

UNITED



NATIONS

OCT 1954

SECOND REPORT
OF THE
UNITED NATIONS COMMISSION
ON THE
RACIAL SITUATION IN THE
UNION OF SOUTH AFRICA

GENERAL ASSEMBLY

OFFICIAL RECORDS: NINTH SESSION

SUPPLEMENT No. 16 (A/2719)

NEW YORK, 1954

132 P.

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NOTE

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COVERING LETTER

Geneva, 26 August 1954

Your Excellency,

In response to the General Assembly's request that the Commission on the Racial Situation in the Union of South Africa should report to it at its ninth session, we have the honour to send you herewith the Commission's report, which has been prepared in conformity with the provisions of General Assembly resolution 721 (VIII) and which has been adopted by the Commission unanimously and without reservations.

We have the honour to be, etc.

(*Signed*) Hernán SANTA CRUZ
Dantès BELLEGARDE
Henri LAUGIER

His Excellency,
The President of the General Assembly
at its Ninth Session,
United Nations,
New York

ACKNOWLEDGMENTS

The Commission wishes to thank the Governments of Member States which have informed it at its request of their experience in the matter of interracial relations in their countries or supplied it with other information.

It also thanks the United Nations Educational, Scientific and Cultural Organization for its assistance in the work assigned to the Commission by the General Assembly, and the non-governmental organizations that have responded to its request for information.

The Commission takes pleasure in expressing its gratitude to the Secretary-General of the United Nations for the facilities he has provided and for his assistance in its work. The Commission wishes particularly to draw attention to the valuable technical assistance it has received from Mr. Jean A. Romanos, principal secretary, Mr. Ezekiel Gordon, Secretary of the Commission, and the experts appointed by the Secretary-General who have carried out necessary work on the Commission's behalf.

The members of the Commission are deeply grateful to all of them.

PREFACE

In its first report (A/2505 and Add.1) the Commission laid before the General Assembly the general information on the Union of South Africa and information on the racial situation in the Union it had been able to collect in the course of its first year's work.

Under the new terms of reference it received from the General Assembly the Commission was requested to continue its study of the development of the racial situation in the Union of South Africa and to suggest measures which would promote a peaceful settlement.

The Commission considered that the second of the two tasks was the more important since in its view the information collected last year and the supplementary data given in the present report merely provide the material on which to base suggestions for a peaceful settlement. Among this material the Commission attaches particular importance to the solutions of the racial problem proposed in the Union of South Africa.

The report is accordingly divided into two parts :

Part I is entitled "Continued study of the problem". Its contents are listed in detail in the Table of Contents.

Part II, "The Possibilities of a Peaceful Settlement", outlines the Commission's basic views.

PART I

CONTINUED STUDY OF THE PROBLEM

A. Discussion of the question by the General Assembly at its eighth session and work of the Commission

Chapter I

EXAMINATION OF THE COMMISSION'S FIRST REPORT BY THE GENERAL ASSEMBLY AND THE COMMISSION'S NEW TERMS OF REFERENCE

I. Discussion by the General Assembly at its eighth session

1. The "question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa" was placed on the provisional agenda of the eighth session of the General Assembly under paragraph 4 of the operative part of resolution 616 A (VII).

2. On 17 September 1953, the General Assembly meeting in plenary session decided by a roll-call vote of 46 to 7 with 7 abstentions to adopt the General Committee's recommendation that the question should be placed on the agenda and referred to the *Ad Hoc* Political Committee.

3. When the *Ad Hoc* Political Committee began its examination of the question on 20 November 1953, it had before it the report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2505 and Add.1), which had been submitted to the President of the General Assembly by the Commission on 3 October.

4. On opening the debate, the Chairman of the *Ad Hoc* Political Committee invited the Chairman-Rapporteur of the Commission to take a seat at the Committee table.

The representative of the Union of South Africa said that the presence of the South African delegation when the United Nations Commission was represented at the *Ad Hoc* Political Committee's discussions should not be construed as recognition of the Commission by his Government which still considered it unconstitutional.

At the same meeting, the Chairman-Rapporteur of the Commission introduced the Commission's report.

5. The Commission was gratified by the reception of its first report and the appreciation of its work expressed by many delegations although some criticism was also voiced during the discussion. Among the critical comments the Commission will single out for mention only remarks of the South African representative who stated that the Commission's report contained serious errors of fact.¹ In repeating its request to the Government of

the Union of South Africa for co-operation,² the Commission asked that Government to communicate any corrections of fact it considered desirable. The Commission can only express its regret that the Union Government has not responded to this request.

6. At this session, a considerable proportion of the discussion was again devoted to the question of the General Assembly's competence. The Commission considers it unnecessary to return to this subject, which was examined in detail in its first report.³

7. On 24 November 1953, the Indian representative introduced a draft resolution sponsored by the following seventeen delegations: Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Syria, Saudi Arabia and Yemen.

The preamble of the draft resolution referred to some of the Commission's conclusions while the operative part provided for the continuation of the Commission and laid down new terms of reference. The draft resolution formed the basis of the *Ad Hoc* Political Committee's discussions and was adopted, with certain additions, by the General Assembly.⁴

8. Two amendments were proposed to the draft resolution. The first, submitted in the *Ad Hoc* Political Committee by the Chilean representative, proposed to reaffirm certain passages in earlier resolutions of the General Assembly which affirmed the principle of respect for human rights and fundamental freedoms, including the right to equality of treatment without discrimination of any kind. The amendment was adopted as paragraph 1 of the operative part of the resolution.

The second amendment was submitted jointly by the Uruguayan and Chilean representatives at the plenary meeting and provided for the replacement of any member of the Commission who might be unable to continue to serve. The amendment was adopted as operative paragraph 3 of the resolution.

9. At its 469th plenary meeting on 8 December the General Assembly adopted the draft resolution as a

¹ See paragraph 21.

² A/2505, chapter II, paragraphs 68 *et seq.*

³ See paragraph 10.

⁴ General Assembly Official Records, *Ad Hoc* Political Committee, 32nd meeting, paragraph 18.

whole, as amended, by a roll-call vote of 38 votes to 11, with 11 abstentions.⁵

10. Resolution 721 (VIII) reads as follows:

"The General Assembly,

"Having considered the report of the United Nations Commission on the Racial Situation in the Union of South Africa established by resolution 616 A (VII) of 5 December 1952,

"Noting with concern that the Commission, in its study of the racial policies of the Government of the Union of South Africa, has concluded that these policies and their consequences are contrary to the Charter and the Universal Declaration of Human Rights,

"Noting that the Commission had also concluded that:

"(a) 'It is highly unlikely, and indeed improbable, that the policy of apartheid will ever be willingly accepted by the masses subjected to discrimination', and

"(b) That the continuance of this policy would make peaceful solutions increasingly difficult and endanger friendly relations among nations,

"Noting further that the Commission considers it desirable that the United Nations should request the Government of the Union of South Africa to reconsider the components of its policy towards various ethnic groups,

"Considering that, in the Commission's own opinion, the time available was too short for a thorough study of all the aspects of the problems assigned to it,

"Considering also the Commission's view that one of the difficulties encountered by it was the lack of co-operation from the Government of the Union of South Africa and, in particular, its refusal to permit the Commission to enter its territory,

"1. Reaffirms its resolution 103 (I) of 19 November 1946, 377 A (V), section E, of 3 November 1950 and 616 B (VII) of 5 December 1952, particularly the passages in those resolutions which state respectively that 'it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination'; that 'enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for an observance of human rights and fundamental free-

⁵ *In favour:* Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic.

Against: United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada, Colombia, France, Greece, Luxembourg, Netherlands, New Zealand, Union of South Africa.

Abstaining: United States of America, Venezuela, Argentina, China, Denmark, Dominican Republic, Norway, Panama, Peru, Sweden, Turkey.

doms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries'; and that 'in a multiracial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring the equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality';

"2. Expresses appreciation of the work of the United Nations Commission on the Racial Situation in the Union of South Africa;

"3. Decides that should any of the members of the Commission be unable to continue their membership, the member or members concerned shall, if the General Assembly is not sitting, be replaced by a person or persons appointed by the present President of the General Assembly in consultation with the Secretary-General;

"4. Requests the Commission:

"(a) To continue its study of the development of the racial situation in the Union of South Africa:

"(i) With reference to the various implications of the situation for the populations affected;

"(ii) In relation to the provisions of the Charter and, in particular, to Article 14;

"(b) To suggest measures which would help to alleviate the situation and promote a peaceful settlement;

"5. Invites the Government of the Union of South Africa to extend its full co-operation to the Commission;

"6. Requests the Commission to report to the General Assembly at its ninth session."

II. Attitude of the Government of the Union of South Africa during the discussions

11. During the consideration of the question by the General Assembly the representative of the Union of South Africa maintained the position he had taken at the seventh session.

When the General Committee considered the provisional agenda for the session he protested on behalf of his Government against the inclusion of the question in the agenda.⁶

When the agenda was adopted by the Assembly in plenary session he stated his Government's case in detail and again asked the General Assembly not to include the item in its agenda.⁷

In the *Ad Hoc* Political Committee the South African representative pointed out that his participation in the Committee's discussions was without prejudice to his Government's legal position, and submitted a motion asking the Committee to decide on the General Assembly's competence to consider the question.⁸ When the discussion was closed the motion was put to the vote

⁶ See *Official Records of the General Assembly, Eighth Session, General Committee, 87th meeting.*

⁷ See *Official Records of the General Assembly, Eighth Session, Plenary Meetings, 435th meeting, and A/2505, paragraphs 126 et seq.*

⁸ See *Official Records of the General Assembly, Eighth Session, Ad Hoc Political Committee, 32nd meeting.*

and was rejected by a roll-call vote of 42 to 7, with 7 abstentions.⁹

Finally, at the plenary meeting on 8 December 1953, the South African representative introduced a draft resolution under rule 80 of the rules of procedure proposing that the General Assembly, having regard to Article 2, paragraph 7, of the Charter, should decide that it had no competence to adopt the draft resolution recommended to it by the *Ad Hoc* Political Committee. The South African draft resolution was rejected by the General Assembly by a roll-call vote of 42 to 8, with 10 abstentions.¹⁰

⁹ See *Official Records of the General Assembly, Eighth Session, Ad Hoc Political Committee, 42nd meeting*. The text of the draft resolution, submitted by the South African representative reads as follows:

"The Ad Hoc Political Committee,

"Noting that the matters to which the item entitled 'The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa' relates and which are referred to in documents A/2183 and A/2505, such as the policies and legislation of a Member State in regard to land tenure, conditions of employment in public services, regulation of transport, suppression of Communism, combat service in the armed forces, nationality, the franchise, movement of population, residence, immigration, the work and practice of the professions, social security, education, public health, criminal law, taxation, housing, regulation of the liquor traffic, regulation of labour and wages, marriage, food subsidies, local government, pensions, workmen's compensation, are among matters which are essentially within the domestic jurisdiction of a Member State,

"Noting that by Article 2 (7) of the Charter nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State,

"Decides, the Ad Hoc Political Committee has no competence to intervene in the matters listed above to which the said item relates."

