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NOTE BY THE SECRETARY-GENERAL

The attached letter dated 19 January 1978 from the Chairman of the Special Committee against Apartheid has been addressed to the Secretary-General.

ANNEX

Letter dated 19 January 1978 from the Chairman of the
Special Committee against Apartheid addressed to the
Secretary-General

On behalf of the Special Committee against Apartheid, I have the honour to draw your attention to the recent grave developments in South Africa.

It may be recalled that in resolution 417 of 31 October 1977, the Security Council unanimously demanded that the racist régime of South Africa end violence and repression against the black people and other opponents of apartheid, abolish the "Bantu education" system and all other measures of apartheid and racial discrimination, abolish the policy of bantustanization, and the policy of apartheid and ensure majority rule based on justice and equality.

The apartheid régime, however, has not only rejected the Security Council resolution, but has intensified violence and repression. It has imprisoned numerous opponents of apartheid and instituted a number of new trials under arbitrary laws which provide for death sentences. Several persons have been killed in detention and police custody. The police forces of that régime have repeatedly resorted to indiscriminate firings against peaceful demonstrators, including mourners at funerals, killing a number of persons.

The apartheid régime has proclaimed the so-called "independence" of the bantustan of Bophuthatswana, despite strong opposition by the African people and unanimous condemnation by the General Assembly.

It has, moreover, formulated a new constitutional plan which provides for a sham "cabinet council" with representation for apartheid institutions set up for Coloured people and Indians but excluding the African majority. Though this plan has been denounced by the genuine representatives of all the black people of South Africa, the régime has indicated its intention to proceed with it.

I enclose herewith a review of recent developments in South Africa which shows clearly that the policies and actions of the apartheid régime since 31 October have greatly aggravated the situation in South Africa.

The Special Committee considers it imperative that the Security Council should consider the situation urgently and take effective measures to secure the full implementation of resolution 417 (1977). In this connexion, the Special Committee attaches great importance to the requests made to the Security Council by the General Assembly in resolutions 32/105 and 32/81.

On behalf of the Special Committee, I have the honour to request you to convey this letter and its enclosure to the Security Council for its urgent consideration.

(Signed) Leslie O. HARRIMAN
Chairman
Special Committee against Apartheid

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Enclosure

SPECIAL COMMITTEE AGAINST APARTHEID

19 January 1978

REVIEW OF DEVELOPMENTS IN SOUTH AFRICA SINCE SECURITY COUNCIL
RESOLUTION 417 OF 31 OCTOBER 1977

Rapporteur: Mrs. Veena SIKRI (India)

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I. INTRODUCTION

1. In resolution 417 of 31 October 1977, the Security Council unanimously and strongly condemned the South African racist régime for its resort to massive violence and repression against the black people, who constitute the great majority of the country, as well as all other opponents of apartheid. It expressed its support for, and solidarity with, all those struggling for the elimination of apartheid and racial discrimination and all victims of violence and repression by the South African racist régime. It demanded that the racist régime of South Africa:

(a) End violence and repression against the black people and other opponents of apartheid;

(b) Release all persons imprisoned under arbitrary security laws and all those detained for their opposition to apartheid;

(c) Cease forthwith its indiscriminate violence against peaceful demonstrators against apartheid, murders in detention and torture of political prisoners;

(d) Abrogate the bans on organizations and the news media opposed to apartheid;

(e) Abolish the "Bantu education" system and all other measures of apartheid and racial discrimination;

(f) Abolish the policy of bantustanization, abandon the policy of apartheid and ensure majority rule based on justice and equality.

2. The South African régime has taken no steps to implement these demands, but has proceeded to intensify repression and speed up the implementation of its apartheid policies.

3. Some of the main developments in this connexion are briefly reviewed in this document.

II. DEFIANCE OF SECURITY COUNCIL RESOLUTION 417 OF 31 OCTOBER 1977

4. The South African régime has rejected Security Council resolution 417 of 31 October 1977.

5. In a letter (S/12439) dated 4 November 1977 from the Chargé d'Affaires of the Permanent Mission of South Africa to the United Nations addressed to the Secretary-General, attention was drawn to a statement by the régime's Foreign Affairs Minister rejecting Security Council resolution 417.

