dated 26 February, stated that because of disunity, the Batho tribe at Mabieskraal was unable to adopt resolutions regarding tribal contracts and liabilities. The Minister of Bantu Administration and Development was, therefore, empowered to approve any contracts or liabilities entered into or incurred by the chief if he was satisfied that they were in the interests of the tribe. The arrangement was to be in force for a year, the period to be extended if necessary.

A DISTURBANCE RESULTING FROM OPPOSITION TO THE LIQUOR LAWS

CATO MANOR, DURBAN

During the afternoon of 24 January 1960 a raiding party of eight White and 18 African policemen went to Cato Manor to search for illicit liquor. Numerous arrests were made, and when the number of prisoners had mounted to 32 it was decided that three of the policemen should take them to the police station while the others continued the raid.

It is stated that an African constable accidentally trod on a woman’s foot. Although apologies were made the woman followed the police, shouting at them. A large crowd very quickly collected and began stoning the police, who opened fire with their service revolvers before being forced to retreat. Fifteen sought refuge in a small bungalow, which was besieged by angry Africans armed with sticks, stones and pangas. The Africans eventually broke in. Four White and five African policemen were murdered in the bungalow, while three African policemen were seriously injured, and two African constables received minor injuries. The body of one African civilian with a bullet wound in the chest, was found later.

A second detachment of police that had come to investigate reports of trouble was prevented from reaching the scene by road blocks, and was also attacked. Members sent a radio message asking urgently for re-inforcements: by the time these arrived the crowds had dispersed.29

Strong bodies of police raided Cato Manor and held 271 Africans for questioning. Many of these were released after questioning or during the course of the preparatory investigation, but of them finally being committed for trial. Ten of these were released later, one died, 27 were charged with murder and the rest with public violence. The Minister of Justice imposed a four weeks ban on public meetings in the township.

(29) Information given by Minister of Justice, Assembly 25 January, 1960. Hansard 2 cols. 300-1, and evidence led at the subsequent trial.

The Leader of the Opposition in Parliament pressed for the appointment of a judicial commission of enquiry to investigate the socio-economic reasons for the series of disturbances at Cato Manor. The Minister of Justice replied26 that the Government considered this unnecessary, but had decided to appoint a committee consisting of senior members of the Departments of Justice, Police and Bantu Administration to enquire into the events of 24 January, to recommend what steps should be taken to prevent their repetition, and in general to try to ensure greater safety for the police. After the report had been received the Government would decide whether or not to publish it, the Minister said.

The Natal Region of the Institute of Race Relations submitted a memorandum27 to this Committee dealing with the general socio-economic reasons for unrest at Cato Manor.

MISCELLANEOUS DISTURBANCES

PAARL

It was mentioned in our last Survey29 that on 31 October 1959 the authorities announced that Mrs. Elizabeth Mafekeng, who has eleven children, was to be banished from Paarl in the Western Cape and ordered to an isolated farm near Vryburg in the north of the Province. Mrs. Mafekeng was President of the African Food and Canning Workers’ Union and Vice-President of the African National Congress Women’s League.

On 8 November, the day before she was due to leave, she escaped and went to Basutoland. This fact was at first kept secret and, unaware of her absence, large crowds, estimated at more than 3,000, assembled next day in the street outside her house. An interesting point was that Coloured demonstrators predominated: there are large numbers of Coloured canning workers in Paarl who shared the indignation of their African fellow-workers. Passing cars were stoned and it was reported that some shots were fired at the police. Eventually the police opened fire to disperse the mob. According to reports,29 at least twelve demonstrators were injured and one White civilian stabbed.

Numbers of arrests were made: 58 accused were later acquitted and six persons found guilty of public violence.

During December a disturbance took place in the African township following the arrest of a woman for non-possesson of a permit to be in the area. The municipal registration offices were set on fire and three vehicles stoned.

(26) Hansard 2 col. 381.
(27) N.R. 11/60.
(28) Page 225.
A SURVEY OF RACE RELATIONS: 1959-60

52

WELKOM

A serious faction fight between Nyasa and Xhosa workmen occurred in a mine compound at Welkom on Christmas Day, 1958. The police were summoned and eventually dispersed the crowds by making baton charges.

THE MOUNTING CAMPAIGN AGAINST THE PASS LAWS

OPPOSITION TO THE PASS LAWS IN PREVIOUS YEARS

In a recently-issued Fact Paper, the Institute of Race Relations traced the history of the long opposition to the pass laws by the African National Council and the (abolished) Natives Representative Council.

Opposition expressed by other bodies in past years has been described in previous issues of this Survey.

In the Institute's Fact Paper a summary was given of the views of various Commissions of Inquiry that have considered the pass laws, and the laws themselves were analysed — an elaborate task which showed the complexity of the nine Acts of Parliament, one Proclamation and three Government Notices which control the movement of Africans.

ARRESTS FOR PASS LAW OFFENCES

No detailed statistics relating to pass law offences later than those quoted in our last Survey have been published; but a more recent total figure was contained in the publication Union Statistics for Fifty Years. This showed that the total number of convictions of Africans for offences against laws and regulations for "Influx control" increased from 365,911 in 1957 to 396,836 in 1958.

Numerous individual cases of hardship resulting from the application of influx control and the pass laws were described in the Fact Paper.

ORDER ISSUED BY THE COMMISSIONER OF THE POLICE JUNE 1959

On 6 June 1959 the Commissioner of the S.A. Police issued a Special Force Order in which he said:

"It is felt that in cases of minor offences holders of reference books are entitled to better treatment than the irresponsible and idle type without reference books and are therefore entitled to the protection afforded them by the reference books ..."

The following instructions must therefore be strictly followed in future:

(a) Natives who are in possession of reference books and who are in employment, or who run their own businesses or are property owners, or who on account of advanced age do not work and who are not more than a year or two in arrear with their taxes, must not be arrested for minor offences but are only to be warned, or warned or summoned for Court.

(b) Accused persons are, of course, still entitled to pay admission of guilt if they so desire.

(c) When bail is considered, a Native who conforms to the above requirements should be treated with more consideration by, for instance, fixing a smaller amount of bail or by even releasing him on his own recognizances.

(d) Native women should be treated in the same way as Native males.

"It must, of course, be realized that many of the Natives will not heed warning to appear before Court. In minor cases the Public Prosecutor should be consulted with in order to delete the cases from the roll as it cannot be afforded to waste valuable time in searching for accused persons in minor offences."

It will be noticed that, in terms of this order, African men were still liable to summary arrest unless they could produce reference books indicating that they had complied with the various relevant laws and regulations. At the time of writing, no statistics had been published that would enable one to determine whether, as a result of the order, arrests for "pass law" offences decreased in number.

VIEWS OF OPPOSITION POLITICAL PARTIES

The pass laws were debated in Parliament on 4 March 1960, on a motion introduced by Mrs. V. M. L. Ballinger, leader of the Liberal Party and of the Natives' Representatives. She moved: "that in the opinion of this House the pass system now applied to our African population constitutes an unjustifiable invasion of personal liberty, is (a) in conflict with the legitimate needs and demands of a modern industrial society; (b) inconsistent with sound principles of government in a democratic state; and (c) generally costly and inefficient, serving only to create poverty and inter-racial tension, and should be replaced forthwith by a system in keeping with modern democratic practice."

(1) No. 1 -1960, "The 'Pass Laws'.
(2) Page 108.
(3) Owned in full in Assembly Hansard No. 2 of 1960, cols. 390-2.

(4) Assembly Hansard 7, cols. 2724-38.
A SURVEY OF RACE

Seconding this motion, Mr. W. P. Stanford of the Progress Party supported "wholeheartedly the abolition of the pass law system and the influx control system. We say that it must be replaced by a rational system of the canalization of labour through labour bureaux on a voluntary and not a penal system . . . There must naturally be stabilization of the rural and the urban population and there must be a raising of wage levels to a living wage level in both the farming and the urban communities, and . . . a proper development of the Reserves." (9)

Although the United Party did not support the motion, it maintained that the pass law system should be simplified and applied with greater fairness and justice.

AFRICAN NATIONAL CONGRESS CONFERENCE, DECEMBER 1959

The more important of the resolutions passed at the 47th annual conference of the A.N.C., held in Durban on 12 and 13 December 1959, dealt with two main matters: the economic boycott and the pass laws. The international boycott of South African goods was welcomed, members being urged to intensify their internal boycott of listed "Nationalist products."

A major campaign against the pass laws, which would have several culminating points, was agreed upon. Arrangements would be made for deputations to wait upon local authorities and Bantu Affairs Commissioners throughout the country on 31 March, "Anti-Pass Day", urging the abolition of the pass laws. On 15 April, "African Freedom Day", numerous public meetings would be convened to plan mass anti-pass demonstrations to be held at the time of the Union Festival, during May. Further country-wide demonstrations would take place on 26 June.

PAN-AFRICAN CONGRESS CONFERENCE, DECEMBER 1959

The rival P.A.C. held its first annual conference in Orlando, Johannesburg on 20 December. It planned a "status campaign" aimed at achieving courteous treatment for Africans in shops. It also decided to launch "decisive and final positive action" against the pass laws under the slogan of "no bail, no defence, no fine." The detailed plans for this campaign are described below.

DEMONSTRATION IN JOHANNESBURG ON 22 FEBRUARY 1960

A pamphlet which condemned the pass laws was produced in February 1960 by the consultative committee of fourteen organizations which had been established by the Anglican Bishop of Johannesburg, the Rt. Rev. A. Reeves. Copies were widely distributed.

RELATIONS: 1959-60

On 22 February the A.N.C. together with members of the "Bishop's Committee" staged a silent anti-pass demonstration on the Johannesburg City Hall steps. A deputation from the A.N.C. handed to a representative of the City Council a memorandum in which the Council was urged to inform the Government that the influx control system was oppressive and should be abolished, and was asked to replace the compulsory labour bureau with a voluntary bureau organized on the lines of a labour exchange.

That same day, in a speech at a City Council Meeting, Councillor Mrs. K. Mitchell of the Progressive Party described her party's views and recommendations in regard to the pass law system.

DEMONSTRATION PLANNED BY THE PAN-AFRICAN CONGRESS, AND ITS OUTCOME, 18-22 MARCH

ANNOUNCEMENT OF THE PLANS OF THE PAN-AFRICAN CONGRESS

At a Press conference on 18 March, Mr. R. M. Sobukwe, President of the P.A.C., announced that his organization had planned a campaign aimed at the abolition of the pass laws, which would commence on 21 March. Members were being called upon to leave their passes at home and to surrender themselves for arrest at the nearest police station. Should the police refuse to arrest them, their instructions were to go home, and return to the police station later in the day. The slogan "no bail, no defence, no fine" would be strictly adhered to. After serving their gaol sentences, the campaigners would again offer themselves for arrest.

P.A.C. members had been instructed to conduct the campaign in a spirit of non-violence, Mr. Sobukwe said. If ordered by the police to disperse, they should do so quietly and in an orderly manner. He had written to the Commissioner of Police, informing him of the campaign, and appealing to him to instruct his men not to make impossible demands of the Africans. He had added, "If the police are interested in maintaining law and order they will have no difficulty at all."

This campaign, Mr. Sobukwe stated, was the first step in the P.A.C.'s aim to achieve "freedom and independence" for the Union's Africans by 1963.

The Secretary-General of the African National Congress informed Mr. Sobukwe by letter that the A.N.C. would not support this campaign. "We must avoid sensational actions which might not succeed, because we realize that it is treasonous to the liberation movement to embark on a campaign which has not been
properly prepared for and which has no reasonable prospect of success,” he wrote.

ACTION TAKEN BY P.A.C. MEMBERS ON 21 MARCH
At numbers of police stations in widely scattered areas the demonstrations went off according to plan. Mr. Sobukwe and a number of companions, for example, presented themselves without passes at the Orlando police station, Johannesburg, and were arrested. Mr. Sobukwe immediately resigned his lectureship of the staff of the Department of Bantu Studies at the Witwatersrand University. Others were arrested at various police stations in Johannesburg, Durban and other centres.

-In other towns, for example, at various police stations in the Cape Peninsula, the police refused to arrest volunteers and persuaded them to go home.

There were areas in which irresponsible junior leaders of the movement apparently employed methods of intimidation to induce people to join the demonstrations. For example, according to Press reports of evidence led later at a judicial enquiry, it would seem that this occurred at Sharpeville, Vereeniging.

But because of the widespread and bitter opposition to the pass laws and other legislation, and the tense atmosphere that existed in the Union, many hundreds of Africans who were not P.A.C. members voluntarily joined the demonstrations in some towns. Others came with them, out of curiosity. Large crowds collected; and in the circumstances outbursts of emotionalism were inevitable.

EVENTS IN AND NEAR VEREENIGING
A judicial commission investigated events that occurred in townships near Vereeniging. As its report had not been made public at the time of writing, a summary is given instead of Press reports of the occurrences themselves and of the evidence led at the enquiry.

Evaton
It would appear that a very large crowd (estimated in a Press report[7] at 10,000) gathered outside the Evaton police station on the morning of 21 March, demanding to be arrested. When the police refused, the people began to get excited; but they finally scattered after military aircraft had dived low over their heads.

RELATIONS: 1959-60

Vanderbijl Park
Another crowd, estimated[9] at between three and four thousand, gathered at the Vanderbijl Park police station. It was reported that about 20 White men, carrying firearms, threatened to take action against the Africans, but were deterred by the police officer in charge, who then arrested the leader of the African demonstrators. The crowd began to get angry. They failed to withdraw when military aircraft swooped overhead and when nine tear gas bombs were thrown in their direction, but were finally dispersed by a police baton charge. An African who led the stoning of a police car, and one other man, were shot dead by the police.

Sharpeville
The main disturbances in this area took place at Sharpeville. Location. Vereeniging. As fairly detailed accounts of the events that occurred here and at other centres were given in the Institute’s Fact Paper Days of Crisis in South Africa[9] for the purposes of this Survey summarized versions only are included, together with any information that has become available since the Fact Paper was issued.

Early on the morning of 21 March a crowd of Africans variously estimated at between five and seven thousand marched to the municipal offices at the entrance to the location. Police officers said later in evidence that they were afraid the Africans intended marching on Vereeniging. After tear gas bombs had been thrown and a baton charge made the demonstrators dispersed into side streets, about 60 policemen following them. Stones were flung, one policeman being slightly injured, and it was stated that several shots were fired by Africans, and that some policemen opened fire without an order to do so from their officer. No African was, however, hurt.

The police then joined others in the police station inside the township, which became surrounded by a crowd that gradually increased in size until it is said to have numbered between 5,000 and 20,000 (estimates differed widely). The people are reported by the police to have been shouting and brandishing various weapons. Their leader, said to be Mr. Nyakane Tsolo, when questioned by a police lieutenant, said they had come without their reference books and wished to be arrested. The lieutenant urged him to send them home.

In evidence given later before the judicial commission it was argued that although the crowd was noisy and excitable it was not hostile. In general, the people had not carried sticks. They had

[9] Star, 21 March and 13 and 14 April.
gathered at the police station because it was believed, rightly or wrongly, that a senior police officer was to make a statement on the pass laws.

Police reinforcements were summoned, arriving accompanied by saracen armoured cars. A police colonel arrested Mr. Tsolo and two others. As the third man was arrested the tension increased, a scuffle took place, some stones were thrown, two shots were heard, and the crowd surged forward, so that it appeared that the fence might be pushed over. It is said that two of the officers tried to speak to the crowd over loudspeakers, but could not make themselves heard, and that two White policemen opened fire without an order to do so, about 50 others then following suit, using service revolvers, rifles and sten guns. The crowd wavered and then fled, leaving many dead and wounded.

The police tended the wounded and summoned ambulances, which took them to the Vereeniging and Baragwanath hospitals. On 22 March it was officially announced that 67 Africans had been killed and 186 wounded; of the latter, 40 were women and 8 children. A C.I.D. officer who subsequently investigated the shooting said in evidence that 69 people had been killed and 178 wounded.

It would appear that firing was continued after the people began to flee: according to evidence given by medical practitioners at the enquiry, of the bullet wounds that could be classified, 30 shots had entered the wounded or killed persons from the front and 155 from the back.

For at least a week after the disturbances very many of the shops and factories in the Vereeniging and Vanderbijl Park areas were very seriously short of African labour; numbers of them were forced to close temporarily. It was alleged that crowds in Sharpeville forced the buses to cease operating on 22 March, and that numbers of men who had gone to work begged their employers to allow them to return home, or left without permission, on hearing that reprisals might otherwise be taken against them or their families.

Some months later, during September, 224 civil claims for damages amounting to about £398,000, arising from the disturbance at Sharpeville, were served on the Department of Justice. On 21 October, however, the Minister of Justice announced that during the next Parliamentary Session the Government would introduce legislation to indemnify itself and its officials retrospectively against claims resulting from action taken during the disturbances.

(10) Rand Daily Mail of that date.
(11) Minister of Justice, Assembly, 5 April, Hansard 12 col. 4837.
(12) Cape Times and Rand Daily Mail of 22 March.
Now enraged, Africans began stoning the police — but no serious injuries were caused. It is said that a shot was fired by an African in one of the blocks of flats. The police then opened fire on their attackers, and numbers of shots were also fired from a Browning machine gun mounted on the saracen. The reporter said he saw five Africans returning the fire from round the corners of buildings. He and his companion were stoned — he jumped down and was hit with a bottle and injured as he escaped, the photographer being rescued by the police.

There was sporadic firing by the police for ten or fifteen minutes, it is said. Reinforcements then arrived, a cease-fire order was given, and the police, together with the reporter and photographer, retired in their vehicles. As they were returning to the police station their vans were stoned and they again fired at the attackers. Four White nurses, passing along the same road by car, were also stoned and injured. The police threw a cordon across the road and diverted traffic.