The result of the vote was as follows:

In favour: Australia, Belgium, Colombia, France, Greece, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Against: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Yemen, Yugoslavia.

Abstaining: Argentina, Canada, Netherlands, New Zealand, Peru, Turkey, Venezuela.

¹⁰ See *Official Records of the General Assembly, Eighth Session, Plenary Meetings, 469th meeting*. The draft resolution submitted by the South African representative reads as follows:

"The General Assembly,

"Having regard to Article 2, paragraph 7, of the Charter,

"Decides that it has no competence to adopt the draft resolution contained in document A/2610."

The result of the vote was as follows:

In favour: France, Greece, Luxembourg, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Colombia.

Against: Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia.

Abstaining: Dominican Republic, Netherlands, New Zealand, Panama, Peru, Turkey, United States of America, Venezuela, Argentina, Canada.

III. The Commission's new terms of reference

12. The Commission's terms of reference as defined in operative paragraph 4 of General Assembly resolution 721 (VIII) fall into two parts. The Assembly requested the Commission first to continue its study of the development of the racial situation in the Union of South Africa, and secondly to suggest measures which would help to alleviate the situation and promote a peaceful settlement.

13. In the first part of the paragraph laying down the terms of reference, the Commission is requested:

"(a) To continue its study of the development of the racial situation in the Union of South Africa:

"(i) With reference to the various implications of the situation for the populations affected;

"(ii) In relation to the provisions of the Charter and, in particular, to Article 14."

In carrying out its terms of reference the Commission decided, in accordance with sub-paragraph (a), to summarize recent developments in the racial situation and to bring up to date the analysis of the principal acts and orders providing for differences in the treatment of various population groups.

The Commission also felt that it was authorized under its terms of reference to fill a gap to which it had drawn attention in the preface of its first report (para. 4) and to undertake a detailed study of the South African economy, showing how the country's economic development might help to improve relations between the various population groups.

14. Unlike resolution 616 A (VII), which laid down the Commission's original terms of reference, the new General Assembly resolution specifically refers to Article 14 of the Charter as one of the provisions that should guide it in its work. Under Article 14:

"... The General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations."

The new instructions gave the Commission additional reason for continuing, as it had done in drafting its first report, to direct its efforts towards the collection and classification of all the data necessary to enable the General Assembly to "recommend measures for the peaceful adjustment" of a "situation" which the Commission had already decided to be a situation "resulting from a violation of the provisions of the . . . Charter setting forth the Purposes and Principles of the United Nations" and "likely to impair . . . friendly relations among nations".

15. The Commission's second task under resolution 721 (VIII) was to suggest "measures which would help to alleviate the situation and promote a peaceful settlement".

This sub-paragraph is fully self-explanatory and calls for no comment.

THE COMMISSION'S THIRD AND FOURTH SESSIONS

I. The Commission's sessions

16. In fulfilling its terms of reference the Commission held two sessions during 1954, its third session in February-March and its fourth session from the middle of June to the end of August.

The Commission's third session was held at United Nations Headquarters, New York, from 17 February to 3 March 1954. At this session the Commission held six meetings. It re-elected Mr. Hernán Santa Cruz as Chairman and decided that he should also act as Rapporteur. It organized its work and took various decisions concerning the information it considered should be collected and the studies it wished to have prepared. These decisions and the replies received by the Commission will be considered below.¹¹

17. In accordance with the decision taken the Commission began its fourth session at the Palais des Nations, Geneva, on 23 June 1954.

At this fourth session the Commission held ten meetings.

18. All the Commission's meetings at both its third and its fourth sessions were closed.

It decided not to call witnesses and received no oral evidence. In addition, however, to the replies received to its requests the Commission received unsolicited communications from certain private individuals and organizations.

19. The Commission completed its work on 26 August 1954. At its last meeting it unanimously and without reservation adopted the whole of the present report which it submits to the General Assembly at its ninth session in accordance with resolution 721 (VIII).

II. The Commission's activities

(1) REQUEST FOR CO-OPERATION ADDRESSED BY THE COMMISSION TO THE GOVERNMENT OF THE UNION OF SOUTH AFRICA

20. In its previous report the Commission drew the General Assembly's attention to the way in which its work had been hampered by the refusal of the Government of the Union of South Africa to co-operate.

As soon as the Commission reconvened in New York it decided that it was its duty immediately to address a further letter to the Government of the Union of South Africa renewing its request for co-operation. In resolution 721 (VIII), paragraph 5, the General Assembly had already "invited the Government of the Union of South Africa to extend its full co-operation to the Commission".

21. On 25 February 1954 the Chairman of the Commission sent the following letter to the Minister for External Affairs of the Union of South Africa:

"The United Nations Commission on the Racial Situation in the Union of South Africa reconvened in New York on 17 February 1954 and resumed its deliberations pursuant to General Assembly resolution 721 (VIII).

"In the course of its earlier proceedings, in its report and through its Chairman-Rapporteur in the

Assembly debates, the Commission has voiced profound regret at having been unable to obtain, in any form whatsoever, the active co-operation of the Government of the Union of South Africa. The members of the Commission do not for a moment doubt that such co-operation, had it been granted, would have materially added to the scope, effectiveness and quality of their report.

"Now that the Commission is meeting in pursuance of the Assembly's new terms of reference, its members are impressed with the fact that once again the Assembly has invited the Union Government to extend its full co-operation to the Commission. This co-operation which the Assembly recommends is what the Commission itself sincerely and unreservedly desires.

"The Commission, therefore, in keeping with its duty and in accordance with its sincere desire, appeals to the Government of the Union of South Africa to co-operate in the Commission's work as extensively and fully as possible. While it can perceive very clearly how greatly this co-operation might further the cause of mutual reconciliation and the framing of constructive policies for relieving the existing tension, it cannot see how such co-operation can carry the slightest risk.

"The Commission recalls that, as at the time of its previous appeal, it desires the closest and most extensive co-operation possible, and that it would accept any form of co-operation which might be suggested (a visit by members of the Commission to South Africa, subject to whatever safeguards might be desired; statements before the Commission by Government representatives or political leaders authorized to set forth the Government's position and to speak on the general situation; written communication to the Commission of any text considered relevant and of value by the Government). The Commission agrees in advance to every possible form of co-operation; in its deep desire for objective information and for impartiality, it would favour the simultaneous use of all forms of co-operation. The Commission urges the Government of the Union of South Africa to reconsider its attitude and to respond to the pressing appeal which, in accordance with the Assembly's recommendation, the Commission once more addresses to it.

"Furthermore, the Commission noted with interest that the representative of the Government of the Union of South Africa stated in the General Assembly that many errors of fact could be pointed out in the report. Being unreservedly anxious to observe intellectual honesty and to show an uncompromising respect for scientific truth, the Commission hopes that the Government of the Union of South Africa will see its way to addressing to the Commission any corrections of fact considered desirable by the Government. The Commission pledges itself to consider with all the care which the search for truth deserves any such correction which the Government of the Union of South Africa might address to it."

22. The following reply was received from the Deputy Permanent Representative of the Union of South Africa to the United Nations on 21 June 1954:

¹¹ See paragraphs 20 *et seq.*

"In reference to your letter of 25th February, 1954, I have the honour, by direction, to invite your attention to the fact that the Government of the Union of South Africa have consistently regarded the United Nations as having exceeded their competence in discussing racial policies in the Union of South Africa. Furthermore the Union Government regard the resolutions of the General Assembly relating to this question as unconstitutional, and their attitude towards the Commission on the Racial Situation in the Union of South Africa, which was itself appointed as a result of an act which was ultra vires the Charter, remains unchanged.

"It is regretted, therefore, that the Union Government are unable to participate in the work of the Commission."

(2) DECISIONS TAKEN BY THE COMMISSION WITH A VIEW TO THE CONTINUATION OF "ITS STUDY OF THE DEVELOPMENT OF THE RACIAL SITUATION"

23. In the discussion of the Commission's terms of reference it was pointed out that the Commission had a double task to perform. It had first "to continue its study of the development of the racial situation". The Commission construed the General Assembly's request as meaning that it should complete the sections of its first report summarizing for the General Assembly's information the information it had been able to collect concerning the racial problem by a review of the most important development in the Union since the publication of the report.

(a) *Collection of relevant documentation and information on the recent development of the racial situation*

24. Its first concern was accordingly to request the Secretariat to assemble the necessary documentation and information on events in the Union, debates in the Union Parliament and expressions of opinions relevant to the development of the racial situation in the Union of South Africa.

In response to this request the Secretariat assembled many extracts from reports of Parliamentary debates, newspapers, weeklies, etc.

The information thus collected provided the Commission with the material on which part I, chapter IV, of its report is based.

(b) *Analysis of statutes enacted since the completion of the Commission's first report*

25. In its previous report the Commission analysed in some detail the main acts and orders in force in the Union which provided for differences in the treatment of the various groups. It also reviewed these measures in the light of the Charter provisions relating to human rights and of the Universal Declaration.¹²

It accordingly decided to assemble documentation on legislative texts of this kind which had been adopted and placed in force since the completion of its first report. Part I, chapter III, of its report contains an analysis of these statutes in the light of the relevant provisions of the Charter and the Universal Declaration.

(c) *Collection of information on the economic development of the Union of South Africa, and request to the International Labour Organisation*

26. The Commission also felt it necessary to supplement its first report in another respect. In planning that report it had decided to devote a section to general information on the Union of South Africa to provide a basis for analysis of the problem which the General

Assembly had instructed it to study. It felt that the Assembly should be enabled to review the racial situation in the Union in the light of the country's history and geographical, economic and social situation because it considered that there is a close relationship between a country's economic situation, the living conditions of its population and the relations between the various social groups.

In a statement on the report to the *Ad Hoc* Political Committee,¹³ the Chairman-Rapporteur had referred to the fact that it did not contain a detailed study of the South African economy. The Commission felt that it should also consider that aspect of the problem.

27. It accordingly decided to ask the Secretary-General to furnish the information and documentation in his possession. The information thus assembled was used by the Commission and forms part I, chapter V, of the present report.

28. The Commission felt that it might be of value to have the assistance of the International Labour Organisation in this part of its work. It was considered that the ILO would be able to furnish the Commission with information on this subject.

The Commission accordingly decided to ask the Secretary-General to request the International Labour Organisation on its behalf for any data on the economic development of the Union of South Africa in its possession and full information on the effects of the policy of segregation on general employment policy which must utilize the various ethnic groups in developing the country's industry and agriculture.