6. The statement rejects the resolution as being "hypocritical" and condemns the call for respecting human rights as a "pretext to hide ... less worthy motivations".

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The régime's Foreign Minister further stated that the subject of this resolution fell within the purview of South Africa's domestic policies, and said that the resolution would "increase the resistance of South Africans to the dictates of outsiders about their own affairs".

7. On 30 November 1977, the South African régime carried out its plans for holding an election limited to white voters. Prime Minister Vorster made it clear that the régime had called an early election to obtain a mandate to reject international pressure towards majority rule and to seek endorsement for the projected constitutional reform. The new constitutional proposals by the régime involve the establishment of a "cabinet council" consisting of six white members elected by the white Parliament, three members elected by the Coloured Persons Representative Council and two members elected by the South African Indian Council. 1/ There would thus be representatives of the apartheid institutions set up for the Coloured people and Indians, but no representation for the African people who constitute the overwhelming majority of the population. Though these proposals have not been accepted even by the two apartheid institutions, and have been denounced by all black people, the Vorster régime has decided to proceed with their implementation.

8. After the elections, in which the ruling National Party increased its majority in the Parliament, Mr. Vorster announced that it had received a mandate to continue to implement apartheid. In an interview with the Afrikaans magazine Huisgenoot he insisted that there would be no concessions on the question of sharing political power with blacks on a national level.

9. On election night, Mr. Vorster spoke pointedly about taking no chances with "the safety of the State". This has meant continued violence and aggression against all opponents of apartheid. 2/

III. CONTINUED VIOLENCE AND REPRESSION AGAINST THE BLACK PEOPLE AND OTHER OPPONENTS OF APARTHEID

10. It may be recalled that Security Council resolution 417 (1977) was adopted following the deaths of a number of detainees in South Africa, including that of Mr. Stephen Biko on 12 September 1977. Widespread repressive measures were launched by the apartheid régime on 19 October 1977, including the banning of 18 organizations and several opponents of apartheid, the prohibition of three newspapers and the detention of a large number of leaders.

1/ Sunday Times, Johannesburg, 28 August 1977 and 18 September 1977; Rand Daily Mail, Johannesburg, 8 November 1977 - "electoral college electing the President is to be constituted by 50 white, 25 Coloured and 13 Indian members".

2/ Time, New York, 12 December 1977.

11. The following were the 18 organizations banned:

Association for the Educational and Cultural Advancement of the African People of South Africa
Black Parents' Association
Black People's Convention
Black Women's Federation
Border Youth Organization, also known as Border Youth Union
Eastern Province Youth Organization, also known as Eastern Cape Youth Organization
Medupe Writers Association
Natal Youth Organization
National Youth Organization
South African Students' Movement
South African Students' Organization
Soweto Students' Representative Council
The Black Community Programmes Limited
The Christian Institute of Southern Africa
Transvaal Youth Organization
Union of Black Journalists
Western Cape Youth Organization
Zimele Trust Fund. 3/

12. The three newspapers banned were Pro Veritate, the Christian Institute's monthly journal; and the World and The Weekend World, the Johannesburg newspapers with large readership among the African people.

13. Five year banning orders were served on the following seven white opponents of apartheid during the pre-dawn raids of 19 October 1977. Those whose homes were thus raided were:

Rev. Dr. Beyers Naudé, director of the Christian Institute
Rev. Theo Kotze, director of the Christian Institute in the Cape

3/ The South African press reported that the Siyazinceda Trust had also been banned. The Trust had been established to help families and relatives of political detainees. The word "siyazinceda" means "we help ourselves". Rand Daily Mail, Johannesburg, 20 October 1977.

/...

Rev. David Russell

Rev. Brian Brown, administrative director of the Christian Institute

Mr. Cedric Mayson, editor of Pro Veritate

Mr. Donald Woods, editor of the East London Daily Dispatch 4/

Mr. Peter Randall, an education lecturer at Witwatersrand University. 5/

14. While white opponents of the apartheid régime were severely restricted under banning orders, many blacks were detained under the Internal Security Act or other repressive legislation. 6/

15. The régime did not announce the names or numbers of persons detained. According to press reports, however, over 40 persons were known to have been detained on 19 October, and many more on subsequent days. This net of repression has widened after the adoption of Security Council resolution 417 (1977).