As he left, the reporter tried to signal to the driver who had brought him to return to town, but the signal was apparently not understood. This driver was subsequently murdered and the car set alight.

Numbers of buildings were also set on fire. Damage to the extent of £14,000 was done to Council property alone. The homes of several African police constables were ransacked.

According to evidence given at the enquiry, the casualties included the driver, two Africans killed by bullets, the four nurses who had been hurt, 26 Africans wounded by gunfire, 21 Africans injured by clubs, and some policemen who had been struck by stones or sticks.

Next morning the police attempted to rout out all the men in the single quarters to send them to work. Some who escaped into the bush were followed with the aid of a helicopter. The police used riot sticks, and shots were fired. They beat up Africans seen walking in the streets of Langa — one man was wounded while on his way home from shift work.

**DISTURBANCES IN CAPE TOWN AND JOHANNESBURG**

**23—29 MARCH**

**"DAY OF MOURNING"**

Before describing subsequent disturbances, it is convenient to record that Ex-Chief Luthuli of the A.N.C. called on Africans and other sections of the population to observe 28 March as a day of mourning for the dead of the Sharpeville and Langa riots, appealing to them to stay away from work on that day.

According to a Press report,(19) he said in evidence given at the treason trial that he did not think one "stay-at-home" would lead to the realization of African ambitions, but considered that a series of them would force the White public, from sheer self-interest, to persuade the Government to enter into negotiation with Africans to see whether their demands could be accommodated. Alternatively, the White electorate would be influenced to change the Government.

The P.A.C. decided to support the day of mourning. It was reported by the Press(19) that the "stay-at-home" was about 95 per cent successful among Africans in Cape Town, but that Coloured workers there had ignored it. It was apparently between 85 and 90 per cent successful in Johannesburg, and between 85 and 95 per cent successful in Port Elizabeth. There was a fair response in Pietermaritzburg. Between 20 and 25 per cent of the Africans in Durban stayed away from work, and most of the Indian businesses there were closed for the day.

**JOHANNESBURG**

On the evening of the Day of Mourning there was a two-hour eruption of rioting in the African townships to the south-west of Johannesburg, when people who had ignored the call to "stay at home" were assaulted as they returned from work. The assailants seized numbers of reference books from these people and burned them.

With the exception of senior officials, the staff of the Municipal Non-European Affairs Department in the townships were temporarily evacuated for that evening.

During the rioting an African police constable was killed and a number of residents in the townships were assaulted and injured by elements from the "anti-work" group.

Four offices of the Natives Resettlement Board in Meadowlands were set on fire and extensively damaged, as well as a school. A shop in that area was broken into and looted.

The only damage done in the Municipal townships was to a Church in Dube.

**CAPE TOWN**

The atmosphere in Cape Town remained extremely tense after the Langa riot. As happened also in the Vereeniging area, even before the call for a day of mourning thousands of Africans absented themselves from work, their numbers growing daily. It was alleged(20) that agitators warned people, both in their homes and at

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(19) Star, 24 March.
(20) Ibid, 28 March.
their places of employment, that there would be severe reprisals unless they ceased work, and that the police were called to the Epping Industrial Township when about 30 Africans threatened to destroy a factory unless the employees were released.

On 23 March about 100 young men are reported to have offered themselves for arrest at Caledon Square, but the police refused to apprehend them. They then went to the central police station, where they were taken into custody but released three days later.

On the 25th March, about 2,000 Africans from Langa, led by Mr. Philip Kgosana, presented themselves at the Caledon Square police station without passes and asked to be arrested. Mr. Kgosana and a companion were put in the cells. The crowd continued to grow, and the senior police officer then decided to talk with the leaders, who expressed their opposition to the pass system. The police officer undertook to see to it that no-one would be asked to produce his pass in Cape Town until conditions returned to normal (this concession was on the following day made general for a short period), and asked the leaders to disperse the crowd. They agreed to do so if Mr. Kgosana and his companion were released, and the police officer then allowed these two out on their own recognizances.

About 57,000 men are said to have stayed away from work on 28 March to attend the funerals of Africans who had been shot at their places of employment, that there would be severe reprisals unless they ceased work, and that the police were called to the Epping Industrial Township when about 30 Africans threatened to destroy a factory unless the employees were released.

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About 57,000 men are said to have stayed away from work on 28 March to attend the funerals of Africans who had been shot.

The police used tear gas and baton charges to disperse a crowd that assembled on the Grand Parade.

SUBSEQUENT DISTURBANCES

30 MARCH —11 APRIL

DECLARATION OF A STATE OF EMERGENCY

As will be described later, on 24 March the Government banned public meetings of all races in a large number of magisterial districts. On 28 March legislation was introduced to ban the A.N.C. and the P.A.C. Then, on 30 March, a state of emergency was proclaimed. Hundreds of people were arrested before dawn that morning.

These events are mentioned at this stage because they, too, preceded fresh disturbances in a large number of towns. The accounts of these disturbances are based on Press reports.

CAPE TOWN

For more than a week after the day of mourning nearly all of the 50,000 Africans employed in Cape Town stayed away from work. All major building and engineering projects were immobilized, coal, milk, and newspaper deliveries were seriously impeded, bread and meat were in short supply, hotels and garages were extremely short-staffed, and there was a congestion of shipping. A state of emergency was declared on 28 March to attend the funerals of Africans who had been shot.

On 30 March, crowds gathered in the African townships when it became known that many of the leaders had been arrested under the emergency regulations. A peaceable column over a mile long, estimated at more than 30,000 people, marched from Langa and Nyanga to the Caledon Square police station, in the centre of the city, to demand the release of these leaders. An Air Force helicopter with police observers circled overhead, and, in a show of strength, saracen armoured cars and wire-screened vans carrying armed police drove through the crowds, which parted to afford them passage.

When the procession arrived at Caledon Square its leader, Mr. Philip Kgosana, addressed the people and asked for silence. He asked to see the Minister of Justice, and said later in evidence that he understood the Deputy Commissioner to offer to make an appointment. This official said that he had merely undertaken to convey the request to the Minister. At the request of the police, Mr. Kgosana then spoke to the people through a loud-speaker, asking them to disperse, which they did. The Minister did not grant the interview, but instructed the Secretary for Justice to see a deputation. In the meanwhile Mr. Kgosana had been detained under the emergency regulations.

A group of shouting African women gathered outside the Houses of Parliament, which were guarded by police carrying sten guns and armoured cars manned by soldiers. Large crowds collected in the vicinity. They finally dispersed after police officers with loud-speakers had warned them that a baton charge would otherwise be made. Many businesses in the centre of the city were temporarily closed. Troops and police were sent to guard vital installations.

About a hundred women marched on the Langa police station. As they failed to obey an order to disperse, tear gas bombs were thrown.

During the night of 30 March heavily armed police, troops, and sailors threw tight cordons round Langa, Nyanga East and Nyanga West. After 7.30 a.m. no-one was allowed to enter or leave the townships; by that time only about 1,000 people had left for work. Next day the hour was extended to 8 a.m. Several thousand Africans from Nyanga massed in the Kliphfontein Road on 2 April, but were halted and ordered back. Traffic was diverted from the main roads passing the African townships.

(17) Assembly, 13 May, Hansard 17 col. 7512.
(18) Star, 30 March.
After the weekend of 2nd and 3rd April, the Africans began returning to work in increasing numbers. The cordons were retained at Langa until 7th April, and at Nyanga for a further day. In the meanwhile, as will be described below, many hundreds of Africans who were suspected of inciting others to stay away from work were arrested. As a large proportion of the inhabitants of the townships had been away from work for a week or more, many of the people were short of cash, and there was considerable hunger and suffering. The Red Cross, the Black Sash, the Liberal Party, S.A. Coloured People’s Organization and the Moslem community collected food and milk to help relieve the distress.

It was reported that during the disturbances an African policeman was murdered, twelve Africans at least suffered bullet wounds, and more than thirty were injured in other ways. An African baby was accidentally shot and killed by a naval guard in Nyanga.

According to the Minister of Justice, during the rioting on 21 March and subsequently, one church was destroyed at Langa, and another two were damaged, a school at Nyanga was destroyed, and three further schools, at Langa, Nyanga and Wellington respectively, were damaged, the library halls at both Nyanga and Langa were destroyed, and the Langa Town Hall damaged.

OTHER TOWNS IN THE WESTERN CAPE

In Stellenbosch on 30 March a large crowd marched from Kaya Mandi township towards the town to demonstrate against passes, but were stopped by the police about a mile outside. When they refused to disperse the police made a baton charge, causing the Africans to flee, many of them dropping their possessions. Their anger increasing, they set alight the administrative building inside their township, and according to reports, also a church and the homes of two African constables. Cars passing the township were stoned. It was stated that the police accepted an offer from the local skietcommando to assist in patrolling the boundaries of the township to prevent the Africans from again marching out. Numbers of arrests were subsequently made.

Trouble commenced in Worcester during the night of 29 March, when buildings in the Zweletemba township, including six churches, one school and the civic centre, valued at more than £30,000, were totally destroyed in rioting. Many coloured people joined the Africans in staying away from work on 30 March. On that day the police used tear gas to break up a procession that was reported to be marching to the town. At least two shots were fired, but apparently no-one was hurt. According to Press reports...

...
One procession estimated at about 1,000 succeeded in reaching the centre of the city and proceeded to the gaol, where they demanded the release of the leaders. They were addressed by a senior police official who then warned them that the police would open fire unless they had dispersed within five minutes. They apparently did so. A young Indian is reported(22) to have urged them to remain peaceful.

Another group surged up the Berea Road: motorists drove their vehicles over the central island to escape. A detachment of police opened fire, killing one African and wounding several others. Further clashes occurred elsewhere, another two demonstrators being wounded. At the subsequent inquest a magistrate found that the police firing had been justified.

A comparatively quiet weekend followed. On the Monday leaflets signed by senior officials of the Bantu Affairs Department and the police, urging Africans to maintain law and order, were dropped from the air and distributed by hand. Fresh disturbances broke out that day in other areas.

There were scenes of general disorder near the municipal bus depot in Clermont township, near Pinetown, a bus was stoned, and only about 100 persons instead of the usual 1,500 left for work. A serious clash is reported(23) to have taken place between the police, who made three baton charges, and some Africans, armed with kerries, one African being killed and nine injured, and several policemen hurt.

Serious rioting occurred at Lamontville location, to the south of Durban, on Monday 4 April and the following day. About one-third of the workers are said to have stayed at home on the Monday, or to have returned after being threatened by intimidators on their arrival in the city. Bus services were withdrawn. On both days crowds gathered in the afternoon to attack those who had been to work. Time and again the police cleared road blocks and dispersed mobs: on at least two occasions they opened fire. It was reported that one African was shot dead, thirteen injured during baton charges, and several policemen hurt by blows from stones or kerries.

The gravest trouble took place at the large S. J. Smith Hostel for 4,500 unattached men, which is near to Lamontville. Few of the men left for the city on the Monday. Anticipating trouble, the police stood by to try to protect those who had been to work as they returned; but in spite of this eleven Africans were assaulted and taken to hospital. The police opened fire on three occasions, two demonstrators being wounded. The hostel staff of about 60 men was evacuated under police escort.

The situation at the hostel was quieter next day, but remained tense. Again intimidators were at work. An attempt was made to burn the offices, but the fire brigade extinguished the blaze. Large numbers of residents are said to have returned to their rural homes to avoid becoming involved in the troubles.

On the Tuesday a strong force of police, supported by Citizen Force units, surrounded the hostel, warning the residents through loud speakers that they intended clearing the buildings and would open fire if necessary. No resistance was encountered. The inmates were screened, about 300 arrests being made, and many hundreds of sticks and other weapons were confiscated.

**JOHANNESBURG**

Isolated demonstrations of unrest continued in Johannesburg, although there were no large-scale disturbances.

On 31 March the police made a baton charge to disperse a crowd of about 300 Africans in White City, Jabavu, and arrested the man who had been addressing them. Africans from the Western Native Township stoned cars and trams passing nearby on the way to Newlands, and also threw stones at policemen. The police fired several shots, and according to the Press one African was wounded and arrested. The tram service was temporarily suspended. Further shots were fired when the police rescued two Chinese who were attacked while driving through Meadowlands: two Africans were wounded and arrested.

**GERMISTON**

Between twenty and thirty per cent of the Africans at Natal-spruit, Germiston, stayed at home on 31 March. About 150 of them blocked the road to the township with boulders and, it was reported, loosened a section of the railway line. They were dispersed by a police baton charge. Later, a large crowd gathered and stoned the police, critically wounding an African constable and injuring three White constables. The police fired several shots to disperse the mob: one African is said to have been wounded.

**PORT ELIZABETH**

Unrest flared up in Port Elizabeth, too. A church at Walmer and another at Veeplaats were set alight and destroyed, a school at Kwazakele township was burned to the ground, and another four schools were damaged. Numbers of reference books were burned.

**EAST LONDON AND CRADOCK.**

A church in Duncan Village, East London, and a school at Cradock, were destroyed by rioters.

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(22) Contact, 18 June.
(23) Daily News, 5 April.
BLOEMFONTEIN

On 1 April a crowd of Africans, which grew to several hundreds, gathered at the bus terminus in the city where men lighted a fire and burned numbers of reference books. The police arrested five of these men, but one escaped during the scuffle. Police reinforcements armed with tear gas bombs and sten guns then arrived, the Africans were ordered to disperse, and they gradually drifted away.

PIETERMARITZBURG, BEAUFORT WEST AND ERMELO

Attempts were made to set fire to the Bantu Administration Department offices in Pietermaritzburg and a high school for Coloured children in Beaufort West. The beer hall at Ermelo was destroyed.

CASUALTY FIGURES

According to a Press report(39) which quoted "official sources", 83 Non-White civilians were killed and 365 injured in riots that occurred between 21 March and 9 April. The Minister of Justice said in the Assembly on 19 April(39) that three African policemen had been killed, and 33 White, one Coloured and 25 African policemen injured.

ACTION TAKEN BY THE GOVERNMENT

BANNING OF PUBLIC MEETINGS

On 24 March, after the Langa, Sharpeville, Evaton and Vanderbijl Park riots, but before disturbances had occurred in other areas, the Government banned public meetings of all races in 24 of the Union's 265 magisterial districts. A few days later this ban was extended to numerous other districts. This action was taken under the Riotous Assemblies Act, the ban to be effective until 30 June.

According to this Act, the implications were that in the district concerned no gathering, meeting or procession of twelve or more persons having a common purpose could be held in an open space to which members of the public habitually had access unless permission was obtained from a magistrate.

TEMPORARY RELAXATION OF PASS RAIDS

On 26 March the Commissioner of Police announced to the Press, "In view of the fact that Bantus, as a result of intimidation, are so gripped by fear to carry reference books and are even afraid to carry any money, I have decided to relieve this tremendous tension and to prevent innocent and law-abiding Bantus from landing in trouble.

"I have instructed that no Bantu male or female is to be asked for his or her reference book or any other documents. No Bantu will be taken into custody because he is not in possession of his reference book. Bantus must not be arrested or detained for all sorts of petty offences. They must be warned or summoned to appear."

Many people concluded that this was the beginning of the end of the pass system. It was announced on 27 March(97) that Chief Luthuli had burned his reference book. Many other Africans did so too. Others had their books confiscated and destroyed by demonstrators.

Warnings were published in the Press, however, that influx control and labour bureaux regulations were still in force, and that without reference books Africans would not be able to get employment and might experience difficulty in withdrawing money from Post Office savings accounts. On 4 April the Deputy Commissioner of Police for the Witwatersrand announced that normal curfew regulations would be enforced strictly from that evening. Africans out after the curfew hour should carry special passes or, if their reference books showed that they were exempted from curfew regulations, should take these books so as to be able to produce them voluntarily if challenged by the police.

During the days that followed, many Africans in Johannesburg, Pretoria, Durban and other centres applied for duplicates of their reference books, being required to pay £1 each for these.

On 10 April the Deputy Commissioner of Police for the Witwatersrand announced that from that date country-wide action would be taken against Africans who were not in possession of these books.

UNLAWFUL ORGANIZATIONS ACT, No. 34 OF 1960

The Governor-General empowered to ban the A.N.C. and P.A.C.

The Unlawful Organizations Bill was introduced in the Assembly on 28 March.

In its final form the Act provides that if the Governor-General is satisfied that the safety of the public or the maintenance of public order is seriously threatened or likely to be seriously threatened in consequence of the activities of the Pan-African Congress or the African National Congress, he may, without notice to the body concerned, by proclamation in the Gazette declare such body, including all its branches, committees, and local, regional or subsidiary bodies, to be an unlawful organization.

(39) Star, 25 April.
(39) Hansard 14 col. 5477.
Similarly, if he is satisfied that the safety of the public or the maintenance of public order is seriously threatened or is likely to be seriously threatened by the activities of any organization which in his opinion has been established for the purpose of carrying on directly or indirectly any of the activities of any body declared unlawful, he may declare this new organization to be unlawful.

Any proclamation issued in terms of the provisions described above may be withdrawn by proclamation. Two provisions introduced as the result of criticism by the United Party were, firstly, that any proclamation will remain in force for a period not exceeding twelve months, but its duration may be extended by proclamation for further periods not exceeding twelve months at a time. Secondly, if an organization is declared unlawful, the Minister must report the circumstances to both Houses of Parliament within fourteen days if Parliament is in session, or otherwise within fourteen days after the commencement of the next session.

Certain of the provisions of the Suppression of Communism Act (No. 44 of 1950) will apply to any organization declared unlawful. The more important of these follow.

No-one may become or continue to be an office-bearer of a member, or carry or display anything indicating that he is or was a member, or contribute or solicit subscriptions, or carry on any activity in which the organization was engaged.