The following reply was received from the Director-General of the International Labour Organisation by the Secretary-General and communicated to the Commission:

"I have the honour to acknowledge the receipt of your letter . . . of 8 March 1954 transmitting the text of a resolution adopted on 23 February 1954 by the United Nations Commission for the Study of the Racial Situation in the Union of South Africa.

"No information on the matters mentioned in paragraph (b) of this resolution is at present available.

"The collection of such information would involve the diversion of resources from economic and social work of a general character to a special task within a particular political context. Such a diversion of resources would require special authorization from the Governing Body of the International Labour Office which would, no doubt, in reaching a decision on the matter, wish to have due regard to the general criteria concerning concentration of effort formulated by the Economic and Social Council. It would also be necessary to consult in the first instance the Government of the Union of South Africa, the active co-operation of which would be essential for any useful work on the subject by the International Labour Organisation.

"In these circumstances, it would not seem appropriate for me to anticipate any further consideration which may be given to the matter by the General Assembly by taking any special initiative in regard to the subject at the present time."

The Commission is not qualified to express an opinion on this reply but feels it appropriate to reproduce the text of article V, paragraph 2 (b) of the Agreement between the United Nations and the International Labour Organisation so that the General Assembly and the co-ordinating organs of the United Nations have

¹³ Official Records of the General Assembly, Eighth Session, *Ad Hoc* Political Committee, 31st meeting.

¹² A/2505, chapters VI and VIII.

before them all the data necessary to judge the situation.¹⁴

- (3) DECISIONS TAKEN BY THE COMMISSION WITH A VIEW TO THE SUGGESTION OF "MEASURES WHICH WOULD HELP TO ALLEVIATE THE SITUATION AND PROMOTE A PEACEFUL SETTLEMENT"

29. Under General Assembly resolution 721 (VIII) the Commission was also requested "to suggest measures which would help to alleviate the situation and promote a peaceful settlement".

With a view to carrying out this part of its terms of reference, the Commission decided to take the action outlined below.

- (a) INFORMATION CONCERNING MEASURES PROPOSED IN THE UNION OF SOUTH AFRICA TO SOLVE THE RACIAL PROBLEM (HAVING REGARD TO THE CONSIDERATIONS IN PARAGRAPH 14 ABOVE)

30. The Commission tried to find out what measures to solve the racial problem had been proposed in the Union by the more important political organizations and scientific and social institutions and by leading writers, scientists and other personalities; on the basis of this information the Commission supplemented the account given in its first report of the measures advocated by the Government of the Union of South Africa and most representative South Africans.¹⁵ It was not, however, considered necessary to add to the review of the present Government's doctrine of *apartheid*.

- (i) *Requests for information addressed to the South African Bureau of Racial Affairs and the South African Institute of Race Relations*

31. The Commission approached the two most important institutions concerned with interracial relations in the Union of South Africa, the South African Bureau of Racial Affairs (SABRA) and the South African Institute of Race Relations, and asked for their ideas regarding measures that might be adopted to alleviate the situation and promote a peaceful settlement, including the way in which international co-operation and United Nations action might be of assistance in that regard.

The Commission regrets that it has received no reply from the South African Bureau of Racial Affairs (SABRA). It has, however, referred in its study to certain material published by the Bureau¹⁶ which it was able to obtain.

In reply to the Chairman's letter to the South African Institute of Race Relations, the Director of the Institute stated that the Institute's governing body had decided that, since the Government of the Union of South Africa did not officially recognize the Commission's competence, the Institute was unable to do so and was not therefore in a position to prepare special evidence for the Commission. He drew the Commission's attention, however, to the Institute's publications which were available to all interested in the problem.

¹⁴ "Article V: Exchange of information and documents.

"...
"2. Without prejudice to the generality of the provisions of paragraph 1:

"...
"(b) The International Labour Organisation agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XV."

¹⁵ See A/2505, chapter V.

¹⁶ See annex II.

The Commission obtained a considerable number of these publications and used them in preparing its report.¹⁷

- (ii) *Collection of books, articles and scientific works, records of parliamentary debates and resolutions adopted by competent organizations and institutions*

32. The Commission also asked the Secretary-General to supply all the documentation he could obtain concerning the measures proposed in the Union of South Africa to solve the problem, including books, articles, scientific works, records of parliamentary debates, resolutions adopted by competent organizations and institutions, etc.

The most important publications made available to and examined by the Commission are listed in annex II to this report.

- (iii) *Technical study of the possible effect of interracial tension and the policy of segregation in the national economy*

33. Furthermore it appeared from the documents or statements already consulted by the Commission in preparing its first report that the policy of segregation and the international tension had affected and were continuing to affect the Union's economic stability and development. The Commission considered that it should learn the extent, degree and direction of these effects.

The Commission accordingly decided to ask the Secretary-General to arrange for a technical study of this aspect of the problem.

The Secretary-General appointed Mr. Paul H. Guénault, M.A., of the Department of Political Economy and Science of the University College of Wales, Aberystwyth, who has high qualifications for this work, to undertake the study. The study submitted by Mr. Paul H. Guénault is reproduced as an annex to this report.¹⁸

- (b) INFORMATION CONCERNING MEASURES ADOPTED IN OTHER COUNTRIES TO MEET SIMILAR SITUATIONS:

- (i) *Requests for information addressed to the Governments of States Members of the United Nations*

34. The Commission felt that the Union of South Africa might be assisted in solving its problem by the experience of countries which had had to face similar difficulties owing to the heterogeneity of the populations of their metropolitan or overseas territories, and had been able to solve them or reduce their effects.

It accordingly decided to address a communication to all States Members of the United Nations requesting that if they considered that their own experience in the matter of the elimination of interracial tension and the gradual removal of discriminatory practices was of value, they should inform the Commission of their experience, with particulars of the methods employed to that effect.

35. On 2 March 1954, the Chairman of the Commission addressed a circular letter to the Governments of all Member States except the Union of South Africa. The letter, after referring to the terms of General Assembly resolution 721 (VIII), said that the Commission was fully aware of the importance of the task entrusted to it and of the responsibility it would assume in suggesting measures to alleviate the racial situation in the Union of South Africa. The Commission believed

¹⁷ See annex II.

¹⁸ See annex I.

that it could obtain information which would assist it in forming a judgment by studying the measures which might have been taken by Governments to alleviate tensions between ethnic groups, and particularly the cases in which those measures appeared to have brought about the gradual removal of discriminatory practices. The Commission accordingly wished to ask Governments to assist it in its task by communicating to it the results of any experience they might have acquired in that field. In conclusion, the Commission earnestly appealed to Governments to provide it with all possible assistance in the performance of its task.¹⁹

36. On the same date the Chairman transmitted a copy of the above communication to the Permanent Representative of the Union of South Africa to the United Nations for the information of his Government.

The Permanent Representative's reply of 9 March 1954 read as follows:

"I have the honour to acknowledge the receipt of your letter of 2nd March, 1954, under cover of which you forwarded a copy of a letter addressed to all Members of the United Nations. This, in accordance with your request, is being transmitted to my Government.

"You will of course appreciate that this action does not in any way imply a deviation from the attitude adopted by the Union Government towards your commission."

37. When the present report was signed, the Commission had received replies from the Governments of the following Member States:

Argentina, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, France, Greece, Haiti, Honduras, Iceland, India, Iraq, Iran, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Pakistan, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

The substance of their replies is analysed in Commission document A/AC.70/2.

38. Some Governments stated that problems of racial discrimination were unknown in their countries but supplied information about their relevant legislation.

Replies to this effect were received from the Governments of Argentina, Costa Rica, Ecuador, Egypt, El Salvador, Haiti, Iraq, Israel and Liberia.²⁰

39. Other Governments, which were also willing to supply information about their experience in this matter, referred to previous communications to the United Nations.

The Government of the United States of America, for instance, informed the Commission that it regularly transmitted reports which were published in the *Yearbook on Human Rights*.

The Government of the USSR stated that in the USSR there could be no discrimination of any kind on grounds of race, colour, nationality, sex, language or religion and pointed out that a fuller report containing the basic USSR legislation on the subject could be found in a communication of 10 February 1951 from the USSR delegation to the United Nations Secretariat which had been published as a United Nations document.²¹

The French Government reminded the Commission in its reply that French tradition, as embodied in the general principles of French law and recently confirmed in the Preamble of the 1946 Constitution, assured the equality of all before the law regardless of race, creed or colour. Under that tradition all ethnic groups in the French Union participated on an equal footing in the economic, cultural and social life of the Union. The French Government also suggested that the Commission should refer to the legislative and administrative information transmitted to the United Nations by the French Government at various times, including the texts published in the *Yearbook on Human Rights*.

40. Other Governments referred in their replies to the statements of their representatives during the discussion of the question by the General Assembly at its eighth session.

Replies to this effect were received from the Governments of Cuba and Czechoslovakia.²²

41. The following Governments informed the Commission that they had no experience in the field covered by its request and, in some cases, added that there was no problem of racial discrimination in their countries: Chile, Colombia, Dominican Republic, Greece, Honduras, Iceland, India, Iran, Luxembourg, Mexico, Netherlands, Nicaragua, Pakistan, Sweden, Venezuela.

The Government of India, however, submitted to the Commission a detailed memorandum on the racial situation in South Africa.²³

42. The Government of Canada informed the Commission that it found itself unable to comply with the Commission's request, both for the reasons irapplied in the statements made by its representative at the eighth session of the General Assembly,²⁴ and because the Canadian Government doubted that there was any information it could provide for the Commission from its experience which would be relevant to a study of the problems before it. It was emphasized however, that the Canadian attitude bespoke no lack of interest in the question but reflected Canada's interest in seeing the United Nations achieve a reconciliation between, on the one hand, the principle of domestic jurisdiction of sovereign States and, on the other, the legitimate interest of the United Nations in human rights and freedoms for all peoples regardless of race, creed or colour.

The Commission was gratified to learn from this reply that the Government of Canada was not indifferent to the grave international problem created by the policy of *apartheid* in the Union of South Africa and that it recognized the legitimate interest of the United Nations in human rights and freedoms for all peoples.

The Commission considers that studies and works such as the present report and its recommendations constitute an effort to achieve a reconciliation between, on the one hand, the principle of domestic jurisdiction of sovereign States and, on the other, the legitimate interest of the United Nations in human rights and freedoms for all peoples regardless of race, creed, or colour, in accordance with the desire expressed by the Government of Canada.

43. Two Governments, the Governments of the United Kingdom and New Zealand stated, in reply to the Commission's request, that they did not intend to furnish it with information.

¹⁹ See A/AC.70/2.

²⁰ See A/AC.70/2.

²¹ E/CN.4/Sub.2/122/Add.15.

²² See A/AC.70/2.

²³ See A/AC.70/2, annex A/II.

