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A SURVEY OF  
RACE RELATIONS  
IN SOUTH AFRICA  
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## POLITICAL PARTIES

### NATIONALIST PARTY

#### Statements of policy on Africans

In a policy statement made in the Assembly on 5 February<sup>(1)</sup> Dr. Verwoerd reiterated his opinion that peace could be ensured in South Africa only by separating Whites and Africans to the maximum extent possible. "I believe in the supremacy of the White man over his people in his own territory", he said, "and I am prepared to maintain it by force."

He stated that "the crux of the policy of separation is political separation"—not territorial or physical separation. "The basic standpoint is that the Bantu and the Whites will have their political future apart from one another . . . The Whites will be in this Parliament . . ."

"Territorial separation", the Prime Minister continued, "is important in the sense that the further one can develop it, the greater are the chances of having good relations and of avoiding conflict." The object would be gradually to decrease the number of African workers in White areas, and, in the meanwhile, to maintain residential, educational, and social separation. These workers would not be "integrated" in the sense of being accepted as equals in the economic sphere. In terms of this policy, Dr. Verwoerd maintained, there would be no danger to the White man's position even if the numbers of Africans in White areas increased for the time being.

In a subsequent statement, made in the Assembly on 7 April,<sup>(2)</sup> Dr. Verwoerd said, "We have an economic and social structure here which we cannot remedy in a few years . . . It is the beginning that takes time." As the homelands and the border areas were developed and the process of mechanization and automation was extended in metropolitan industries, the flow of Africans to the White areas would gradually be reversed. "The turning point could come in 1978" (a date that had been worked out by demography) . . . "By the year 2000 we would probably again reach the stage when the number of Bantu in the White area of the country would be equal to the figures for 1950."

During the debates that ensued Mr. G. F. L. Froneman (a prominent Nationalist M.P.) said<sup>(3)</sup> that the Bantu "are only

(1) Hansard 2 cols. 613-636.

(2) Hansard 11 cols. 4176-4179, 4184-4187.

(3) 6 May, Hansard 14 col. 5460.

supplying a commodity, the commodity of labour . . . It is labour we are importing and not labourers as individuals . . . Numbers make no difference." The Deputy Minister of Bantu Administration and Development added<sup>(4)</sup> that in the White areas Africans would not be able to develop economically above a certain level. The bar was elastic, but would not be moved all the way up to the top.

Dr. Verwoerd again stressed<sup>(5)</sup> that Africans would have full opportunities in the homelands. They "can develop their own areas to any level of independence they are able to achieve, (but) will still remain under the control of White South Africa for as long as it is still necessary to lead them to civilized self-government on a democratic basis." In the earlier statement he said,<sup>(6)</sup> "I believe in the Bantu homelands, because of economic interests, we will be able to forge bands of friendship . . . Clashes may occur. Demands will certainly be made that will be rejected by us . . . It is better to face a danger outside the boundaries of one's country rather than within one's state."

In a speech made at Utrecht,<sup>(7)</sup> the Minister of Bantu Education maintained that continued economic interdependence with the White republic would be essential for the very existence of the homelands. They would not be able to afford to line up with Communist countries, thereby antagonizing the economically stronger White country. By allocating separate homelands to the various ethnic groups the Government was fostering nationalism, which was an anchor against communism.

#### Policy in regard to the Coloured and Asian peoples

In the course of his second major policy statement<sup>(8)</sup> Dr. Verwoerd said that if the Bantu were eliminated "from our political life . . . then the position is that we have a White majority in South Africa and two minority groups." If granted the vote a minority group had very slight chance of getting into power—unless it held the balance of power between two equally strong parties, which was an undesirable state of affairs.

"Surely it is much better, then", he continued, "to give such a minority group limited powers and opportunities. That is the basis of our policy . . . What is being given to them is self-government over matters which are of real importance to them." He cited the fields of education, welfare, local government, Coloured settlements—even entertainment, expressing the view that if the Coloured and Asian peoples were moulded into communities they

(4) 7 April, Hansard II col. 4206.

(5) Col. 4180.

(6) Hansard 2 col. 634.

(7) *Rand Daily Mail* report, 2 March.

(8) Hansard II cols. 4180-4248.

would not lose their leaders, and would have far better opportunities of holding responsible positions than would be possible in terms of a policy of integration.

"It is true", Dr. Verwoerd added, "that for the rest, in respect of foreign affairs . . . taxation . . . similar matters, they will be subject to the authority of the entire State which is controlled by the majority group of the population . . . We must ask ourselves . . . in what way you can best serve the interests of everybody, even if it means that the one gets slightly less than the other."

As described later, the Prime Minister went on to state that the Government should try to ensure that Coloured voters of the Cape (who elect four Whites to the Assembly) "send to this Parliament those Whites who they believe will best represent the true and real interests of the Coloureds."

#### Features of Nationalist Party policy as applied during the year

Dr. Verwoerd now maintains that the essence of apartheid is political separation. With certain notable but comparatively minor exceptions, for example in regard to the labour policy on the mines, the Government has, during 1965, followed a path of *laissez-faire* in the economic sphere. As Mr. Quintin Whyte, Director of the Institute of Race Relations, has written,<sup>(9)</sup> "it is becoming obvious that what one might call 'big apartheid' is not succeeding."

Efforts have been directed, instead, to the promotion of "petty apartheid" in the social, cultural, and sporting fields. Some of the actions taken to this end, for instance in regard to possible visits by American negro airmen or Maori rugby players, have had serious repercussions overseas.

During the year the Government has become increasingly intolerant of criticism, and has shown a readiness to flout world opinion, even although international pressure on South Africa has eased. New measures have been taken relating to defence and security, and for the control of the activities of individuals. There have been intensified attacks on "liberalists", and efforts to bring about conformity of thought in the country.

#### Reactions in the country

As described later, the provincial elections in March showed a pronounced swing to the right and increased support for the Nationalist Party. This was especially notable in Natal, where, according to the Nationalist Press, about one-sixth of the party's members are now English-speaking.<sup>(10)</sup> It is possible, as Mr.

(9) R.R. 87/65, *Legislation Affecting Race Relations, 1965*.

(10) Article by Mr. Stanley Uys in the *Sunday Times*, 29 August.

Laurence Gandar has written,<sup>(11)</sup> that these recruits are not necessarily supporters of "Bantustans" or other radical aspects of Nationalist Policy, but feel that Dr. Verwoerd is able to preserve the security and prosperity of the White man and, for the sake of this, are prepared to accept methods employed by the Nationalists to this end.

But there has been dissension within the Party. The Prime Minister's policy statement on the Coloured people and the steps taken to bring about cultural and sporting apartheid caused considerable unease among left-wing Party members, especially in the Cape.

Party logicians, for example leader-writers of *Die Transvaler* and *Die Burger*, and persons such as Dr. Piet Koornhof, M.P. (ex-secretary of the Broederbond)<sup>(12)</sup>, have pleaded passionately with the Whites of South Africa to face up to the social and political implications of their dependence upon Black labour and to accept the necessity for grave sacrifices in order to bring about territorial segregation.

The extreme right-wing Nationalist element opposes the concept of independence for the Bantu "homelands", preferring that the White man should retain *baasskap* over the whole of South Africa. Farmers have been dissatisfied with the extent of help given to them during the drought.

At the provincial elections an independent Nationalist candidate in the Wonderboom constituency of the Transvaal polled 2,755 votes, losing by only 1,750 votes to the sitting member and official Nationalist candidate. He is reported<sup>(13)</sup> to have claimed that more than 90 per cent of those who supported him were Nationalists. According to the *Sunday Times* of 17 October, his candidature was supported by a group of dissatisfied right-wingers within the Nationalist Party, led by Mr. Fritz Smit. They intend trying to secure nomination as the official party candidates in certain constituencies in the 1966 general elections, and, if unsuccessful, may stand as independent Nationalists.

A parliamentary by-election was held in Uitenhage during October, and a party organizer was selected as the official candidate in preference to a local member of long standing. In protest against this, Mr. M. Louw stood as an independent Nationalist candidate, and polled 4,421 votes against the 6,156 cast for the official candidate.

The emergence of two new right-wing parties is described on page 7.

Despite these signs of dissatisfaction, however, it would appear, at the time of writing, that Dr. Verwoerd is very firmly in the saddle.

<sup>(11)</sup> Article in the *Rand Daily Mail*, 27 March.

<sup>(12)</sup> e.g. at the Transvaal Congress of the Nasionale Jeugbond, held at Loskop, in September.

<sup>(13)</sup> *Sunday Times*, 28 March.

## UNITED PARTY

In a policy statement made in the Assembly on 26 January,<sup>(14)</sup> Sir de Villiers Graaff said that there was a large measure of agreement in South Africa in regard to the maintenance, in the interests of all races, of "White civilization", the promotion of higher living standards for all, the development of the African Reserves, and the defence of the Republic against possible outside aggression. But the United Party believed that White leadership must be maintained over the whole of South Africa. Sir de Villiers explained his party's reasons for opposing the Government's determination "to develop the Reserves politically in the direction of ultimate sovereign independence".

The U.P.'s race federation plan and its policy in regard to Non-White political representation were described on page 2 of the 1963 *Survey*. Briefly, the party envisages, as an ultimate solution, the establishment of communal councils for the various racial groups to control the more intimate affairs of the group concerned. Matters of national importance would fall under the purview of a central parliament in which each group would be represented "in accordance with the standards of civilization it had reached".

In numerous speeches and parliamentary debates during the year (described in subsequent chapters) U.P. speakers have made clear their opposition to measures which restrict freedoms, create a division between the Coloured people and the Whites, and reduce the African people to "a rootless, rightless proletariat". Sir de Villiers said in the Assembly on 7 April<sup>(15)</sup> that the U.P. wanted to see the African "as a property-owning middle-class . . . on our side in maintaining law and order. . . . We accept that some of them have become permanently detribalized and permanently settled outside the Bantu areas."

According to Press reports<sup>(16)</sup>, Sir de Villiers told students at the University of the Witwatersrand that if the U.P. came into power, *inter alia*, all discriminatory laws would be reviewed, the White population would be strengthened to overcome its fear of being swamped, machinery for consultation would be built up on all levels, Coloured men of the Cape and Natal would be restored to the common roll, Africans would again be given limited representation by Whites in Parliament, Asians would be consulted in regard to a form of representation for them, "law-abiding" Africans would be exempted from the pass laws, and instead of job reservation, the rate-for-the-job would be paid whenever there was competition between the races for the same job.

Some U.P. members, led by Mr. Japie du P. Basson, M.P., have advocated that Coloured voters should remain on a separate roll, that the Coloured franchise be widened, and that the voters

<sup>(14)</sup> Hansard I cols. 26-52.

<sup>(15)</sup> Hansard 11 col. 4172.

<sup>(16)</sup> e.g. *Cape Times*, 6 August.

should have the right to elect Coloured Members of Parliament. This policy was apparently overruled, however, by the party's Head Committee when it met during May.

After the provincial elections the U.P. promoted a number of younger M.P.'s, several of whom now lead its various parliamentary committees. Provincial leaders have been freed from such work to enable them to concentrate on overhauling the party organization.

#### PROGRESSIVE PARTY

As described in more detail in previous issues of this *Survey*<sup>(17)</sup> the Progressive Party, led by Dr. J. Steytler, believes that authority should be shared by all those fit to exercise it, irrespective of race. It stands for integration on the basis of a qualified franchise and an entrenched Bill of Rights; and its membership is multi-racial.

In spite of the Government's announced disapproval of participation in Coloured politics by "White-controlled political parties",<sup>(18)</sup> the Progressive Party entered candidates for both of the Coloured constituencies in the Cape Provincial Council elections, held in March, against U.P. opposition. Each of the seats had previously been held by a member of the U.P., but they were captured by the P.P. by majorities of 3,629 in the South Cape and 284 in the North Cape constituencies.

When White voters polled, a fortnight later, however, it became evident that White support for the P.P. had decreased since the previous elections.

The Progressive Party's attitudes to race relations in general and to matters before Parliament, as expressed by its only M.P., Mrs. Helen Suzman, are described in relevant chapters of this *Survey*.

#### LIBERAL PARTY

Members of the non-racial Liberal Party believe that the franchise should be extended gradually on the common roll to all adult persons, without any literacy, income or other qualifications.

At the party's national congress, held in July, Mr. Alan Paton was re-elected national president, and Dr. the Hon. E. H. Brookes, national chairman.

As noted in earlier *Surveys*, during 1963 and 1964 severe banning orders were served by the Government on numbers of Liberal Party leaders, including the then national chairman, Mr. Peter Brown, a deputy national president, a national vice-president, the national treasurer, and the chairman of the Cape Division. Others were warned by magistrates, under threat of banning orders, to desist from activities which might further any of the aims of statutory communism; and the homes of many members were raided by the police.

(17) 1959-1960, page 12; 1962, page 2.

(18) See 1964 *Survey*, page 4, and a subsequent section of this *Survey*.

Other young party leaders received banning orders during 1965; they included Mr. David Craighead, Transvaal party chairman and also chairman of the Defence and Aid Fund in South Africa. Besides being prohibited from attending gatherings (which means that his statements may not be quoted), Mr. Craighead may not leave the Johannesburg area and must report to the police weekly. In letters to the Press, party members pointed out that Mr. Craighead is a practising Roman Catholic, and highly unlikely to be a Communist.

Among others who have been placed under banning orders are Mr. Barney Zackon, who was chairman of the Cape branch and an active member of Defence and Aid, Mr. Michael Francis (the fifth successive editor of *Contact* to be banned), and Mr. John Aitchison, a divinity student. By September some 40 party members had been immobilised in this way.<sup>(19)</sup> At least three others have been "warned", among them Mr. Maritz van den Berg, chairman of the party in Pretoria.

It was reported in May<sup>(20)</sup> that anonymous typewritten leaflets had on several occasions been distributed simultaneously in widely scattered areas to Liberal Party members, especially Africans, stating that the party would soon be banned, that the police were keeping a watch on members, that the recipients would be wise to destroy records of party activities and to refrain from associating with party members. These leaflets were stated to have become progressively more anti-Liberal and violent.

At the national congress members passed a resolution stating that the party had been "the victim of savage, systematic and, let it be remembered, unconstitutional persecution by the Nationalist Party at present in control of the government . . . We have seen our country flooded by a tidal wave of legislation which has eroded the values and submerged the liberties which South Africa once enjoyed, and which as Liberals we most deeply cherished.

"If, through this persecution, and in fact defeat, any of our members or our friends are beginning to lose hope in the future of our country, we would urge them that now is the time to hold fast to our conviction and our faith. . . ." <sup>(21)</sup>

#### REPUBLICAN PARTY

The Republican Party was founded during 1964, under the leadership of Professor C. F. van der Merwe of Pretoria. According to statements by him and by Mr. W. J. James, the Free State leader,<sup>(22)</sup> the party stands for White unity and for "the maintenance of human rights within the framework of South Africa's traditional way of life and the Christian democratic political

(19) *Sunday Express* report, 19 September.