All property, rights and documents of the organization shall vest in a liquidator to be appointed by the Minister of Justice, who will be paid, should the Minister so decide, out of the assets of the organization. Any balance of assets after this, and after all debts have been paid, will be distributed to one or more charitable or scientific organizations designated by the Minister.

After a period of fourteen days from the date of the proclamation, no court proceedings may be instituted for an order declaring the proclamation invalid.

Anyone who performs any act calculated to further the aims or activities of an organization declared unlawful or who continues as a member or contributes or solicits subscriptions, shall be guilty of an offence and liable upon conviction to a term of imprisonment not exceeding ten years. Anyone who refuses or fails to answer the best of his knowledge any question put to him by the liquidator, or who destroys or removes any property of the organization, shall be guilty of an offence and liable upon conviction to a maximum sentence of a £200 fine or one year’s imprisonment or both.

The Minister is empowered to forbid any person who has been convicted of an offence under the Act to become an office-bearer or member of any organization specified, or any public body, to order him while he remains an office-bearer or member to comply with prescribed conditions.
arson if they did not leave immediately. Shop-owners who sold listed products were threatened, and if such products were sold they were confiscated from the purchasers.

All the Opposition Parties opposed the Bill at its first reading; but in view of the amendments introduced by the Minister (described above) and of the need to restore law and order, the United Party thereupon supported it. Sir de Villiers Graaff however, that the Minister had "painted a shocking picture of the reign of terror that is carried out in certain of the Native townships, but perhaps he (the Minister) did not realise that at the same time he was painting a shocking picture of the break-down of the administration of the Government and of the complete inability of this Government to give protection to the law-abiding Natives."

**Banning of the A.N.C. and P.A.C.**

On 8 April, immediately after the Act had been promulgated, the Governor-General signed a proclamation (No. 119), to take effect until 6 April 1961, declaring the A.N.C. and the P.A.C. to be unlawful organizations.

Before this, the organizations had closed their offices and removed documents and furniture.

**Action taken by these bodies since April**

Since April, the two bodies have gone underground. In view of the general fear of Government reprisals and of the prolonged detention of many of the leaders they have naturally experienced very considerable difficulties; but they have not been dormant.

As is mentioned earlier, the A.N.C. had planned that 19 April would be "Freedom Day", and that on this occasion numerous public meetings would be convened to arrange anti-pass demonstrations which would be held at the time of the Union Festival. This plan had to be abandoned. Instead, the A.N.C. and P.A.C. together arranged for many thousands of circulars to be distributed in the townships, calling upon Africans to stay away from work on 19 April (the day after the Easter weekend) in protest against recent Government action.

This demonstration was an almost complete failure. Probably three reasons were three-fold. Firstly, the initial emotional impact of the Sharpeville and Langa shootings and the arrests of leaders had dissolved. Secondly, few of the Africans could afford to sacrifice a further day's pay, so soon after the demonstrations only about a fortnight previously. And thirdly, many potential intimidators from the out-of-work and irresponsible elements had been arrested during the police raids on the townships. The fear of intimidations still remained, however, and people tended to remain in their homes early in the morning until the word got around that everything was quiet.

June 26, the next "culminating point" in the campaign planned for the A.N.C., passed quietly and without incident throughout the Union.

During the weeks that followed, at least thirteen former P.A.C. members were arrested and charged with taking part in the activities of an unlawful organization.

Towards the end of September the "emergency committee" of the A.N.C. distributed leaflets referring to 1 October as a significant date in the campaign against the pass laws. On 27 September the Minister of Bantu Administration and Development issued a statement appealing to Africans not to associate with people or organizations who were trying to persuade them to stage demonstrations and protests before and on referendum day (5 October). No demonstrations were reported.

**Mobilization of the Citizen Force**

We return, now, to the action taken by the Government at the time of the disturbances. Between 30 March and 2 April the entire Citizen Force, Permanent Force Reserve, Citizen Force Reserve and Reserve of Officers, and the whole of the Commandos, were placed on stand-by, the regiments, squadrons and other units being mobilized as their services were required.

**Declaration of State of Emergency**

In Proclamation No. 90 published on 30 March, the Governor-General said, "Whereas in my opinion it appears that circumstances have arisen in the areas specified in the attached schedule which seriously threaten the safety of the public and the maintenance of public order, and the ordinary law of the land is inadequate to enable the Government to ensure the safety of the public and to maintain order;"

"Now therefore, acting under the powers vested in me by section two of the Public Safety Act, 1953 (Act No. 3 of 1953), I hereby declare that a state of emergency exists within the areas specified in the attached Schedule as from the 29th March, 1960."

The schedule listed 83 of the Union's 265 magisterial districts, a further 39 districts being added in terms of proclamations issued on 1st and 11th April. These districts included all the large towns.

**Emergency Regulations**

Proclamation 91 of 30 March set out the emergency regulations to apply in the specified districts. A summary follows of these regulations, as amended by subsequent proclamations.
Prohibition of gatherings

A magistrate or commissioned officer in the forces might prohibit the holding in any area of any particular gathering or procession of more than a number of persons determined by him or of all such gatherings, except those held for purposes of divine worship in a building ordinarily used for that purpose, or for the purpose of instruction imparted under any law, or in connection with the funeral of a person who had died from causes other than violence committed during a state of emergency, or meetings of statutory bodies, industrial councils, employers' organizations or registered trade unions held for the purpose of transacting any business of that body, or gatherings held for the purpose of theatrical or cinematographic entertainment or a wedding.

Orders which might be made by the Commissioner of Police

The Commissioner of Police might make orders, not inconsistent with the regulations, for the control of traffic, the closing of any private or public place or business, the removal of the public from particular areas, the control of essential services, or the period during which persons might be in the streets or in public places. He might prescribe a fine not exceeding £25 for the contravention of any order issued by him.

Maintenance of order

If a magistrate or commissioned or non-commissioned officer was of the opinion that the presence or conduct of any person or persons at any place endangered or might endanger the public safety or the maintenance of public order, or exposed or might expose life or property to danger, he might in a loud voice order such person or persons to stop, or to proceed to any indicated place, or to desist from such conduct, and give warning that force would be used if the order was not obeyed forthwith.

If the order was not obeyed, the magistrate or officer might authorize the application of force (including force resulting in death) in order to remove or prevent the suspected danger.

Detention of persons

(a) Section four

The Minister or a magistrate or commissioned officer might order the arrest without warrant and detention of any person if in his opinion this was desirable in the interest of the public order or of the person concerned.

The Minister would determine the period of detention and might make rules for the administration of any place where persons were being detained. Sanctions for the enforcement of these rules might be laid down. He might impose such conditions as he saw fit upon the release of a detained person.

A detainee who was not a South African citizen by birth or descent might be declared to be an undesirable inhabitant of the Union, and then deported. Such an order would not be subject to appeal or to review by any court of law. Naturalized citizens might be issued with such orders.

Certificates of exemption from detention might be issued to persons whose activities, in the opinion of the Minister or a magistrate, should be controlled. These certificates would set forth the conditions for such exemption.

(b) Sections nineteen and twenty

Any peace officer might without warrant arrest anyone who had committed an offence against the emergency regulations. The Minister, a magistrate or a commissioned officer might order the arrest of anyone who committed, or was suspected of having the intention to commit, any offence with intent to hamper the maintenance of public order, or who had any information relating to such an offence or intended offence. Such a person would be detained until the official concerned was satisfied that he had fully and truthfully answered all questions put to him, and the Minister might impose conditions upon his release.

(c) Further provisions

It was an offence without the Minister's permission to disclose the name of anyone arrested or detained under the regulations, or to assist a detainee to escape, or to harbour anyone who had escaped, or to deliver or transmit any unauthorized article to or from a detainee.

An amendment to the regulations stated that no one who was detained in the public interest, or in his own interest, or because he had committed or intended to commit an offence with the intention of hampering the maintenance of public order, would be allowed to consult with a legal adviser in connection with any matter relating to his arrest and detention, unless permission was given by the Minister or someone acting under the Minister's authority.

Arrest of Africans in certain circumstances (Regulation 4 bis)

Another amendment to the emergency regulations provided that if it was alleged that an African detainee was at the time of his arrest not in possession of a reference book, or was illegally in an urban area, or, being in an urban area had no fixed place
of employment or inadequate honest means of livelihood, such detainee would be brought before a magistrate for examination. The onus of proof would be on the accused. If the magistrate, after hearing such evidence as he might consider expedient (including any evidence or statement which the accused might desire to tender) found that the allegation was true, the person concerned would be sent to a prison institution until the regulation lapsed or until the Minister of Justice ordered his release. While he was in detention, the provisions of the Prisons Act and regulations would apply to him as if he were a person undergoing a normal sentence of imprisonment. Appeal against a magistrate's decision lay to a board consisting of not more than three persons appointed by the Minister.

As in the case of other detained persons, it was an offence to disclose the name of anyone arrested under Regulations 4 to 8 without the Minister’s permission.

Subversive statements or publications

It was an offence to utter, print, type, display or distribute a subversive statement, which was defined as a statement which was calculated or likely to have the effect:

(a) of subverting the authority of the Government or the legislature; or;
(b) of inciting the public or any person to resist or oppose the Government or any official or member of the forces in connection with any measure adopted in pursuance of the emergency regulations or relating to the safety or the public; or
(c) of engendering or aggravating feelings of hostility in the public or any person towards any section of the public or any person; or
(d) of causing panic, alarm or fear among the public, or of weakening the confidence of the public in the successful termination of the state of emergency, unless the statement was proved to be a true and complete narrative.

A magistrate or commissioned officer might order the seizure of any book, document or recording which in his opinion contained information capable of being used in any attempt to hamper the maintenance of public order, and might order the search of any premises if he suspected that publications of a subversive nature were there.

The Minister might specify a newspaper, journal, magazine or other periodical which in his opinion had systematically published matter of a subversive nature. No one might then print, publish, distribute or import such publication, or any publication published in continuation of or substitution for it.

Subversive associations

If the Minister suspected that any association was in any way connected with any matter relating to the state of emergency he might order any person connected with it to be summoned to appear before a magistrate or other official for questioning under oath, and might order him to produce any documents relating to the affairs of the association. Anyone who refused to attend, or to answer any lawful questions, or who knowingly gave a false answer, was guilty of an offence.

The Minister might order any association which in his opinion was subversive to discontinue its activities. If in any legal proceedings the question arose of whether any association ordered to discontinue its activities was identical with an association formed after this order was issued, it would be presumed that this was the case if any books or property of the original association had been taken over, or if the majority of members or committee members of the original association had become members or committee members of the new association.

Right to search

A magistrate or commissioned officer might order any person, vehicle or premises to be searched if he suspected there was on or in it any document ordered to be seized, or relating to an association ordered to discontinue its activities, or any article affording
evidence of an offence against the regulations. The premises of any person required to give evidence might be searched.

Seizure of arms
The Minister might make a general order for seizure of arms in the possession of all persons or any class of person. A magistrate or commissioned officer might order the seizure of arms in the possession of any person. It was an offence to fail to take adequate steps for the safe custody of dangerous weapons or drugs.

Further offences, and penalties
It was also an offence to obstruct anyone in the performance of his duties under the regulations.

Maximum penalties for offences against the regulations were a fine of £500, or five years' imprisonment, or five years without the option of a fine, or both such fine and such imprisonment.

Indemnity for persons exercising powers under the regulations
No proceedings, whether civil or criminal, might be brought in any court of law against a Government or police or Citizen Force officer, or any person acting by their direction or with their consent, by reason of any act advised, ordered or done by them in good faith in the execution of their powers or the performance of their duties under the emergency regulations. It would be presumed that such acts were done in good faith unless the contrary was proved.

DURATION OF STATE OF EMERGENCY
As from 2 May the strength of the mobilized Citizen Force units was progressively reduced by allowing members to go on indefinite unpaid leave.

Parliament was to be prorogued on 20 May, and just before it rose both Houses approved the emergency regulations, which, in terms of the Public Safety Act, would otherwise have lapsed.

On 11 May the state of emergency was lifted in 20 mainly rural districts, and within these districts the ban on public meetings in open spaces was removed. The regulation which empowered magistrates to ban gatherings or processions in their areas was repealed throughout the Union on the same day. Some weeks later, the state of emergency was lifted in further districts, and ten more of the emergency regulations were repealed in all areas.

Finally, on 31st August, the state of emergency was brought to an end.

RELATIONS: 1959-60

PERSONS DETAINED UNDER SECTION FOUR OF THE EMERGENCY REGULATIONS

Arrests under Section four (see page 74)

Before dawn on 30 March the police arrested large numbers of people of all racial groups under Section four of the emergency regulations—all the treason trial accused, and many of the leaders of the Liberal Party, Congress of Democrats, Indian Congress, A.N.C. and P.A.C. and other organizations. The names of many of them were published in the Press on 30 March; copies of the emergency regulations, which rendered it an offence to disclose their names without the Minister's permission, had not yet been made available to the public.

In fact, the arrests were made before the public had been informed that a state of emergency had been proclaimed. Numbers of habeas corpus applications were immediately made in Johannesburg and Durban, the courts ordering the release of some of the people concerned. Several of these were re-arrested later that day, but others quickly fled the country.

On 30 March and during the days that followed numerous further arrests were made, while people who feared that they might be included and wished to preserve their liberty of action left South Africa: amongst these were the Anglican Bishop of Johannesburg, the Rt. Rev. Ambrose Reeves, and Mr. Oliver Tambo, Deputy President of the A.N.C.

The Public Safety Act provides that if persons are detained for longer than 30 days without trial during a state of emergency, both Houses of Parliament must be notified. Lists of names of detainees were, thus, tabled in Parliament from time to time; but Parliament was prorogued before the full period had elapsed in some cases, thus the names of such persons were not disclosed and, at the time of writing, the full total of persons detained was not known.

On 16 May, however, the Minister of Justice said in the Assembly(6) that 94 White and 1,813 Non-White persons had by then been detained. They included 35 women, 33 of whom had children under the age of sixteen years.

Rules governing the detention of these persons

On 11 April, rules were gazetted (5) "for the administration and good government and the maintenance of order at any place where persons are being detained pursuant to the Public Safety Act or the Emergency Regulations".

(1) Hansard 18, Cols. 7702, 7772, 8244.
(5) Government Notice 553.
The Provisions of the Prisons Act and Regulations were to apply unless inconsistent with the rules summarized below.

These rules stated that no detainee might receive a visit from any person, including a legal adviser, except with the permission of the officer in command of the place of detention in consultation with the local police authorities.

Except also with such permission, no detainee might communicate with anyone outside his place of detention, or receive from anyone outside any newspapers or other literature (except Bibles), or any toilet or smoking requisites, food or drink. Reasonable amounts of money and supplies of clothing might be sent to the place of detention on his behalf, and out of this money he might through official agencies buy approved magazines and books, toilet requisites, food and unfermented drink, and tobacco, cigarettes and matches within reasonable limits. If a library was available at the place of detention its facilities might be placed at his disposal. Private clothing must be washed at the place of detention.

Prison chaplains would perform the necessary religious duties in respect of detainees, additional chaplains being temporarily appointed where necessary. However, local police authorities might debar individual chaplains from having access to detainees.

The detainees would be medically examined on arrival, and subsequently visited, by medical officers appointed in terms of the Prisons Act. Should such an officer, in consultation with the local police authorities, so recommend, medical, dental or hospital treatment outside the place of detention might be permitted.

Detainees would be guilty of a contravention of the rules if they failed to comply with the conditions listed above, or wilfully furnished false information, disobeyed lawful commands, were disrespectful to officials, caused unnecessary trouble, without the necessary permission conversed with other detainees or persons or left their places of sleeping, eating or recreation, had unauthorized articles in their possession, caused discontent or excitement, committed an act with the intention of injuring their health, or if they attempted to commit any of these acts.

Upon conviction the magistrate or an officer of the prison service might impose the duty to perform certain specified work for a period not exceeding fourteen days, or a fine not exceeding £10, or in default of payment confinement in a specified room or building for a period not exceeding ten days, or confinement in a specified place in company with others or alone for a period not exceeding thirty days. The accused might be legally represented at his trial only if the officer in command of the place of detention in consultation with the police so agreed.

Further information about the conditions of detention

The Commissioner of Prisons said in a Press interview(4) that detainees would not come into contact with any convicted or awaiting-trial prisoners. Should a prison medical officer so prescribe, special diets, protective clothing or additional bedding would be provided. The Minister of the Interior added(5) that the same type of accommodation and diet was provided for detainees as for awaiting-trial prisoners of the racial group concerned.

The conditions of detention were at first very strict. Some of the detainees were locked for a time in solitary cells. In the early stages no visitors or letter-writing were allowed (this condition was relaxed later), and relatives were permitted to send only one letter a week, its contents to be confined strictly to domestic matters. The letters were handed to detainees at the discretion of the Commissioner of Prisons.

The accommodation and food provided for those who were taken to the Johannesburg and Cape Town gaols were unsatisfactory; but these people were later moved, to the Pretoria and Worcester prisons respectively, where conditions were somewhat better. Subsequently a few of the women were transferred to the modern prison at Nylstroom.

Many of the families of the detainees experienced very considerable financial distress. In reply to a question in the House on 19 April, the Minister of Social Welfare and Pensions said(6) that dependants of persons detained, if they were in needy circumstances, could apply for public assistance. Benefits consisted mainly of rations, but might be supplemented by assistance in respect of household requirements and rent. In exceptional cases cash grants might be made in lieu of benefits in kind. So far as Africans were concerned, the public assistance scheme was administered by the Department of Bantu Administration and Development.

Various voluntary bodies and persons set up funds to assist the detainees and their families. A national organization, the Defence and Aid Fund, came into being to uphold, maintain and promote human rights and civil liberties, to provide relief and to assist with the legal defence of persons charged or convicted under certain categories of laws restricting human rights, and to assist the dependants of such persons. Later the Red Cross took over family assistance in some areas, leaving the specially formed relief funds to care for the welfare of the detainees themselves.