²⁴ See A/AC.70/2.

The Commission considered these replies at its meeting of 7 July 1954. It considered that the contents of the replies should be brought to the attention of the General Assembly and decided to include the text in its report. It informed the Governments concerned of this decision on the same date.

44. The letter addressed to the Chairman of the Commission by the Permanent Representative of the United Kingdom on 30 April 1954 reads as follows:

"In your letter of 2nd March 1954 you requested on behalf of the Commission on the Racial Situation in the Union of South Africa that Her Majesty's Government in the United Kingdom should provide certain information and assistance in the performance of the Commission's task.

"I have the honour to inform you that Her Majesty's Government in the United Kingdom are of the opinion that the general conclusions to be drawn from their wide and varied experience in administering multiracial communities would be of value to other authorities concerned with problems arising from racial conflicts, tension and discrimination. However, as will be recalled from the Marquess of Salisbury's letter to Mr. Bellegarde of the 27th of July, 1953,²⁵ Her Majesty's Government do not recognize the validity of the Commission's action and regard the Commission itself as illegal, since its establishment was an obvious intervention in the domestic affairs of a Member State and a clear violation of Article 2 (7) of the Charter. Her Majesty's Government therefore do not propose to provide the Commission with information or assistance.

"I enclose for your information a copy of a letter which I am sending to the Secretary-General in this connexion."²⁶

45. The letter addressed to the Chairman of the Commission by the Permanent Representative of New Zealand on 2 June 1954 reads as follows:

"I have the honour to refer to your letter of 2 March 1954, with which you enclosed the text of a resolution adopted by the United Nations Commission on the Racial Situation in the Union of South Africa on 23 February.

"I am instructed by my Government to inform you that, as New Zealand did not support the establishment of this Commission or the subsequent expansion of its functions, the New Zealand Government considers it inappropriate to furnish the Commission with information on New Zealand's experience in the elimination of interracial tension, as requested in the Commission's resolution."

²⁵ See A/2505, paragraphs 57 and 76.

²⁶ Letter addressed to the Secretary-General of the United Nations by the Permanent Representative of the United Kingdom:

"I have the honour to enclose a copy of a letter which I have addressed to the Chairman of the United Nations Commission on the Racial Situation in South Africa, informing him that Her Majesty's Government in the United Kingdom do not propose to provide the Commission with information or assistance.

"2. I am further directed to inform Your Excellency that Her Majesty's Government consider it improper that any information which has been supplied to you or to any of the specialized agencies by the authorities of the United Kingdom or the United Kingdom dependent territories, whether in discharge of obligations incurred towards the United Nations or any of the specialized agencies, or as a voluntary act for purposes not connected with the Commission's work, should be transmitted to a Commission which Her Majesty's Government consider illegal."

46. The Commission does not consider itself qualified to pass judgment on the attitude adopted by the Governments of Member States towards a General Assembly resolution. It notes with regret, however, that this attitude deprives it of the experience in administering multiracial communities possessed by the United Kingdom, which that Government states in its letter to be wide and varied, and of information on New Zealand experience in the elimination of interracial tension.

(ii) *Request concerning the information collected under Economic and Social Council resolution 303 F (XI)*

47. The Commission knew that under Economic and Social Council resolution 303 F (XI) the United Nations Secretariat had collected documentation from the Governments of Member and non-Member States for the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on the questions with which the Sub-Commission was concerned. In accordance with resolution 303 F (XI), adopted by the Economic and Social Council on 9 August 1950, the Secretary-General had invited Governments, Members and non-Members of the United Nations, to furnish him information on the prevention of discrimination and the protection of any minority within their jurisdiction.

The Commission thought that useful information about the measures adopted in various countries might be obtained from a study of this documentation.

At the Commission's request the Secretary-General placed at its disposal documents E/CN.4/Sub.2/122 and E/CN.4/Sub.2/122/Add.1-41, in which the replies of the various Governments had been published.

The Commission made use of the information given in some of these documents, and in others published in the Yearbooks on Human Rights, in preparing the brief account of the relevant experience of other countries which constitutes part I, chapter VII, of its report.

(iii) *Requests for information addressed to UNESCO*

48. The Commission was aware that in the course of its work the United Nations Educational, Scientific and Cultural Organization had assembled considerable documentation about the problem of eliminating interracial tension in various countries. The Commission was also aware that resolution 3.21 of the UNESCO General Conference authorized the Director-General to "make a general survey of research undertaken of tensions between groups, with a view to assessing results and defining methods which might be employed in a scientific study of international tensions and of their removal by peaceful means".

It accordingly decided to ask the Secretary-General to request the United Nations Educational, Scientific and Cultural Organization to communicate the information in its possession on the methods adopted in various countries to eliminate interracial tension and gradually to reduce discriminatory practices, and any material concerning the study in which UNESCO was engaged likely to be of assistance to the Commission in its work.

The Executive Board of UNESCO considered these requests at its thirty-seventh session and approved the Director-General's suggestion that all the material in the possession of UNESCO, which had been interested for several years in positive methods of reducing interracial tensions, should be made available to the Secretary-General of the United Nations.²⁷

²⁷ See A/AC.70/2.

The publications transmitted to the Commission as a result of this are listed in document A/AC.70/2.²⁸

(iv) *Request for information addressed to the Inter-American Indian Institute and collection of information from National Institutes*

49. In its desire to obtain supplementary information by making use of all possible sources of assistance, the Commission decided to ask the Secretary-General to request the Inter-American Indian Institute to supply any information in its possession about the methods of eliminating racial tension; and progressively reducing discriminatory practices adopted in various American countries.

At the same time it asked the Secretary-General to collect similar information from the National Institutes of various countries concerned with problems affecting aboriginal groups.

The Director of the Inter-American Indian Institute informed the Chairman of the Commission that the Institute was unable to supply information about the racial situation of many Indian groups in the Western Hemisphere as it would be necessary to undertake detailed preliminary investigations which would be outside the sphere of action of the Institute, whose main purpose was, directly or indirectly, to satisfy the aspirations of Indian groups, more particularly in economic, cultural, psychological and similar matters.

The Director also referred in his letter to the work of UNESCO and ILO which, he suggested, might be able to supply useful information.²⁹

In addition, in response to the Commission's request for information from National Institutes on problems relating to aboriginal populations, the Secretariat collected and placed at the Commission's disposal documentation on these problems, in various countries on the American Continent, in the form of articles or reports in *America Indigena* or the *Boletín Indigenista*, both of which are published by the Inter-American Indian Institute. The list of publications consulted by the Commission is annexed.³⁰

(v) *Report of an expert on the main and most effective methods of eliminating racial conflicts and tensions*

50. To complete its data the Commission decided that an expert specializing in racial questions should be asked to carry out a study to determine the main and most effective methods of eliminating racial conflicts and tensions and discriminatory practices that had been successfully employed in countries in various geographical regions, particularly in countries where conditions were analogous to those in the Union of South Africa.

The Secretary-General appointed Professor Gilberto Freyre of Brazil, a well-known sociologist and anthropologist, to prepare the study requested by the Commission.³¹

(4) REQUEST FOR INFORMATION COVERING ITEMS (1) AND (2) ABOVE ADDRESSED TO CERTAIN NON-GOVERNMENTAL ORGANIZATIONS

51. The Commission was aware that in resolution 502 C (XVI) of 3 August 1953 the Economic and Social

²⁸ These publications are also referred to in annex II to the present report.

²⁹ The Director added, as a private individual, that there was no, or at any rate very slight, racial prejudice as such in Indo-Spanish America, although there was economic, cultural, political and similar discrimination; in countries of the American Continent with a very small indigenous minority, such discrimination was combined with racial prejudice.

Council had noted "that a number of non-governmental organizations, including organizations in consultative status with the Council, were actively engaged in activities designed to eradicate prejudice and discrimination".

Wishing to obtain all possible information, the Commission asked the Secretary-General to inform the non-governmental organizations referred to in this Economic and Social Council resolution that the Commission would be glad to receive any information they might submit through him to assist it in its work and in particular any suggestion regarding measures compatible with the provisions of the United Nations Charter which might be recommended as a means of "alleviating" the situation and promoting a "peaceful settlement".

In response to the Commission's request transmitted through the Secretary-General replies were received from the following non-governmental organizations:

- Associated Countrywomen of the World
 - Catholic International Union for Social Service
 - Friends World Committee for Consultation
 - Indian Council of World Affairs
 - International Abolitionist Federation
 - International Alliance of Women
 - International Association of Penal Law
 - International Confederation of Free Trade Unions
 - International Conference of Catholic Charities
 - International Cooperative Alliance
 - International Federation of Business and Professional Women
 - International Federation of Christian Trade Unions
 - International Federation of Friends of Young Women
 - International Federation of University Women
 - International Federation of Women Lawyers
 - International Law Association
 - International League for the Rights of Man
 - International Movement for a Brotherly Union of Races and Peoples
 - International Organization of Employers
 - International Society for Criminology
 - International Society of Social Defence
 - International Union of Family Organizations
 - International Union for Child Welfare
 - Open Door International
 - Salvation Army
 - Service civil international*
 - Women's International League for Peace and Freedom
 - World Federation of Democratic Youth
 - World Union of Catholic Women's Organisations
 - World's Women's Christian Temperance Union
 - World's Young Women's Christian Association
- Their replies are analysed in the Commission document A/AC.70/2.

(5) UNSOLICITED COMMUNICATIONS RECEIVED BY THE COMMISSION

52. The Commission also received unsolicited communications from the following private organizations and individuals:

- Mr. O. Molandi, Bloemfontein;
- Mr. U. K. Oza, New Delhi;
- Californian Junior Statesmen of America, Southern region, San Gabriel, California;
- The Liberal Party of South Africa;
- Joint Memorandum from the African National Congress and the South African Indian Congress, Johannesburg.

³⁰ See annex II.

³¹ See A/AC.70/3.

Some of the information supplied by the Liberal Party of South Africa and the joint memorandum from the African National Congress and the South African Indian Congress are reproduced in the document published by the Commission.³²

* * *

53. The Commission made use of the information so

obtained in drafting Part I of its report, in which, as requested in its terms of reference, it has continued its study of the development of the racial situation in the Union of South Africa. Its views on the possibilities of a peaceful settlement of the question, stated in part II of the report, are based on this study of the situation.

³² A/AC.70/2, annexes D/I and D/II.

B. Supplementary information collected by the Commission

Chapter III

NEW ACTS AND ORDERS: ANALYSIS AND REVIEW

I. Principal acts or orders providing for differences in the treatment of the various groups

54. Since the publication of the Commission's first report (A/2505), a number of acts and orders providing for differences in the treatment of the various groups have come into force. They relate to the subjects dealt with in the following sections of chapter VI of the first report:

III and IV: *Movement and residence and property rights:*

(a) The Native Trust and Land Amendment Act, No. 18, 1954 and

(b) The Natives Resettlement Act No. 19, 1954.