(a) Arrests and detentions

16. A large number of persons are reported to have been arrested and detained under the various security laws - particularly the Internal Security Act and the Terrorism Act - since 31 October 1977.

17. Police raided the townships near Pretoria on 10 November and arrested 626 people, including 198 schoolchildren. Four hundred and ten of these were reportedly arrested for violations of the "pass" law. Only 18 of the 626 were charged with other offences. 7/

18. According to figures released by the South African Institute of Race Relations, more than 700 people were being held in detention without trial as of 29 November, and another 160 had been placed under banning orders. 8/

19. On 30 November 1977, 28 black journalists and 1 white journalist were arrested in central Johannesburg during a protest march. The marchers were protesting

4/ Mr. Woods subsequently escaped from South Africa.

5/ The Star, Johannesburg, 20 October 1977.

6/ This may have been because banning orders as a means of curbing black political activity had failed. Rev. Bishop Manas Buthelezi, himself a former victim of a banning order, said: "They are ignored. When one is banned in the white community, I can imagine the whites think of that person as being a traitor or a Communist. But in the black community you have a lot of moral support, so banning doesn't demoralize you."

7/ Rand Daily Mail, Johannesburg, 11 November 1977.

8/ Financial Times, London, 29 November 1977.

against the detention of 11 black journalists, and showing their concern over the banning of 18 organizations in October. Bail was granted at R 50 each and the hearing postponed to 22 February 1978. 9/

20. On 1 December 1977 four clergymen were found guilty of holding an illegal march. They were each fined R 60, or 60 days with a further R 40 or 40 days suspended for five years. Their spokesman, Rev. Benjamin Phatolo, said they had been forced to protest as "the laws of this country are anti-Christ, as we see people being torn asunder (and) mercilessly uprooted". 10/

21. The total number of arrests and detentions is not known, as the régime does not publish the names or even numbers of those detained.

(b) Political trials

22. The political trials instituted prior to 31 October are being continued and a number of new trials have been instituted. Many of the trials are held in remote towns and some not even reported in the press. The following are some of the trials held during the period under consideration.

(i) Trial of Mrs. Winnie Mandela

23. Mrs. Winnie Mandela, 43, wife of Mr. Nelson Mandela, leader of the African National Congress serving a sentence of life imprisonment, and herself a leader of the recently banned Black Parents' Association, continues to be viciously harassed by the Pretoria régime. She is currently facing five charges of contravening the banning order served against her. 11/

24. She was charged in the regional court in Bloemfontein with seven counts of contravention of the restrictions between 21 May and 28 July 1977. Two of the counts were subsequently dropped after a ruling by Orange Free State Supreme Court, that Mrs. Mandela's daughter, Zinzi, was entitled to receive visitors. 12/

25. According to a psychiatrist giving evidence in court, the constant police harassment has resulted in Mrs. Mandela's daughter suffering extreme emotional stress and acute depression. 13/

9/ Rand Daily Mail, Johannesburg, 2 December 1977.

10/ Ibid.

11/ She was banished to a slum of the remote town of Brandfort in the Orange Free State. She has also been placed under house arrest from dusk until dawn since May 1977. Among other provisions of her banning order is the restriction prohibiting her to meet with more than one person at a time.

12/ New York Times 26, 27 and 28 October 1977; Rand Daily Mail, Johannesburg, 24, 27, 28 October 1977.

13/ Financial Times, London, 28 November 1977.