(20) *Rand Daily Mail*, 13 May.

(21) *Natal Mercury*, 12 July.

(22) *The Friend*, 8 June and 14 August.

philosophy". Its basic difference from the Nationalist Party is that it opposes the concept of independent Bantustans. It disapproves, too, of secret political organizations.

According to the *Sunday Times* of 17 October, the Nasionalistebond of the Free State, formed in 1963 to fight Broederbond influences in the Nationalist Party, has joined forces with the Republican Party.

#### CONSERVATIVE PARTY

The establishment of the Conservative Workers' Party was described on page 15 of the 1961 *Survey*. It consists mainly of right-wing Afrikaans-speaking trade unionists, who consider that the Nationalist Party is doing too much for Africans and is betraying the interests of White workers.

At the time of writing, it is not clear what the relationship is between this group and a newly-formed Conservative Party, led by Mr. H. J. J. Terblanche, which is composed of dissatisfied miners who asserted that the Government was behind the "colour-bar experiment" on the mines (described in a subsequent chapter).

#### S.A. REPRESENTATIVE PARTY

Another new party, led by Mr. E. Harper of Cape Town, is the S.A. Representative Party, which is firmly anti-Fascist as well as anti-Communist. Its other aims, as stated at the time of writing, dealt mainly with practical matters such as car insurance, the road accident rate, medical aid schemes, lotteries and television.<sup>(23)</sup>

#### PROVINCIAL ELECTIONS

The elections of two Whites to represent Coloured voters in the Cape Provincial Council were held on 10 March. Both seats were won by Progressive Party members (Dr. Oscar D. Wollheim and Mr. W. J. van Heerden) against United Party opposition; altogether the P.P. polled 6,100 votes and the U.P. 4,143. The percentage poll (considerably higher than in past elections) was 68.8 in the South Cape and 70.5 in the North Cape (which constituency includes the Transkei and Ciskei).

White voters went to the polls on 24 March. Only 65 of the 172 seats were contested. The candidates and the average support received were:

	No. of candidates	Average no. of votes per candidate
Nationalist Party ...	57	3,593
United Party ...	64	2,483
Progressive Party ...	10	1,888
Independents ...	2	2,446

<sup>(23)</sup> *Sunday Express*, 1 August.

The overall percentage poll was 61.4.

A pronounced swing to the right was revealed. The U.P. lost nine seats to the N.P. (3 Transvaal, 4 Natal, 2 Cape) and one to an Independent. It appeared that some previously safe U.P. seats were rendered marginal, and some previously marginal seats became safe N.P. ones. There was diminished support for the P.P.

The final state of the parties was:

	N.P.	U.P.	P.P.	Ind.
Cape ...	32	22	—	—
Cape Coloured representatives .	—	—	2	—
Natal ...	8	16	—	1
O.F.S. ...	25	—	—	—
Transvaal ...	51	17	—	—
	116	55	2	1

#### POLITICAL REPRESENTATION OF COLOURED PEOPLE

##### 1. Statement by the Prime Minister

On 7 April, shortly after the election of Coloured representatives to the Cape Provincial Council, Dr. Verwoerd said in the Assembly<sup>(24)</sup>: "It is also the duty of the Government, to the best of its ability — and I admit that it is a difficult task — to ensure that the Coloureds, of their own volition, send to this Parliament those Whites who they believe will best represent the true and real interests of the Coloureds.

"What I want to happen is that the Coloureds amongst themselves, whether they do it on party lines or not, should decide upon the policy directives which they feel are in the interests of their population; that they should argue the matter amongst themselves uninfluenced by Whites; and that those who receive the support of the Coloured voters should then decide which people should represent them here."

##### 2. Existing Parliamentary representation

At the time of writing, registered male Coloured voters of the Cape were represented in the Assembly by:

Peninsula: Mr. A. Bloomberg (Independent with U.P. backing).  
 Boland: Mr. Charles Barnett (Independent with U.P. backing).  
 Karoo: Mr. Graham S. Eden (U.P.).

Outeniqua: Mr. M. W. Holland (Independent).

At the time when these representatives were elected, the Nationalist, Progressive and Liberal Parties, for varying reasons, decided against putting forward candidates.<sup>(25)</sup>

<sup>(24)</sup> Hansard 11 cols. 4247-4248.

<sup>(25)</sup> See 1961 *Survey*, page 26.

(With certain exceptions in the case of Natal,<sup>(26)</sup> Coloured men in the remaining provinces have no Parliamentary vote, and Coloured women have not been enfranchised.)

### 3. Separate Representation of Voters Amendment Act, No. 72 of 1965

The principal Act, No. 46 of 1951, provided that the election of M.P.'s and M.P.C.'s to represent Coloured voters should take place not less than eight days before the polling day fixed for White voters.

The Amendment Act stipulated that the existing Coloured representatives, and representatives elected in future, will hold office for a fixed period of five years from the time of their election.

Mrs. Helen Suzman, M.P. (P.P.), opposed, without success, the motion of the Minister of Coloured Affairs that leave be granted to introduce the Bill.<sup>(27)</sup>

At the Second Reading the Minister indicated<sup>(28)</sup> that the Government did not think it necessary for the views of Coloured voters to be taken into account if Parliament should be dissolved at any time in order that the White electorate might be consulted in regard to a particular matter.

On behalf of the U.P., Mr. J. D. du P. Basson moved<sup>(29)</sup> that the Bill be read that day six months. He termed it "a piece of political manipulation", and challenged the Minister to deny that it was part of a broader pattern. The Government's purpose, Mr. Basson maintained, was "to isolate the Coloureds from the general politics of the country . . . [then] to try as far as possible to ensure that the Coloureds will be exposed to only one political contact and direct influence . . . that of the governing party".

Mrs. Suzman claimed<sup>(30)</sup> that the measure represented "a decided diminution of the influence and the rights of the Coloured people in the political life of South Africa". "I believe", she continued, "that this Bill is the opening chapter of yet another phase in the long history of the Coloured franchise in South Africa . . . a sordid history."

Mr. G. S. Eden supported these remarks,<sup>(31)</sup> but Mr. Bloomberg said<sup>(32)</sup> that he, Mr. Barnett and Mr. Holland had decided not to vote on the matter because it might be contended that they had some personal interest in it. In their view the Bill did not diminish the Coloured people's limited rights of representation. "Coloured leaders with whom my colleagues and I have conferred", he said, "feel . . . that their loss of political rights . . . took place in 1951 and again in 1955, when they were removed from the common roll

(26) See 1955-1956 Survey, page 21.

(27) Assembly, 4 May, Hansard 14 cols. 5275-5276.

(28) 13 May, Hansard 15 col. 5878.

(29) Cols. 5879-5888.

(30) Col. 5898.

(31) Cols. 5908-5910.

(32) Cols. 5891-5896.

They feel, as I do, that the only statesmanlike way to deal with the Coloured people is to restore their common roll rights."

Mr. Quintin Whyte, Director of the Institute of Race Relations, said in a Press statement that he was appalled by the Prime Minister's recent announcement that the Coloured people would receive less than the Whites and would always remain subject to a parliament controlled by Whites. "The Institute opposed the original Separate Representation of Voters Act", he continued. "It can only see the present proposed amendment as a further step towards total disenfranchisement of the Coloured. . . ." Statesmanship and justice demanded the return of the Coloured people to the common roll. The Institute believed that the franchise should be extended to the northern provinces and to women.

As the result of the passage of this Act, the next election of Coloured representatives in the Assembly is due towards the end of 1966.

### 4. Debate in the Cape Provincial Council

At a meeting of the Cape Provincial Council in May, Mr. W. J. van Heerden (P.P.) introduced the motion "That this Council deplors any attempt to diminish even further the meagre political rights of the Coloured people and urges acceptance of the principle that Coloured and White voters should be registered on a common roll." The U.P. introduced a slightly differently-worded amendment, but with the same intent. Both motions were defeated.<sup>(33)</sup>

### 5. Participation in party politics by Coloured teachers

The Coloured Persons Education Act, No. 47 of 1963, stipulated that it will be regarded as misconduct, *inter alia*, if a Coloured teacher is a member of a party-political or other organization to which the Minister of Coloured Affairs, by notice in the *Gazette*, declares that teachers may not belong, or if a teacher furthers the object of such an organization.<sup>(34)</sup>

In terms of Government Notice 1308 of 3 September, the Minister declared that Coloured teachers were prohibited from being members of the Nationalist, United, Progressive or Liberal Parties.

Two points are noteworthy: firstly that the Nationalist and United Parties do not, in any case, accept Non-White members; and secondly that Coloured teachers have traditionally occupied a position of leadership in their community.

### 6. Meetings in Coloured rural areas

New regulations for rural Coloured areas, replacing earlier ones issued in 1960 and 1961, were promulgated on 15 September

(33) Cape Times report, 21 May.

(34) See 1963 Survey, page 230.

in terms of Government Notice R1375. They provide for the declaration of Coloured areas, certificates of occupation, the election of Advisory Boards and Boards of Management and the powers of these bodies, the levying of rates, etc.

Section 118 deals with meetings in Coloured rural areas. There are three differences from previous regulations in this regard.

- (a) It is again provided that, with certain exceptions, it is an offence to hold or address a gathering of more than five persons unless with permission. Previously the Coloured Affairs Department or a magistrate could grant permission. Now the written approval of the Secretary for Coloured Affairs must be obtained.
- (b) There were previously restrictions on the types of religious services that were exempt from these provisions.<sup>(35)</sup> Now any meeting held for the purpose of a *bona fide* religious service is exempt.
- (c) The previous regulations exempted meetings presided over by a Senator, Member of Parliament or Member of a Provincial Council. Such meetings are no longer exempt.

The new regulations were gazetted on the eve of a long-arranged meeting in the Genadendal Coloured area at which Dr. Oscar Wollheim, the Coloured representative in the Cape Provincial Council, was to have reported-back. About 350 people were present. When Dr. Wollheim arrived a Departmental official told him that unless he obtained the Secretary's permission it would be illegal for him to hold the meeting.

Dr. Wollheim is reported<sup>(36)</sup> to have said to the Press: "This is obviously aimed at the Progressive Party. . . . It is a futile gesture. I can still go on personal home visits in the Coloured area and speak to groups of less than five people. And, anyway, outside almost every Coloured rural area there is a town or village nearby where residents of the area can attend meetings."

#### 7. Possible further legislation

According to Press reports<sup>(37)</sup>, the Minister of Justice announced in June that the Government intended introducing a further measure relating to Non-White representation, but in view of the advanced stage of the parliamentary session would hold it over until 1966. The proposed Bill would be along the lines that follow.

- (a) It would become an offence for any White person to take part in the elections of the Coloured Representative Council, the Legislative Assembly of the Transkei, a Bantu Authority, or the Indian Council when this is established.
- (b) "Interference" in these elections would mean financial assistance, the drafting of propaganda or organized activities in

(35) See 1957-1958 Survey, page 40.  
 (36) *Rand Daily Mail*, 20 September.  
 (37) e.g. *Rand Daily Mail*, 10 June.

support of candidates, for example the dissemination of propaganda or the provision of transport for voters (except where employers were transporting their employees to polling booths).

- (c) It would be an offence for a White person to influence members of the bodies mentioned to adopt policies which were in conflict with an Act of Parliament or were designed to frustrate the objects of any Act.

#### CONSTITUTION AMENDMENT ACT, No. 83 of 1965

1. At the time when this measure was introduced there were 150 Members of Parliament elected by White voters of the Republic, six elected by White voters of South-West Africa, and four elected by Coloured voters in the Cape.

Constituencies in the Republic were delimited by provinces, according to the formula, 150 multiplied by the number of White voters in the province concerned, and divided by the total number of White voters in the Republic.

They will in future be delimited on a country-wide basis. The quota will be arrived at by dividing the total number of White voters by the number of seats (which is to be increased from 150 to 160). Taking this quota as the basis of division, constituencies will then be delimited, but in such a way that no electoral division will fall partly in one province and partly in another.

2. Delimitation commissions will be required to take local authority and magisterial district boundaries into consideration, and the probability of the increase or decrease of the population of the various areas, as well as factors that had to be considered previously.<sup>(38)</sup>

3. As before, a commission may depart from the quota whenever this is deemed necessary, but normally not by more than 15 per cent. But if an electoral division is as large as 10,000 square miles or more, the commission may reduce the number of voters to 8,000 or to 70 per cent. of the quota, whichever is the greater. (According to various Press reports, there may be between 12 and 14 such divisions; this is the main reason why the number of seats has been increased to 160. The quota at present is 11,503.)

4. A delimitation commission consists of three judges of the Supreme Court. The new Act specified that those appointed must have served for at least five years as a judge.

The Act is likely to some extent to even out the loading of city seats as between the various provinces. The United Party supported the Bill, but Mrs. Suzman opposed it, one of her reasons being that its effect would be to dilute the value of the Coloured vote.

(38) These were community or diversity of interests, means of communication, physical features, boundaries of existing electoral divisions, scarcity or density of population.



### NON-WHITE POLITICAL PARTIES

Accounts have been given in previous *Surveys* of the banning of the two African political organizations — the African National Congress and the Pan-African Congress. Activities of leaders in exile of these bodies, and of political parties in the Transkei, will be described in subsequent chapters.

The Minister of Justice is reported<sup>(39)</sup> to have said in February that "the Pan-African Congress was once again appearing in places". There would be no lapse in his Department's vigilance and subversive elements would not again be allowed to establish a foothold.

For some time, prior to 1964, little was heard of the activities of Non-White political parties, which include the Coloured National Convention, the Coloured People's Congress, the Coloured People's National Union, the Indian Congress, and the Indian Organization. Very many of the leaders have been banned. Mr. Quintin Whyte wrote in July<sup>(40)</sup>: "The power position is such that sections of the Non-White population have been obliged to acquiesce in the forms of discrimination applied. Acquiescence does not mean acceptance."

During February the late Mr. George Golding, then president of the "moderate" Coloured People's National Union, appealed to the Government to reverse its decision to ban mixed audiences at places of entertainment except on permit. He is reported<sup>(41)</sup> to have said: "Seldom has an action of this Government created as much tenseness among the Coloured people. It does not augur well for future relations between the White and Coloured groups. . . . Should the Government persist with a policy that humiliates the Coloured people it will reap from those people, who are now becoming more competent in every field of advancement, the wrath of their indignation."

There have been significant developments during recent months.

In 1964 a motion of no-confidence in the handling of the affairs of the Council for Coloured Affairs by its chairman, Mr. Tom Swartz, was introduced in this council, but was defeated. Mr. Swartz then formed the Federal Party, which, briefly, encourages Coloured people to make use of the opportunities afforded them by the Government's policy of separate development.<sup>(42)</sup>

It was announced in October<sup>(43)</sup> that an Opposition group had emerged within the Council for Coloured Affairs, led by Mr. E. W. J. Brink and Mr. C. I. R. Fontein (a fuller description of this matter is given in a subsequent chapter).

<sup>(39)</sup> *Sunday Times*, 28 February.

<sup>(40)</sup> R.R. 87/65, *Legislation Affecting Race Relations*, 1965.