V: *Work and the practice of professions:*

The Native Labour (Settlement of Disputes) Act, No. 48, 1953.

VI: *Use of public services:*

The reservation of Separate Amenities Act, No. 49, 1953.

IX: *Education and public health:*

The Bantu Education Act, No. 47, 1953.

X: *Criminal law:*

The Criminal Procedure and Jurors Amendment Act, No. 21, 1954.

XII: *Other measures involving differential treatment:*

Regulations for Control of Meetings, Gatherings or Assemblies in Native Areas—Proclamation No. 97, 1954.

These measures will be examined in the chronological order of their enactment.

The Bantu Education Act, No. 47, 1953

55. As was stated in the Commission's first report³³ the South Africa Act of 1909 provided that education should be a provincial matter. Consequently until the enactment of the Bantu Education Act, native education was regulated by provincial ordinances and administrative regulations or orders.

The Act is mainly based on the recommendations of a Commission under the chairmanship of Dr. Eiselen appointed in 1949 to investigate native education.

56. When introducing the Bill, which became the Bantu Education Act, the Minister of Native Affairs made the following statement:

³³ A/2505, paragraph 650.

"Education must train and teach people in accordance with their opportunities in life, according to the sphere in which they live—Good racial relations cannot exist where education is given under the control of people who create wrong expectations on the part of the native himself . . . Native education should be controlled in such a way that it should be in accord with the policy of the State . . . Racial relations cannot improve if the result of native education is the creation of frustrated people."³⁴

57. An opposition member said that the question of the transfer of responsibility for native education was being treated as though the authorities were "dealing with 8 million ciphers, 8 million things in South Africa, pawns which he felt as Minister entitled him to push around, to take them from the authority and to put them under that authority and to deal with them not as living human beings but just as ciphers".³⁵

58. Mrs. Ballinger, a Native representative, said that nearly all Africans, especially African teachers, were opposed to the transfer:

"The reason . . . is that the native population has come to believe that control of native education by the Native Affairs Department is a means of shaping their society to a particular end and of directing their own lives to a set pattern. Inevitably the end and the pattern involved is one which they themselves will not accept . . . this would be a policy to train them for a certain type of society, and in addition to train them only for the sort of jobs they will be allowed to do."³⁶

59. As regards the effect of the Act on the schools started and hitherto run by the Bantus themselves, one opposition member described the role of the Minister of Native Affairs in the following terms:

" . . . What he is going to do is to stick his finger in this thing which is working very well; he is going to put a spanner in the works, destroy the life that is in it. Here is a thing that has grown out of the people, the very thing that we have been asking for. He wants to put it into a strait-jacket, he wants to tramp it down into a pattern which will be controlled by the Minister of Native Affairs. Today these schools grow up at the instance of the parents. When this Bill is passed no school can come into existence until the Minister has given his consent."³⁷

³⁴ *Journal of the Parliaments of the Commonwealth*, 1953, pages 3575 et seq.

³⁵ *Ibid.*, speech by Mr. Mitchell, page 3599.

³⁶ *Journal of the Parliaments of the Commonwealth*, 1953, page 3619.

³⁷ *Ibid.*, 1953, pages 3625 and 3626.

60. The main provisions of the Act are summarized below. The administration and control of Native education are transferred from the provinces to the Union Government and vested in the Department of Native Affairs (section 2).

61. The Act does not affect university and technical college education; teachers training colleges are affected, however (section 1).

Under the Act there will be three types of schools:

(a) The Bantu community schools established by a native council, tribe or the community itself (section 6). These schools will be subsidized by the Government.

The Minister of Native Affairs may, however, at his discretion withdraw, suspend or reduce the Government's financial support;

(b) The Bantu schools established and maintained by the Government (section 7). The existing provincial Bantu schools are transferred to the Ministry of Native Affairs;

(c) Schools run by various missionary societies (section 8). After consultation with the Bantu community itself, through a Bantu authority, Native council, tribe or the community itself, the Minister may give financial aid to these schools. He may withdraw, suspend or reduce such financial aid at his discretion.

Under section 9 of the Act it is a punishable offence to establish, conduct or maintain any school other than a Government Bantu school unless it is registered. The registration of schools is in the discretion of the Minister acting on the advice and the recommendation of the Native Affairs Commission.

62. Several provisions of the Act deal with the consequential measures necessitated by the transfer of Native education from the provinces to the Union Government, particularly with respect to the appointment, conditions of service and retirement benefits of Government Bantu school teachers.

Extensive regulations under the Act provide for the control and administration of Native education and such matters as the powers and duties of the Minister of Native Affairs and other officers acting on his behalf, the appointment of teachers, teachers' discipline, training courses, medium of instruction, arrangements relating to the admission, suspension or expulsion of pupils, and conditions under which Bantu community and State-aided Native schools receive subsidies from the Government.

63. Under a general provision, the Minister of Native Affairs is vested with complete power over all matters relating to Government Bantu schools (section 15).

The Native Labour (Settlement of Disputes) Act. No. 48, 1953

64. The situation with regard to labour disputes until the beginning of 1953 was described in the Commission's first Report.³⁸ It was pointed out that a special Bill relating to industrial conciliation, but concerned only with Native workers, had been introduced by the Minister of Labour in the House of Assembly.³⁹

³⁸ A/2505, paragraphs 598-602.

³⁹ *Ibid.*, page 48, footnote 283.

⁴⁰ The Commission also recommended that the existing mixed trade unions should be divided into branches for each of the racial group and that the establishment of new mixed trade unions should be prohibited. A Bill aimed at implementing this recommendation was introduced by the Government in the House of Assembly. See below, chapter IV, paragraphs 172 *et seq.*

The Bill was based on the work of the Industrial Legislation Commission set up by the Government in 1948 to study and make recommendations concerning the whole field of industrial relations in the Union. The Commission's chief recommendation was that the existing African trade unions should be legally recognized but should be controlled by the Department of Labour in consultation with the Department of Native Affairs.⁴⁰

65. In introducing the Bill which was enacted as the Native Labour (Settlement of Disputes) Act to the Assembly, the Minister of Labour said:

"I want the native trade unions to disappear."⁴¹ He also made the following statement: "The overwhelming majority of the members of this House and the overwhelming majority of this country will not permit the strike weapon to be placed in the hands of the natives. This is a matter of principle in regard to which there can of course be no compromise."⁴²

66. The Act redefines the term "employee" in the Industrial Conciliation Act, 1937.⁴³ The new definition excludes any person who is accepted as a member of any aboriginal race or tribe of Africa. As a result of this change, some categories of Natives are denied the benefits of the 1937 Act which they previously enjoyed.⁴⁴

The new Act is restricted to African employees other than those employed in farming, in domestic service, in governmental and educational services and in the gold or coal mining industries,⁴⁵ for whom separate machinery is provided.

67. The Act prohibits strikes, lock-outs and sympathetic strikes by workers of other racial groups (section 18).

68. The Act provides for the establishment of Regional Native Labour Committees, with African members appointed by the Minister of Labour and under a European chairman, the Native labour official; to receive representations to render assistance in the settlement of disputes (section 4). The Act also establishes a Central Native Labour Board consisting only of European members, appointed by the Minister after consultation with the Regional Committees (section 3). When a labour dispute arises, the Regional Committee will first attempt to act only as mediator (section 6). If the dispute cannot be settled at the Regional Committee level, it is referred to the Central Board, which, if unable to settle it, will report to the Minister, stating whether or not the Wage Board will give a recommendation.

When an Industrial Council (all European) is considering an agreement affecting occupations in which Africans are employed, representatives of the Central Board and the European chairman of the Regional Committee will be entitled to attend and to join in deliberations but not to vote (section 9). If the Central Board is not satisfied with the Industrial Council's decision, it can recommend to the Minister that a Wage Board recommendation should be reported (section 11).

⁴¹ *Journal of the Parliaments of the Commonwealth, 1953, page 1899.*

⁴² *Ibid.*, page 1922.

⁴³ A/2505, paragraph 599.

⁴⁴ A/2505, *loc. cit.* and footnote 163.

⁴⁵ According to figures provided by the Department of Native Affairs, this provision will exclude 1,670,000 African workers out of a total of 2,220,000.

The Reservation of Separate Amenities Act, No. 49, 1953

69. The situation at the beginning of 1953 with regard to the use of State facilities by members of the various ethnic groups was described in the Commission's first report.⁴⁶ As the Commission pointed out in that report⁴⁷ in 1953 the Government introduced a Bill which later became the Reservation of Separate Amenities Act of 1953.

70. In introducing the Bill in the House of Assembly, the Minister of Justice pointed out that the decision of the Appellate Division of the Supreme Court in the case of *Rex vs. Lusu*⁴⁸ had left the Government with no choice but to pass legislation to enforce segregation on the social level. He added:

"It is our policy and will always be our policy to give every section what are considered necessary according to the circumstances in respect of state facilities, according to the level of civilization of every section, its requirements and its nature, as far as possible and as far as the State can afford to do so. It is intolerable that this decision of the Court which today is the law should remain in force. We cannot bear to think that the decision of the Appeal Court should be the law of the country in future and that it should be applied."⁴⁹

71. Mr. Lawrence, the acting leader of the Opposition, said that the object of the law was "to crystallize into statutory form the traditional policy of social separation in South Africa."⁵⁰ He also stated that the wording of the draft would enable "any individual to constitute himself a judge as to when separate facilities should be given."⁵¹

He moved an amendment under which the powers conferred by the Act would have been limited to State Departments including the Railways and Harbours Administration, provincial administrations and local authorities. The amendment was rejected.

72. The Act provides that any person who is in charge of, or has control of, any public premises or any public vehicle may, whenever he deems it expedient, set apart or reserve such premises or such vehicles or any portion thereof for the exclusive use of persons belonging to a particular race or class (section 2, paragraph 1).

Wilful contraventions of the measures for separate facilities are punishable by a fine of £15 or three months' imprisonment, or both (sections 2 and 3).

The Native Trust and Land Amendment Act, No. 18, 1954

73. The significance and possible effects of this Act can only be understood if it is considered against the background of previously enacted laws governing the ownership and occupation of land by Natives.

As the Commission pointed out in its first report⁵² under the Natives' Land Act, 1913, Natives in South Africa were deprived of the right to acquire land except in areas reserved for them or released for their occupation under the Native Trust and Land Act, 1936. In ac-

⁴⁶ A/2505, paragraphs 621-625.

⁴⁷ *Ibid.*, footnote 306.

⁴⁸ *Ibid.*, paragraph 623.

⁴⁹ *Journal of the Parliaments of the Commonwealth*, 1953, page 1055.

⁵⁰ *Ibid.*, page 2019.