(4) Star, 5 April.
(5) Hansard 15 cols. 6318, 6322.
(6) Hansard 14 cols. 5480-1.
It was announced on 24 May that the Government had decided to pay maintenance grants to the dependants of detainees who qualified in terms of a means test, on the following basis:

<table>
<thead>
<tr>
<th>Per month.</th>
<th>Whites</th>
<th>Coloured and Africans in urban area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum grant per adult</td>
<td>£11. 10. 0</td>
<td>£3. 0. 0</td>
</tr>
<tr>
<td>Additional maximum amount for each of the first two children</td>
<td>£3. 0. 0</td>
<td>£1. 10. 0</td>
</tr>
<tr>
<td>Maximum amount each for additional children</td>
<td>£2. 0. 0</td>
<td>£1. 0. 0</td>
</tr>
<tr>
<td>Total maximum</td>
<td>£17. 10. 0</td>
<td>£4. 0. 0</td>
</tr>
</tbody>
</table>

Free income allowed (the grant being proportionately reduced where the income exceeded these amounts):

| Per adult | £3. 15. 0 | £1. 0. 0 |
| Per each child | £1. 10. 0 | £1. 0. 0 |

No grants were made to African dependants in rural areas.

It is understood that, in practice, officials of the Department of Bantu Administration in Johannesburg and Pretoria refused to give allowances or rations to African families unless the wives produced their reference books (possession of which was not compulsory). Representations were made to the Minister, who denied the allegation but added that the women had been advised to take out these books.

**Representations made by detainees and their families**

Twenty-one White women who had initially been held in the Johannesburg Fort sent a petition to the Minister early in May pointing out that they had not been informed of the reasons for their arrest, and had been denied the right of discussing their detention with their legal advisers. They were fully prepared to meet in open court any charges that might be preferred against them. Seven of them, whose husbands were also detained, had left 19 parentless children. The others had between them 15 children. Unless they were released on or before 12 May they would engage in a hunger strike as from that date. As they were not released, they did stage a hunger strike for eight days, which was terminated for medical reasons.

Fourteen White men from Cape Town also went on a hunger strike which ended after two days when the head of the local Security Branch undertook to obtain answers to questions relating to their detention.

On 14 May, twenty-four White, Asian and African children staged a demonstration in Johannesburg pleading for the release of their parents. While a small deputation was delivering an appeal to the Mayor the rest were detained by the police and taken to the central police station, where they were kept for about an hour,

The Minister of Justice subsequently said that the police had removed the children because a crowd had gathered, opinions were divided, and an outbreak of violence was not impossible.

Groups of children in Cape Town went to the Houses of Parliament on 16 May, taking a petition to the Minister of Justice asking for the release of their parents. A demonstration of White, Indian and African women and children took place in Durban on 19 May. While on their way to keep an appointment with the Mayor the women were stopped by the police and warned to appear in court to face a charge of participating in an illegal procession. Finding them guilty, a magistrate subsequently cautioned and discharged them. They appealed against this decision and succeeded on a technicality.

**Release of the detainees**

A few of the detainees were released during May, and on the 31st of that month (Union Day), as a “gesture of goodwill” 154 were set free. Some of the releases were unconditional, but in numbers of cases strict conditions were imposed, such as that the person concerned was restricted to the magisterial district in which he lived, must not go out between 8 p.m. and 7 a.m. unless with the magistrate’s permission, must report daily to the police, must not attend gatherings or communicate with the Press or with anyone else who had been detained or with anyone who had ever been a member of a banned organization, must engage in no political activities, and must divulge no information about the places of detention. Such conditions lapsed when the state of emergency was terminated.

Miss Hannah Stanton, a British subject who had been detained, was deported. She had been working with the Anglican Mission at Lady Selborne, Pretoria.

About 1,200 detainees were released during the fortnight commencing on 28 June, the 400 who were then left being held until the state of emergency ended on 31 August.

A few of the Africans appeared before the courts on charges such as inciting others to burn reference books, but no charges were laid against the vast majority of the detainees.

During October some of the detainees submitted claims for damages for alleged illegal detention, but later that month the Minister of Justice announced that the Government intended introducing legislation to indemnify itself and its officials against claims resulting from action taken during the emergency.

(9) Assembly, 16 May, Hants. 18 cols. 7700-1.
OTHER ARRESTS DURING THE PERIOD OF EMERGENCY

Numbers of arrests

From the second week in April until the beginning of June the police, assisted by troops, made very numerous raids on African townships throughout the Union. In most cases the troops sealed off the township concerned and patrolled the streets, while the police made house-to-house searches. Thousands of Africans were arrested for serious offences such as participation in the rioting, incitement, possession of dangerous weapons, etc., or for statutory offences such as vagrancy, non-compliance with influx control regulations, being in the township without a permit, not being in possession of a reference book, failing to register as a worker, or being in arrears with tax. At the same time the police confiscated many hundreds of weapons—kerries, iron bars, choppers, long knives, bicycle chains attached to sticks, and also a few firearms. Illicit liquor and illegally brewed beer was destroyed.

As well as making these raids on the African townships, the police made an intensive drive to check the credentials of Africans walking in the streets of the towns.

According to the Minister of Justice, by 6 May, 18,011 arrests had been made (excluding the persons detained under Section four, as described above). Large numbers were released after screening. The Minister gave further information on 16 May, stating that:

(a) 689 persons had so far been detained under Section four bis. Of these, 316 had been committed to institutions designated by the Commissioner of Prisons, and 284 had still to be interrogated. (The remaining 89 had presumably been released.)

(b) 8,454 other persons had been detained in urban areas since the commencement of the emergency. The charges against 176 had been withdrawn, 987 had been discharged, 1,022 had been sent home or to institutions or deported, 5,351 had been found guilty and their cases disposed of, and action was pending against 897. (The remaining 21 were not accounted for.)

Treatments of Africans by the police

In many towns, particularly Durban, Germiston and Johannesburg, the authorities expressed their gratitude to the police for the calmness and restraint they had shown under great provocation during the rioting.

RELATIONS: 1959-60

It is alleged, however, that after the promulgation of an amendment to the emergency regulations which empowered the police to use force in the maintenance of public order, young policemen in Cape Town, engaged in clearing the streets of "agitators", beat up many innocent Africans, and in some cases also Coloured people, who were merely walking in the streets and, in numbers of cases, had come to work in spite of the disturbances. Numerous severe injuries were caused. The President of the Cape Chamber of Industries and fourteen Anglican clergymen made strong statements of protest.

There were reports of similar assaults between 4 and 7 April on Africans in Nyanga (Cape Town), where there had been a 90 per cent "stay-at-home". On 4 April alone the only African doctor in the township is reported to have treated 35 people for injuries inflicted by the police. It was alleged that during the house-to-house search for dangerous weapons, members of the police removed valuables and money from certain homes.

In a statement issued on 6 April, the Minister of Justice is reported to have said that reports of undue force used by the police in dealing with intimidators and rioters were unsubstantiated. Two days later, however, when asked in the Assembly whether any such incidents had been brought to his notice and, if so, what steps were being taken, he replied, "Yes. Steps will be taken after a full investigation, should the Attorney-General so decide.”

Trials of Africans accused of offences against the law of the land or the emergency regulations (other than Sections four and four bis)

After the disturbances, numbers of Africans appeared before the courts on serious charges. Mr. R. M. Sobukwe and 18 other leaders of the P.A.C. were convicted on 4 May of inciting others to support a campaign for the repeal of the pass laws, Mr. Sobukwe being sentenced to three years' imprisonment, Mr. P. K. Leballo and three others to two years each, and Mr. J. Madzunyana and thirteen others to eighteen months. Another extremely harsh sentence, of £300 or three years, was passed on 142 Johannesburg Africans, led by Mr. Mathew Nkoana of the P.A.C., who had been found guilty of working in concord against the reference book system and failing or refusing to produce their books on demand. At both trials the accused refused to plead to the charges, and stated that they felt no moral obligation to obey laws made by a White minority. Later notices of appeal were lodged and applications for bail were made. In the latter case the Supreme Court confirmed the sentences but suspended half for three years.

(10) Assembly, 6 May, Hansard 16 col. 6820.
(11) Assembly, Hansard 16, cols. 7702-3.
The appeal of Mr. Sobukwe and his co-accused was dismissed.

Ex-Chief A. J. Luthuli, President-General of the A.N.C., was acquitted on a charge of incitement but found guilty of burning his reference book, and was sentenced to £100 or twelve months' imprisonment, plus six months suspended for three years.

Other severe sentences were £300 or three years for Mr. Isaiah Tshabalala of Johannesburg for destroying reference books, two years (half suspended for three years) for thirteen Africans in Durban for taking part in an unlawful procession构成 a danger to public safety, £200 or twelve months (half suspended) for Dr. M. B. Zondi at Umzinto for destroying his reference book and inciting others to do so, and £100 or six months, plus six strokes, for Mr. J. Itholeng of Kimberley, found guilty of similar offences. There were numerous sentences, in widely distributed centres, of £150 or eighteen months, or two years' imprisonment (half suspended), or £100 or twelve months, and many hundreds of lesser sentences.

For various reasons numbers of the accused were remanded on several occasions, so that months elapsed before their cases were decided. It was, for example, not until September that four Pretoria Africans were eventually found guilty of destroying reference books and inciting others to do so. They were given comparatively light sentences, of £50 or four months, plus nine months suspended for two years, and electing to pay the fines, were allowed to do so in instalments. Two others were acquitted, but had had to wait nearly six months before this decision was reached.

Seventy-seven Africans were originally arrested after the Sharpeville disturbances, in some cases while they were patients in hospital. One died after a motor accident on the way to the gaol, and the cases against 53 were withdrawn. At the time of writing the trial of the rest was still in progress, as also were the prosecutions of Africans accused of public violence arising out of incidents at Vanderbijl Park, Meadowlands and other places.

Treatment of Africans arrested under Section four bis

As is mentioned above, Section four bis of the emergency regulations empowered the police to arrest without warrant Africans found without reference books, or illegally in an urban area, or in an urban area without fixed places of employment or adequate means of livelihood.

The full number was not disclosed; but thousands of Africans were detained under this provision. Many of them disappeared suddenly, leaving their families in a state of acute anxiety and often, financial distress. The prisons officials were frequently unable or unwilling to disclose the whereabouts of the arrested persons.

It is reported that magistrates visited the gaols and held sittings there, the public being excluded and legal representation being denied to the accused.

A matter that gave particular cause for concern was that, particularly in the Cape Town area, numbers of juveniles were arrested, taken home in custody to collect their clothes, and then sent off by train, handcuffed in pairs, to an unknown destination. Numbers of distressed mothers came for help to the Cape Western Office of the Institute of Race Relations, where affidavits were taken. It appeared that numbers of the lads had been arrested without just cause: some were attending school, or in employment, or registered as workseekers with the labour bureau, and they had been born in Cape Town and thus were entitled to stay there. One boy was the sole support of a widowed mother.

Protracted negotiations followed—the affidavits were sent to the authorities, local and then senior officials were approached, questions were asked in Parliament, letters were sent to Cabinet Ministers, and two mothers brought habeas corpus actions. Eventually 27 boys were released, 25 of them being lads on whose behalf the Institute had made representations. It transpired that some of them had been sent to a prison institution at East London.

Large numbers of the arrested men were sent to Modder B near Brakpan on the East Rand, a disused mine compound that had been converted into a prison institution intended for short-term prisoners. Largely because of overcrowding, the conditions there apparently were highly unsatisfactory at first. In reply to questions put by the Press, officials of the Department of Prisons are reported (9) to have stated that at one stage 4,760 “Section four bis” detainees as well as 1,506 other prisoners were accommodated there. Relatives were allowed no communication with them. They spent their days in barbed wire enclosures, and at night were locked into cells where, at first, the younger men seized blankets from the older, weaker ones to protect themselves from the bitter cold. The younger detainees were later separated from the rest. Shower-baths were available but, at first, no towels were provided. The Acting Commissioner of Prisons admitted that eighteen men had died of pneumonia and “quite a number” of others had been treated for this—he was uncertain how many. Some of the men had concealed the fact that they were ill in case they missed their turn for release. Those who became ill were given proper medical care and special food, and the diet for all the detainees was improved.

According to a later Press report, (9a) a hospital official at Modder B said in evidence given in court that between December

(9) Rand Daily Mail, 12 August.
(9a) Star, 2 November 1960.
1959 and July 1960, 42 prisoners had died at this prison, mainly from pneumonia.

Cases were reported where men who had been released, or men accused of criminal offences who were out on bail, were rearrested by the police under Section four bis. This happened, for example, to Mr. Alan Bula, who had been allowed bail while facing a charge of incitement. A deputation headed by Mrs. Helen Suzman, M.P., and including a representative of the Institute of Race Relations, met the Secretary for Justice and the Acting Commissioner of Prisons and made representations in regard to the reported conditions of imprisonment of detainees, especially those at Modder B. Great stress was laid on the need to inform relatives of their whereabouts, and the necessity for providing prisoners with suitable discharge documents to protect them from rearrest.

Forty-three detainees in Durban refused to do work assigned to them by the prison authorities. They were tried at the prison and had no legal representation. The magistrate found them guilty and sentenced two to solitary confinement and spare diet, and the rest to whippings of five strokes each. The reviewing judge referred the matter to a full sitting of the Natal Division of the Supreme Court, where it was ruled that in terms of the emergency regulations the proceedings had been legally in order. The sentences were, however, reduced to three strokes each, suspended for six weeks.

After the termination of the state of emergency an African in Cape Town was accused under the emergency regulations of making a subversive statement, but was acquitted.

Numbers of Africans who were detained and subsequently released without any charges having been preferred against them found that their previous jobs had been filled by others. If no alternative employment opportunities were available they were endorsed out of the urban areas where they had previously lived. Many of them had lost all touch with their original homes in the Reserves. There were numerous cases of this in the Western Cape, where the "Eiselen line" policy is being very strictly enforced (i.e. all Africans who are considered "surplus" to requirements are being required to leave the area, with the object of gradually replacing African by Coloured labour).

SUSPENSION OF CERTAIN PUBLICATIONS, AND PROSECUTIONS OF EDITORS

Government Notice No. 521 of 5 April stated that, on examination of the publications The Torch and New Age, the Minister of Justice was satisfied that there was in them a systematic publishing of matter which, in his opinion, was of a subversive nature. He applied the relevant provisions of the emergency regulations to them, which meant that their publication had to cease until the state of emergency was terminated.

The editor of Africa South fled the country, but continued publishing his journal overseas under the title Africa South in Exile.

The editors of the Port Elizabeth Evening Post, of New Age and of Contact were prosecuted under the emergency regulations for allegedly publishing subversive statements within the meaning of these regulations. The publishers of Contact were included in the prosecution. These cases were still proceeding at the time of writing. The editor of Contact, Mr. Patrick Duncan, was gaol for three weeks for refusing to disclose the source of his information for an article in his journal.

ATTEMPTED ASSASSINATION OF THE PRIME MINISTER

Mr. David Pratt is alleged to have tried to assassinate the Prime Minister at the Union Exposition in Johannesburg on 9 April. One revolver shot penetrated the Prime Minister's ear, and another his cheek.

When Mr. Pratt appeared before the court he was found to be mentally disordered.

REACtIONS IN SOUTH AFRICA TO THE CRISIS

PARLIAMENTARY DEBATE ON THE DISTURBANCES

On behalf of the United Party, Sir de Villiers Graaff moved in the Assembly on 22 March that once law and order had been restored, a strong judicial commission should be appointed to enquire not only into the disturbances, but also into their underlying causes. The Progressive Party and the Natives' Representatives supported this motion.

During the course of the debate the Prime Minister stated that "the Government is sympathetically inclined in that direction, but it must first consider the technical problems before coming to a final decision." One of the technical problems was that such a commission "will possibly also partly cover the court inquiry which is now taking place" (the treason trial). No commission had been appointed at the time of writing (October 1960).
GENERAL MATTERS AFFECTING NON-WHITE PEOPLE

AFRICANS

NO DEVIATION FROM GOVERNMENT POLICY AS A RESULT OF THE DISTURBANCES

In a statement read for him in the Assembly by the Minister of Finance on 20 May 1960, the Prime Minister said, "We must guard against the attempts of opponents to try to use the events (i.e. the disturbances that had taken place during the previous month) and the atmosphere to encourage a change to a supposedly altogether new policy, or a revision of policy. This in the end appears to be nothing but an attempt to revitalize the policy of integration which has already failed here and elsewhere in Africa. The Government sees no reason to depart from the policy of separate development because of the disturbances".

ADMINISTRATION OF AFRICANS IN URBAN AREAS

The Prime Minister continued, "The Government therefore declares, firstly, that it will have to take steps to prevent incitement or agitation, whether direct or indirect, from continuing as in the past. "Secondly, it is announced on behalf of the Government that the Department of Bantu Administration will be equipped so that in every city with a large Bantu residential area it will be able to exercise proper supervision over the administration of the Bantu through the local authority concerned, to ensure that the Bantu are properly informed on the aims of Government policy; and to expand the already existing opportunities available to the urban Bantu for establishing direct contact with the Government or its representatives on matters of policy".

Later, on 12 September, the Prime Minister said that, in order to ensure that the aspirations and needs of the urban Bantu population would receive sufficient attention, a special and very senior official of the Department of Bantu Administration was to be appointed in every large urban area. He would, *inter alia*, keep in close contact with Bantu leaders and recognized Bantu authorities.