<sup>(41)</sup> *Star*, 22 February.

<sup>(42)</sup> See 1964 *Survey*, page 8, for a fuller description.

<sup>(43)</sup> *Rand Daily Mail*, 5 October; *Sunday Times*, 17 October.

It was also announced that a new Coloured party, the Labour Party of South Africa, had been formed. The provisional committee is led by Dr. R. E. van der Ross, who recently resigned as principal of the Battswood Training College to edit a weekly newspaper, the *Cape Herald*. Mr. N. S. H. Kearns, national president of the Coloured Ex-Servicemen's League, is the provisional vice-chairman; Mr. Edgar Deane is the secretary; and Mr. D. B. Smith the treasurer.

The party will seek to consolidate the Coloured people, and to contest the elected seats in the elections for members of the proposed Coloured Persons' Representative Council. Among its aims are to:

- 1) raise the status of all workers in South Africa by working for minimum basic wages and other benefits;
- 2) strengthen the trade union movement;
- 3) work for the elimination of the colour bar;
- 4) strive for the effective participation of all workers in the government of the country.

The Minister of Indian Affairs said in April<sup>(44)</sup> that he had repeatedly asked for a copy of the constitution of the Natal Indian Organization: it apparently did not have one, and it seemed that for many years there had been no election of office-bearers.

### SECRET ORGANIZATIONS

The circumstances leading to the appointment of a one-man commission of enquiry into the activities of the Afrikaner Broederbond, the Sons of England, and the Freemasons, were described on page 20 of last year's *Survey*. The Commissioner's report was published as R.P. 20/1965. He found that none of these bodies was guilty of subversion, graft or nepotism, of exercising illegitimate influence on the affairs of the country, of efforts to damage relations between the White sections of the population, or of undermining the rights, liberties or interests of any section.

<sup>(44)</sup> *Assembly*, 30 April, Hansard 13 col. 5130.

## SECURITY MEASURES

### THE S.A. DEFENCE FORCE

#### Estimates of expenditure

In his Budget Speech<sup>(1)</sup> the Minister of Finance said: "The provision on the Defence Vote is practically the same as for the current year. It is anticipated, however, that the actual expenditure on Defence will be substantially higher since a considerable drawing will be made . . . on the Defence Special Equipment Account . . . [which is] used primarily for financing the purchase of important items of a special nature, mostly abroad."

In 1964-1965 a sum of R210,000,000 was originally provided on the Defence Vote (Revenue Account), the final total being R232,830,000. An amount of R229,400,000 was placed on the estimates for 1965-1966. Increased expenditure is envisaged on the Police Force — a total of R56,358,000 as against R51,792,000 in 1964-1965.<sup>(2)</sup>

#### Equipment

The terms of United Nations' requests to member states to refrain from exporting arms and ammunition to South Africa have been set out in previous *Surveys*, and the response to these requests is dealt with later.

In various speeches made during the year<sup>(3)</sup> the Minister said that South Africa was rapidly approaching a state of self-sufficiency in the supply of ammunition and weapons for its own defence. Ammunition required by the Defence Force was being manufactured in the Republic and had been stock-piled to the stage when practically everything needed for mobilization was available. Four years previously, the Minister stated, he had returned from an overseas visit with 127 licences from different countries to manufacture military equipment in South Africa.

The R No. 1 automatic rifle, produced in the Republic, has been distributed to Defence Force units.

On 25 February the Minister of Economic Affairs announced<sup>(4)</sup> that an aircraft industry, based on private initiative, was to be established in the country, and that 40 per cent. of the peace-time servicing of Air Force aircraft would be transferred to a suitable

(1) Assembly, 24 March, Hansard 9 col. 3327.

(2) *Rand Daily Mail*, 25 March.

(3) e.g. as quoted in the *South African Digest*, 22 January; Assembly, 11 February, Hansard 3 col. 923; *Rand Daily Mail*, 22 May; *Sunday Express*, 12 September.

(4) Assembly, Hansard 5 col. 1774.

private undertaking. The S.A. firm Bonuskor Beleggings Beperk, which submitted the best proposition, had been asked to form companies to carry out the programmes on a broad basis, so that other S.A. interests, including the Industrial Development Corporation, could participate. Two companies had already been registered: Bonaero Beleggingskorporasie Beperk and the Atlas Vliegtuigkorporasie.

The latter firm is to manufacture Macchi trainer-attack jet aircraft at a factory adjoining the Jan Smuts Airport.

Armoured steel is now being produced in South Africa<sup>(5)</sup>. A National Institute for the Development of Missiles has been established with the object of training scientists to adapt existing missile designs to South Africa's needs.<sup>(6)</sup>

The Buccaneer aircraft contract was described in last year's *Survey*.<sup>(7)</sup> Britain has refused to supply further arms; but South Africa has been able to acquire supersonic Mirage jet fighters, Alouette jet helicopters and Mystere 20 jets from France. It is reported, however, that the United States vetoed the sale to South Africa of Atlantique 1150 maritime patrol aircraft, which are produced by a French firm for NATO and have some American component parts.

The Minister of Defence has stated<sup>(8)</sup> that for external defence South Africa needs ground-to-air weapons, submarines, more ships, and long-distance maritime reconnaissance aircraft.

#### Personnel

According to the Ministers of Defence and Justice,<sup>(9)</sup> since 1948 some 90,000 youths have undergone training in the Citizen Force; at present 20,000 are being trained annually. The size of the Permanent Force was not mentioned; but it was stated that besides some 40,000 in the Citizen Force at any one time there are 14,153 reserve officers; the Commandos have 2,461 officers and 45,112 other ranks; and there are some 30,000 men (including 14,000 Non-Whites) in the police.

The Minister of Defence said that it was planned to have three specialist groups in the army: one to defend the borders, another to fight on the platteland, and a third for street-fighting.

#### EMERGENCY PLANNING BILL

An Emergency Planning Bill was introduced in the Assembly by the Minister of Justice on 14 May,<sup>(10)</sup> but was not proceeded with during 1965. Its fundamental principle, the Minister said,

(5) Minister of Defence, *Rand Daily Mail*, 19 August.

(6) *Star*, 14 July.

(7) Page 122.

(8) *South African Digest*, 22 January.

(9) *Star*, 21 May; *Rand Daily Mail*, 22 May; *Sunday Express*, 12 September; Assembly, 9 March, Hansard 7 cols. 2477-2479.

(10) Hansard 15 col. 6014

was to provide for some organization to step in immediately at a time of war or national disaster until the Departments of State normally responsible for dealing with the various matters had time to go into action.

The terms of the Bill are as follows:

1. A Division of Emergency Planning is to be established under the Minister of Justice. (A sub-department was created earlier for some of the purposes envisaged and it arranged first aid classes, etc.)
2. The Minister is to be empowered to take measures (other than those taken under the Public Safety Act, No. 3 of 1953, or the Defence or Police Acts) to protect the country and its inhabitants in or against a state of emergency, and to combat civilian disruption at such a time.

The Public Safety Act empowered the State President to proclaim a state of emergency in the country as a whole or within a specified area if in his opinion any action or threatened action by any persons is endangering public safety or the maintenance of public order, or if any circumstances have arisen that constitute such a danger, and if the ordinary law of the land is inadequate to deal with the situation.

In terms of the Emergency Planning Bill, the Minister of Justice may declare a state of emergency in time of war or if there are national or local internal riots or disasters. A disaster is defined to include an act of God and any form of sabotage as defined in the General Law Amendment Act, No. 76 of 1962.

As indicated above, it is proposed that the Minister may exercise most of the powers conferred on him in order to protect the country *against* a state of emergency, and not only after a state of emergency has been proclaimed.

3. The Minister is to be empowered, in order to carry out the objects outlined above, to take such steps as he deems necessary with regard to fire-fighting; rescue and evacuation work; the provision of air-raid and radio-active fall-out shelters; the care of the injured; health services; the provision of emergency housing, food, clothing and transport and communication services; the maintenance of essential services and the protection of essential industries, areas and places; the readjustment of communities and individuals; the continuation of existing central, provincial and local government; and any other matter which the State President may designate by proclamation.
4. It is proposed that to these ends the Minister may:
  - (a) direct any person to furnish him with information about anything in that person's possession or under his control;
  - (b) direct the management of any industry or organization he considers to be rendering an essential service to take any specified steps;
  - (c) (during a state of emergency only) direct the owner of

custodian of any land, building or article to surrender it to a stated person at such compensation as is determined by the Minister.

5. The State and its servants will not be liable for any loss or damage resulting from action taken under the proposed Act unless negligence is proved.
6. The Bill provides that if a person who has been directed to perform any act refuses or fails to do so, the Minister may himself cause the act to be performed and recover the costs from the person concerned.
7. Any of the powers mentioned may be delegated by the Minister to the director of the Division of Emergency Planning, and, in turn, to any officer who may be appointed to be in charge of a specific region or area.
8. During a state of emergency anyone acting in the execution of his duties under the proposed Act may enter or break into any premises if he believes on reasonable grounds that this is necessary for the preservation of life, prevention of injury, removal of injured, or protection of property.
9. If the Minister has prescribed steps for the protection of any place and an unauthorized person then attempts to enter it, anyone employed there may detain and search this person and seize anything in his possession.<sup>(11)</sup>
10. Every citizen over the age of 17 years and under 65 may be called upon to undergo training in fire-fighting, rescue work, first aid, etc.

To be exempt from this are those who are medically unfit, M.P.'s, M.P.C.'s, judges, certain other senior State and provincial officials, policemen and prisons officials, members of the Defence Force, and those who have had military training.

In letters to Members of Parliament the Institute of Race Relations said that, while appreciating that a government must have wide powers to protect the public at a time of emergency, it nevertheless wondered whether it was wise to eliminate certain safeguards against the arbitrary use of Ministerial power that were thought necessary when the Public Safety Act was drawn up. Examples were given. One of these was that, in terms of the latter measure, regulations made under the Act shall not make punishable any act or omission which was not punishable when it was committed. There was no similar stipulation in the Emergency Planning Bill.

#### POLICE AMENDMENT ACT, No. 74 OF 1965

This measure added a Sub-Section 6(4) to the Police Act of 1958, empowering any policeman, at any place within a mile of the border between the Republic and another state, to search without

<sup>(11)</sup> In terms of the Bill, the provisions of Section 18 of the General Law Amendment Act, No. 37 of 1963, are to be repealed. These dealt with protected places or areas.

warrant any person, premises, vehicle, aircraft or receptacle of any nature, and to seize anything found. If a woman is to be searched, the search must be made by a woman.

The Minister of Justice said in the Assembly on 7 June that it was essential for the police to have these powers in order to combat the infiltration of trained saboteurs into the Republic.

#### RAILWAYS AND HARBOURS AMENDMENT ACT, No. 6 OF 1965

Section 12 of this Act empowered the Railways Administration to deny access to a harbour to any ship—

- (1) which has the nationality of any state which the Minister of Transport has declared, by notice in the *Gazette*, to be denying South African ships access to its harbours;
- (2) which is owned by or on charter to nationals of any state;
- (3) if any present or past member of the crew has been convicted of any offence under South African or South-West African law while the ship was in the Republic's territorial waters (i.e. within 6 nautical miles of low water mark) or its fishing zone (within 12 miles);
- (4) if the official in charge of the harbour is satisfied that the ship has at any time, within the 12-mile limit, been engaged in activities constituting an offence under South African or South-West African law.

The Minister said<sup>(12)</sup> that these powers to be granted to the Administration would be permissive only. They would not be invoked against ships in distress, or with ill persons aboard. But the legislation would empower the Government to close the harbours of the Republic and South-West Africa to certain ships if circumstances demanded this; and to limit, if necessary, the activities of certain ships along the country's coasts.

In reply to the Parliamentary debate the Minister added<sup>(13)</sup> that the Government was opposed to boycotts of any kind, and would not resort to counter-boycotts of countries which had banned imports from South Africa. It might happen, however, that a foreign ship tried to smuggle arms into the country, or mined for gems in territorial waters. If this happened and the ships could be identified, the new measure would give him the power to bar them from South African ports.

(Other Sections of this Act are dealt with in a subsequent chapter.)

#### SEA FISHERIES AMENDMENT ACT, No. 27 OF 1965

Similar provisions to those described above, but relating to fishing harbours, were contained in the Sea Fisheries Amendment Act. The Minister of Economic Affairs, too, stated<sup>(14)</sup> that the

<sup>(12)</sup> Assembly, 1 February, Hansard 2 col. 377.

<sup>(13)</sup> 3 February, col. 500.

<sup>(14)</sup> 1 March, Hansard 6 col. 1979.

powers conferred were permissive only, and that each case would be considered on its merits.

#### OFFICIAL SECRETS AMENDMENT ACT, No. 65 OF 1965

In terms of this measure the words in italics were added to Section 3(2) of the principal Act:

"Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war or any military or police matter and who publishes it or directly or indirectly" communicates it to any person in any manner or for any purpose prejudicial to the safety or interests of the State, shall be guilty of an offence and liable on conviction to a fine not exceeding R1,500 or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

When it considered the first draft of this Bill the Action Committee of the Institute of Race Relations saw no advantage in seeking greater legislative precision for the amending phrase "any military or police matter", for it considered that this phrase was capable of a wide or a narrow interpretation, and that the courts would naturally incline towards the narrow interpretation because individual rights were being curtailed.

The United Party pressed for a clearer definition, however, and in the Senate the Minister agreed to add that a "police matter" means any matter relating to the preservation of the internal security of the State or the maintenance of law and order by the South African Police.

Speaking in the Assembly<sup>(15)</sup> the Minister gave the assurance that the clause had nothing to do with police routine nor ordinary investigations of crime: it was concerned only with the safety of the State.

During the Poqo troubles, he added, the police had found sketches of police stations, and notes on the strength of the police and their weapons, in the possession of Poqo members. It might prove necessary for police movements to be kept secret, for reports of large concentrations in an area might serve as a warning to subversive elements.

Mrs. Helen Suzman, M.P., urged<sup>(16)</sup> that in such cases, instead of resorting to restrictive legislation, the Government should inform the Press that security might be breached if advance publicity were given to the matter, and rely on Press co-operation.

The Minister said that representatives of the National Press Union who visited him had withdrawn their initial objections to the Bill after he explained its purpose. His assurances did not satisfy all editors, however. The *Rand Daily Mail* said<sup>(17)</sup>: "It is

<sup>(15)</sup> 5 and 9 April, Hansard 11 cols. 4061-4063, 4371.

<sup>(16)</sup> Col. 4078.

<sup>(17)</sup> 23 April, 14 May.

easy enough to see how convenient it might be for the Minister to plead the 'interests of the State' when using his powers to prevent the South African public and the outside world from knowing what his Security Branch is doing". Newspapers would be left to guess how much they might report without fear of penalty, it was stated.

Mr. G. D. Oliver, president of the S.A. Society of Journalists, said<sup>(18)</sup>, "As I see the measure, it is an instrument that could curtail the freedom of the Press drastically."