⁵¹ *Ibid.*, page 2035.

⁵² A/2505, paragraphs 548-549.

⁵³ 1951 Census.

⁵⁴ Statement by the Minister of Native Affairs, the Union of South Africa Senate Debates, 1951, column 3096.

cordance with these provisions, the Natives, 8,537,375 of South Africa's 12,650,057 inhabitants⁵³ only acquire land within an area totalling approximately 10 per cent of the entire country (14,500,000 out of 143 million morgen). The Native areas have become overpopulated and any new purchases of land for the benefit of Natives were required for the population surplus from existing Native reserves, and hardly any land has been available for the settlement of Natives removed from European areas.⁵⁴

Apart from providing for the segregation of European and Native land holdings, the Native Trust and Land Act, 1936, also provided for restriction of the residence of Natives on land outside the Native reserves and released areas, as well as on land within released areas but not owned by either the Trust or a Native (1936 Act, chapter IV).

Any Native could be barred from residence on such land unless he was its registered owner, a servant of the owner, a registered labour tenant or a registered squatter,⁵⁵ or otherwise exempted under the other provisions of the Act. Any labour tenant or squatter legally resident on a farm when the provisions of chapter IV entered into force was entitled to registration. The registration of labour tenants, however, could be cancelled if the Labour Tenant Board found after inquiry that the owner was employing more labour tenants than was warranted by the size and nature of his farm. The registration of squatters had to be renewed each year and could not be renewed for longer than thirty years. As regards squatters, it was also provided that the owner of land had to pay a progressively increasing licence fee for the re-registration of each squatter residing on his land. The purpose of this provision was to achieve the gradual removal of squatters by imposing on the landlord an increasing financial burden which would eventually offset any benefits which he might have derived from the squatter.

Under chapter IV of the 1936 Act, the Government had the duty to accommodate in areas reserved or released for occupation of Natives, any Native displaced pursuant to the provisions of this chapter or of the Natives (Urban Areas) Act, 1923.

The provisions of chapter IV were to be applicable, only with respect to such districts as the Governor General determined by proclamation. This was done only with regard to a single district, and even there only for a very short time. The reason stated for failure to apply chapter IV of the Native Trust and Land Act, 1936, was that areas reserved or released were so overcrowded that the Government was unable to accommodate in them any Natives who would have been displaced from farms in non-Native areas or from non-Native farms in released areas, under chapter IV.⁵⁶

74. In introducing the Bill to amend the Native Trust and Land Act, 1936, the Minister of Native Affairs stated that it aimed at a fair distribution of Native labour by evicting of Natives from farms where they were unproductive squatters and making their labour available

⁵⁵ "Labour tenants" is the term used in South Africa for Native farm workers who in exchange for the right to reside on a farm and/or to use part of it for agriculture or grazing, supply the farmer with their labour for a minimum period of six months a year. "Squatters" are Natives on a farm or using part of it for agriculture, without having the obligation to work for the farmer for more than 180 days a year. The term "squatter-tenant" is sometimes used for Natives who are required to work for their landlord for a definite period not exceeding 180 days.

⁵⁶ Statement by the Minister of Native Affairs, the Union of South Africa Senate debates, 1951, column 3096.

to farmers who needed it. As an interim measure, a certain number of squatters could continue to live on the farms where they were, but the raising of the licensing fees for their registration would force farmers to require Native squatters to work more in return for this privilege. The Act would stop the malpractice of owners of large farms who allowed numerous squatters to occupy parts of the farm in order to have a reserve labour pool, and thereby caused not only a labour shortage but also a deterioration of their farm lands and endangered public order and security. The Act would also make it possible to do away with squatters' communities established on farmlands in the vicinity of towns, where Natives employed in towns "parked" their families. These families would be transferred to towns in Native reserves where they could lead a much more satisfactory life. Finally, the Act would help to put an end to the despoiling of farms owned by Natives who allowed too many labour tenants or squatters to overgraze and overwork their lands, thus causing erosion.

In replying to questions regarding the Natives displaced under the provisions of the Act, the Minister stated that Natives belonging to tribal groups and labour tenants of Native farmers would be resettled in released areas; labour tenants evicted from European farms would be assisted in obtaining similar employment on farms in other districts where there was greater demand for them; squatters who did not work or who worked only part time for their landlords could find employment as wage-earning farm servants; the families of Native industrial workers who took up residence on farms in the vicinity of cities would be settled in urban Native locations; if the city could offer accommodations only for single men, their dependents would be sent to Native reserves. The Minister promised that he would endeavour to assist every displaced Native to find work or, failing that, alternative accommodation, but he could not undertake to resettle each displaced Native, particularly those who were illegal squatters or were reluctant to work.⁵⁷

75. Opposition members did not deny the desirability of abolishing the class of squatters, who were subject to much abuse, but opposed the Bill because they thought it would be impossible to find any satisfactory alternative basis of existence for the Natives who would be displaced. They pointed out that in the European areas there were probably over a million Native squatters and labour tenants who were rooted in the soil, accustomed to working their own piece of land and who owned some cattle and other agricultural property. There was no room to accommodate these people if they were displaced; the Native areas were overcrowded, Natives were not allowed to go to the towns and the Minister had no land to give them.⁵⁸

The intention of the 1936 Act was that every African who was outside of the Native reserves at that time or who had to be removed from where he was for the purpose of implementing the segregation policy, should be provided with a home in the scheduled or released areas. A natural home would thus have been established for the African population. Under the new Act, however, the African people were being driven from their homes to roam the roads in European areas, adding enormously

⁵⁷ *Union of South Africa, House of Assembly Debates*, 1954, columns 910-914 and 1139-1142.

⁵⁸ *Ibid.*, columns 929-937.

⁵⁹ Speech of the Representative of Natives (Cape Eastern), *Union of South Africa, House of Assembly Debates*, (Hansard) 1954, columns 949-954.

to the homeless and unstable population of the country. They were going to be uprooted, deprived of what little security they had and cast adrift to form a cheap labour force for European farmers.⁵⁹

76. The spokesman of the Labour Party called the Bill "an undisguised plan to drive the Natives off their holdings and to rob them of their ownership of the means of production". Whereas under the 1936 legislation Natives who were driven off the land on which they were squatting were to be returned to their reserves where they could continue their existence as tenant farmers, under the new Act most of them would have no alternative but to dispose of their cattle and implements and to hire themselves out, under circumstances where their wages could be depressed, to the employers to whom they were assigned.⁶⁰

77. The lack of concern for the human feelings, family ties and traditions of the Natives who were being displaced by the proposed law were also the subject of speeches during the debates on the Bill.

Among other things it was claimed that the communal ties of the evicted Natives would be disrupted, and that in many cases they would be separated from their families. They would be forced to go to districts which were foreign to them or to take up employment which they disliked. The conditions of virtual serfdom that would be erected would mean that the productivity of the Native, far from increasing, would undoubtedly decline. The Natives could not be expected to perform willingly work which they were being more or less forced to do.⁶¹

78. The supporters of the Bill, on the other hand, maintained that a revision of the provisions of chapter IV of the Native Trust and Land Act, 1936, was necessary because there had been no labour shortage in 1936; shortage had developed recently making it necessary to make the best possible use of the Native labour force. This would be achieved by forcing the Natives, who were squatting idly or working only two or three months a year, to take up productive employment. It was the duty of the European to teach the Natives the habit of regular employment. Once they acquired that habit they would become more prosperous and as members of a trained and experienced labour force they would be more valuable members of society. The supporters of the Bill also claimed that it would not be contrary to the principle of *apartheid* to let the Natives seek employment on farms in European areas. On farms Europeans and non-Europeans had never associated on terms of equality; it was only in fields when Native labour could directly compete with European labour or when there was a danger of social equalizing that the principles of *apartheid* required the exclusion of Native workers from European areas.⁶²

79. The Native Trust and Land Amendment Act 1954, was adopted with only minor modifications in the text proposed by the Government. It provides that land in Native areas may be subdivided or partitioned only with the Minister's consent. The Minister's consent is also required to any alienation or lease to a Native of land which was partitioned or subdivided after July 1949. The Minister may make the use and occupation of any such land subject to such conditions as he may

⁶⁰ *Ibid.*, columns 982-983.

⁶¹ Statement of the Member for Pinetown, *ibid.*, columns 1097-1099.

⁶² *Union of South Africa, House of Assembly Debates*, (Hansard) 1954, columns 975-977 and 999.

deem appropriate (section 1). The Act also contains detailed provisions with respect to the authority of the Governor-General to issue regulations for the proper management and preservation of land held by or on behalf of Natives (section 13).

80. The main provisions of the Act amend chapter IV of the 1936 Act. The provisions of this chapter are extended to land owned by Natives in areas released for their occupation (section 4). Section 6 provides that labour tenants who were not resident on a farm at the date on which the Act was made applicable thereto, may be registered only with the approval of the Labour Tenant Board of the district in which the farm is situated. Local (Europeans) farmers are given greater representation and voting privileges on Labour Tenant Boards (section 7), which are authorized to undertake inquiries to determine whether the number of labour tenants employed on any farm is not excessive and whether some of them should not be removed (section 8). Farms wishing to employ any labour tenant must obtain a licence for each of them and renew that licence annually.

Only squatters who have been continuously resident on the land since 31 August 1936, and whose presence on the land has been reported in accordance with the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, have the right to be registered. Squatters who do not fulfil this requirement may be registered only if the Minister of Native Affairs gives his consent, which may be subject to certain conditions, including limitations of the period for which the Native may continue to reside on the land, as the Minister may determine (section 10). Licensing fees are increased (up to £16 per year per squatter) and the period for which licences may be renewed is reduced to fifteen years (section 11).

81. The Minister shall make such provisions as he may consider necessary and adequate for the resettlement, in a reserved or released area, of Natives evicted from land in a released area or from land outside a released area but occupied by the evicted Native for so long or under such circumstances that in the opinion of the Minister the Native could reasonably have expected that he would have been allowed to remain in continued occupation of the land. With respect to any other Native displaced under the provisions of the Natives (Urban Areas) Consolidation Act, 1945, the Minister has only the obligation to endeavour to make or assist in making other arrangements for the placing of such Native in employment or for his settlement.

The Natives Resettlement Act, No. 19, 1954

82. In its first report, the Commission described the differential treatment with respect to immovable property and the provisions concerning settlement and residence, applicable under laws adopted in the Union of South Africa up to the beginning of 1953.⁶³ It was pointed out that under the Natives (Urban Areas) Consolidation Act of 1945 and under the Group Areas Act of 1950, as amended in 1952, Natives were prohibited from acquiring land situated within an urban area and belonging to any person other than a Native, and that "specified" areas could be reserved for exclusive occupation and/or ownership by the different racial groups.