26. On 27 October the trial was adjourned to 17 January 1978. 14/

(ii) Trial of 12 members of the African National Congress in Pretoria 15/

27. Twelve Africans, Messrs Mosima Gabrieleal Sexwale, 24; Naledi Tsiki, 21; Lele Jacob Motaung, 44; Simon Samuel Mohlanyaneng, 23; Elias Tieho Masinga, 24; Martin Mafefo Ramokgadi, 67; Joe Nzingo Ggabi, 48; Petrus Mampogoane Nchabeleng, 50; Nelson Letsaba Diale, 41; Michael Mpandeni Ngubeni, 42; Jacob Gaonakala Seatlholo, 47; and Miss Paulina M. Mohale, 26 - first appeared in leg-irons, on 9 May 1977 in the Pretoria Supreme Court on charges under the Terrorism Act and the Internal Security Act. They were described by the prosecution as the "backbone of the black revolutionary underground". By 7 October, when the prosecution closed its case, 70 volumes of evidence - nearly 2,700 pages - were recorded. 16/

28. The 12 were forced to wear leg-irons on their first appearance in court and are being subjected to the additional psychological torture of being kept next to the death cell "in close proximity of people who have been sentenced to death" and within earshot of people singing on their way to the gallows. Repeated requests to have the prisoners moved have been denied. 17/

29. Mr. A. Chaskalson, defence counsel, applied for the discharge of Miss Mohale on the grounds that the only evidence against her on the main charge of recruiting individuals for military training was that of a State witness who had discredited himself. The application was refused.

Mr. Justice Davidson, the presiding judge, died on 2 November before the defence case opened. The case has been remanded to 16 January 1978 for a fresh trial causing great difficulties for the defence. 18/

14/ Before the adjournment of the trial, three white women who are friends of Mrs. Mandela had each been given one year sentences in gaol for refusing to testify against her. The fourth, Mrs. Helen Joseph 72, herself a veteran victim of the régime's banning orders was sentenced to four months. Mrs. Mandela's other friends are Mrs. Ilona Kleinschmidt, wife of exiled S.A. Christian Institute worker Horst Kleinschmidt; Mrs. Jackie Bosman, arts director of the Financial Mail; Mrs. Barbara Waite wife of Springbok cricketer Johnny Waite. (Rand Daily Mail, 9 September, 14 and 19 October 1977.) A fifth person Mr. Maleho Mosimane a local journalist was summonsed to appear on 30 November to make a statement under the new Criminal Procedure Act. (Rand Daily Mail, 12 November 1977.)

15/ See report of the Special Committee against Apartheid, Supplement No. 22, pp. 111-113.

16/ Rand Daily Mail, Johannesburg, 3 and 8 November 1977.

17/ Rand Daily Mail, Johannesburg, 8 October 1977.

18/ Rand Daily Mail, Johannesburg, 8 November 1977. The Star, Weekend edition, Johannesburg, 5 November 1977.

/...

(iii) Trial of six members of the African National Congress in Springs

30. The trial of the six alleged members of the ANC under the Terrorism Act was concluded before a special court in Springs on 29 November 1977.

31. The men, all from Soweto, were variously accused of involvement in a plot to blow up a bridge, hiding weapons and ammunitions, manufacturing bombs and training others in the manufacture and use of explosives.

32. The six men - Messrs Mauhidi John Phala, 50; John Afheli Thabo, 37; Philip Khoza, 55; Letsie Ben Mashinini, 34; Solomon Musi, 25; and Bafana Vincent Nkosi, 20 - were gaoled for a total of 94 years: Mr. Phala was sentenced to 39 years, Messrs Thabo, Khoza and Musi to 15 years each, and Messrs Mashinini and Nkosi to 12 years each. 19/

(iv) Trial of 18 members of the Pan Africanist Congress in Bethal

33. Eighteen men - Messrs Zephania Mothopeng, 65; John Ganya, 48; Mark Shinnars, 37; Bennie toele, 38; Hamilton Keke, 42; Michael Khala, 24; Alfred Ntshali-Tshali, 47; Julius Landingwe, 30; Zolile Ndindwa, 26; Moffat Zungu, 28; Goodwell Moni, 24; Jerome Kodisang, 26; Michael Matsobane, 36; Johnson Nyathi, 32; Themba Hlatswayo, 21; Mothlagegi Thlale, 22; Rodney Tsoletsane, 20; Daniel Matsobane, 31 - appeared briefly in the Bethal Magistrate's Court in December 1977. They were charged with allegedly taking part in so-called terrorist activities and with furthering the aims and activities of the banned Pan Africanist Congress between 1963 and 1977. Three of the accused, Messrs Mothopeng, Shinnars and Keke are alleged to have furthered the PAC aims even while serving sentences in Robben Island.