RELATIONS: 1959-60

It was announced on 2 September that Mr. M. Smuts had been appointed Chief Urban Areas Commissioner for the Witwatersrand and that special urban areas commissioners under his control would be appointed for Johannesburg, the West Rand and the East Rand. According to a Press report, Mr. Smuts said he envisaged that meetings of members of different tribal groups would be called at which the implications of legislation would be explained and complaints heard. The procedure of consultation had not been fully worked out, but it was likely that, apart from public meetings, representations would be made to him, through Bantu Affairs Commissioners, by informal committees of influential Bantu in the urban locations and through recognized tribal representatives.

Mr. Smuts' duties would also include liaison with municipalities to ensure that Government policy was carried out in a uniform way, it was said.

According to a later report in the *Sunday Times* of 13 November, Mr. Smuts denied that the Government was attempting to usurp the functions of municipalities in regard to African administration. "I shall merely make use of their agencies and modify, by advice, their administration in accordance with Government policy where necessary," he is reported to have said. "We give advice to municipalities by attending meetings where Bantu affairs are discussed. We have asked all Reef municipalities to supply us with agendas so that we can be kept fully informed. Quite a number have agreed to do so." (It was reported that Johannesburg was one of these.)

"I and my assistants attend meetings of advisory boards, chiefs' representatives and others to learn on the Government's behalf about Native grievances and aspirations. We also attempt to explain Government policy and laws and how these will benefit the Bantu. Unfortunately we find that the Bantu often oppose Government policy through misunderstanding. This we wish to avoid."

A "Bantu in European Areas Draft Bill" was circulated confidentially to municipalities for comment towards the end of 1960.

PARTICIPATION OF URBAN AFRICANS IN LOCAL GOVERNMENT

Proposed Bantu urban authorities

At a meeting held in Bloemfontein in September 1960, the Minister of Finance announced that during the next Session of Parliament legislation would be introduced to replace urban African advisory boards by urban Bantu authorities, which would

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(1) Hansard 18 cols. 8337-8.
(2) Rand Daily Mail, 13 September.
(3) Star, 2 September.
(4) Star report, 13 September.
exercise the actual authority in African residential areas. African home guards would be established to assist the Bantu authorities in maintaining order. This statement was confirmed by the Prime Minister in the speech quoted above; but in neither case were details of the proposals given.

A Bantu Urban Authorities Bill was introduced in 1952, but, following wide criticism by the United Municipal Executive, the Union Advisory Boards Congress and others, was not proceeded with. The Congress expressed the view that the only effective way in which Africans could share in the responsibilities of local government was by their direct representation on municipal councils. Noteworthy features of this Bill were that representation on Bantu urban authorities was where possible to be on an ethnic basis, that they would have power to levy rates on Africans in their areas, that urban Bantu courts were to be established, and that the effect of the measure would be to increase very greatly the Government's powers of control of urban Africans at the expense of those of local authorities.

The Institute of Race Relations is preparing a Fact Paper dealing with the working of the advisory boards system in practice and with the proposals made in 1952.

Tribal representation in urban areas

Two types of tribal representation in urban areas are being planned by the Government. Firstly, there will be the representatives of territorial authorities, nominated by these bodies in consultation with the Minister and with the Governor-General's approval. Their appointment was provided for in terms of the Promotion of Bantu Self-Government Act of 1959. These "ambassadors" may be granted powers to try certain types of civil cases, and, with the Minister's approval, will constitute boards to assist them in affairs of cultural and general ethnic interest. No such representatives have yet been appointed.

Secondly, the Government is already nominating semi-official representatives of chiefs to handle the affairs of tribesmen in the urban areas concerned. There is no legislative authority for these appointments.

Residents' associations

The Africans of Durban have formed unofficial residents' associations in the various townships to work on lines parallel to the advisory boards in trying to deal with the problems and difficulties of residents.

Proposals for direct representation of Non-Whites on governing bodies

At the Transvaal congress of the United Party, held during August 1960, the Mayor of Johannesburg, Mr. A. Gorshel, introduced a resolution calling for the "adequate representation" of Non-Whites by Whites in Parliament and on Provincial Councils and local government bodies, such representation not to exceed ten per cent of the total membership of these bodies. He suggested that African councils should also be set up in the townships and given a large say in the expenditure of money in their areas, subject to the control of the municipal council. This resolution was referred to the Union Executive of the United Party.

Earlier, during May, the Natal Regional Committee of the Institute of Race Relations presented a memorandum to the Durban City Council, stating that the events of recent months had presented a very real challenge and unique opportunity to local authorities. The City Council was urged to devote its earnest attention to the importance and inevitability of direct Non-White representation on municipal councils, for it was unrealistic to envisage entirely separate systems of local government for Non-Whites within the same urban area on a permanent basis. The Institute suggested that as a start the City Council should direct and consult with accredited and recognized leaders of the Non-White communities to discuss the form such representation could take. This memorandum was submitted without comment by the Durban City Council to the Provincial Council.

The Institute's Pietermaritzburg Branch is considering making similar representations to the Pietermaritzburg City Council.

CONFERENCES ON URBAN AFRICANS

The Natal Regional Committee of the Institute of Race Relations held a series of four symposia on "The African in the City: the Key to the New South Africa". These symposia dealt, in turn, with:

- The African in the City: His Family.
- " " " " " His Education.
- " " " " " His Work.
- " " " " " His Share in Government.

Two days of the Institute's annual Council meeting to be held in January 1961 will be devoted to consideration of the affairs of urban Africans.

Copies of the addresses given are obtainable from the Institute's Natal Regional Office.
TAXATION OF AFRICANS

Normal and provincial income taxes

According to the latest Report of the Commissioner for Inland Revenue, during the year ended 30 June 1958 income tax assessments were issued to 859,917 Whites, 72,008 Coloured people, 18,404 Asians and 2,221 Africans. (The writer calculates that during that year 21.6 per cent of all the Whites were liable to pay normal and provincial income taxes, as against 5.4 per cent of the Coloured people, 4.2 per cent of the Asians and 0.02 per cent of the Africans. The sizes of families, in addition to the income-levels, are of course taken into account when tax assessments are made).

No recent information is available on the amounts paid by Africans in income tax.

African general tax

The provisions of the Natives Taxation and Development Act, No. 38 of 1958, were summarized in an earlier edition of this Survey. Briefly, as from 1 January 1959 every male African of the age of eighteen and over was required to pay basic general tax at the rate of £1 15s. a year, instead of £1 as previously. As from 1 January 1960, men and women earning more than £180 a year were required to pay a further tax, calculated according to a graduated scale, any amounts paid in normal income tax being deductible from this graduated tax.

In the case of Africans, the general tax is levied instead of personal taxes payable by other sections of the population. During the year under review the Institute of Race Relations issued a revised edition of its memorandum on African Taxation in which it was pointed out that, in terms of this system, Africans were at a disadvantage in several ways. Africans in the lowest income groups have to pay more in general tax than is payable in personal taxes by persons of other races with equivalent incomes. A married African pays the same as a single one, whereas for other population groups the rates are reduced on marriage. Furthermore, Africans are taxed for eight more years of their lives than are other people.

According to the Minister of Finance, it is estimated that during the year ending 31 March 1961 Africans will pay £3,810,000 in basic general tax and £190,000 in the new graded tax.

RELATIONS: 1959-60

Local Tax

Africans in rural areas (other than on farms of Whites) pay local or hut tax of 10s. per hut per annum up to a maximum of £2, or, alternatively, quitrent or squatting fees. These taxes cannot be said to discriminate against Africans, since they are roughly comparable with rates, etc. payable by householders elsewhere.

The total paid in local tax was £280,678 in 1958-59. If this figure is subtracted from combined totals given in the latest relevant report of the Controller and Auditor-General it would appear that about £58,450 was paid in quitrent.

General and tribal levies

This is a form of taxation that is applied to Africans only. According to the report of the Controller and Auditor-General quoted above, as at the end of March 1959, besides the Transkeian general levy, there were 191 compulsory and 918 voluntary tribal levies in force. During the preceding year these levies yielded £105,707 in the Transkei and £246,500 elsewhere.

Since then, new tribal levies have been imposed, and the Bantu authorities have commenced exercising their powers of taxation. The Minister of Bantu Administration and Development said during January 1960 that the revenue and expenditure of Bantu authorities was as follows for the years stated:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1958</td>
<td>£438,000</td>
<td>£329,000</td>
</tr>
<tr>
<td>1959</td>
<td>£1,014,392</td>
<td>£817,046</td>
</tr>
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</table>

(Not all of the revenue was derived from levies: it included, also, charges for services provided, fines and fees collected by the chiefs, stock rates and State grants). The Minister stated that the expenditure of Bantu authorities was on salaries, the erection of buildings, purchase of vehicles, stock improvement, health services, soil reclamation, conservation of water, the maintenance of roads and bridges, etc.

Amended regulations for the treasuries of Bantu authorities were published on 29 July 1960 (G.N. 1096).

Other taxes paid by Africans

Other taxes paid by Africans but not by other members of the population were described in previous issues of this Survey.
STATE EXPENDITURE ON BEHALF OF AFRICANS

It is calculated by the Controller and Auditor-General[46] that during the year 1958-59, the State spent £28,374,467 on behalf of Africans, excluding advances and loans from Loan Funds and the National Housing Fund. It should be noted that expenditure under the head of “general administration” includes registration fees and contributions to the Services and Transport Levies that were paid by the various Departments of State as employers of African labour.

<table>
<thead>
<tr>
<th>General administration</th>
<th>£</th>
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<tbody>
<tr>
<td>Dept. of Bantu Administration and Development</td>
<td>3,252,807</td>
</tr>
<tr>
<td>S.A. Native Trust</td>
<td>1,050,263</td>
</tr>
<tr>
<td>Dept. of Bantu Education</td>
<td>1,348,896</td>
</tr>
<tr>
<td>All other Departments</td>
<td>107,889</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£5,759,855</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept. of Bantu Education</td>
</tr>
<tr>
<td>Dept. of Health, including hospitals</td>
</tr>
<tr>
<td>Dept. of Bantu Administration and Development</td>
</tr>
<tr>
<td>Dept. of Education, Arts and Science</td>
</tr>
<tr>
<td>Dept. of Social Welfare</td>
</tr>
<tr>
<td>All other Departments</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.A. Native Trust</td>
</tr>
<tr>
<td>Bantu Administration and Development</td>
</tr>
<tr>
<td>Dept. of Education, Arts and Science</td>
</tr>
<tr>
<td>Dept. of Social Welfare</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

AFRICAN SEPARATIST CHURCHES

It was mentioned in last year's Survey[17] that the Government's general policy is that church sites in urban locations should be allocated only to church bodies that are recognized by the

(17) Page 33.
then had to be dropped. It was reported during the first nine months of 1960 one Johannesburg attorney had dealt with 38 motor accident cases in which African men had been killed. In only 14 of them had the couples been married under the common law. In the remaining 24 cases claims could be instituted on behalf of the children, but the widows were precluded from claiming against the insurance companies. The attorney had been forced to turn away about 20 other women who had been married according to tribal law.

Mr. J. P. Cope, M.P., questioned the Minister of Justice about this whole matter in the Assembly on 22 March. The Minister said that a ruling similar to that of the Appellate Division had been given by the Natal Provincial Division of the Supreme Court in 1956. He had then referred the matter to the Law Revision Committee, the recommendation of which was still awaited.

In collaboration with the parliamentary draughtsmen, Mr. Cope then drew up a Bill to amend the Native Administration Act, stating, "Notwithstanding anything to the contrary in any law contained, a customary union between a Native and any woman shall be deemed to be a valid marriage for the purposes of an action for damages instituted by such woman, provided the cause of the action arose during the subsistence of such customary union".

Mr. Cope showed this draft Bill to the Minister of Bantu Administration and Development, who offered to take it over and present it to Parliament during 1961 as a Government measure.

**RIGHTS OF INHERITANCE**

The position in regard to the rights of inheritance of African widows was summarized in our last Survey. A valuable article on this subject by Dr. A. J. Kerr was published in the issue of The South African Outlook for 1 February 1960.

**NATURALIZATION OF "FOREIGN" AFRICANS**

In the Assembly on 13 May 1960 the Minister of the Interior stated that, in terms of the S.A. Citizenship Act of 1949, machinery existed for Africans born outside the Union to become South African citizens. There had previously been some doubt on this matter.

**COLOURED PEOPLE**

**DEPARTMENT OF COLOURED AFFAIRS**

**Head of the Department**

It was decided by the Government during September 1960 that the Commissioner for Coloured Affairs should in future be entitled the Secretary for Coloured Affairs.

**Branch offices of the Department**

The Deputy Minister of the Interior announced on 12 April that branch offices of the Department of Coloured Affairs were to be opened in Johannesburg, Kimberley, Durban and Port Elizabeth.

A departmental information officer who toured the major centres during the early part of 1960 said that the Johannesburg office, to be established first, would work for better employment opportunities and housing for the Coloured people, and would promote recreational and cultural facilities.

**Coloured Mission Stations and Reserves**

The Coloured Mission Stations and Reserves Amendment Act of 1959 was summarized in last year's Survey. In terms of this Act, eleven of the sixteen Coloured mission stations and reserves were declared betterment areas on 27 November 1959, and it was stated, in Government Notice No. 1937 of that date, that ten per cent of the costs of betterment works must be refunded to the State by the boards of management concerned, ten per cent of the revenue from rates being payable annually in redemption of these amounts.
A SURVEY OF RACE

Increased sums of money were provided in the State estimates for 1960-61 for the development of these areas. (£59,900 was allocated for the purchase of land, £48,500 for the development of the reserves, and £100 for advances to settlers.

UNION COUNCIL FOR COLOURED AFFAIRS

The legislative authority for and the constitution of the Union Council for Coloured Affairs was described in the 1958-59 issue of this Survey, where it was stated that the establishment of the council was gazetted on 22 May 1959, and that the Deputy Minister of the Interior had announced that the election of members would take place after the provincial elections in October of that year. Twelve members were to be elected, all from the Cape, three to represent each of the four electoral divisions there.

This council was created at the time when Coloured voters were removed from the common roll. Furthermore, all the major Coloured organizations have in any case been opposed to the setting up of separate machinery to represent their interests, which, they contended, were indivisible from those of the Whites. Consequently these organizations (including, it was reported, the moderate Coloured People’s National Union) decided to boycott the elections and to put forward no nominations. As the closing date approached twelve names were, however, sent in, one for each of the vacancies, the persons nominated being practically unknown in the community. There was considerable conjecture as to who was behind this move. As no further nominations were received the twelve persons concerned were declared duly elected.

During the following month the names of the fifteen Government-appointed members were published, eight of them (including a Cape Malay and a Griqua) coming from the Cape, four from the Transvaal, two from Natal and one from the Free State.

Shortly thereafter a first meeting of the council was convened, and an executive committee of three appointed and two elected members formed. Official reports stated that the council regretted the efforts of a “handful of misguided intellectuals” in attempting to “stifle the Union Council of Coloured Affairs at birth”. Among the subjects discussed were the need for more housing and the difficulties caused by the Group Areas Act.

RELATIONS: 1959-60

THE SENSE OF FRUSTRATION AMONG MANY COLOURED PEOPLE, AND THE GOVERNMENT’S ATTITUDE

Particularly in recent months it has been reported that large numbers of skilled, well-educated Coloured people who despair of their future in South Africa have been leaving the country.

According to the Press, the Government has now decided to give more sympathetic attention to the needs and grievances of this section of the population. It is stated that the Deputy Minister of the Interior has held discussions with Mr. George Golding of the Coloured People’s National Union.

“Dawie.” Die Burger’s political commentator, wrote in the issue of this paper on 23 July 1960, “The drive to a forward movement in Nationalist policy for the Coloureds is becoming more and more strong. The most dramatic idea of course is that the principle of the representation of Coloureds in Parliament must be recognized, or put in other words: that the Coloured voters must be permitted to elect white or brown members. This of course is only one part of the complex of plans which are being discussed by thinking people but it is the most spectacular and the most calculated to stir tongues to speech. My impression is that the Nationalist Party is already more than half-way in agreement with the principle, and can be completely won for it by strong leadership. The time is approaching for a decision”.

At the first congress of the S.A. Coloured People’s Organization held after the ending of the state of emergency it was made clear that members were not prepared to endorse any “new deal” for the Coloured people at the expense of other Non-White groups.

The proposal that Coloured people should be represented in Parliament by members of their own community, although apparently supported by many members of the National Party, especially in the Cape, was, however, rejected by Dr. Verwoerd in a Press statement made on 24 November. He is reported to have said that this would be a springboard for the integration of the races, leading to biological assimilation. The policy should be one of parallel development. The greatest needs of the Coloured people were economic and educational development, and experience in the local government of their own people and in the control of certain of their country-wide interests.

MUNICIPAL REPRESENTATION IN THE CAPE

For the first time in its history Kimberley is to be served by two Coloured city councillors, who were elected in preference to

(19) Estimates of Expenditure to be Defrayed from the Revenue and Loan Accounts, U.G. 1/60 and 8/60.
(20) Page 133.
(21) Sunday Times, 6 December.
(22) G.N. 1869 of 1959. (13 November).
(23) G.N. 2055 of 1959. (18 December).
(24) Fortnightly Digest of S.A. Affairs, 8 January 1960.
(25) e.g. Rand Daily Mail, 27 June 1960.
White candidates for the seats concerned, and will represent White as well as Coloured voters. Coloured men and women have served on the Cape Town City Council for many years. The question of the Non-White municipal franchise was dealt with in some detail in the 1958-59 issue of this Survey, as was the official suggestion that separate municipal rolls should be created for Coloured voters in the Cape for the election of separate local boards and governing bodies. At the time of writing there had been no further moves in this connection.