In 1949, four suburbs of the city of Johannesburg (Sophiatown, Martindale, Newclare and Pageview)

were proclaimed by the Governor-General to be areas predominantly occupied by Natives.⁶⁴ Within these suburbs, in which some 58,000 natives resided, Natives had freehold rights to some 600 lots; other lots were owned by Europeans, Coloureds and Asiatics. The suburbs have become overcrowded and since 1939 the City Council of Johannesburg has been discussing measures to remedy the slum conditions which have become general in the areas. Several surveys were made and consultations on measures to eliminate the slums and resettle the surplus Native population were held between the City Council of Johannesburg and the Ministry of Native Affairs from 1950 onwards, but no action was taken.

83. Early in 1954 the Minister of Native Affairs introduced a Bill "to provide for the removal of Natives from any area in the magisterial district of Johannesburg or any adjoining magisterial district and their settlement elsewhere, and for that purpose to establish a board and define its functions; and to provide for other incidental matters".

84. In introducing the Bill, the Minister of Native Affairs stated that its primary intent was an efficient slum clearance and to help the Native to escape from the squalor of the overcrowded suburbs into locations, where he could have more decent conditions of living.

85. The Opposition maintained that these objects could have been achieved under the powers vested in the Minister by the Native (Urban Areas) Act, and that the real intent of the Bill was to dispossess Natives from freeholds and to deprive them of the right to acquire and own immovable property. The Opposition proposed that the House reject the Bill, because, among other things:

"(a) It usurped the statutory powers and rights of local authorities and was undemocratic and dictatorial;

"(b) It deprived persons to be removed of their existing right to freehold title without providing any opportunity of gaining new freehold title in areas to which they were removed;

"(c) It compelled the removal of persons legally residing in an area without any attempt to gain their co-operation;

"(d) It empowered the Minister to remove persons without placing any corresponding obligation on him to provide proper alternative accommodation for all who might be removed; and

"(e) The plan of removal envisaged in the measure would prove subversive of security and stability which were basic to harmonious interracial relations and to the welfare of South Africa."⁶⁵

The Opposition also argued that under article 9 (h) of the Urban Areas Act, the Municipality of Johannesburg could have declared, with the Minister's consent, that the areas in which the expelled Natives were resettled were outside Native location control, and that consequently the Natives could have retained the same rights to own property or to enjoy free tenancy as they had had in the suburbs from which they were removed. Under the Bill, however, Native freeholders would be resettled in a controlled Native location, in which they could not enjoy ownership rights to immovable property. Such a deprivation of the Native's rights was contrary to section 7 (c) of the Native Trust and Land Amend-

⁶⁴ *Union of South Africa Government Gazette, 1949, Government Notices Nos. 192, 193 and 194.*

⁶⁵ *Union of South Africa, House of Assembly Debates, (Hansard) Second sitting, 11th parliament, columns 2541-2542.*

⁶³ A/2505, paragraphs 548-550 and 555-590.

ment Act, 1939, where the principle was laid down that if a Native's land was expropriated, he had the right to obtain the same title in the new areas where he was going to take up future residence.⁶⁶

86. The members representing Natives (Mrs. Ballinger and Mr. Stewart) maintained that it was the intent of the Urban Areas Act to provide areas within the towns where the urbanized members of the Native community could live as ordinary residents, with security and with the right to rent or to buy. It was therefore not unreasonable to ask that the Native worker whose presence in the town was considered desirable should be allowed to retain, in the few cases where he was able to acquire it, the fundamental right to own the place in which he lived, and to satisfy his basic need for "the unregimented condition under which a man could live as a free man". The Natives had no objection to living separately from Europeans and even preferred to do so, but they objected to being put in an area and told that all they could ever achieve, however hard they might exert themselves, was a sub-economic level of existence.⁶⁷

87. In reply to these objections, the Minister of Native Affairs stated there was not a single place in South Africa where Natives had property rights which would not have developed into a slum, and that Native locations in European urban areas could not be properly controlled and maintained at a decent standard if full property rights were granted to the Natives.

He could not agree with the view that urbanized Natives who had been trained as industrial workers and who formed part of a permanent section of the urban population should be given the right to own property, and that security of tenure in specified areas of Native urban townships should be made available to the more progressive elements among the Natives. It was a matter of Government policy "that within what was to be White South Africa a Native should not own ground", and it was impossible for the National Party Government to deviate from that principle. He would prefer to see all freehold rights of Africans outside the reserves taken away, but in the interim period there were certain places where Natives would not be deprived of their freehold rights if they were not causing a problem.

88. To meet the objections raised by the Opposition against the expropriation of Native-owned properties, without giving the Natives the opportunity to acquire another freehold title, the Minister of Native Affairs moved an amendment to the Bill, providing that Natives whose land had been expropriated under the Bill should be offered for purchase land belonging to the South African Native Trust, or offered assistance in purchasing land in a "released Area". The Opposition did not accept the provision as a satisfactory substitute for the deprivation of the right to freehold. It pointed out that land held by the Trust in Native reserves or in released areas was scarce and that in practice no hope could be given to the dispossessed Native of being able to acquire any of it. Moreover, such land was situated in agricultural areas far from urban centres and if the urbanized Native wished to settle on it he would have to give up the way of life to which he was accustomed. Many of the Natives to be dispossessed under the Bill were skilled workers, practised professions or engaged in business, and if they settled on Native reserves or in released

areas, they would be unable to gain their livelihood by the skills which they had acquired.⁶⁸

89. The Natives Resettlement Act, as adopted, provides for the establishment of a Native Resettlement Board with wide powers, which enable it in effect to override the Johannesburg City Council. The Board is authorized to acquire, by purchase or expropriation, such land as it may consider necessary to effect the removal of Natives residing in specified areas and to provide for their resettlement elsewhere; it is also authorized to build houses or other structures on land belonging to it and to grant leases over such land or houses, or to dispose of the right of occupation of such houses to natives removed from specified areas. The Board's terms of reference however, do not authorize to sell the land acquired and developed by it into the ownership of the Natives. The Board may, with the Minister's written approval, expropriate any land situated in the suburbs of Sophiatown, Martindale, Newclare and Pageview, or in any other area, within Johannesburg or in its vicinity, which may be proclaimed by the Governor-General to be a "specified area". The Act specifies the conditions under which such expropriation may take place and the compensation to be paid.

90. Any Native residing in the four suburbs referred to in the Act, or in any other area to which the provisions of the Act is extended by proclamation of the Governor-General, may be required by the Board to vacate the premises in which he and the members of his household reside, within a period of not less than one month. It is provided, however, that no Native entitled under existing regulations to reside in the suburbs of Sophiatown, Martindale, Newclare or Pageview, nor any lawful sole occupant of a house in other areas to which the Act may apply, may be ordered to vacate his premises unless he is offered a house or other place of residence for himself and his household, or (if he so elects) a right to occupy land on which he may provide for his housing needs. Natives from areas other than the four suburbs above-mentioned, who were not sole occupants of a house may be ordered to move upon being offered only the right to occupy land on which they can build their lodgings.

The Criminal Procedure and Jurors Amendment Act, No. 21, 1954

91. The Criminal Procedure and Evidence Act, 1917, as amended prior to the adoption of Act No. 21 of 1954, provided that in any criminal case pending before a Superior Court (with the exception of the Native High Court of Natal and certain specially constituted criminal courts) the trial of the accused should take place before a judge and jury unless the accused person desired to be tried without a jury.⁶⁹ The previously applicable law also stated that every male person between twenty-five and sixty years of age who was a registered parliamentary voter and who fulfilled certain property or income requirements, would be qualified to serve as a juror for criminal trials.⁷⁰

92. The Criminal Procedure and Jurors Amendment Bill of 1954 was introduced to make a number of changes in the criminal procedure, in particular to meet the fact that in practice most trials were being held without jury.

⁶⁶ *Ibid.*, columns 3191, 3207-3209, 3224 and 3304-3305.

⁶⁷ *Ibid.*, columns 3098 and 3230-3231.

⁶⁸ *Ibid.*, columns 3228-3244.

⁶⁹ *The Revised Statutes of the Union of South Africa*, Vol. 3, page 184 and 206-208.

⁷⁰ *Ibid.*, page 184.

93. During the parliamentary debates preceding the adoption of the Bill, it was pointed out that the tendency to waive trial by jury in most cases was due to the feeling that trial by jury would not be a fair trial in many instances in which a Native was charged with an attack on a white man and vice versa.⁷¹ In the words of Senator Jackson (Opposition), "in a country where a clash perhaps occurs between the races and the jury consists only of members of a certain race, a danger exists that there perhaps might be prejudice".⁷²

94. After the second reading of the Bill, the Minister of Justice moved an amendment under which only Europeans would be qualified to serve on juries; he stated that although under the law previously applicable, some non-Europeans had theoretically had the right to qualify as jurors, it had never been the practice for persons other than Europeans to serve on juries.

95. Objections to the amendment were raised by some Opposition members who pointed out that under *apartheid* policy, Natives would have the right to ask for trial by a Native jury or by Native assessors, while under the amendment everyone, White, Native and Coloured, would have to be tried by a European jury if there was to be a jury; such discrimination went beyond the principle of *apartheid*.

References were made to another Bill which had been introduced in the House which provided for the abolition of the Native High Court in Natal. The view was expressed that in certain cases which had previously fallen under the jurisdiction of that Court, such as cases involving Native customs, it might be advisable to allow Natives to participate in the process of the administration of justice.

96. The Minister of Justice replied that unless the law was amended so as to bar non-Europeans from being placed on jury lists, there was a danger that a mixed jury might be empanelled and that such a situation had generally been regarded as undesirable. He also objected to any provision which would provide for all-Native or all-Coloured juries and stated that non-Europeans had not yet made sufficient progress to be able to serve on juries.⁷³

97. The Criminal Procedure and Jurors Amendment Act, of 1954, as adopted, provides, *inter alia*, that every European male person between twenty-five and sixty-five years of age who is a registered parliamentary voter in the Union shall be qualified to serve as a juror on any jury empanelled for criminal trials. A trial by judge and jury shall, however, be held only if the accused specifically so requests, either at the conclusion of the preparatory examination, within three weeks from the date on which he is committed for trial, or within seven days from the date on which he was served with the notice of trial. In any event, the Minister of Justice may direct that a trial shall be held without a jury if the accused is a European and the offence was committed against or in connexion with a non-European, or vice versa.

⁷¹ Statement by the Hon. B. Solomon (Opposition), *Union of South Africa, House of Assembly Debates*, (Hansard) Second sitting, 11th Parliament, column 2353.

⁷² *The Senate of the Union of South Africa Debates*, Second session, 11th Parliament, column 2325.