#### PRISONS AMENDMENT ACT, No. 75 OF 1965

In terms of the Prisons Act of 1959 it was rendered an offence without the consent of the Director of Prisons to sketch or photograph a prison or part thereof, a prisoner, or the burial of an executed prisoner, or to cause such a sketch or photograph to be published, or to publish or divulge any false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner, or concerning the administration of any prison, knowing the same to be false or without taking reasonable steps to verify such information (the onus of proving that reasonable steps were taken being upon the accused).

Dealing with sketches or photographs of prisoners, the Amendment Act adds "whether such sketch or photograph was made or taken before or after the arrest of the prisoner", and extends the definition of a prisoner to include fugitives who have escaped from lawful custody and persons who died or were executed while in custody.

The definition of a prison is extended to include the seashore adjacent to a prison and the sea beyond this to a distance of one nautical mile from the low-water mark.

#### RADIO AMENDMENT BILL

1. The Radio Amendment Bill (published but not proceeded with in 1965) provides that if the Postmaster-General is of the opinion that a radio station is broadcasting material, or will do so, intended to be received in South Africa which may be injurious to the peace, order or public safety, or to the morals, religion, or morale of any section of the people, or may prejudice any South African undertaking or industry, he may declare by notice in the *Gazette* that a particular station, or all stations broadcasting in a specified frequency, or all or any stations in a specified country, are "designated" radio stations.
2. No resident or ex-resident of the Republic, or anyone who carries on business in the Republic shall (unless exempted by

<sup>(18)</sup> *Natal Mercury*, 13 April.

the Postmaster-General) assist or in any way be concerned with the operation of a designated radio station, by way of broadcasting, providing material for broadcasts, reproducing programmes, advertising, etc.

3. Anyone who contravenes this provision if convicted is liable to maximum penalties of R2,000 or 6 months or both, in respect of *each day* on which the offence was committed.
4. For the purpose of determining the jurisdiction of any court to try an offence under this Section, the offence will be deemed to have been committed not only at the place where it was in fact committed, but also at any place where the accused happens to be.

#### SUPPRESSION OF COMMUNISM AMENDMENT ACT, No. 97 OF 1965

##### 1. Publication of statements by persons deemed to be promoting objects of communism

In terms of a 1962 amendment<sup>(19)</sup> to the principal Act it was rendered an offence without the consent of the Minister of Justice or except for the purposes of any proceedings in a court of law, to record, reproduce, print, publish, or disseminate any speech, utterance, writing or part thereof made anywhere at any time by persons who have been prohibited from attending gatherings.

In terms of the first draft of the Amendment Bill of 1965<sup>(20)</sup> this provision was extended to speeches, etc., by persons "listed" as having been office-bearers, officers, or members of organizations declared unlawful, and to all other persons, in the Republic or elsewhere, whom the Minister considered were advocating or defending the achievement of any of the objects of communism or any act or omission calculated to further the achievement of any such object, or persons whom the Minister considered had done so, or were engaging in activities which might do so. The Minister might, without any notice to the persons concerned, declare by notice in the *Gazette* that it had been rendered illegal for their speeches or writings to be quoted in South Africa.<sup>(21)</sup>

In a Press statement<sup>(22)</sup> on the Bill, the Institute of Race Relations pointed out that the definition of communism in the principal Act was an extremely wide and arbitrary one; and that the provisions described above could be applied to persons alive or dead.

Such power, the Institute stated, "exercised at the Minister's discretion, will deprive South Africans of the right to

<sup>(19)</sup> General Law Amendment Act, No. 76 of 1962.

<sup>(20)</sup> Clauses 5 and 6.

<sup>(21)</sup> i.e. that the provisions of Section 11(g) b/s of the Act have been applied.

<sup>(22)</sup> R.R. 74/1965.

free discussion and expression and of the ability to combat the very evils the Minister hopes to abolish by personal decision and judgment. It subjects intellectual consideration and judgment to the arbitrary whim of a politician. It will further entrench South Africa's intellectual isolation."

Similar criticisms were made by Members of Parliament and others.

During the Parliamentary debate the Minister agreed to limit his power to prohibit the recording, publishing, disseminating, etc. of writings or speeches to those of persons in South Africa who have been banned from attending gatherings (as before), and to former residents of South Africa who were under banning orders when they left.

## 2. Banning of publications

The new Act empowered the State President to ban a periodical or other publication which is deemed by the authorities to be a continuation or substitution, whether or not under another name, of one that has been prohibited.

## 3. Possession of articles indicating membership of a banned organization

In terms of previous legislation it was an offence to carry or display anything whatsoever indicating that the person doing so had in any way been associated with an unlawful organization. The new measure rendered it an offence to be in possession of anything of this nature.

## 4. Continued detention after completion of prison sentences

Under the General Law Amendment Act of 1963 the Minister is empowered to order the retention in custody of a political prisoner, after the latter has completed serving the sentence imposed by the courts, if the Minister is satisfied that this person, after his release, is likely to further the achievement of any of the statutory objects of communism.

This provision was to remain in force for a period not exceeding 12 months unless it was extended for a year at a time by Parliament. The new measure extended it a second time, to 30 June 1966. At the time of writing Mr. Robert M. Sobukwe is the only person who has been thus detained.

In its statement quoted above, the Institute of Race Relations condemned the re-enactment of this provision.

## 5. Legal practitioners

A clause of the Bill that was deleted at the Committee stage provided that no-one should be admitted to practise as an advocate, attorney, notary or conveyancer unless such

person satisfied the division of the Supreme Court to which he applied:

- (a) that his name was not on the list of those deemed to have been office-bearers, officers, members, or active supporters of an organization which had been declared unlawful;
- (b) that he had not at any time been convicted of any of various stipulated offences under the Suppression of Communism Act (see below).

The name of a legal practitioner would be struck off the roll if the court, on an application made by the Secretary for Justice, was satisfied that the practitioner's name had been "listed", or that he had at any time been convicted of any of the stipulated offences.

These offences are:

- (i) being or continuing to be a member of any organization deemed unlawful;
- (ii) carrying, being in possession of, or displaying anything indicating any association with an organization deemed unlawful;
- (iii) contributing or soliciting anything to be used for the benefit of an organization deemed unlawful;
- (iv) in any way carrying on the interests of such an organization or activities in which it was or could have engaged at the date when it was declared unlawful;
- (v) performing any act calculated to further the achievement of any of the objects of statutory communism: advocating or defending the achievement of any such object; or advocating any act or omission which is calculated to further such object;
- (vi) at any time since 1950 while outside South Africa having advocated the bringing about by violent or forcible means of the achievement of any of the objects of communism, or of any political, industrial, social or economic change within the Republic, by the intervention or with the assistance of any foreign government or foreign or international body;
- (vii) having since 1950 undergone training, or attempted to do so, or encouraged or helped others to do so, or having obtained any information, which could be of use in furthering the objects of communism or of an organization deemed unlawful.

Protests against this clause were made by the Johannesburg, Cape, and Natal Bars. In a joint statement<sup>(23)</sup> the Cape and Natal Bars said, "We consider it to be in the public interest that decisions as to fitness to practise the legal pro-

(23) *Cape Times and Natal Mercury*, 10 June.

fession should be left to the courts and not to the unchallengeable decisions of the Minister or of any other person, however *bona fide* he may be." (Whether or not a name appears on the list is a matter decided by the Minister of Justice) . . . "We believe that the effect . . . may be to inhibit the proper performance by members of the legal profession of their duty fearlessly to present the interests of their clients no matter how unpopular their clients' cause and no matter how powerful or influential the opposition may be . . ."

The Institute of Race Relations stated that it deplored the provisions "concerning the admission and removal of advocates and attorneys as unjust and opening the way to undue interference by the Executive branch of Government. These penalise persons for activities which may have been legal at the time of their performance, have an inhibiting effect on the expression of political opinion, and will tend to deprive persons accused of political offences of proper representation before the courts. The courts and the respective Bar Councils and Law Societies are the appropriate bodies to deal with any legal practitioner who misuses his responsibilities for party political purposes."

The Minister of Justice said in the Assembly on 12 June<sup>(24)</sup> that half of the General Bar Council was opposed to the principle of the clause and the other half in favour of it. He would let the provision stand over until the following year, but "we shall proceed with this measure at the very first opportunity next year."

#### 6. Possible forfeiture of printing presses or other articles

Another clause that was deleted provided that if a person was convicted of having been implicated in the printing, publication, or dissemination of a prohibited publication, or of having published a statement by someone declared by the Minister to be promoting the objects of communism, the court convicting this person might order that any article or property, including a printing press, used in the Republic in connection with the commission of the offence, should be forfeited to the State.

The rights of joint-owners would not be affected if it was proved that they did not know that the article or property was being used in connection with the offence.

The Minister said<sup>(25)</sup> he would drop the clause for the time being as he did not want to take up too much of the Assembly's time; but he might proceed with it in 1966.

General comment on the Bill is described later, after the Act that follows.

<sup>(24)</sup> Hansard 19 cols. 7982-7983.

<sup>(25)</sup> Col. 7986.

## CRIMINAL PROCEDURE AMENDMENT ACT, No. 96 OF 1965

### 1. Detention of State witnesses

#### (a) Terms of the Act

In its original form the Bill provided that whenever in the opinion of the attorney-general there is any danger of tampering with or intimidation of any person likely to give material evidence for the State in any criminal proceedings, or that any such person may abscond, or whenever the attorney-general deems it to be in the interests of such person or of the administration of justice, he may issue a warrant for the arrest and detention of such person at a stated place.

The witness will be detained, in accordance with regulations made by the Minister, until the conclusion of the criminal proceedings concerned, or for six months, whichever may be the shorter period.

During the Second Reading debate, described below, the Minister agreed to restrict the power to detain State witnesses to persons required to give evidence in cases involving offences listed in Part II *bis* of the Second Schedule to the Act (as amended).

These offences are:

- sedition, treason, murder, arson, sabotage, kidnapping and child-stealing;
- contravention of certain specified offences under the Suppression of Communism Act;
- any conspiracy, incitement or attempt to commit any of the above-mentioned offences;
- robbery or attempted robbery with aggravating circumstances;
- house-breaking or attempted house-breaking with intent to commit an offence where aggravating circumstances are present.

(According to the first draft of the Bill the Second Schedule would have included the contravention of *any* provision of the Suppression of Communism Act, or that Act as applied by any other law. During the debate the Minister accepted a U.P. amendment and, in effect, limited the sub-clause to cover only offences under the Suppression of Communism Act in respect of which an overt act has taken place, or a minimum sentence has been laid down. Furthermore, he agreed to delete a provision which would have empowered the State President to add offences to those listed in the Second Schedule, or to remove offences.)

The Act provides that a detained person will be visited by a magistrate in private at least once a week. Otherwise, no-one other than a State official acting in the performance of

his duties will have access to him, except with the consent of and subject to conditions determined by the attorney-general or a State official to whom this power has been delegated.

No court will have jurisdiction to order the release of a detained person, or to pronounce upon the validity of regulations made by the Minister or any decisions made in regard to visitors.

The measure states, "For the purposes of Section 218 any person detained . . . shall be deemed to have attended the criminal proceedings in question as a witness for the State during the whole of the period of his detention." (Section 218 states that witnesses shall be paid such allowances as may be prescribed; but the presiding officer may direct that no allowance be paid.)

(b) **Parliamentary debate**

When he introduced the Bill the Minister said<sup>(26)</sup> that three types of witnesses might be detained:

- (i) those who were afraid to give evidence because they were being intimidated;
- (ii) those who might abscond;
- (iii) accomplices.

Witnesses had in some cases been given police protection, he continued, but their complete safety could not be guaranteed. The authorities had previously possessed no power to keep witnesses in custody, even if the latter requested this, nor to pay witness fees to persons in custody. In the recent past 6 potential witnesses had been murdered, 12 had fled the country, and 43 had refused to give evidence after pressure had been brought to bear on them.

Saboteurs were beginning to return from five training camps in territories to the north, the Minister said. To date 133 persons had been arrested while on their way to undergo training, and 85 after having returned. One of a group arrested might weaken and offer to turn State witness, but unless he were detained he might disappear. Cases where witnesses had been intimidated or had absconded were cited.

Mrs. Helen Suzman (P.P.) opposed the Bill in its entirety. The clause relating to State witnesses opened the way to obtaining evidence by coercion and duress, she maintained<sup>(27)</sup>. Members of the United Party moved various amendments designed to "remove speculation that this is the 90-day clause doubled and in disguise", but the Minister rejected these on the grounds that they would tie his hands.<sup>(28)</sup>

It appeared, from the Parliamentary debate, that magis-

<sup>(26)</sup> Assembly, 11 June, Hansard 19 cols. 7915-7918.

<sup>(27)</sup> Col. 7950.

<sup>(28)</sup> Cols. 8087-8107.

trates may hold courts at the places of detention, at which the detained witnesses may be examined by a public prosecutor. Such courts will not be open to the public, and it will be left to the discretion of the magistrate whether or not the witness will be allowed legal representation. Should the witness refuse to co-operate he may be dealt with as a "recalcitrant witness"<sup>(29)</sup>, liable to be sentenced by the magistrate to successive terms of 12 months' imprisonment.

Dealing with the treatment of detained witnesses the Minister said,<sup>(30)</sup> "It would be extremely foolish to treat one's witnesses badly and to keep their families away from them unless there was a danger of intimidation . . . So far as relatives are concerned there will be only one test—whether or not they are going to intimidate or influence detained persons."

(c) **Action taken under this Section of the Act**

The detention of several people under this Section, and the promulgation of regulations for the detention of persons, are described in a subsequent chapter.

(d) **Further comment**

The Johannesburg Bar described<sup>(31)</sup> the proposed Section, even as amended, as "a grave and totally unwarranted interference with the liberty of the subject, the rule of law, and the administration of justice." It introduced, as a permanent part of South African law, "the most objectionable features of the so-called 90-day law", and in some respects went even further, since the 90-day law applied only to certain political offences. The Johannesburg Bar pointed out that attorneys-general, who were to be empowered to detain witnesses, were obliged by law to exercise all their authority and to perform all their functions subject to the Minister's control and directions.

In its statement, RR. 74/65, the Institute of Race Relations said that it was appalled by these extraordinary powers to be placed in the hands of an attorney-general. The powers were open to the gravest abuse.

2. **Refusal of bail**

The Act repealed a provision of a 1961 amendment, which had been extended annually, to the effect that if the attorney-general considers it to be necessary in the interests of the safety of the public or the maintenance of public order, he may instruct that a person arrested on a charge of having

<sup>(29)</sup> 1964 Survey, page 36.

<sup>(30)</sup> Cols. 7978, 8105.

<sup>(31)</sup> Press statement, e.g. *Rand Daily Mail*, 14 June.



committed any offence shall not be released on bail or otherwise for 12 days.

But it provided that whenever any person has been arrested on a charge of having committed any offence referred to in Part II *bis* of the Second Schedule, the attorney-general may, if he considers it to be necessary in the interest of the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before sentence has been passed or the person concerned has been discharged.