**TRANSVAAL CONFERENCE OF REPRESENTATIVES OF THE COLOURED COMMUNITY**

The Southern Transvaal Region of the Institute of Race Relations arranged a conference of the local Coloured community, which took place on 19 March 1960 and was attended by representatives of thirty-two Coloured organizations of various types. The following papers were presented:

- Coloured Housing in Johannesburg, by Mr. H. le Pere. RR 61/60.
- Coloured Education, Recreation and Culture in the Transvaal, by Mr. G. L. Carr. RR 57/60.
- Employment and the Economic Situation, by Mr. D. J. Schultz. RR 64/60.
- The Need for Unity, by the Rev. W. J. Bergins. RR 58/60.

These resolutions were adopted:

1. This conference of the Coloured people, representative of organizations in the Transvaal, wishes to put on record its emphatic opposition to the recent policies pursued by the Government, and wishes to express its belief that no peace will come to South Africa until the rights of all Non-White people to full and free participation in the political, economic and social life of this country are realised.
2. This Conference calls on the Coloured people to continue to oppose all policies of racial discrimination;
3. This Conference urges that a Continuation Committee of the Conference takes steps, in co-operation with the S.A. Institute of Race Relations, to summon a National Conference of the Coloured people of the Union;
4. While totally rejecting the principles of discrimination which apply in South Africa, the Conference is constrained to seek amelioration of the lot of the people. In seeking an improvement in present conditions, the Conference in no way acquiesces in the philosophy which lies behind the principles of segregation.

The formulation of detailed proposals to this end was left in the hands of a Continuation Committee which was then elected.

It subsequently transpired that there would be insufficient support for a National Conference of Coloured organizations. Particularly in the Cape Western Region it was felt that the views of the political organizations were so divergent that a conference would not succeed in bringing the people together. It was suggested that regional conferences should instead be held in the various centres.

Lengthy consideration was given to the nature of the association which it was planned should be set up in the Transvaal. Eventually, at a second conference held on 17 September, the proposed objects were clarified, as follows:

"To secure positive co-operation among all the Coloured people of the Transvaal in order to promote their economic, social and political advancement and, in particular, by all lawful means to strive for:

1. the right to elect and be elected to Parliament including the Senate, Provincial Councils, Municipal Councils and any other local authorities;
2. the removal of the industrial colour-bar and the right of all workers to organise freely in all trade unions;
3. the extension of free compulsory education for all, irrespective of colour, race or creed and for the right of any person to enter any University, University College, Training College, Trade School, Technical College or similar institution;
4. the removal of all restrictions based on colour or race in regard to the acquisition, ownership or occupation of any land or premises;
5. the removal of any restriction based on race or colour in any place of public entertainment, cinema or theatre, cultural, literary or artistic exhibition, show or presentation and to promote the cultural advancement of the people in all spheres;
6. the removal of the colour-bar in all forms of sport and for the right of any individual irrespective of race or colour to participate in any local, provincial or national team in any branch of sport.

The Association shall have the right to co-operate with any other organization or body in any form considered advisable in furthering the aims and objects set out above, provided that the Association shall not identify itself with any political party."

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(35) Ibid, 8 September.
(36) Page 149.
ASIANS

GOVERNMENT OFFICIAL RESPONSIBLE FOR THE INTERESTS OF ASIANS

The Deputy Minister of the Interior announced on 23 March 1960 that as from the beginning of that year the Director of Immigration and Asiatic Affairs had taken over from the Department of Coloured Affairs responsibility for the interests of Asians. This official now ranked as an Under-Secretary.

IMMIGRATION AMENDMENT ACT, No. 8 OF 1960

In terms of the Immigrants Regulation Act of 1913, Asians may not move from the province in which they are domiciled unless they are granted permits by the Department of the Interior. They are prohibited immigrants in other provinces, and there is a total ban on their residence in the Free State. In the past, although the Minister of the Interior could permit an Asian to visit a province other than the one in which he lived, he had no power to authorize a permanent change of residence.

The Immigration Amendment Act of 1960 granted the Minister this power, but stipulated that an Asian who is allowed to settle in another province will automatically lose his right of domicile in the province where he lived originally. Members of the Progressive and Liberal Parties pleaded unsuccessfully for this stipulation to be removed. The time had come, they said, when serious consideration should be given to the question of allowing Asians complete freedom of movement within the Union.

REVIEW BY THE INSTITUTE OF RACE RELATIONS OF A CENTURY OF INDIAN SETTLEMENT AND DEVELOPMENT

The 1960 Council meeting of the Institute of Race Relations, held in Durban, coincided not only with the fiftieth anniversary of the Union, but also with the hundredth anniversary of the arrival of Indians in South Africa. As has been mentioned earlier, Dr. S. Cooppan presented a paper entitled "The Indian Community of South Africa: Past, Present and Future".

The findings of Council were as follows:

1. "The Indian community is largely derived from the indentured labour imported by the Government of Natal during 1860-1911 in order to help develop the young and struggling agricultural and industrial enterprises started by Europeans; and has made a major contribution to the established economy of the country.

2. "The legislation regulating the Indian immigration scheme clearly envisaged the prospects of permanent settlement, thereby historically conditioning legitimate Indian expectations of full and free citizenship, to which their initial political status gave support until their subsequent disfranchisement.

3. "A century of Indian life in this country, the last fifty years under Union, reveals the hard upward struggle of a small culture-conscious and traditionally tolerant minority, against a rising tide of racial prejudice and a White resistance, often expressed in discriminatory legislation deliberately aimed at throttling Indian initiative and enterprise.

4. "The response of the Indians to the bright hopes and confidence raised by the Cape Town Agreement of 1927 was a tremendous effort to confirm their qualifications for a full, loyal and responsible South African citizenship in peace and war; and especially in the field of education, great sacrifices were made in order to achieve western standards of living.

5. "But the subsequent imposition, contrary to explicit assurances, of further restrictions by the Union Government on the members of the community already lacking in status and opportunities has caused general despair and a loss of faith by the Indians in the integrity of their White compatriots and Christian government of their country.

6. "The full implementation of the Group Areas Act will inflict upon the community considerable material and spiritual loss, depriving its members of the fruits of their labour and of a reasonable stability in their living.

7. "The restriction imposed on contact at the highest cultural levels by the enforcement of separate university education is a cause for the gravest apprehension. At the very stage of South African national development when intercultural understanding is essential, and a small but growing Indian intellectual leadership has become available and willing to strive for greater tolerance and understanding between races, this unwarranted isolation may well have disastrous results.

8. "While the Indian community enters upon its second century in South Africa with a sense of gloom and frustration, it has not failed to detect the small ray of hope cast by the recent spontaneous actions of its White compatriots in open defence of Indian rights and freedom. If this is a symptom
of awakening White conscience, the hope is not entirely lost that the Indian South Africans might yet attain their legitimate heritage to grow in peace to the full stature of their manhood like all their fellow citizens...no more and no less."

THE LIQUOR LAWS AS THESE AFFECT THE NON-WHITE PEOPLE

The Institute of Race Relations is shortly to publish a Fact Paper dealing with the liquor laws as they affect the Non-White people of the Union, the inefficacy of these laws, the recommendations of various commissions, including the recent Malan Commission, relevant laws and regulations in other African territories and the effects of the relaxation of the laws in these territories.

BRIEF SUMMARY OF THE UNION'S PRESENT LAWS

Spirits, wines and European-type beer
At the time of writing, Coloured people in Natal, and Coloured and Asians in the Cape (excluding the Transkei) were able to buy liquor of any type, subject to any conditions imposed by licensing boards. (A wide variety of conditions had in fact been imposed.) Asians in Natal could obtain liquor for on-consumption only, and the same applied to Coloured persons other than Griquas in the Transkei who were the owners or sole lessees of immovable property worth at least £75.

Subject to the exceptions mentioned below, Coloured people and Asians in the Transvaal and Free State, and Africans throughout the Union, were precluded from obtaining liquor (other than kaffir beer in the case of Africans).

Exceptions
A magistrate might, however, issue to a Non-White applicant an annually renewable letter of exemption, entitling him to buy stated quantities of liquor within the district concerned for his personal use only. If the holder of such a letter wished to obtain supplies in another district, his permit had to be endorsed by the magistrate or a senior member of the police there. Magistrates were required to satisfy themselves that applicants were living in accordance with White standards and had adequate incomes. For this purpose, police reports were necessary.

Kaffir beer
Several alternative schemes for the supply to Africans of kaffir beer might be applied in urban areas—domestic brewing, or the exclusive municipal supply of beer, or municipal brewing together with domestic brewing, or (with or without domestic brewing) brewing by licensed Africans. The majority of the larger towns preserved a municipal monopoly; but in a few areas domestic brewing took place side-by-side with municipal sales, the beerhalls catering mainly for unattached men. Permits were required for off-sales from beerhalls.

There were some towns, however, where the local authorities did not trade in beer. In such cases domestic brewing was allowed, either by permit or freely, provided that householders did not possess more than four gallons at any one time. Beer might be brewed for domestic consumption only: permits were required if householders wished to offer beer to guests at a function.

African farm-workers required their employer's permission to possess kaffir beer. If it was to be offered at a gathering at which three or more visitors were present, the permission of a magistrate or the police had also to be obtained.

There were fewer restrictions in the African Reserves. The law stated that, except in certain parts of Natal where individual Africans might be licensed to do so, no-one might sell beer. Those wishing to offer it to guests at a function must give notice of their intention to the headman. Outside the Transkei, only a person in charge of a kraal or homestead might brew or possess beer, and in such quantities only as might reasonably be consumed by himself and his family.

Control of other substances
The possession by Africans of yeast or methylated spirits was totally prohibited unless these substances were required by entrepreneurs in order to conduct their businesses. At a local authority's request, the Minister might impose restrictions in its area on the possession of sprouted grain.
Comments by senior police officials and others on the inefficacy of the liquor laws have been quoted in previous issues of this Survey. During the year now under review the report was published of the (Malan) Commission of Inquiry into the General Distribution and Selling Prices of Alcoholic Liquor. This Commission stated, as many others had done previously, that, although they ran the risk of being arrested, Africans could obtain as much liquor as they wanted. Some witnesses had said it was not impossible that up to 60 per cent of the sales of strong drink in certain areas reached the consumer through illicit channels. But, because the trade was illegal, Africans had to pay high prices for their supplies, and these often reached them in adulterated forms. "The application of the Liquor Act is a question of impossibility in our present era," the Commission concluded.

Endeavours by the police to enforce the law have led to very high numbers of arrests, and to great resentment on the part of Non-Whites. Detailed figures showing the rapid increase between 1921 and 1957 in the numbers of convictions for various types of liquor offences are given in the Institute's Fact Paper, where it is shown that in the latter year no less than 16.8 per cent of the total number of convictions of Africans for all offences were for purely statutory liquor offences such as the illegal possession of liquor, unauthorized beer gatherings, etc. The equivalent percentage in the case of Coloured people was 6.2.

RECOMMENDATIONS BY THE MALAN COMMISSION

Light wines and European-type malt liquors

The Malan Commission recommended that all Non-Whites should be permitted to buy light wines and European-type malt liquors for on-consumption, the prices of these liquors to be low in comparison with those of fortified wines and spirits. Non-White hotels should be licensed to sell wine and beer, which should be available also at beerhalls and beer gardens in municipal African townships.

The Commission considered that, except in the cases of Coloured people in the Cape and Natal, Indians in the Cape, and Chinese people (other than those living or trading in Non-White residential areas), all off-sales should be by permit, such permits to be granted more liberally than in the past. Exempted Africans should be able to buy wine and beer by the bottle from beerhalls, or through normal channels if they live in "White" areas.

Fortified wines and spirits

For the purpose of the Liquor Act, the Commission said, Chinese people should be treated in the same way as Whites, unless they live or trade in a Non-White residential area, when off-sales should be by permit. Indians in the Transvaal and Free State should be entitled to buy spirits for on-consumption, as those in the other provinces may do; but sales for off-consumption should be by permit.

The same arrangement should apply in the cases of Coloured people in the Transvaal and Free State, the Commission considered; while in the Cape and Natal members of this group should continue to be free to buy spirits for on or off consumption without permits. Restrictions imposed by licensing boards should be abolished.

Africans holding letters of exemption should continue to be entitled to buy limited quantities of spirits.

Letters of exemption

The procedure for obtaining letters of exemption should be considerably simplified, the Commission said, and these letters should be valid for three years instead of one. They should be more generously provided. It was recommended that any African who has committed no liquor offence or serious crime during the preceding year, has a reference book and a permanent residential address, and has had fixed employment for at least the preceding six months, should be entitled to a permit, allowing him or her to purchase at least eight bottles of malt, or four bottles of natural wine, or two bottles of fortified wine, or one bottle of spirits a month. "More civilized or educated" Africans should be permitted to buy larger supplies.

People living in African townships should purchase liquor at a separate, strengthened section of the beerhall, while others should deal through normal channels.

The "tot" system

All reference to the "tot" system should be removed from the Liquor Act, the Commission considered, and no-one should be allowed to give free issues of strong drink to labourers on farms.

Kaffir beer in urban areas

It was recommended that there should be a liberal provision of distribution points for kaffir beer, other malt liquors and wine, say at least one for every 500 families. Conditions at beerhalls should be greatly improved and adequate seating provided: the
Commission was very much opposed to standing bars for members of any racial group. Adequate provision should be made for the acquisition of kaffir beer for home consumption.

STATEMENT BY THE PRIME MINISTER, MAY, 1960

In a statement read for him in the House of Assembly on 20 May, the Prime Minister said that, in spite of certain doubts it still felt, and certain difficulties expected, the Government intended bringing about certain changes to remove the necessity for liquor raids. At the same time it would guard against crime, including the illegal liquor trade and the manufacture of dangerous concoctions.

ANNOUNCEMENT BY THE COMMISSIONER OF POLICE, AUGUST, 1960

On 13 August 1960 the Commissioner of the S.A. Police announced, “The police have stopped making any organized liquor raids. The only occasion when a raid involving liquor occurs now is when the existence of illicit liquor dens is discovered or reported to be causing crimes of violence — and then the primary object is to stop the violence rather than stop the drinking.

“Furthermore the police are, as a matter of policy, being generous in recommending Natives for permits legalizing their purchases of European liquor.”

GROUP AREAS

RECENTLY-ANNOUNCED DECISION ON POLICY

ALTERNATIVE ACCOMMODATION MUST BE AVAILABLE BEFORE ANYONE IS REQUIRED TO MOVE

In reply to a series of questions in the Assembly on 29 March 1960, the Minister of the Interior said, “I have repeatedly given the assurance that no one who is not in a position to provide a dwelling for himself will be required to move should alternative accommodation not be available. It is naturally expected of well-to-do people to provide housing for themselves in their own areas”. Later he added, “Where people cannot afford to build their own houses, the Group Areas Development Board or the local authority will provide the necessary housing”.

RELATIONS: 1959-60

Asked how many people of each racial group would be required to move their homes in terms of proclamations for group areas issued to date, the Minister replied, “The furnishing of details ... will entail so much work and time that this cannot be undertaken”.

He was also asked how many schools for Non-White children would have to be re-sited, what the estimated cost of rebuilding would be, and whether this whole question had been discussed with the provincial administrations, but again said that he could not furnish the information because too much work would be involved in preparing a reply.

THE FUTURE OF ASIAN TRADERS

Questions were asked, too, about the Government’s plans for the future of Asian traders operating in areas now proclaimed for other groups. The Deputy Minister of the Interior replied, “The Indians have arrogated to themselves the right to be the only business men, and there are far too many of them in business. Why cannot some of them also do some work? Why should White people have to use their hands and not they? They think that they alone are entitled to do business. No, we will act fairly, but I am tired of these Indians who just want postponements all the time and who never make any constructive suggestions as to what quid pro quo should be given. They just want to retain what they have”.

The Deputy Minister has, however, said, “Indian, Coloured and Chinese traders in areas for the White group have, in cases where circumstances have merited such a step and where the evacuation periods have expired, been allowed by permit to remain in occupation of their trading sites. In some cases the evacuation periods have been extended. Since numerous factors must be taken into consideration, each case is treated on its own merits. Once an area has been proclaimed a group area for a particular group, further infiltration of members of other groups cannot be allowed.”

On another occasion he added, “It is proposed as a first step to resettle the affected persons in their own areas for residential purposes. Those who are dependent for their livelihood on trade or other business enterprise may on expiry of the evacuation period, in so far as it may be necessary, be allowed by means of permits to continue their present businesses until such time as they are able to make a living in their own areas.”

(1) Hansard 11 col. 4300.
(2) Hansard 11 col. 5368.
competition with the Railways, and is restricted to running feeder buses between railway stations and outlying parts of the African townships (except that, in Johannesburg, an inter-township service is permitted during the “valley” period between 8 a.m. and 4 p.m.). All routes require the approval of the local Road Transportation Board.

As a result, many Africans have been involved in additional transport costs. In Pretoria, for example, an African travelling from Vlakfontein to town by bus previously paid between 6d. and 10d., depending on the points at which he mounted and alighted. If he lives in an outlying part of Vlakfontein he now has to pay 3d. for the feeder bus, 8d. train fare, and generally 4d. for another bus from the station: a total of 1/3. A woman carrying a bundle of washing has to pay another 6d. on the train. Regular users of the train service can reduce the fare from 8d. to 6d. or 5d. if they buy weekly or monthly tickets respectively, but these are of no use to washerwomen or casual workers, and few unskilled workers are able to save the amount necessary for a monthly ticket.  

**EMPLOYMENT**

**THE ECONOMIC SITUATION**

The downward trend in the rate of growth of economic activity during 1958 and the first half of 1959 was described in last year’s Survey. Mr. T. W. de Jongh, head of the Department of Economic Research and Statistics of the S.A. Reserve Bank, wrote early in 1960, “Expansionary tendencies were coming to the fore by the middle of the (previous) year. For the second half of the year, the available evidence points towards a gradual but distinct recovery, although it would seem that manufacturing activity was still lagging behind in this respect.”