34. The list of 86 alleged co-conspirators named in this case included prominent officials of the Pan Africanist Congress such as Mr. Robert Mangaliso Sobukwe (President) and Mr. Potlako Leballo (General Secretary) and two members of the press, Mr. Moffat Zungu and Mr. Mike Mzileni.

35. Four of the alleged co-conspirators, Dr. Naboth Ntshunthsa, Messrs Samuel Malinga, Aaron Khoza and Bonaventure Malaza died mysteriously while being held in detention without trial. Mr. Malaza died on 18 November 1977. The trial continues.

(v) Trial of three members of the Pan Africanist Congress in Campdown 20/

36. Mr. Stanley Pule, 33; Mr. Isaac Mhlekwa, 49; Mr. Nogaga Gxekwa, 47 first appeared on charges under section 6 of the Terrorism Act in the remote country town of Campdown Natal in October 1977. They are alleged to have undergone military training in various African countries. The three men pleaded not guilty.

19/ Rand Daily Mail, Johannesburg, 30 November 1977.

20/ See report of the Special Committee against Apartheid, Supplement No. 22, p. 115.

37. One witness Mr. Bonginkosi Mngomezulu, 35, was warned that he would be named as an accomplice but would be freed from prosecution if he gave "satisfactory evidence". Another witness Mr. Mbhamali, although not a suspect, was told he would be kept in gaol unless he made a statement. A third witness' identity was kept secret. The State counsel alleged that the witness lied in court by saying he had not made any statement to the police since 1968.

38. The trial was adjourned until 16 January because a fourth witness had moved and could not be located. 21/

(vi) Other trials

39. Four men - Messrs Isaac Zimu, 28; Veli Mthembu, 22; Themba Khumalo, 18; and Walter Mtshali, 29 - had been convicted in a record 21-minute terror trial of participating in "terrorist activities" on 2 August 1977. 22/ They had pleaded guilty on the "advice" of their pro deo counsel. On 2 November 1977 the judge refused to allow an application by them that their pleas of guilty be reversed. Three of the accused were sentenced to 13 years' imprisonment each. Mr. Walter Mtshali was found to be mentally unfit and his trial was postponed. 23/

40. Mr. Mondy Motloun, 20, and Mr. Solomon Mahlangu were charged in connexion with a shooting incident in Goch Street, Johannesburg, where two persons were killed. The trial has been postponed to February 1978 since Mr. Motloun, who had earlier been subjected to psychiatric examinations was diagnosed as suffering from brain damage and therefore unable to fully participate in the preparation of his defence. A medical report by the district surgeon stated that he had sustained fractures of the jaw and skull. 24/

41. On 18 November, Mr. Samuel Malepane, 22, and Mr. Thabiso Moephudi, 21, appeared in the circuit court in Krugersdorp on charges under the Terrorism and Sabotage Acts for allegedly taking part in terrorist activities. An unidentified witness claimed that he "volunteered a statement" after being hit on the knees, elbows and ankles with an iron rod until he fainted. The witness has not yet been released from police custody. 25/

21/ Rand Daily Mail, Johannesburg, 1, 7 and 8 December 1977; The Star, Johannesburg, 13 December 1977.

22/ See report of the Special Committee against Apartheid, Supplement No. 22 (A/32/22), p. 118.

23/ The Star, Johannesburg, 27 October 1977; Rand Daily Mail, Johannesburg, 3 November 1977.

24/ The Star, 8 November 1977; Rand Daily Mail, 30 November 1977; The Guardian, London, 8 November 1977.

25/ Rand Daily Mail, Johannesburg, 16, 17, 18 and 19 November 1977.