The Minister said<sup>(32)</sup> that it served no purpose to step up bail, since persons released might abscond, and cases had occurred in which robbers had committed further robberies while out on bail.

Mrs. Suzman, M.P., pointed out<sup>(33)</sup> that long delays often occurred between a person's arrest and his trial, and that he might eventually be found innocent.

Again the U.P. moved various amendments<sup>(34)</sup>. One of these was partially accepted: the Minister agreed to add that if, within 90 days, no evidence has been led in court against a person who has been refused bail, the latter may apply to a judge in chambers to be released on bail. The judge, who will hear the application in private, will have the discretion to grant or refuse it.

In its statement, quoted earlier, the Institute of Race Relations said that the clause not only deprived the courts of judicial discretion; it outraged civil rights and the accepted concepts of the rule of law.

### 3. Release of juvenile offenders without bail

The Criminal Procedure Act previously provided that a juvenile (under the age of 18 years) charged with an offence other than treason, murder, or rape, may be released on or without bail, or released without bail in the custody of some person, or placed in a place of safety under the Children's Act, pending his appearance in court or until he is otherwise dealt with according to law.

The new measure prohibits the release without bail of juveniles charged with treason, murder, sabotage, or provisions of the Suppression of Communism Act in respect of which a minimum or compulsory punishment applies.

### 4. Period of detention of persons arrested without warrant

In terms of the previous law, a person arrested without

(32) Assembly, Hansard 19 cols. 7912-7913.

(33) Col. 7947.

(34) Cols. 8082-8085.

warrant shall not be detained for longer than 48 hours unless a warrant for his further detention upon some charge is obtained.

The 1965 Act adds that if the period of 48 hours expires during a weekend or public holiday it will be deemed to have expired on the following working day.

### 5. Whipping

A sub-Section inserted in 1959 which made it obligatory for a court to impose whipping for certain offences was repealed. (These offences included rape and robbery if the death sentence was not imposed, knowingly receiving stolen property, breaking into premises or a locked motor vehicle with intent to commit an offence, and theft of a motor vehicle.)

Certain changes were made to the list of offences on conviction for which inferior courts may impose sentences of whipping.

### 6. Kidnapping and child-stealing

Kidnapping and child-stealing were added to the list of offences on conviction for which a superior court may impose the death sentence.

### 7. Compensation

Increases were made to the maximum amounts which a person may be required by a court to pay to an injured party if the offence for which he has been convicted has caused damage to or loss of property. The maximum amounts will be R2,000 instead of R1,000 in regional court cases, and R1,000 instead of R400 in inferior court cases.

## GENERAL PROTESTS AGAINST THE SUPPRESSION OF COMMUNISM AND CRIMINAL PROCEDURE AMENDMENT ACTS

A public protest meeting, sponsored by the Progressive Party, was held in Cape Town on 17 June, while the Bills were before Parliament. Speakers included Mr. J. Hamilton Russell, Mrs. Helen Suzman, the Dean of Cape Town (the Very Rev. E. L. King), Professor B. Z. Beinart, and Mr. Maeder Osler, president of the National Union of S.A. Students (NUSAS). Those present adopted a resolution put by former Chief Justice the Hon. A. van der Sandt Centlivres condemning the Bills as being destructive of freedom, and pledging themselves to the attainment of government based on the consent of the governed. A similar meeting was held in Durban on the same day.

Statements condemning the Bills were issued by the Christian Council of S.A., the Black Sash, NUSAS, the national Chairman of the Liberal Party (Dr. the Hon. E. H. Brookes), and others. The statement by the Institute of Race Relations, RR. 74/1965, is referred to earlier.

All took the line that while they were at one with the Government in its opposition to communism and subversion and violence, they deplored the increasing assumption by the Government of arbitrary power over the lives of South African citizens.

#### CONTROL OVER ENTRY INTO CERTAIN AFRICAN RESERVES

Control has been re-imposed over the entry of non-residents into Sekhukhuneland, and onto 51 Trust farms, 16 tribal farms, and 3 African-owned farms, all in the Pietersburg area.<sup>(35)</sup>

<sup>(35)</sup> See 1962 *Survey*, page 16, for the implications.

## CONTROL OF PUBLICATIONS

### EMBARGOES AND BANS ON PUBLICATIONS

As described in last year's *Survey*<sup>(1)</sup>, a Publications Control Board was set up in South Africa as from 1 November 1963 to examine any publication or film submitted to it, and to make enquiries about any entertainment which it had reason to believe might be undesirable.

Numbers of locally-published books and pamphlets have been banned by the Board following complaints about them by officials or members of the public. There has been much confusion about the procedure for handling imported publications. Towards the end of 1964 it was decided that invoices, listing hard-covered and paper-backed books separately, should be submitted as early as possible to customs officials. Paper-backed books would be inspected by officials on their arrival. So far as hard-covered books were concerned, the officials would list suspect titles in advance of the arrival of the consignment and would discuss these with representatives of the book trade, eliminating any titles which, it transpired, were obviously not undesirable. Any books that remained on the list, and suspect paper-backs, would be embargoed until they had been considered by the Publications Control Board.

Booksellers complained that the situation was still chaotic<sup>(2)</sup>. Large stocks of books under embargo had to be held, sometimes for considerable periods. This created storage and payment problems. Officials in one centre might place a book under embargo while it had been cleared in another centre. As a result of the delays, public interest in new books tended to dissipate, and sellers lost the benefit of overseas publicity campaigns. For a time, publications banned by the Board had to be destroyed, with possible substantial loss to the booksellers: it was decided later that these might, instead, be returned to the publishers.

It was stated that books which had been best-sellers for years were suddenly being embargoed. Booksellers did not know what standards to apply when deciding whether or not to order from overseas, and as a result South Africans were being deprived of some of the best newly-published works. A test case was argued in the courts in regard to Wilbur Smith's *When the Lion Feeds*: it was banned by the Board, an appeal by the author was allowed

<sup>(1)</sup> Page 40.

<sup>(2)</sup> e.g. *Rand Daily Mail*, 18 January; *Sunday Times*, 11 April; *Sunday Express*, 2 May.

## FOREIGN AFFAIRS

### PROCEEDINGS OF THE UNITED NATIONS AFFECTING SOUTH AFRICA

#### General Assembly, August 1964 to August 1965

During 1963 and 1964 the Soviet Union, its allies, and France refused to pay assessments for United Nations peace-keeping operations of which they disapproved. In consequence they fell more than two years in arrears in paying their assessments and, in terms of Article 19 of the U.N. Charter, this meant that they forfeited their votes in the General Assembly. The United States was of the opinion that Article 19 should be applied.

Between September 1964 and February 1965 the Assembly operated without voting to avoid a confrontation on this issue, then decided to go into recess. Hence the question of South Africa's apartheid policies, although debated, was not put to the vote during the 1964 Session.

In August 1965 Mr. Arthur J. Goldberg (appointed United States Ambassador to the U.N. after the death of Mr. Adlai Stevenson) announced that while his Government still believed that Article 19 should have been applied, it would bow to the will of the majority, thus making it possible for the General Assembly to resume normal operations. The United States Government reserved the right to follow the example of the Soviet Union and other states concerned in refusing to pay assessments for U.N. operations that were not acceptable to it, he said.<sup>(1)</sup>

#### Special Committee on Apartheid

In a unanimous report made public in June<sup>(2)</sup> the U.N. eleven-member Special Committee on Apartheid recommended that "decisive mandatory measures should be taken without further delay" to force South Africa to abandon her racial policies.

As a first step, it was suggested, the Security Council should call on all states:

- (a) to end all forms of military co-operation with South Africa, including joint military exercises and the provision of training facilities for members of South Africa's armed forces;
- (b) to revoke all licences granted in the Republic for the manufacture of arms, ammunition, and military vehicles; cease the

<sup>(1)</sup> *Natal Mercury*, 17 August.  
<sup>(2)</sup> *Rand Daily Mail*, 18 June.

export of machinery for the manufacture of these items; and prohibit investment in or technical assistance for such industries and the petroleum industry in South Africa;

- (c) to review all agreements with the Republic for military bases, space tracking facilities, import and export quotas, and preferential tariff arrangements;
- (d) to recall the heads of diplomatic and consular missions in South Africa.

#### 1965 Session of the General Assembly

In September the General Assembly's steering committee, overriding objections from South Africa, decided to include the Republic's racial policies in the agenda for the 1965 Session.

One of the first debates was a general one on world affairs. When South Africa's Foreign Minister, Dr. Hilgard Muller, rose to address the Assembly most of the delegations absented themselves or walked out: only 38 of the 117 delegations remained. The president, Professor A. Fanfari of Italy, permitted Dr. Muller to take the floor in spite of objections by Mr. A. Marof of Guinea (chairman of the Special Committee on Apartheid) that Dr. Muller did not represent the majority of the people of South Africa and that, in any case, there was no quorum.

Dr. Muller said that, in a world "more dangerous than 1939", tensions might be reduced if four basic principles were observed by all governments. These were:

- (a) Every nation is entitled to its own separate identity and existence.
- (b) Every nation must respect the "unimpaired enjoyment of those rights by others".
- (c) There must be a greater realization of "practicalities" in a complicated world of increasing problems.
- (d) The U.N. itself should avoid exacerbating disputes and try to become "a centre for harmonising the actions of nations".<sup>(3)</sup>

During the debate the Danish Foreign Minister, Mr. Per Hackkerup, called for increased U.N. pressure on South Africa, but submitted that only methods that were "politically feasible" should be attempted.

#### FEASIBILITY OF TOTAL SANCTIONS AGAINST SOUTH AFRICA

##### Findings by expert committee appointed by the Security Council

At its meeting in June 1964 the Security Council voted to set up an expert committee to study the possibility and the practical and technical implications of measures that could be applied under the Charter to induce South Africa to change her racial policies. This committee was composed of the then members of the Council;

<sup>(3)</sup> *Rand Daily Mail*, 30 September.

but France declined to participate on the grounds of non-inter-vention in the affairs of member-states.

As requested by the Council, the committee completed its work by the end of February 1965. To gain information for its report it sent out a general questionnaire asking what the effects of total sanctions on South Africa would be on the economies of the countries concerned. Some states, e.g. Australia, did not reply; but most countries that do trade with South Africa to any appreciable extent indicated that their economies would be disrupted to a greater or lesser extent.

It is reported<sup>(4)</sup> that Britain considered that if all trade were stopped her balance of payments position would deteriorate to the extent of R600-million in the first year, and considerable unemployment would be caused. Any corrective measures attempted would have substantial effects on world trade. It would be virtually impossible to prohibit trade between Rhodesia and South Africa. The main sufferers from a total boycott would be the High Commission Territories. The proportion of their trade that is with South Africa was stated to be:

	<i>Imports</i>	<i>Exports</i>
Basutoland ... ..	70%	95%
Bechuanaland ... ..	80%	40%
Swaziland ... ..	83%	43%

Alternative sources of supply for these territories would be more costly and, so far as Basutoland was concerned, would be possible only if South African transport facilities remained available. Local industries would be severely damaged, especially in Swaziland; and the substantial flow of capital investment from South Africa to Swaziland and Bechuanaland would almost certainly be cut off.

According to the same reports, the United States considered that its balance of payments would be affected to the extent of R210-million a year. In West Germany there would be a loss of exports worth R87½-million annually. Canada, Greece, Italy, Japan, the Philippines, and the Scandinavian countries all reported that they would experience great difficulty in finding alternative markets or sources of supply.

The expert committee's findings, drafted by Bolivia and Brazil, were adopted by six votes to four, the United States, Britain, Norway, and China having supported them. They were to the effect that although South Africa would not be readily susceptible to economic measures, it would not be immune to damage from such measures. But because of the strength of the S.A. economy a trade embargo would take a long time to become effective. It would cause much hardship to a number of countries: an international effort would have to be made to mitigate these hardships and to deal with the possible dislocation of world trade. Furthermore, to achieve its

(4) *Star*, 20, 25 and 26 March.

purpose an embargo would require unanimity or else a blockade, and the latter would be very costly. It was stated that 28 days of quarantining Cuba, with its much shorter coastline, had involved 180 ships and had cost almost R34-million. No specific recommendations were made.

Although they supported the findings of the majority, Britain and the United States made it clear that this did not commit them to any specific course of action.

Those voting against the findings were the Soviet Union and Czechoslovakia, who considered that total sanctions were possible and would have the necessary effect, and the Ivory Coast and Morocco, whose conclusions were less extreme than the Soviet Union's, but more forthright than those of the majority.<sup>(5)</sup>

#### Analysis by Carnegie Endowment for International Peace

During the following month the Carnegie Endowment for International Peace published an analysis of the possibilities of economic, military, and diplomatic action against South Africa, edited by Miss Amelia Leiss, and with contributions by herself, Professor William Brown, Professor William Hance, and Professor Vernon McKay. The authors made no recommendations, and on several issues stated that they were unable to predict the likely outcome.

No single economic measure would be likely to have a sufficiently powerful impact to force South Africa to comply with world opinion, it was stated. Without a nearly universal commitment to stringent measures on the part of the world community, the will to sustain a boycott would dissipate. Any single developed country willing to ignore the boycott, or to tranship goods to South Africa, could destroy the material effectiveness of economic measures.

It was considered that South Africa could probably hold out against a total boycott for several years, possibly longer, provided that the White citizens were determined to do so.

Professor Hance suggested that partial sanctions might have effective psychological impact; these might include restrictions on investment, discouragement of permanent migration to South Africa, boycotts of individual exports such as wool and citrus fruit, continued denial of port, airport, and overflight facilities, and embargoes on shipping specific commodities to South Africa.

It was estimated that for successful armed intervention some 700 aircraft, six military divisions with 90,000 men, three battalions (3,000 men) of air assault troops and between 90 and 117 naval vessels would be needed. The cost of the operation would be about R68-million a month. While the initial assault could probably be completed in a fortnight, it would require about four months to

(5) From reports in the *Rand Daily Mail* and *Star*, 2 March.

secure complete control. Meanwhile there would be a state of emergency in the country, and the U.N. forces might be caught in the crossfire between different groups, probably divided on racial lines. The hope for future accommodation among the races in South Africa would be seriously affected in the process. Would a U.N. victory, after this kind of struggle, lead to the political objectives for which it was undertaken, the writer asked.<sup>(6)</sup>

#### BOYCOTTS IN FORCE

As reported in previous *Surveys*, in 1961 the U.N. General Assembly called on member-states to consider taking such separate and collective actions as were open to them, in conformity with the Charter, to bring about the abandonment by South Africa of policies based on racial discrimination.<sup>(7)</sup> The following year the Assembly recommended that member-states should boycott all South African goods and refrain from exporting goods, including all arms and ammunition, to South Africa<sup>(8)</sup>; and in December 1963 the Security Council asked all states to refrain from supplying South Africa with military equipment, arms, ammunition, military vehicles, ordnance equipment, and materials that might be used to manufacture or maintain armaments for the enforcement of apartheid.<sup>(9)</sup>

It was stated, in a U.N. document made public in July,<sup>(10)</sup> that 105 countries had taken some action in response to these resolutions. Most states had forbidden the export to South Africa of arms and equipment for manufacturing arms; some were maintaining economic boycotts; a few had broken off all forms of relations — military, economic, and diplomatic.