But then came Sharpeville and the state of emergency. In his annual address to stockholders of the Reserve Bank on 10 August, the Governor of the Bank, Dr. M. H. de Kock, said that the revival in the tempo of economic expansion had continued during 1959-60, as reflected by an estimated increase of 5.9 per cent in the gross annual address (of stockholders of the Reserve Bank on 10 August 1960). The Governor of the Bank, Dr. M. H. de Kock, said that the revival in the tempo of economic expansion had continued during 1959-60, as reflected by an estimated increase of 5.9 per cent in the gross annual address (of stockholders of the Reserve Bank on 10 August 1960). For the second half of the year, the available evidence points towards a gradual but distinct recovery, although it would seem that manufacturing activity was still lagging behind in this respect.”

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**RELATIONS: 1959-60**

£29-million during the second half of 1959, showed a decline of £39-million during the first half of 1960. This sharp reversal in the balance of payments can be attributed primarily to the repercussions of the riots which caused the Government to declare a state of emergency. An element of uncertainty was evidently created abroad which was, in various ways, reflected in a decline in confidence on the part of foreign investors, and in a substantial net outflow of capital.

This decline in confidence, Dr. de Kock said, “can, no doubt, be ascribed mainly to a widespread misunderstanding of the political and economic position in the Union”. However, he continued, “we must face the fact not only that the net outflow of capital has already had an appreciable adverse effect on the country’s monetary reserves and financial markets, but also that a continuation of the outflow will exercise a restraining influence on the economy as a whole. The Union still needs a moderate net annual amount of foreign capital to help in the financing of all the new private and public development projects which would be necessary not only to maintain but also to increase the standard of living of the population as a whole.”

“...We should exert ourselves to revive the confidence of foreign investors”, Dr. de Kock maintained. It should be brought home to them that the political and economic position in the Union is different from that in most other parts of Africa, and that “...various steps have been taken or are contemplated to remove causes of friction and dissatisfaction as far as the Bantu ... are concerned.”

Dr. de Kock announced that the Bank rate was to be raised from 4 to 4½ per cent.

**BOYCOTTS OF SOUTH AFRICAN PRODUCTS**

The decisions by various other countries to boycott South African products are dealt with in the last chapter of this Survey. It is important at this stage, however, to make mention of their general effects to date.

When addressing the annual general meeting of the Federal Consultative Council of the Railway Staff Associations on 7 June 1960, the Minister of Transport said that he would like to give concessions to the Railway staff, but it would be foolish to incur any increase in expenditure in view of the very serious position in which South Africa found herself. “If these boycott movements gain momentum and get more support,” he added, “South Africa can be placed in a very bad way economically.”

The Minister of Economic Affairs said on 2 September that he realized that certain individual producers who had concentrated on the African market were being affected by the boycotts. He
UNEMPLOYMENT

The way in which the unemployment statistics maintained by the Department of Labour are compiled, and the extent to which they may be regarded as being comprehensive, were described in last year's Survey. It was mentioned that the number of registered White, Coloured and Asian unemployed (including a few African women) increased from about 14,000 in December 1957 to 27,018 at the end of April 1959. This figure constituted 2.06 per cent of the total number of workers of these racial groups—slightly above the 2 per cent accepted internationally as indicating full employment.

The number of unemployed continued to increase until about August, and then began to decline. By 31 December 1959 it was 25,019—13,104 Whites, 9,244 Coloured people and 2,671 Asians. The percentages these figures constituted of the total number of workers were 1.31 per cent in the case of Whites and 3.86 per cent in the cases of Coloured and Asians.

It will be noted that according to these figures there was certainly not full employment among the two latter groups; but, for reasons given in last year's Survey, it would appear that in fact there were many more unemployed Coloured and Asian people than the numbers given above. These numbers include only the work-seekers who had registered with the Department of Labour.

But the situation particularly in Natal demonstrates how misleading the official figures may sometimes be. During July 1959 there were 2,500 unemployed Indians registered with the Department of Labour in that province. In fact, however, there were probably between 13,000 and 15,000 Indians out of work in Durban. The Deputy Divisional Inspector of Labour for Natal is reported to have said that, on an average, only one Indian in an adult family of five was in regular employment. Many men of the age of 30 or over, who were able and eager to work, had never obtained a regular job since they left school. During December 1959 the Deputy Minister of Labour called for a report from departmental officials in Natal on the situation as affecting the Indians, in view of increasing unemployment amongst their ranks.

The powers that the Government has taken to reserve work for members of a specified racial group threaten further Non-White workers with unemployment. This matter is dealt with below.

Statistics in regard to African unemployment in the towns are too misleading to be worth quoting, as they indicate merely the number of registered workseekers who are legally in the urban areas concerned, and do not include those who have been "endorsed out" because they cannot find work, nor those who would have migrated to the towns to seek employment had the system of influx control not been in operation.

It was mentioned in last year's Survey that during 1959 the Unemployment Insurance Act was amended to make it possible for unemployment benefits to be paid for longer periods than usual during a time of depression. The Minister of Labour was empowered to suspend the normal provisions of the Act in his discretion at such times. On 17 March 1960 the Minister said that about 800 contributors had benefited from such action taken by him, the amount of money disbursed being £19,300.

IMMIGRATION

The Government has decided to adopt a less restrictive immigration policy. The Minister of the Interior announced on 12 April 1960: "We are now reorganizing our entire immigration machinery... The time has perhaps come when we need no longer be so strict in screening immigrants. To-day we can accept people who in the past might have been rejected, because we can find employment for them here".

(10) Puce 204.
(11) Senate, Hansard 5 col. 991.
ESTABLISHMENT OF THE ECONOMIC ADVISORY COUNCIL

The Economic Advisory Council was established during July 1960, to advise the Government on the co-ordination of State policy from an economic point of view, and to assist in co-ordinating Government policy and the economic development of the country in general.

Its chairman is Dr. D. H. Steyn, who will vacate his post as Secretary for Finance in March 1961. He was also appointed as economic adviser to the Cabinet. The deputy chairman is Dr. J. A. Lombard, formerly professional adviser to the Treasury.

Certain of the members were appointed by the Prime Minister for periods of two years because of their particular knowledge of economic and financial matters. These are Mr. Vernon Atkinson, Mr. P. Frame, Mr. Harry Goldberg, Professor D. Hobart Houghton, Dr. M. S. Louw, Dr. M. D. Marais, Professor C. G. W. Schumann and Mr. J. G. van der Merwe.

Other members were appointed for two years to represent organizations selected by the Government which have an interest in the co-ordination of economic activities. These bodies, which were each asked to nominate two representatives, are the Afrikaanse Handelsinstituut, the Association of Chambers of Commerce of S.A., the Confederation of Employers' Organizations, the S.A. Agricultural Union, the S.A. Confederation of Labour, the S.A. Federated Chamber of Industries, the S.A. Trade Union Council and the Transvaal and Orange Free State Chamber of Mines.

Others who will serve on the council are the Chairman of the Public Service Commission, the Secretary for Labour, the Secretary for Agricultural Economics and Marketing, the Secretary for Commerce and Industries, the Secretary for Finance, the Secretary for Bantu Administration and Development, the Secretary for Mines, the General Manager of the S.A. Railways and Harbours, the Chairman of the Board of Trade and Industries, the Chairman of the Wage Board, the Chairman of the Industrial Tribunal, the Registrar of Financial Institutions, and the head of the Economic Section, Department of External Affairs.

The Prime Minister announced that the full council would be convened from time to time to discuss problems submitted to it by the chairman, and would meet at least once a year to discuss the chairman's report. The councillors would also serve as a panel from which the chairman might in his discretion select persons for consultation in regard to specific problems referred to him by the Government. Working committees would in this way be formed, on which other persons with intimate knowledge of the relevant subject might also be asked to serve. Reports of such committees would be submitted to the chairman, and considered by co-ordinating committees of officials responsible for the implementation of policy in the particular sphere concerned. After this, the reports would be submitted to the Prime Minister.

The first meeting of the council, which was summoned to consider the implementation of the Government's plan for the establishment of industries in border areas, is described in an earlier chapter of this Survey.

THE SOUTH AFRICAN FOUNDATION

The South African Foundation was launched by a group of eminent South Africans during December 1959. It is a non-political body, the aims of which are to "promote international understanding of South Africa, her people, their way of life, achievements and aspirations", to present a true picture of the country, illustrate the opportunities for investment, and help in stimulating the export of South African products and services.

RESERVATION OF WORK

NOTE ON TRENDS SO FAR EVIDENT

Discussing a determination dealing with a section of the iron, steel, engineering and metallurgical industry, Miss M. V. Piercy recently said that the original request for this came from Die Yster en Staalbedryfsvereniging (a White trade union), which claimed that employers who had been using Whites in certain lowly-paid operative jobs were finding it difficult to compete successfully in the open market, and that in consequence a trend of displacement by Non-Whites was developing.

The Minister of Labour has confirmed that this was the reason. This particular determination, he said, was introduced because one of the biggest employers of White labour in the industry found it difficult to compete with others who were employing Non-Whites at lower rates of pay, and was considering displacing about 400 Whites by Non-Whites. (The Non-Whites were apparently being paid at or near the minimum rates laid down for the jobs concerned, while the Whites received larger amounts).

The majority of the determinations so far made, Miss Piercy continued, relate to work in the semi-skilled to unskilled categories, and were made to protect small groups of White workers.

(2) Assembly, 6 May 1960, Hansard 16 cols. 6900-1.
sent to the Secretary for Justice and to members of law societies and of the Bar Council. In acknowledging receipt, the Secretary of the Association of Law Societies said that although it appeared that the Department had already made up its mind as to the way legal aid was to be conducted in the future, the Societies were nevertheless making strong representations in regard to their various requirements. No announcement has been made as to the Government's decision in the matter.

An amount of only £5,500 was again voted for subsidies to legal aid bureaux during the financial year 1960—61. These bureaux are finding it ever increasingly difficult to maintain the necessary volume of work with their available financial resources.

At the annual meeting of the Johannesburg bureau in June 1960 its chairman, Mr. H. J. B. Vieyra, Q.C., said that during the previous year the bureau had conducted 7,955 interviews and accepted 1,073 new cases. In civil matters attorneys were instructed in 409 cases, in 174 of these cases counsel being briefed. In 59 criminal cases attorneys and counsel were engaged and 46 of the accused were discharged.\(^{(1)}\)

EXTERNAL AFFAIRS

BOYCOTTS OF SOUTH AFRICAN GOODS

CALLS FOR ACTION

At a conference held during November 1959, the newly-formed All-Africa Trade Union Federation appealed to all African peoples, the international free labour movement and all democratic governments to use their influence and power to refuse markets for South African goods. All unions representing seamen and dockworkers were urged to withdraw their services from firms importing or exporting goods to South Africa.

Further support for a boycott was given at the second All-Africa People's Conference held in Tunis during January 1960 and at the Pan-African Federation conference that took place at Addis Ababa in June, where it was decided to employ commercial, diplomatic and political sanctions against South Africa. It was also suggested that petroleum companies should be approached with the object of preventing the sale of oil to the Union.

\(^{(1)}\) Star report, 15 June 1960.

RELATIONS: 1959-60

WEST INDIES AND CENTRAL AMERICA

The first countries to state that they intended banning imports from South Africa were Jamaica and Antigua. They were later joined by Barbados and British Guiana.

During April 1960 dockworkers in Trinidad refused to handle a cargo of South African merchandise or to refuel the ship carrying these goods. A consignment of hardboard had to be returned to the Union.

BRITAIN

Backed by the Labour and Liberal Parties, the powerful Trade Union Congress and some, but not all, of the co-operative societies, an Anti-Apartheid Committee in Britain organized a boycott of South African goods for the month of March. The left-wing journal Tribune published a list of forty branded products, including tinned foods, cigarettes, wines and spirits and fruit, for shoppers to avoid. Similar lists were distributed among the 8½-million trade unionists and the general public. The British Chamber of Commerce dissociated itself from the boycott.

WEST AFRICA

Early in 1960 Nigeria decided to ban all imports from South Africa. Ghana followed suit as from the beginning of August, stating that applications for import licences would only be entertained in the most exceptional circumstances.

It is reported\(^{(1)}\) that as from 1 December 1960 light shipping lines are to impose a 25 per cent surcharge on goods coming from West Africa to the Union because of the additional expense caused by the fact that cargo vessels are almost empty on their northward passage.

CENTRAL AND EAST AFRICA

The Sudan, too, has imposed an official ban on South African goods. There are unofficial boycotts in Kenya and Tanganyika. At a Pan-African conference representative of six Central and East African territories, held in Tanganyika during September 1959, it was decided that as from 1 November of that year the countries concerned would boycott South African liquor, which is easily distinguished, and the widely used South African hoes. A wider boycott would be instituted after details of imports had been worked out.

The Government of the new State of Somaliland decided during June 1960 to exclude South Africa from the Commonwealth countries that were to be granted a 15 per cent preferential trade tariff.

\(^{(1)}\) Star, 9 November 1960.
Leaders of the 3,300,000 trade unionists of Sweden, Denmark, Norway and Finland called upon them to support a boycott of South African goods which lasted from April to August 1960 inclusive. The Swedish co-operative societies pledged their support. Norwegian dock workers refused to off-load consignments of South African fruit.

Two South African tennis players were refused permission to play in the Norwegian championships during May, when the boycott was in force.

In June 1960 the American Committee on Africa arranged a conference which was co-sponsored by the Americans for Democratic Action, the American Society of African Culture, the Amalgamated Clothing Workers of America, the International Ladies' Garment Workers' Union, the Jewish Labour Committee, the National Association for the Advancement of Coloured People and the local region of the United Automobile Workers.

It was decided to urge the Washington Government to cease buying gold and strategic raw materials from South Africa if other sources were available, to advocate a consumer boycott of South African goods, to urge dockworkers to refuse to unload these goods, to try to persuade the organizers of the World Trade Fair not to grant South Africa a pavilion, and to attempt to dissuade businessmen from investing in the Union.

The Malayan Government decided during July 1960 to place a ban on the entry of goods from South Africa.

As is mentioned in an earlier chapter, in spite of the boycotts the total volume of South Africa's export trade increased during 1960. In many cases it proved possible to find alternative markets.

Numbers of individual firms and industries were, however, adversely affected, for example producers of canned fish and fruit, rubber products, batteries, brass goods, machine parts, building materials and pharmaceutical products. Manufacturers of certain export goods are said to be sending out these products without the imprint "Made in South Africa".

The Netherlands Government rejected South Africa's objections to its official viewpoint on apartheid.

According to the Press on 5 April the Dutch Lower House resolved to make a *cri de coeur* to the Union Parliament for "reflection on the welfare of the whole of the South African people in the
light of the apartheid policy." The Prime Minister, Professor Jan de Quay, said that apartheid could not find grace in Dutch eyes. His Government felt that the regrettable events in the Union could not be seen otherwise than as a direct consequence of the South African Government's apartheid policy.

CANADA

During January the President of the 1,200,000-member Canadian Labour Congress (C.L.C.) criticized the Canadian Government for Canada's abstention from voting on the United Nations' resolution, and stated that Canada should do everything in its power to bring pressure on the Verwoerd Government to change its policy. The Labour Congress passed a motion demanding that South Africa be expelled from the Commonwealth.

The Prime Minister, Mr. John Diefenbaker, replied that he had strong feelings about racial discrimination. Nevertheless he had no intention of supporting the C.L.C.'s stand. Members of the Commonwealth were bound to disagree about the courses of action each followed, but the independence of each member was the essence of the Commonwealth. 

On 22 March, when the House Leader of the Canadian Commonwealth Federation, speaking in the House of Commons in Ottawa, urged his Government to lodge an official protest against the "brutal" policy of apartheid, Mr. Diefenbaker replied that the Canadian Government had made it clear that it condemned racial discrimination.

But it appears that the detention in South Africa under the emergency regulations of Mr. Norman Phillips, foreign editor of the Toronto Star, provoked Mr. Diefenbaker for the first time into making a statement which might be construed as interference in South African affairs. It is reported that he not only protested against the arrest of one of his countrymen, but also conveyed "the essence of the Commonwealth".

On 3 February to a combined meeting of the South African Houses of Parliament, Mr. Macmillan's "Wind of Change" speech

An historic speech was made by the Rt. Hon. Harold Macmillan on 3 February to a combined meeting of the South African Houses of Parliament.

After thanking the Union Government for arranging his tour of the country and expressing appreciation of the friendship he had encountered, Mr. Macmillan went on to point out that the economics of Britain and South Africa, while expanding rapidly, had yet remained interdependent. He deplored the consumer boycott in Britain of South African goods which could only have serious effects on Commonwealth relations and trade and be to the ultimate detriment of others than those against whom it was aimed.

The most striking of all the impressions he had formed during his tour of Africa, Mr. Macmillan said, was of the strength of African national consciousness. In different places it took on different forms. But it was happening everywhere. The wind of change was blowing throughout the continent. Whether one liked it or not, this growth of national consciousness was a political fact. Its causes were to be found in the achievements of Western civilization. National policies must take account of it and come to terms with it, for otherwise the precarious balance of East and West, on which the peace of the world depended, might be imperilled.

The great issue in this second half of the 20th century was, as Mr. Macmillan saw it, whether the uncommitted people of Asia and Africa would swing to the Communist camp, or to the West. Would the great experiments in self-government that were being made in Asia and Africa, especially within the Commonwealth, prove so successful and by their example so compelling, that the balance would come down in favour of freedom and order and justice? The struggle was joined, and it was a struggle for the minds of men. Each of the independent members of the Commonwealth must answer for itself the question as to what it could show the uncommitted nations to help them to choose aright.