(c) Violence against peaceful demonstrators

42. Violence against peaceful demonstrators has continued.

43. On 26 November 1977 the police opened fire in Kagiso at the crowd attending the funeral of Mr. Bonaventura Siphon Malaza, a young man who died in police custody. Two people were wounded. 26/

44. On 16 January 1978, 10 miles outside Cape Town, bulldozers protected by armed police began razing to the ground, and in some cases setting fire to shacks in a squatter camp. This was part of an attempt to forcibly evict the inhabitants for eventual resettlement in the bantustans. Most of the 15,000 squatters, who would be left homeless, are women and children who moved into the area to be near their husbands and fathers who work and live legally in the city. 27/

(d) Murders in detention and torture of political prisoners

45. The world-wide outcry against the death in detention of Black Consciousness leader Stephen Biko does not seem to have stemmed the violence inherent in the South African detention system.

46. On 18 November, another young victim met with death while in detention. Bonaventura Siphon Malaza, only 18 years old, is purported to have hanged himself. 28/

47. The Rand Daily Mail reported that a man who had died in a cell three weeks earlier was identified as Mr. Elliot Salinga, 30, of Randfontein. A police spokesman said Mr. Salinga was injured when he "apparently fell backwards". 29/

48. During the last week of November 1977, it was discovered that 16-year-old Patricia Esther Mnisi, a detainee under the Terrorism Act, had died two and a half months after being released from detention. The girl had been suffering from extensive bilateral T.B. and was only released at the recommendation of the district surgeon. A doctor who examined her upon release from detention told her father that she was dehydrated and was suffering from double pneumonia. 30/

26/ New York Times, 27 November 1977.

27/ New York Times, 17 January 1978.

28/ New York Times, 27 November 1977.

29/ Rand Daily Mail, Johannesburg, 2 December 1977.

30/ Rand daily Mail, Johannesburg, 28 November 1977.

IV. BANTU EDUCATION SYSTEM

49. There has been no change in the system of inferior education, specifically designed by the régime to keep Africans in a role of servitude.

50. Teachers have resigned in such great numbers that the régime has been forced to admit the extent of the crisis, especially in Soweto, as students continue to boycott classes. The boycott of classes is no longer confined to high schools but has spread to the primary schools. Nearly 77,000 students are presently boycotting schools in the Soweto area alone. 31/

51. Changes contemplated in the system of education for the blacks seem thus far to be only cosmetic. The term "Bantu" might be dropped. However, according to Mr. Botha, outgoing Minister for Bantu Administration, the services offered by the department of "Bantu" education are (basically) the same as those offered to white students. He says that there might be some improvements for black students. 32/ This does not raise any hope that the hated system of bantu education would be totally abandoned by the régime.

52. It remains to be seen what Mr. Vorster meant when he said that urban blacks would be given "rights to control their own education". 33/

53. These statements do not indicate any change which would involve equality in education. Africans will continue to have inferior education. The authorities which the régime plans to set up for this "control" are rejected by the Africans. The detention of six members of the Soweto Committee of Ten who advocated abolition of bantu education is another indication that the régime does not intend to abandon its policy of bantu education.

54. As an example of the hollowness of the statements made by the Vorster régime, it may be pointed out that the East Rand Administration board has announced a 70 per cent reduction in the expenditure on black schools for the 1978 financial year. 34/

31/ Times, London, 2 November 1977.

32/ Mr. Botha's end-of-year statement reported in part by the Rand Daily Mail of 23 December 1977.

33/ South African Digest, 9 December 1977, reporting on an interview given before the election with Huisgenoot (an Afrikaans) magazine.

34/ Rand Daily Mail, Johannesburg, 12 December 1977.

V. BANTUSTANIZATION

55. The régime has persisted in the balkanization of South Africa and on 6 December 1977, granted so-called "independence" to the bantustans of Bophuthatswana. This action was condemned by the General Assembly in resolution 32/105 N. The Chairman of the Special Committee has also condemned this action in a press statement issued on 6 December 1977. In his statement he noted:

"... The establishment of the bantustans is part of the diabolic scheme of the apartheid régime to perpetuate white domination in 87 per cent of the country, which produces 97 per cent of the gross domestic product, and relegates the Africans to 13 per cent of the land divided into uneconomic and disjointed reserves. It is meant to segregate Africans into 'buffer states' and use them as cannon fodder."