In January the British Government blocked a South African order that had been placed with the Ferranti and the British Aircraft Corporation, reported to be worth R40-million, for ground-to-air Bloodhound guided missiles.<sup>(11)</sup> As mentioned on page 25, South Africa has been able to obtain certain types of aircraft from France, but the United States vetoed the sale to the Republic of maritime patrol aircraft of French design but incorporating some American-made equipment, developed as a joint product within NATO. The *Star* pointed out<sup>(12)</sup> that South Africa's remaining sources of arms supplies could be endangered by the trend for countries to develop modern, costly weapons as joint products.

In 1964 South Africa called for tenders for four-wheel-drive trucks. There was no response from the Ford Motor Company (Ford of South Africa is stated to be a wholly-owned subsidiary of

(6) *Star* report, 28 April.

(7) 1961 *Survey*, page 287.

(8) 1962 *Survey*, page 230.

(9) 1964 *Survey*, page 106.

(10) *Rand Daily Mail*, 24 July.

(11) *Star*, 20 January.

(12) 14 July.

Ford of Canada, which, in turn, is 77 per cent. owned by Ford of the United States). It was reported that both the State Department in Washington and the Canadian Government warned the Ford Company that export licences for the trucks would be refused, should a tender from this company be accepted, because it was possible for these vehicles to be converted into armoured cars. The contract was eventually awarded to a British firm. Since then the South African Government, while not officially boycotting the Ford Motor Company, has ceased buying any of its vehicles.<sup>(13)</sup>

On 21 March (the fifth anniversary of Sharpeville) a conference on "The South African Crisis and American Action" opened in Washington, D.C., sponsored by 38 American national religious, labour, student, and civil rights organizations. The conference called for a full American economic boycott of South Africa. A deputation afterwards met the United States Secretary of State, Mr. Dean Rusk, who rejected a plea made by the conference that the U.S. Government should discourage American trade and investment in South Africa.<sup>(14)</sup>

During May the Swedish parliament voted against initiating economic sanctions against South Africa as an expression of its opposition to apartheid, on the grounds that the GATT agreement prevented this, and that action by Sweden alone would be meaningless. Sweden's largest chain of departmental stores, however, is continuing its two-year-old boycott of South African goods.<sup>(15)</sup>

In terms of the All-Africa Charter of 1963<sup>(16)</sup> all African states were called upon, *inter alia*, to sever economic relations with South Africa. Kenya, among others, decided on a total trade boycott, but this was not strictly enforced. Early in 1965, however, the Kenyan Minister of Commerce, Dr. Kiano, announced that merchants in that country found to be handling South African goods would be prosecuted.<sup>(17)</sup>

The Kenyan delegation to a meeting of the Economic and Social Commission of the Organization for African Unity, held in Cairo during January, created much concern when it quoted from statistics of the International Monetary Fund to show that while many African and Asian states had reduced or terminated their business dealings with South Africa, other countries which gave verbal support to sanctions had actually increased their trade. Some of the countries to have done so were Red China, East Germany, Ceylon, Iraq, Poland, and Czechoslovakia.<sup>(18)</sup>

Kuwait is, so far, the only oil-producing country to have forbidden exports of this product to South Africa (Iraq has increased its shipments); but in view of the threat of sanctions the search for oil is continuing in South Africa. The Minister of Mines

(13) From reports in the *Star*, 15 and 29 May, and *Rand Daily Mail*, 26 and 28 May.

(14) *Post*, 18 March; *Star*, 24 March.

(15) *Star*, 26 March and 22 May.

(16) See 1963 *Survey*, page 327.

(17) *Star*, 30 January.

(18) *Star*, 20 January; *Natal Mercury*, 5 June.

said in the Assembly on 2 February<sup>(19)</sup> that a company called the Southern Oil Exploration Corporation, Ltd., had been established with the Government's concurrence to undertake and assist in the search for natural oil. All the shares were owned by the Government.

Since India and Pakistan cut off supplies of jute this fibre has increasingly been grown in South Africa; but it was announced in July<sup>(20)</sup> that within two years the local wool clip would be marketed entirely in containers of woven paper, which would be more satisfactory than jute packs.

The increase in the South African manufacture of weapons and ammunition is described on page 24. Since sanctions were first discussed the pace of industrialization has been hastened in many fields in the Republic.

In January the Trade Union Council of South Africa published a booklet in English and French setting out reasons for the Council's belief that economic sanctions are unlikely to succeed in forcing the S.A. Government to change its policies, and pointing out that boycotts may harm the very people they are intended to help. Copies were sent to parliamentarians and labour leaders of many countries.

#### INTERNATIONAL CONTRIBUTIONS TO ASSIST "VICTIMS OF APARTHEID"

As mentioned in an earlier chapter, in 1963 the General Assembly asked the Secretary-General to institute a scheme for the provision of international assistance for the families of persons persecuted for their opposition to apartheid. Subsequently, the Special Committee on Apartheid suggested that, "pending the conclusion of other appropriate arrangements", member-states should contribute to existing relief organizations.

The donations made, as a result, to the Defence and Aid Fund established by Christian Action in London are described on page 72. Some countries contributed to the funds of the World Council of Churches — it is reported<sup>(21)</sup> that Greece sent R714. Others have supported a scheme, described below, for providing scholarships for young South Africans.

According to a report made to the General Assembly by U Thant on 4 October, besides the contributions already mentioned, sums donated to international relief agencies included R1,750 from the Philippines, R1,960 from Iraq, and a further R48,580 from Sweden.

#### U.N. PLAN TO TRAIN YOUNG SOUTH AFRICANS

As reported on page 109 of last year's *Survey*, the Myrdal Group, appointed to investigate ways of resolving the situation in

(19) Hansard 2 cols. 382-383.

(20) *Star*, 9 July.

(21) *Rand Daily Mail*, 20 July.

South Africa, suggested, *inter alia*, that U.N. member-nations should provide scholarships for the training abroad of large numbers of South African engineers, lawyers, agronomists, administrators, teachers, and skilled workers (presumably mainly Non-White). Thereafter the Security Council asked the U.N. Secretary-General, U Thant, to draw up a programme for such a training scheme.

He is reported<sup>(22)</sup> to have consulted with various governments and to have invited the co-operation of South Africa, more especially in the granting of passports to persons selected for fellowships or scholarships. His programme was approved by the Security Council on 18 June.

A special fund was created for the training scheme. According to various reports,<sup>(23)</sup> the following contributions have been received:

United States	R53,500
Britain ...	R50,000
Norway ...	R17,800
Sweden ...	R21,400
Denmark ...	R26,400

Further details of the programme were announced in the *Star* of 12 November. The Secretary-General is to appeal for pledges and contributions towards a two-million-dollar fund (about R1,428,500), to be administered by a director at the U.N. Headquarters, who will co-ordinate the programme and enlist the assistance of UNESCO, the International Labour Organization, the Food and Agricultural Organization, and the World Health Organization. Teacher training will be given urgent priority; and most of the training will be given at various centres in Africa.

Both refugees and residents of South Africa will qualify for assistance, and will be screened by administrative offices in Geneva or in Lusaka, as more convenient. Remedial education will be provided for those who do not meet the standards of training institutions. The scheme should be in operation at the beginning of 1966.

#### SOUTH AFRICA'S MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS

##### International Labour Organization

It was reported on page 129 of last year's *Survey* that early in 1964 South Africa withdrew from the International Labour Organization, the Minister of Labour stating that the Republic would retire of its own free will rather than allow itself to be forced out, "which was the clear intention". In view of the denial to South Africa of its basic rights as a member, the South African Government did not consider itself bound by the provisions of the

(22) *Star*, 3 and 25 April.

(23) *Star*, 1 July; *Natal Mercury*, 5 August.

these young people are registered as being residents, or tax-payers, of the rural area concerned, and then (unless they can produce birth certificates and other documentary proof) they find that they have lost their right to live with their parents or to work in their hometowns.

The Johannesburg Joint Advisory Board has urged that students away from their homes should be issued with temporary documents, to be replaced by permanent ones on the first occasion when they return home on vacation.

#### Black Sash Advice Office in Johannesburg

The Transvaal Region of the Black Sash continues to run an Advice Office in Johannesburg, the functions of which are similar to those of the Athlone office, described earlier. Up to a hundred, or more, interviews are conducted monthly.

#### Registration of African women in Durban

Laws and regulations governing the presence of African women in prescribed areas have progressively been tightened: influx control was extended to include them in 1952; labour regulations were made applicable to them in 1959; and from 1 February 1963, all those aged 16 years and over were required to possess reference books. From 1952 on it was, theoretically, necessary for all African women in prescribed areas to be able to produce proof that their presence there was legal.

Influx control was first applied in practice to women in the Western Cape and in certain other towns such as Bloemfontein, Vereeniging, and Boksburg. Johannesburg and other local authorities began issuing permits to qualified women residents from 1959 on. Elaborate administrative machinery was necessary.

Durban was one of the few towns where the introduction of the permit system for women was delayed; but it has now been introduced, as from 23 August 1965.

#### Family life

Towards the end of 1964, Dr. W. D. Jonker compiled a report for a mission congress of the Nederduitse Gereformeerde Church on the "frightening" problems of Africans in the cities, and urged that the church should make a supreme effort to meet the situation. The congress decided that a comprehensive study be made of the consequences of urbanization.

At the annual congress of SABRA, in October, the Rev. C. W. H. Boshoff said that the questions of poverty, unstable family life, and the need for child care, among urban Africans were crying out for attention. He appealed for a comprehensive, scientific investigation into the socio-economic, religious, and

ethnological problems of these people, to be conducted objectively, but with sympathy and understanding.

Mr. Quintin Whyte, Director of the Institute of Race Relations, made a Press statement supporting Mr. Boshoff's plea.

A few days later, a report on migrant labour was submitted to the synod of the N.G. Church in Cape Town. It pointed to certain advantages of the system, but stated that, granting all these, it was conducive to the disruption of African family life, and to numbers of social evils. It was urged that the Government should make a thorough enquiry into the system.

At its synod held in Cape Town in mid-November, the Anglican Church decided to seek ways of joining forces with the N.G. Church to remedy the evils of the migrant labour system.

The Minister of Bantu Administration and Development said in the Assembly on 2 February that he had met members of the Johannesburg Joint Advisory Board, who wished to discuss with him hardships experienced by Africans under the laws governing movement.

#### Aid centres

As mentioned on page 182 of last year's *Survey*, the Bantu Laws Amendment Act of 1964 made provision for aid centres, with the object of keeping petty offenders out of gaol. At the time of writing, however, no aid centres have been established.

#### FOREIGN AFRICANS

The May issue of *Bantu* quoted the Minister of Bantu Administration and Development as having said that approximately 650,000 foreign Africans are working in the Republic. He stated in the Assembly on 23 April<sup>(18)</sup> that those legally present were:

Employed on the mines ... ..	249,086
Others present with Departmental permission:	
Prescribed areas ... ..	49,193
Non-prescribed areas ... ..	95,900
	<hr/>
	394,179

According to the July issue of *Bantu*, the numbers from the High Commission Territories then present were:

Basutoland ... ..	197,140
Bechuanaland ... ..	59,220
Swaziland ... ..	38,700
	<hr/>
	295,060

(18) Hansard 12 col. 4674.

An immigration official of the Department of Bantu Administration is reported<sup>(19)</sup> to have said that foreign Africans working in prescribed areas (excluding the mines) required written permission from the Department. In the past this had been granted if the applicant had worked in the area for one employer continuously for ten years, or for more than one employer for fifteen years. But in future a longer record of continuous employment would be required if permits for work in prescribed areas were to be granted to Africans from Malawi, Zambia, and Rhodesia. "I cannot say how long, but it must be for more than fifteen years", he stated. And, before a permit was granted, a man from one of these countries would have to pay a deposit of R20 to the South African Government. Citizens of the countries mentioned who lost their jobs (whether in prescribed or non-prescribed areas) would be repatriated immediately, the official stated.

When foreign labour is required, preference is to be given to Africans from the High Commission Territories. It was announced in the *Rand Daily Mail* of 16 April that African adults whose parents were born in one of these territories but who were themselves born in South Africa could apply for naturalization as South African citizens.

As from 31 December 1965 all foreign Africans in the Republic must be in possession of passports. They will no longer need reference books, and will in future not pay taxes to the South African Government, but will have to be able to prove that they have paid the taxes imposed in their home countries.<sup>(20)</sup>

There are no published official figures indicating the number of foreign Africans who have been repatriated in recent years, but in the course of his speech in the Assembly, referred to above, the Minister said that in 1962, 13,774 Africans were convicted for being in the Republic unlawfully, and 121 employers were convicted for having unlawfully employed foreign Africans.

#### REPRESENTATIVES OF BANTU AUTHORITIES IN THE TOWNS

The Promotion of Bantu Self-Government Act of 1959 made provision for the territorial authorities, with the Government's approval, to nominate representatives in urban areas.<sup>(21)</sup>

The only such representative so far appointed is Mr. S. S. Modise of Alexandra Township, who represents the Tswana Territorial Authority in the Witwatersrand/Pretoria/Klerksdorp area.<sup>(22)</sup>

#### URBAN BANTU COUNCILS

The Urban Bantu Councils Act was described on page 119 of the 1961 *Survey*. These councils will replace advisory boards

<sup>(19)</sup> *Rand Daily Mail*, 25 June.

<sup>(20)</sup> Announcement in the *Rand Daily Mail*, 3 September.

<sup>(21)</sup> See 1958-1959 *Survey*, page 53, for the functions of these representatives.

<sup>(22)</sup> *Government Gazette* of 24 September.

in areas where the local residents so wish, may have appointed as well as elected members, and may be granted wider powers than the boards possess.

Prior to 1965 urban Bantu councils were established at Daveyton (Benoni) and at Thabong (near Welkom). During the year, another came into being at Sharpeville, and plans are in hand for the creation of these bodies in Durban, Johannesburg, East London, and Nigel. Durban is likely to have two councils, one for Kwa Mashu and the other for the rest of the municipal townships and hostels.<sup>(23)</sup> Johannesburg will have one for the whole of the Soweto complex, probably with 60 members, 12 nominated by the City Council and the rest elected. A voters' roll is being compiled.<sup>(24)</sup>

The Field Officer of the Institute of Race Relations, Mr. J. C. M. Mbata, prepared a paper on urban Bantu councils<sup>(25)</sup> in which he described the constitution and functions of the Daveyton and Thabong councils, and mentioned some criticism of the system by Africans. Arbitrary powers possessed by the Minister to dismiss a council were opposed. Some people said that it was undesirable to have illiterate or semi-literate members on councils that were concerned with the intricacies of local government. Others considered it inadvisable for powers of civil and criminal jurisdiction to be conferred on a member of a council, as may be done in terms of the Act.