It was a basic principle of the modern Commonwealth that each respected the other's sovereignty in matters of internal policy. At the same time it must be recognized that, in this shrinking world, the internal policies of one nation might have effects outside it. "We may sometimes be tempted to say to each other 'mind your own business'. But in these days I would myself expand the old saying so that it runs 'mind your own business, but mind how it affects my business too':"

It had been Britain's aim, in the countries for which she had borne responsibility, not only to raise the material standards of life, but to create a society which respected the rights of individuals — a society in which men were given the opportunity to grow to their full stature, and that in Britain's view must include the opportunity of an increasing share in political power and responsibility; a society in which individual merit, and individual merit alone, was the criterion for a man's advancement. In countries inhabited by several different races, it had been Britain's aim to find means by which to foster fellowship between the different parts.
He was well aware of the peculiar nature of the problems with which the Union was faced, Mr. Macmillan said. "As a fellow member of the Commonwealth we always try, and I think I have succeeded, in giving South Africa our support and encouragement. But I hope you won't mind my saying frankly that there are some aspects of your policies which make it impossible for us to do this without being false to our own deep convictions about the political destinies of free men."

He had spoken frankly about the differences which existed between the two countries in their approach to one of the great current problems with which each had to deal within its own sphere of responsibility, Mr. Macmillan concluded. But differences on one subject, important as they were, need not and should not impair the capacity to co-operate with one another in furthering the many practical interests which were shared in common. "Those of us who by the grace or favour of the electors are temporarily in charge of affairs in your country and in mine . . . have no right to sweep aside on this account the friendship that exists between our countries. . . . I hope — indeed I am confident — that in another 50 years we shall look back on the differences which exist now between us as mere matters of historical interest. For as time passes and one generation yields to another, human problems change and fade. Let us therefore resolve to build — and not to destroy. Let us also remember that weakness comes from division, and, in words familiar to you, strength from unity."

**Dr. Verwoerd's Reactions**

In thanking Mr. Macmillan, Dr. Verwoerd is reported to have said, "I think it is an attribute of civilization that one is capable of discussion with friends and, in spite of differences, remain friends and be capable of co-operating in all that remains of mutual interest". Maintaining that "there must not only be justice to the Black man in Africa, but also to the White man", he added, "The Bantu should really be rooted in the areas inhabited by their forefathers".

Later, in the Assembly, Dr. Verwoerd said, "It appears to me that the Western nations are prepared to abandon the Whites in Africa. . . . The White man of Africa is not going to be told that — their development must take place from the bottom upward, and gradually, at the speed at which he is capable of advancing . . . That is what we are trying to do in our Bantu homelands."

"We will see to it that we remain in power in this White South Africa", Dr. Verwoerd said later. The Bantu "should really be rooted in the areas inhabited by their forefathers".

**UNITED STATES**

On the day after the Sharpeville and Langa riots a Press representative of the U.S. State Department read the following prepared statement at a Press conference in Washington:

"The United States deplores violence in all its forms and hopes that the African people of South Africa will be able to obtain redress for legitimate grievances by peaceful means. While the United States, as a matter of practice, does not ordinarily comment on the internal affairs of governments with which it enjoys normal relations, it cannot help but regret the tragic loss of life resulting from the measures taken against the demonstrators in South Africa."

According to Dr. Verwoerd, on 23 March Mr. Eric Louw asked the U.S. Ambassador to call to see him. "The Minister made it clear that by raising the matter with the Ambassador he was not conceding the right of the U.S. Government to concern itself with the domestic affairs of South Africa. . . . The Union Government found it necessary, however, to express its concern that the State Department authorized the Press statement without first acquainting itself with the full facts, which had been the subject of a judicial inquiry regarding the attacks by many thousands of Bantu on a small Police Force to whom was entrusted the duty of maintaining law and order."

**UNITED NATIONS' DEBATE, MARCH/APRIL 1960**

At the request of the Afro-Asian group, which maintained that the situation in South Africa had grave potentialities for international friction, endangered the maintenance of international peace and security, and should be discussed as a matter of urgency,
the United Nations Security Council met on 30 March, and decided without any objections that the matter would be accepted for discussion.

Immediately thereafter the U.K. representative said that while his delegation had not objected, Britain nevertheless reserved her position because of her view on intrusion into the domestic affairs of member states. She would approach the debate with that view in mind. The French and Italian representatives also expressed concern about interference in members' domestic affairs; but the former added that French opinion had always vigorously disapproved of racial discrimination, and the Italian representative qualified his remark by saying that events in South Africa appeared "to justify some special procedure on our part."

(The other members of the Security Council were the United States, Russia, China, the Argentine, Tunisia, Ceylon, Ecuador and Poland. Delegations from South Africa, India, Ghana, Pakistan, Guinea and Liberia were invited to participate in the debate).

Mr. Brand Fourie, the head of South Africa's permanent mission to the U.N., then pointed out that this was the first time in the history of the U.N. that the Security Council had decided to consider "a purely local disturbance." It was creating a dangerous precedent which could affect other countries. The annual discussions of South Africa's racial problems in the General Assembly had helped to inflame the situation in the Union, he said. He warned members that the forthcoming debate might well incite new racial strife, and said that if this were to be the result the blame would rest squarely on the shoulders of the Security Council. Stating that now the item had been inscribed on the agenda he would have to report to his Government for further instructions, Mr. Fourie then retired to his seat on the sideline.

According to Press reports, although highly critical of the policies of apartheid, the speeches that followed were moderate in tone.

A resolution was finally adopted by nine votes to nil with Britain and France abstaining. It expressed the view that the situation in South Africa was one that had led to international friction and if continued might endanger international peace and security. It was deplored that the disturbances should have led to the loss of life of so many Africans. The policies and actions of the South African Government, which had given rise to the situation, were deplored. The South African Government was called upon to initiate measures aimed at bringing about racial harmony based on equality, and to abandon its policies of apartheid and racial discrimination.

The Secretary-General of the United Nations, Mr. Dag Hammarskjöld, was requested, in consultation with the Union Government, to make such arrangements as would adequately help in upholding the purposes and principles of the Charter, and to report to the Security Council whenever necessary and appropriate.

Mr. Eric Louw subsequently announced in the Union House of Assembly that Mr. Hammarskjöld had written to him making it clear that any consultations would not require prior recognition by South Africa of the United Nations' authority. This being the case, he had informed Mr. Hammarskjöld that the latter would be welcome to come to the Union for discussions at a time mutually suitable and still to be arranged. He had suggested that it might be convenient for Mr. Hammarskjöld to go to London for preliminary discussions after the Commonwealth Prime Ministers' conference.

The latter did so, and at the conclusion of the talks a statement was issued to the effect that "after a useful exchange of views" Mr. Hammarskjöld and Mr. Louw had agreed "on the character and course of the further consultations, which are scheduled to take place in Pretoria."

Mr. Hammarskjöld made plans to visit the Union during May; but the rioting in the Congo forced him to change his arrangements. He held further discussions with Mr. Louw in New York during October, after which it was stated that he was drafting an interim report for the Security Council and planned to leave for the Union on 4 or 5 January 1961.

BRAZIL

During April the head of the Brazilian mission in South Africa was recalled "for consultations". It was reported that Brazil was trying to organize a collective stand by all the Latin American Governments to face what the Brazilian Foreign Minister publicly described as "an issue of prime importance for nations born of a fusion and a co-ordination of efforts of different races". He added that the internal security of such countries was threatened by the propagation of doctrines aimed at destroying the relationship between peoples of different races and creeds.

COMMONWEALTH-PRIME MINISTERS' CONFERENCE

According to Press reports, at the opening session of the Commonwealth Prime Ministers' conference in London on 3 May, Tunku Abdul Rahman, Premier of Malaya, referred to "the
A SURVEY OF RACE

problem of racial discrimination in South Africa and its effects on relations between South Africa and other Commonwealth countries," and said he hoped an opportunity would be found for the Prime Ministers to discuss the subject. The meeting reaffirmed the traditional practice, however, that at Commonwealth conferences there was no formal discussion of the internal affairs of member countries.

Mr. Eric Louw pointed out that the South African Government was alone responsible for its domestic policies; but agreed to a suggestion that he should meet other heads of delegations for informal discussions.

According to reports, Mr. Louw gave offence to certain delegates by holding a Press conference before these informal discussions at which he appeared to pre-judge their outcome, making it clear that South Africa had no intention of modifying its policies or admitting any sort of liability for the crisis that had developed.

The Premier of Malaya stated on 5 May that he had walked out of informal discussions with Mr. Louw and would refuse to have further talks with him. "It was impossible to discuss matters with the representative of a country which had firmly decided that there would be no change in its policies, he said.

Addressing the India League in London, Pandit Nehru said that apartheid might "shake the very foundations of the Commonwealth". "I wish to lay stress on the dangers and explosive character of this situation," he added. Field Marshal Ayub Khan of Pakistan said at a Press conference that unless some human solution to apartheid was found "it will certainly set alight the best part of Africa."

Mr. Louw is reported to have been involved in disputes with Mr. Diefenbaker, who called upon him to explain or justify a public statement that he was unaware of Canada's attitude to apartheid, and with Dr. Kwame Nkrumah, who said that the invitation to Mr. Louw to visit Ghana later in 1960 had been a conditional one, the condition being that the Union reciprocate with an invitation to Ghana's Foreign Minister, Mr. Ako Adjei, to make a similar trip thereafter. So far South Africa had not agreed to this condition, and the original invitation would now be withdrawn because of the recent events in the Union. Mr. Louw denied that any conditions had been attached to the invitation.

It was announced at this time that Tunku Abdul Rahman was shortly to pay an official visit to West Germany. Mr. Louw had planned to visit Bonn during this same period but had been advised by officials there that his proposed visit "would be inconvenient".

RELATIONS: 1959-60

The communiqué issued at the end of the Prime Ministers' conference referred in guarded terms to the discussions that had taken place on South Africa's racial situation even though these were informal and although Mr. Louw is reported to have been strongly opposed to any such reference. It said, "While reaffirming the traditional practice that Commonwealth conferences do not discuss the internal affairs of member countries, Ministers avoided themselves of Mr. Louw's presence to have informal discussions with him about the racial situation in South Africa.

"During these informal discussions Mr. Louw gave information and answered questions on the Union's policies, and the other Ministers conveyed to him their views on the South African problem. The Ministers emphasized that the Commonwealth itself is a multi-racial association and expressed the need to ensure good relations between all member States and peoples of the Commonwealth."

As is mentioned in an earlier chapter, it is believed that Mr. Louw sought advance approval for South Africa's remaining in the Commonwealth as a republic, but no such assurance was given. The communiqué stated, "In the event of South Africa deciding to become a republic and if the desire was subsequently expressed to remain a member of the Commonwealth, the meeting suggested that the South African Government should then ask for the consent of the other Commonwealth Governments."

It is understood that the adequacy of a purely White referendum, and the inclusion of South-West African White voters, was questioned by Mr. Nehru, Dr. Nkrumah and Tunku Abdul Rahman.

PAN-AFRICAN FEDERATION CONFERENCE

The decision made at the Pan-African Federation Conference, which was held in Addis Ababa during June 1960, to employ commercial, diplomatic and political sanctions against the Union is mentioned earlier in this chapter.

A further decision was that Ethiopia and Liberia, as the only participating countries that had been members of the League of Nations, should take the question of the South-West African mandate to the International Court of Justice, on the submission that the Union had violated the terms of the mandate by suppressing rights and liberties and practising racial discrimination.

GHANA

It was announced during July that the Ghana Government had decided that all its ports and airports would be closed to South African shipping and aircraft except in cases of distress. A South
African citizen would only be permitted to enter Ghana, whether in transit or otherwise, if he declared before Ghana officials his opposition to apartheid and other forms of racial discrimination.

Dr. Verwoerd stated on 14 August\(^{17}\) that the Union Government would take action against South Africans who signed this anti-apartheid declaration. Any Union citizen working or living in Ghana who applied for a British passport would "forfeit his moral right to privileges in his own country\(^{16}\), and would be refused a South African passport. Legislation on this matter, which would be retrospective to the date of the Prime Minister's announcement, would be introduced during 1961.

An American airline which used the Accra airport subsequently succeeded in having in transit South African passengers exempted from the Ghana Government's requirement. Such passengers, unless they have signed the declaration, are restricted to the international section of the airport.

**NIGERIA**

According to a Press report,\(^{18}\) the Nigerian Government was also considering refusing airport facilities to South African aircraft. An official of the S.A. Railways, Harbours and Airways Administration stated, however,\(^{19}\) that the decision eventually to by-pass Kano had been made by South Africa. A long-range Boeing service was being introduced, and these aircraft would not need to refuel at Kano, as the D.C. 7B's did.

**ESTABLISHMENT OF THE S.A. POLITICAL BUREAU**

Numbers of Non-White South Africans who left the country at the time of the emergency or on their release from detention made their way along an established escape route to Ghana. They were joined later by young men going for "political, administrative and military training.\(^{20}\) Among these people were Mr. Oliver Tambo, ex-deputy President-General of the A.N.C., Mr. Tennyson Makiwane and Mr. V. Make, treason-trialists and former members of the A.N.C., Dr. Y. Dadoo, former President of the S.A. Indian Congress, and Messrs. Nelson Mahono and Peter Molotsi, formerly of the Pan-African Congress.

Money has been raised in Ghana to enable these men and others to set up a S.A. Political Bureau, which is said to have offices in Accra, London, Leopoldville, Cairo and Addis Ababa, with the object of carrying out anti-South African Government propaganda.

\(^{17}\) Rand Daily Mail report, 15 August 1960.
\(^{18}\) Sunday Times, 3 July.
\(^{19}\) Star, 6 July.
\(^{20}\) Rand Daily Mail report, 3 September.

**SOUTH AFRICAN MEMBERSHIP OF INTERNATIONAL BODIES**

The status of South Africa's permanent mission at the United Nations has been raised to that of an Embassy. Mr. Brand Fourie, the Union's representative at the United Nations, became its first Ambassador there.\(^{21}\) The Minister of External Affairs, Mr. Eric Louw, again visited New York for the 1960 session.

During January 1960 the Union reversed its previous decision and decided to become a member of the United Nations Economic Commission for Africa. Mr. Brand Fourie headed a delegation of senior officials who attended the second session of this body, which was held in Tangier.

At a conference of managers of railway systems in African countries, held during May, Mr. D. H. C. du Plessis, the Union's General Manager of Railways, unreservedly offered all the technical know-how of his administration to the new African states.

International bodies continue to be hesitant about holding conferences in the Union, in case Non-White delegates are subjected to embarrassment. For this reason the venue of a conference of the International Society of Sugar Cane Technologists, held in February 1960, was altered from Natal to Mauritius. Individual Non-White official visitors are, however, made welcome by the Union Government; among such visitors during the year under review was Mr. Subash Mazumdar, an Indian statistician attached to the U.N. Food and Agricultural Organization, who came to South Africa for discussions with Government officials and was accommodated in a leading hotel in Pretoria.

**UNITED NATIONS' CONSIDERATION OF SOUTH-WEST AFRICA**

As was mentioned in last year's Survey,\(^{22}\) on 17 November 1959 the United Nations' General Assembly adopted a resolution calling upon South Africa to enter into negotiations with the United Nations with a view to placing South-West Africa under U.N. trusteeship.

Shortly thereafter, during December, there was serious rioting in Windhoek Location, the alleged underlying cause being resentment over a scheme to move residents to a new municipal township where the housing was better but the rentals higher. About eight policemen were injured when stones were flung at them, several buildings and cars were badly damaged, eight or twelve Africans (reports differed) were killed when the police and soldiers opened fire, and at least thirty Africans were wounded. The Government appointed a one-man commission to enquire into the causes of this disturbance.

\(^{22}\) Page 326.
Although the General Assembly’s debate on South-West Africa had been concluded, the Trusteeship Committee of the United Nations decided by a small majority of votes to grant a hearing to three African petitioners from the territory. A resolution was adopted noting with deep concern the action taken by the police and soldiers, and urging the Union Government to desist from the use of force and from compelling residents of the location to move.

The United Nations Standing Committee on South-West Africa, of which Brazil, Denmark, Eire, Ethiopia, Guatemala, Indonesia, the Phillipines, the United Arab Republic and Uruguay are members, issued a further report during September 1960. It quoted a letter from the Union’s Minister of External Affairs in which the latter is reported to have said that the Union would not negotiate with the United Nations on the question of placing South-West Africa under trusteeship. While reserving the Union’s legal claims to the territory, it would, however, discuss any other possibilities with some special U.N. body.

The committee stated that, judging from the information it had been able to gather, conditions in South-West Africa had not improved. There seemed to be a marked disparity in the amount of money appropriated for the benefit of the Whites and the amount appropriated for the benefit of all other races. The policy of apartheid dominated South Africa’s administration of the territory. It seemed that the intention was to integrate South-West Africa into the Union, or to annex it.

As is mentioned earlier, during November 1960, in their capacity as former members of the League of Nations, Liberia and Ethiopia instituted an action against South Africa in the International Court of Justice. Article seven of the League mandate agreement provided that if any dispute between the mandatory power and another member of the League relating to the interpretation or the application of the provisions of the mandate could not be settled by negotiation, it should be submitted to the International Court of Justice. In 1950 the Court ruled that this article was still in force.

The question of South-West Africa was again inscribed on the agenda for the meeting of the Trusteeship Committee in November 1960, in spite of Mr. Eric Louw’s contention that the matter was sub judice in view of the action pending in the International Court. The South African delegation took no further part in the discussions.

THE TREATMENT OF PERSONS OF INDIAN ORIGIN IN SOUTH AFRICA

During December 1959 the United Nations General Assembly once again urged South Africa to negotiate with India and Pakistan on the question of the treatment of persons of Indian origin in South Africa.