In an editorial published on 2 August the *Star* questioned whether the councils offered Africans an alluring enough constitutional advance on the advisory boards system. They need not be fully elective, and they would have no funds of their own, without which they would have no real power. All the revenue they raised would have to be paid into the local authority's African revenue account, and all the money they needed would have to be voted, for specific purposes, by the local authority.

#### TOUR OF THE "HOMELANDS"

Arrangements were made for 120 members of advisory boards and urban councils on the Reef and in Pretoria and Vereeniging to make an 18-day tour of the Bantu "homelands", commencing at the end of April, to obtain first-hand knowledge of the administration and development of these areas.

#### AFRICAN LOCATION OFFICERS

Posts for twelve African Location Officers (assistant location superintendents) have been created on the staff of the Johannesburg Non-European Affairs Department. Similar posts had, earlier, been created in other towns, East London for example.

<sup>(23)</sup> *Natal Mercury*, 14 August.

<sup>(24)</sup> *World*, 16 June.

<sup>(25)</sup> R.R. 18/1965.



## STATE EXPENDITURE ON AFRICANS, AND AFRICAN TAXATION

According to the Report of the Controller and Auditor-General for 1963-64,<sup>(26)</sup> the direct expenditure by the State on behalf of Africans during that year (excluding loan funds spent on housing) was:

Department	General administra- tion R	Social Services R	Capital Expenditure R	Total R
Bantu Administration and Development .....	9,066,138	9,061,863	12,124	18,140,125
S.A. Bantu Trust .....	3,833,226	1,929,495	23,783,039	29,545,760
Bantu Education .....	1,073,342	22,399,503	1,223,609	24,696,454
Education, Arts and Science .....	9,521	99,285	1,184	109,990
Coloured Affairs .....	—	6,025	—	6,025
Health .....	16,760	19,650,025	—	19,666,785
Housing .....	326	217,002	—	217,328
Labour .....	252	121,341	—	121,593
Other departments* .....	209,906	—	—	209,006
	14,208,571	53,484,539	25,019,956	92,713,066

\* Contributions under Bantu Services Levy Act, and registration fees.

The Minister of Bantu Education said in the Assembly on 19 May<sup>(27)</sup> that as at 1 April 1964 there were about 4,125,000 Africans who were liable to pay the general tax, of whom 628,000 were citizens of the Transkei. Calculated at R3.50 per taxpayer, the remaining 3,497,000 Africans in the Republic should have paid R12,289,000 during 1964-65, but the actual amount collected had been only about R6,600,000. That meant that only some 53.6 per cent. of the Africans had paid their general taxes. It was estimated that the total amount owing in arrear tax was between R30,000,000 and R40,000,000.

An inter-departmental committee had been appointed, the Minister said, to recommend improved methods of collecting the general tax.

It is possible that the figure relating to the amount paid was an under-estimate; for, according to the Departmental report for 1963, in the year 1963-1964 a sum of R7,377,751 was collected in general tax. In 1963, 164,254 persons paid the additional general tax (out of some 350,000 probably liable for this). But these last figures may include citizens of the Transkei.

Besides the general tax, Africans pay normal and provincial income taxes on the same basis as members of other races (the general tax is adjusted if an African pays normal income tax<sup>(28)</sup>),

(26) R.P. 58/1964, page 208.

(27) Hansard 16 col. 6299.

(28) See 1957-1958 Survey, page 78. Proceeds of income tax in 1963-1964 given by Minister of Finance, 9 February, Assembly, Hansard 3 col. 739.

and also education levies and, in many cases, hospital levies, rates imposed by Bantu Authorities, or tribal levies. They contribute to the exchequer by way of indirect taxation. Africans paid R72,000 in income taxes in 1963-1964, and, as stated on page 137, tribal levies yielded R967,400: the amounts collected under the other heads mentioned have not been publicly stated.

## RESIDENT DOMESTIC SERVANTS

## Provisions of the law

The Bantu Laws Amendment Act of 1963 provided that not more than one African domestic servant per private householder will be exempt from living in an African location, village, or hostel, unless the local authority licenses a particular householder to accommodate more than one servant. This provision was brought into effect as from 1 July 1965.

The Act also provided that at a later stage the Minister of Bantu Administration and Development, acting at the request of the local authority concerned or on his own initiative, may declare that the exemption relating to one resident servant will be cancelled in any urban area or portion thereof. Again, exceptions may be made under licence. This provision has, so far, not been invoked.

## Situation in and around Johannesburg

A survey conducted by the Johannesburg Non-European Affairs Department in 1964 showed that householders in the municipal area employed the following domestic servants:

Accommodated on householders' premises	Men	Women	Total
... ..	44,780	12,285	57,065
Not accommodated	916	5,119	6,035
	45,696	17,404	63,100

Of those for whom accommodation was provided, 12,413 would have to be moved if the law were to be implemented. There was already a housing backlog in the African townships, and transport facilities were severely strained. Hostels for men and women would, in time, be built at Alexandra Township, in which about 9,500 of the people to be displaced could be accommodated, and a hostel for 2,000 women was projected for Eastern Native Township; but these would not be ready for some years.

As it was impossible to move these "excess" servants, the City Council decided to issue permits to all householders who accommodated more than one, and to charge employers 50 cents for a permit to go towards the administrative costs involved.

The Peri-Urban Areas Health Board, which administers certain areas around Johannesburg, is charging 75 cents per permit.

Randburg, to the north of the city area, charges 50 cents. Pending the establishment of hostels at Alexandra Township, the Randburg municipality is allowing householders to accommodate any Africans registered in the area, whether or not they are employed in the household concerned.

At the time when the Bill was introduced the Deputy Minister stated that if servants returned to the African townships at night they would be able to live normal family lives and enjoy the amenities provided there.<sup>(29)</sup>

In an article published in the *Star* on 27 July, Dr. Ellen Hellmann pointed out that in all probability a minority only of the domestic servants to be resettled would be able to live under conditions of family life, for in very many cases their families did not live in Johannesburg. And the townships where family accommodation was available were miles away from the areas where the people worked.

The African Affairs section of the National Council of Women conducted a survey which showed that the average resident domestic servant in Johannesburg was expected to be available for duty over a ten-hour period, with one or two hours off during this time. If forced to live at Soweto, a servant would have to spend up to 3 hours or more in travel. There would be little time over for family life. The *Sunday Express* pointed out on 16 May that in many cases it would be dangerous for women to return home late at night.

### Pretoria

The Pretoria municipality, too, has a backlog in its African housing programme, and thus, for the time being, is issuing six-monthly permits to householders who wish to have more than one resident servant. Hostels are planned for the men who will eventually be displaced, but it appears that, in terms of Government policy, women with no husbands in the townships will have to lodge with relatives, remaining, wherever possible, under the control of their traditional legal guardians.<sup>(30)</sup>

According to Press reports, by 28 July, 1,368 employers had obtained permits to accommodate a second domestic servant, and 219 had applied for permission to house more than two. In all, 2,058 servants were affected. For a start, householders accommodating several domestics would be required to send all but two of them to live in the African townships when hostels or lodgings were available there.

The City Council plans that a new township for Europeans called Sterrewag will be "all-white", with no sleeping quarters for African domestic servants.

<sup>(29)</sup> See 1963 Survey, page 126.

<sup>(30)</sup> *Sunday Express*, 16 May.

### Durban

According to Press reports<sup>(31)</sup> permits are being issued gradually to about 10,000 householders in Durban who have more than one resident servant. No charge is made. Here, too, there is a housing backlog and transport facilities are over-taxed.

### Cape Town

The problem is not as acute in Cape Town as elsewhere, since many householders employ Coloured domestic servants, who are not affected. As in other large cities, however, those Africans who will eventually have to move will have long distances to travel.

### Conclusions

After studying the results of its survey the National Council of Women came to the conclusion that the result of the "one resident servant law" would certainly not be to strengthen African family life, for many of the displaced servants would not be able to have their families with them, and the rest would have little time at home.

The Africans concerned would be involved in considerably higher expenditure, the N.C.W. pointed out. They would lose certain payments in kind, such as free accommodation and some of their meals. Even if the employers paid their travelling costs the Africans would have to pay rent and might have to buy furniture and household goods. The constant travelling would be most tiring. Average cash wages (they are estimated to be about R15 a month in Johannesburg and less in smaller towns) would be quite inadequate to cover the expenses of running a home. Ill-health must result from tiredness and inadequate food.

If employers were expected to increase wages to compensate the Africans, many of them would be forced to dismiss one or more servants, the N.C.W. continued. As a result, numbers of White women would be forced to give up their jobs, or take part-time employment only. (This has been a matter of concern to the Pretoria Chamber of Commerce.)

Mrs. Jean Sinclair, National President of the Black Sash, made a Press statement expressing the fear of her organization that many women servants would be dismissed and would then be endorsed out of the towns concerned, away from their husbands.

In the article mentioned above Dr. Ellen Hellmann attacked the Government's arbitrary interference with the exercise of free choice by employers and employees, its insistence on putting the law into effect when the facilities necessary for its implementation did not exist, and its hypocrisy in asserting that the intention was

<sup>(31)</sup> *Natal Mercury*, 8 May and 12 June.

to safeguard family life. She made no plea for the retention of the system of resident domestic help, she said; the trend in all industrial countries was away from this, and this trend was beginning to manifest itself in South Africa. In the meantime, the decision as to whether domestics were to become long-distance commuters or not should be left to the householder and the domestic worker.

A quick survey of the opinions of educated, responsible Africans in numerous walks of life was conducted by the Institute of Race Relations (R.R. 142/65). Ninety-four per cent. of those who replied to a questionnaire opposed the Government's decision. The general opinion was that the daily travelling would be costly, and the time spent on this, in congested trains, would lead to frayed nerves. It was undesirable for women to have to return home late at night. Additional costs would mean less money available to send to relatives in rural areas. The proposed scheme might be acceptable to those whose families lived in the townships, but not to others.

Asked their opinion of hostels, 42 per cent. disapproved of hostels for men, and 49 per cent. of hostels for women. Others gave qualified approval: residence in hostels would be acceptable provided this was not compulsory; if single rooms were available to those who could afford the rent; and if better facilities existed for leisure, visitors, and for the preparation of food.

## COLOURED AND ASIAN AFFAIRS

### COLOURED COUNCIL

The terms of the Coloured Persons' Representative Council Act of 1964 were described on page 195 of last year's *Survey*. Briefly, this council, when established, will have 46 Coloured members, 30 elected and 16 nominated by the State President. Of the nominated members two must be Malays, two Griquas, and the rest must represent the provinces: eight from the Cape, two from the Transvaal, and one each from Natal and the Free State. The Republic will be divided into constituencies for the election of the elected members, and both men and women will have the vote.

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

The 5-year term of office of members of the purely advisory Council for Coloured Affairs expired in November 1964, but their period of office was extended for two years. There are 15 nominated and 12 elected members on this body.

For some time there has been dissatisfaction within the ranks of the Council. Motions of no-confidence in the chairman, Mr. Tom Swartz, were introduced during the 1964 and 1965 sessions, but were defeated. After the introduction of this motion in 1964 Mr. Swartz formed the Federal Party, which, as described on page 8 of last year's *Survey*, encourages Coloured people to make use of the opportunities afforded them by the Government's policy of separate development.

According to Press reports,<sup>(1)</sup> dissatisfaction has mounted, and an opposition group has emerged, led by Mr. E. W. J. Brink and Mr. C. I. R. Fontein, and supported by eight other members. They accuse Mr. Swartz of using the council to further the interests of the Federal Party, and of stifling any suggestion by council members who do not belong to this party. Since the deliberations of the council are held in private there is no documentary evidence to confirm or to refute these allegations.

An account is given on page 2 of this *Survey* of the Prime

(1) *Sunday Times*, 17 October.

Minister's statement, in April, to the effect that Coloured and Asian people would remain subject to the authority of a White-controlled parliament. Mention is made earlier of the Progressive Party's success in the election of persons to represent Coloured voters in the Cape Provincial Council; of the Government's announced disapproval of participation in Coloured politics by "White-controlled political parties"; of the prohibition placed on membership by Coloured teachers of the Progressive or Liberal Parties; of the control exercised over political meetings in Coloured settlements; and of the Government's reported plan to prohibit White persons from "interfering" in Coloured or other Non-White elections.

All of this has led to the establishment of a new Coloured Party, the Labour Party, as mentioned on page 15. It intends contesting the elected seats in the elections for members of the proposed Representative Council, in opposition to the Federal Party.

The Prime Minister was asked in the Assembly, on 7 May,<sup>(1)</sup> whether he had held any conferences with leaders of the Coloured people. He replied that this would be premature until the Representative Council was in full operation and had elected its Executive Committee.

#### INDIAN COUNCIL

The establishment of a nominated Indian Council was described on page 201 of the 1964 *Survey*. At the request of members the name of this body has changed from the National Indian Council to the South African Indian Council. It held three sessions during the year under review, in February, May, and August, under the chairmanship of the Secretary for Indian Affairs, Mr. J. H. H. van der Merwe.

Recommendations made by the council which have been approved by the Government include:<sup>(2)</sup>

- (a) the creation of an Indian Investment Corporation;
- (b) the granting of assistance to Indian farmers by the Land and Agricultural Bank;
- (c) the abolition of fees for inter-provincial visiting permits.

Recommendations that were refused included a plea that Indians in the Cato Manor, Riverside, and Prospect Hall areas of Durban should not be moved under the Group Areas Act, and a request that Indian minority groups should be allowed to marry women from overseas and bring them to South Africa.

Among other matters discussed have been numerous aspects of the implementation of group areas, including the plight of Indian traders; the creation of industrial areas for Indians; transit

<sup>(2)</sup> Hansard 14 col. 5509.

<sup>(3)</sup> Minister of Indian Affairs, Assembly, 26 March, Hansard 9 cols. 3481-3483; *Graphic*, 27 August; and Press statements issued by the Council.

permits for the Transkei; the Indians Education Act of 1965 and regulations to be issued thereunder; bursaries and pensions; S.A.B.C. programmes for Indians; difficulties experienced by Indians in obtaining travel documents; and the appointment of additional marriage officers.

An *ad hoc* committee of the council has been appointed to study the implications of the Government's suggestion that the council be converted into a statutory and elected body.

As mentioned in last year's *Survey*, Indians have been very much divided in opinion as to whether or not the establishment of the council should be supported. Many have considered that the acceptance of this body would destroy their hopes of ever being granted direct representation on governing bodies. Council members have faced numerous personal attacks. Many of them were hesitant about accepting appointment, but felt that the council did offer an opportunity, which should not be repudiated, of putting the views of Indians to the authorities. It was a step that might perhaps be built upon.

The failure of the council's repeated recommendations that Cato Manor, Durban, should be zoned for Indians instead of Whites<sup>(4)</sup> diminished the faith of Indians in the possible effectiveness of this body.<sup>(5)</sup> Renewed doubts were expressed<sup>(6)</sup> when, after a two-day meeting in Durban during August, held behind closed doors (as are all its meetings), the council issued merely a very brief Press statement touching on the matters that had been discussed.

#### LOCAL GOVERNING BOARDS

##### General provisions

As described on page 122 of the 1962 *Survey*, an amendment made that year to the Group Areas Act empowered the Minister of Community Development, after consultation with the Administrator of the Province concerned, to establish consultative or management committees in any Indian or Coloured group area, or areas. Both types of committee will initially act in an advisory capacity, but certain executive powers will gradually be conferred on management committees. At a later stage independent Indian and Coloured local authorities may be created.

The provincial administrations were permitted to frame ordinances governing the administration of the Act in their areas. As described later, the Natal ordinance differs from the rest.

Committees so far established consist of five persons of the racial groups concerned, appointed by the Administrator, and consisting of members nominated (in varying proportions) by the

<sup>(4)</sup> See 1958-1959 *Survey*, page 172; and 1959-1960, page 153.

<sup>(5)</sup> See *Sunday Chronicle* leader, 13 June.

<sup>(6)</sup> e.g. *Graphic*, 27 August.

Government, the province, the White local authority, and, in some cases, by local rate-payers' associations (Coloured or Indian). In a few towns plans are in hand for the election by popular vote of some or all of the members of management committees.

### Progress in the Cape

Coloured Management Committees have so far been established in Beaufort West, Bellville, Cape Town (three committees), Ceres, Goodwood, Graaff Reinet, Kimberley, Middelburg, Mossel Bay, Paarl, Parow, Port Elizabeth, Robertson, Stellenbosch, and Worcester.

There are Coloured Consultative Committees in Aberdeen, Aliwal North, Burghersdorp, Cradock, Fort Beaufort, Fraserburg, Kraaifontein, Mafeking, Moorreesburg, Picketberg, Prieska, Richmond, Victoria West, Vryburg, and Wolseley.

The three Management Committees in Cape Town, established as from 1 May, are in respect of the areas Athlone-Duinefontein, Kensington, and Wynberg-Wittebome. They hold office at the Administrator's pleasure, and as yet have advisory powers only.

It appears likely that as soon as these bodies become partly or wholly elective, no further Coloured persons resident in the areas concerned will be registered on the municipal common voters' roll, and that residents who are already so registered will lose their municipal vote.<sup>(7)</sup>

According to the Press,<sup>(8)</sup> the chairman of the Athlone-Duinefontein committee said, at its inaugural meeting, that members would concentrate on the "development" aspect of the policy of separate development which formed the basis for this new departure in civic government. The chairman of the Wynberg-Wittebome committee is reported to have stated that Coloured people wanted better facilities and, as long as these were provided, did not care whether or not they came in the form of separate development.

In a paper prepared for the Institute of Race Relations,<sup>(9)</sup> Mrs. Yvonne M. Maytham said her impression was that a majority of the Coloured people had no confidence in the management committees, which constituted a threat to the non-racial municipal vote, and were viewed as instruments of oppression. The older established civic associations in Coloured areas had been hostile and unco-operative, and the more experienced Coloured people had not been prepared to participate in the new system. Consequently persons who did accept nomination were, in general, unfamiliar with local government. Suspicion of the new bodies was heightened by the facts that their meetings were held in private, and that minutes of their proceedings were not available to the general public.

(7) See 1962 Survey, page 123.

(8) *Cape Times*, 13 May and 5 June.

(9) "The Changing Position of the Coloured People", R.R. 99/65.

### Transvaal

A Coloured management committee has been established in Johannesburg, and Coloured consultative committees exist in Boksburg, Klerksdorp, and Pretoria. Four Indian consultative committees exist—in Actonville (Benoni), Brits, Lenasia (Johannesburg), and Laudium (Pretoria).

After having been in office for six months the Johannesburg management committee produced its first report, to the effect that it had discussed the housing situation and the necessity for police patrols.<sup>(10)</sup> White reporters have not been admitted to the public gallery. The City Council has been preparing a voters' roll for a more widely representative committee with a majority of elected members, but no great interest has been shown in the registration of voters. Many Coloured people say that they have no faith in the system. According to the City Council, the reasons are that Coloured people are apathetic about civic affairs, and that many may have found it difficult to comply with the procedure necessary for registration.<sup>(11)</sup>

Meetings of the Lenasia committee are attended by White officials of the Departments of Community Development and Indian Affairs and of the Peri-Urban Areas Health Board. Again, visits by White observers are frowned upon, and little is known publicly about the committee's proceedings.

### Natal

An Administrator's Standing Committee on Non-White Local Government has been set up in Natal, under the chairmanship of Mr. Percy Fowle, M.E.C. He has stated<sup>(12)</sup> that the Provincial Administration plans to establish Indian local affairs committees in most of the Indian group areas. Four stages of development are envisaged. The local affairs committees will be purely advisory bodies, but they must be consulted by the parent local authorities on matters affecting Indians. The five members of each committee will all be appointed, existing Indian civic associations being consulted in regard to their selection.

The Administrator will decide, for each area, when the time is ripe for a second stage, when three of the five members will be elected. Thirdly, executive and financial powers will be conferred gradually on the committees; and the final stage will be the creation of independent Indian local authorities.

Commenting on this statement, the *Graphic* (a paper expressing the views of many Indians) said that the proposed system should be given a trial, but it would be preferable to restore the municipal franchise that Indians lost in 1924.

(10) *The World*, 21 May.

(11) *Rand Daily Mail*, 10 March.

(12) *Graphic*, 3 September.

The first local affairs committee was established in Glencoe during June. It appears that four of the five members were already serving on a consultative body that had been set up by the (White) Glencoe Town Board, and that local Indians claimed they were given no say in their nomination.<sup>(13)</sup>

The whole town of Verulam has been declared an Indian group area. According to the *Natal Mercury* of 28 January, its population consists of 257 Whites (including about 100 public servants), 1,809 Indians, 923 Africans, and 64 Coloured. There is an all-White Town Board of seven members; but all the Whites will have to leave the town eventually. Meanwhile, a five-man Indian advisory committee has been appointed by the Administrator, four of its members having been selected without reference to the local Indian community.

The Indian ratepayers of Ladysmith are in favour of the establishment of a local affairs committee there;<sup>(14)</sup> but the Ratepayers' Associations of Isipingo and District were dubious when Mr. Fowle held a meeting with them in July. The view was again expressed that it would be preferable to grant Indians the full municipal franchise.<sup>(15)</sup> A local affairs committee is shortly to be established in Estcourt; and plans for such committees are under consideration in Greytown, Newcastle, Dundee, Westville, and Dannhauser.

An Indian, Mr. E. M. Moolla, serves on the otherwise White Town Council of Stanger, but this is an exceptional case because he retains the franchise he obtained before 1924. Apart from this, the only multi-racial Town Board in Natal is that in Tongaat, which has seven White and four Indian members, all appointed by the Administrator.

Some years ago the Durban City Council appointed a three-man Indian Advisory Board. Members have held office despite much criticism, which has heightened in view of their inability to secure an amelioration of the harsh effects of the Group Areas Act on Indians.

#### RURAL COLOURED AREAS

Descriptions have been given in previous issues of this *Survey*<sup>(16)</sup> of the Coloured rural settlements, which are scattered areas, situated mainly in the Northern and Western Cape. According to the Report of the Department of Coloured Affairs for the period 1 January 1962 to 31 March 1964,<sup>(17)</sup> their total area is 1,903,318 morgen; there are 7,516 registered occupiers; and the total population is 40,289. The permanent dwellings numbered only 4,923 in 1964.

(13) *Graphic*, 2 July.

(14) *Natal Mercury*, 11 August.

(15) *Graphic*, 9 July.

(16) 1961, page 140; 1962, page 127.

(17) R.P. 82/1964.

Other statistics given in this report were: 330 teachers in 64 schools, with 10,118 pupils; 35 churches; 42 welfare societies; 13 health clinics; and 86 shops, cafés, and butcheries. On an average the inhabitants owned 125,922 small stock, 7,023 cattle, and 12,993 unguulates.

During the 27 months covered by the report the Department had spent:

R 94,522 on 401 miles of boundary and camp fencing;  
R159,172 on water supplies;  
R 6,218 on afforestation;  
R 2,350 on soil reclamation measures;  
R 1,572 on dipping tanks;  
R 19,007 on roads and bridges.

Altogether, during this period, R561,296 was spent out of State funds on betterment schemes carried out by Coloured management boards in the various areas. The boards would be expected to repay one-tenth of this amount, over a period of years, out of rates levied in their areas. The boards themselves had spent R77,032 on betterment works.

According to the official Estimates of Expenditure for the year ending 31 March 1966,<sup>(18)</sup> a sum of R386,000 is to be spent during this year from Revenue Account on development works in Coloured areas (R23,000 of which is recoverable from management boards), and R552,200 will be spent from Loan Account, R500,000 of which represents a further contribution to the capital of the Coloured Development Corporation.

It was stated in reports by the Coloured Development Corporation and by the Minister of Coloured Affairs<sup>(19)</sup> that in the year ended 30 September 1964, the Corporation showed a loss of R25,278 after having set aside R12,000 in respect of doubtful loans.

The Corporation had refused numbers of applications for loans because the applicants lacked the necessary business ability, or because their proposed businesses were not in proclaimed Coloured rural areas, or for other reasons; but since its establishment in October 1962, had granted 61 loans, to the total value of R774,102, having received bonds worth R521,590 as guarantees. The concerns assisted were 31 retail businesses, 12 liquor businesses, 3 hotels, 4 transport concerns, 3 cinemas, 3 building firms, a dry cleaner, a boat builder, a garment manufacturer, a blacksmith, and a sawmiller.

A sum of R200,000 had been allocated to form the initial share capital of the Spes Bona Savings and Finance Bank, Ltd., at Athlone, Cape Town, which is a subsidiary of the Corporation

(18) R.P. 1/1965, pages 253 and 254; R.P. 8/1965, page 91.

(19) Report of the Coloured Development Corporation for the year ended 30 September 1964; Minister of Coloured Affairs, Assembly, 29 January, Hansard I col. 241.

and opened during 1964.<sup>(20)</sup> According to the Minister, Coloured people had deposited R10,000 in this bank by 4 June.<sup>(21)</sup>

The Corporation's interest in the crayfish export market, on behalf of Coloured people, was described on page 207 of last year's *Survey*. Coloured fishermen are employed.

Concessions for diamonds in Coloured areas in Namaqualand and Van Rhynsdorp, and for quartzite in the Richtersveld, have been granted to the Corporation, but as this body lacks the necessary capital and mining experience, the prospecting and subsequent exploitation will in most cases be carried out by White companies or consortiums selected from a list compiled by the Government. During the prospecting stage these companies will pay to the Corporation five per cent. of the gross value of the yield. The basis on which profits will be divided at subsequent stages has still to be decided.

The Leliefontein Coloured area in Namaqualand is an exception: there the Corporation will help to finance a company in which Coloured diggers will be the shareholders.<sup>(22)</sup>

Coloured diggers are free to apply for prospecting licences in areas outside the Coloured Reserves. Numbers of Coloured men are at work in the Barkly West district, one of whom made a rich find of diamonds in September.<sup>(23)</sup>

The new regulations for rural Coloured areas, dealing, *inter alia*, with the holding of meetings, are described on page 11.

#### COLOURED EMIGRANTS

Questioned in the Assembly on 30 April<sup>(24)</sup> the Minister of Planning said that 75 Coloured persons emigrated from South Africa during 1963, 176 in 1964, and 68 in the first three months of 1965. The Minister gave the occupations of the 70 adult males among the emigrants: 27 of them were professional or technical workers.

#### INTER-PROVINCIAL MOVEMENT BY INDIANS

The Minister of Indian Affairs said on 19 May<sup>(25)</sup> that the Government could not agree to abolish the permits that are required by Indians who wish to move, even for a visit, from one province to another. It would, however, be made as easy as possible for Indians to obtain these permits. They are now free: a fee of 25 cents was previously charged.

#### NATURALIZATION OF INDIANS

Nearly 400 more stateless persons born in India were granted South African citizenship during 1965. These are people who

(20) See 1964 *Survey*, page 207.

(21) Senate, 4 June, Hansard 16 col. 3984.

(22) *Cape Times*, 15 June; Report of Corporation, *op. cit.*

(23) *Star*, 13 September.

(24) Hansard 13 cols. 5098-5099.

(25) Assembly, Hansard 16 col. 6343.

were born in areas under the authority of a rajah or other Indian ruler, and were, thus, not British citizens. They had settled in South Africa before the Indian Republican Constitution came into effect in January 1950, thus were not regarded as citizens of India.

#### BIBLIOGRAPHY ON INDIANS

A bibliography on the Indians in South Africa, prepared by the National Bureau of Educational and Social Research, was published by the Government Printer in 1965.

The Railways Administration is continually extending the services, but, so far, not fast enough to cope with the demand. The fares are subsidized: the Department of Transport is budgeting for a loss of R7,500,000 in 1965-66 on operating services to and from African townships.<sup>(49)</sup>

## EMPLOYMENT

### THE GENERAL ECONOMIC SITUATION

Towards the end of 1964 the Government Department of Planning published an economic development programme that had been drawn up by the office of the Economic Adviser to the Prime Minister in collaboration with the Economic Advisory Council, other departments, and various organizations and individuals. It was recommended, in this programme, that South Africa should aim at a real growth in the gross domestic product of 5½ per cent. per annum over the period 1965 to 1969 inclusive—lower than the rate for 1964 (which was 6.76 per cent.), but higher than the average during the previous 40 years.

Various assumptions were made—that there would be about 20,000 White immigrants a year; that the process of repatriating “foreign” Africans would be speeded up greatly; that there would be an increase in exports and some capital inflow; that the inflationary factor would not exceed 1.75 per cent. per annum. Particular stress was laid on the need for substantial additions to the skilled labour force; various schemes for training Whites were discussed, and it was recommended that Indians and Coloured people should be encouraged to undertake more advanced work in specific areas, and that Africans should be given further assistance to do so in their homelands and in border areas.

In his Budget Speech on 24 March<sup>(1)</sup> the Minister of Finance said that, according to provisional estimates, the gross national product amounted to R7,417,000,000 in 1964, representing a real increase of 7½ per cent. over the figure for the previous year. Since the middle of 1964 prices had increased: the consumer price index rose by 4.1 per cent. during the year, compared with increases of 1.4 per cent. in 1962 and 1.0 per cent. in 1963. One reason for the higher cost of foodstuffs had been the prolonged drought. The net national income at factor cost was provisionally estimated at R5,651,000,000 in 1963-64, it was stated.

According to the April issue of the official *Bulletin of Statistics*, the net geographical income at factor cost for 1963-64 was estimated at R6,096,000,000, of which R3,284,900,000 represented payments in cash and kind to citizens of the Republic.

During the second half of 1964 and in 1965 the rate of growth slackened off, and prices rose more rapidly. The consumer price index<sup>(2)</sup> increased as follows (October 1958=100):

(1) Assembly, Hansard 9 col. 3315, and White Paper B-65.

(2) Weighted average for the nine principal urban areas.

(49) Estimates of Expenditure from Revenue Account, R.P. 1/1965, page 47.