⁷³ *The Union of South Africa, House of Assembly Debates*, (Hansard) Second sitting, 11th Parliament, columns 3760-3768. It may also be noted that in answer to a similar question concerning the right of Natives to serve on juries or as assessors, raised during the discussion on the Native High Court Abolition Bill, the Minister of Justice stated that he was "certainly not prepared at the present time to give any directive in connexion with the use of Native jurors" or Native assessors.

Regulations for Control of Meetings, Gatherings or Assemblies in Natives Areas—Proclamation No. 97, 1954

98. The communication which was received by the Commission from the Indian Government last year referred to regulations issued by the Governor-General of the Union under the powers vested in him by the Native Administration Act No. 38, 1927, which banned the holding of any meetings, gatherings or assemblies of more than ten Natives at any one time.⁷⁴

99. These regulations were replaced by Proclamation No. 198, 1953, under which a person was guilty of an offence punishable by fine or imprisonment not exceeding three years if he held, presided at or addressed meetings at which more than ten Natives were present at any one time, or allowed such a meeting to be held at his *kraal* or on premises or land under his control, unless the meeting had been approved in writing by the Native Commissioner or the Magistrate of the area concerned. Certain specific types of meetings and gatherings were exempted from this prohibition, including meetings held for religious, administrative or educational purposes, gatherings held in connexion with certain family festivities and entertainments, and meetings held by holders of certain elective offices.

100. In a speech introducing a motion calling upon the Government to "restore and maintain the rights and freedoms of the people" and to "repeal all Acts or regulations infringing such rights and freedoms", the Honourable A. Hepple (Labour) referred to Proclamation No. 198, 1953, as constituting an attack by the Government on the right of freedom of assembly and public gathering. He stated that the regulation made it a criminal offence for people to perform the normal functions of a democracy, and drew the attention of the House to the provisions of Article 20 of the Universal Declaration of Human Rights.⁷⁵ His motion was not supported outside his own Party.

101. The regulations promulgated by Proclamation 198, 1953, were in turn amended on 17 May 1954 by Proclamation No. 97. It provided that authorization to hold meetings at which more than ten Natives participated could also be given by the Secretary for Native Affairs or a chief Native Commissioner. In addition to the previously mentioned exceptions, no permit would be required for meetings held by any duly nominated candidate for election as a senator, member of parliament or member of a provincial council.

II. Review of the measures providing for differential treatment in the light of the provisions of the Charter relating to human rights and in the light of the Universal Declaration of Human Rights

COMPARISON OF THE STATUTES REVIEWED WITH THE OBLIGATIONS OF THE UNION OF SOUTH AFRICA UNDER THE PROVISIONS OF THE CHARTER RELATING TO HUMAN RIGHTS

102. The Acts and Orders analysed above are part of the *apartheid* policy of the Government of the Union of South Africa. They undoubtedly tend to increase and aggravate the discrimination which previously existed with respect to residence, property rights, work and the practice of professions, the use of public services, edu-

⁷⁴ A/2505, annex II, page 127.

⁷⁵ *Union of South Africa, House of Assembly Debates*, (Hansard) Second sitting, 11th Parliament, columns 625, 639 and 640.

cation, the administration of the criminal law and freedom of assembly. The Commission accordingly considers that everything said in paragraph 869 of its first report (A/2505) also applies, *mutatis mutandis*, to these new measures, and that in enacting them, the Government of the Union of South Africa has failed to fulfil the obligations it assumed under Article 56 of the Charter. The measures are also contrary to the purpose stated in Article 1, (3) of the Charter.

COMPARISON OF THE STATUTES REVIEWED WITH THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

(a) *Comparison of the statutes reviewed with the provisions of the Declaration relating to particular rights*

Residence and property rights

(i) *The Native Trust and Land Amendment Act, No. 18, 1954*

(ii) *The Native Resettlement Act, No. 19, 1954*

103. Act No. 18 of 1954 is intended to reduce the number of Natives occupying land on farms as squatters or labour tenants. In the case of some of the Natives who may be evicted under the Act from land they may have occupied for generations, the Government assumes no obligation to find alternative accommodation or even employment. This Act also imposes restrictions on the subdivision, partitioning, alienation and leasing of certain lands belonging to Natives.

104. Act No. 19 of 1954 is intended to remove the Natives who have been settled for many years in the suburbs of Johannesburg. Although it provides that Natives cannot be evicted unless they are resettled in a new area, it does not give expelled Native freeholders the right to obtain similar title in the area to which they are removed.

105. The Commission considers that the provisions of Act No. 18 of 1954 and of Act No. 19 of 1954 are not in harmony with Article 13, paragraph 1, of the Declaration. The Commission also considers that the provisions of Act No. 19 of 1954, under which expelled Native freeholders are not allowed to obtain equivalent rights in the area to which they are removed, are not in harmony with the provisions of Article 17 of the Declaration. Article 13, paragraph 1, and Article 17 of the Declaration read as follows:

"Article 13

"(1) Everyone has the right to freedom of movement and residence within the borders of each State."

"Article 17

"(1) Everyone has the right to own property alone as well as in association with others.

"(2) No one shall be arbitrarily deprived of his property."

Work and the practice of professions

The Native Labour (Settlement of Disputes) Act, No. 48, 1953

106. Act No. 48 of 1953 deprived certain Native employees of the right to join recognized trade unions which

*The position of the African trade unions remains unchanged: they are not prohibited but they are not given official recognition (*A Survey of Race Relations in South Africa, 1952-1953*, published by the *South African Institute of Race Relations*).

they previously enjoyed;⁷⁶ it also prohibited strikes by native employees and set up machinery for the settlement of labour disputes involving native employees which excludes the interested parties and their representatives from participation at the upper levels.

107. The Commission considers that these provisions of Act No. 48 of 1953 are not in conformity with Article 20, paragraph 1, and Article 23 of the Declaration, and more particularly with paragraph 4 of that article. Article 20, paragraph 1, and Article 23 of the Declaration state the following:

"Article 20

"1. Everyone has the right to freedom of peaceful assembly and association."

"Article 23

"(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

"(2) Everyone, without any discrimination, has the right to equal pay for equal work.

"(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

"(4) Everyone has the right to form and to join trade unions for the protection of his interests."

Use of public services

The Reservation of Separate Amenities Act, No. 49, 1953

108. Act No. 49 of 1953 established the principle of the segregation of individuals belonging to different groups in regard to the use of and access to public services. It also authorized public authorities and private persons in charge of public services to provide separate facilities for persons belonging to a particular group or class without necessarily taking into account the principle of substantially equal treatment affirmed under the previous system.

109. The Declaration does not contain any specific provision relating to equality in the use of public services.

Education

The Bantu Education Act, No. 47, 1953

110. Act No. 47 of 1953 is primarily administrative in character, its immediate purpose being the transfer of Bantu education from the provinces to the Union Department of Native Affairs.

However, the statements of the Minister of Native Affairs in the House of Assembly cited in paragraph 56 above leave no doubt as to the real purpose of the Act, which is to set up a system of education for the Bantu population different from that provided for the remainder of the population and providing them with education "in accordance with their opportunities in life, according to the sphere in which they live . . .". In addition, parents can no longer set up schools and are thus deprived of the right to choose the kind of education to be given to their children.

111. The Commission considers that Act No. 47 of 1953, particularly the spirit of the Act, is not in conformity with the provisions of Article 26 of the Declaration, which reads as follows:

"Article 26

"(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

"(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

"(3) Parents have a prior right to choose the kind of education that shall be given to their children."

Criminal law

The Criminal Procedure and Jurors Amendment Act, No. 21, 1954

112. Act No. 21 of 1954 provides that only Europeans can serve as jurors in criminal cases, even if the accused or the victim of the crime is a non-European group. This measure is particularly serious in view of the racial situation, and the tensions, resentment and fear which it engenders. It is true that the accused is tried by jury only if he so requests, but in such case he is deprived of a safeguard which the general law of the country considers to be essential to the accused.

113. The Commission considers that the provisions of Act No. 21 of 1954 are not in harmony with Articles 3 and 10 of the Declaration. The text of these provisions is as follows:

"Article 3

"Everyone has the right to life, liberty and the security of person."

"Article 10

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

Freedom of assembly

Regulations for control of meetings, gatherings or assemblies in Native areas—Proclamation No. 97, 1954

114. The regulations published in 1953 and 1954 amend previous regulations and prohibit, under penalty of fine or imprisonment, unauthorized meetings, gatherings, etc., of more than ten Natives in the Native areas, with the exception of certain meetings specified in the regulations. The new regulations continue the previous system, and also provide for the stricter control of meetings, gatherings etc. and strengthened repressive measures.

115. The Commission considers that the regulations as a whole, and more particularly their reinforcement in recent months, are not in conformity with the provisions of Article 2 of the Declaration, under which "Everyone is entitled to all the rights and freedoms set

forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Under the regulations, individuals are restricted because they belong to a particular ethnic group in the exercise of the fundamental right which belongs to "everyone" under Article 20, paragraph 1 of the Declaration. The text of this paragraph is as follows:

"Article 20

"1. Everyone has the right to freedom of peaceful assembly and association."

(b) *Conclusion as to how far the statutes reviewed conform as a whole to certain Articles of the Declaration embodying general principles*

116. The Commission considers that the new measures reviewed above, like the earlier legislation enacted in furtherance of the policy of *apartheid*, a policy based on the idea of the inequality of human races, are contrary to the provisions of article 1, article 2 and article 7 of the Universal Declaration of Human Rights, which read as follows:

"Article 1

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

"Article 2

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

"Article 7

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

The Commission further considers that the general situation, aggravated by the recent measures, does not permit the full application of the principles proclaimed in article 29, paragraph 2 of the Declaration, which reads as follows:

"Article 29

"(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

RECENT DEVELOPMENTS IN THE RACIAL SITUATION IN THE UNION OF SOUTH AFRICA

(One year of life in South Africa under *apartheid*)

117. In this chapter, the Commission reproduces a number of news items relating to the racial situation in the Union of South Africa and dealing for the most part with events which have occurred since the appearance of its first report. The news items are not given in chronological order, but arranged under various headings. Cross-references have been inserted wherever they seemed necessary.

118. The Commission has refrained from expressing opinions on the news items reproduced here. In all cases, it has indicated their source, but does not assume responsibility for them.⁷⁷

I. Question of the voting rights of Coloured persons, and other political debates in Parliament concerning the racial problem

(a) Question of the franchise of Coloured persons

119. In its first report, the Commission described the constitutional crisis provoked by the question of removing the Coloured voters from the normal electoral rolls in the Cape Province in order to place them on a separate roll and to give them separate representation in Parliament.⁷⁸ In recent months this has remained one of the central issues in the Union's political and parliamentary life.

120. In September 1953, the two Houses of Parliament, meeting in a joint session, as prescribed for such occasions⁷⁹ in the South Africa Act, 1909, proceeded to a third reading of the South Africa Act Amendment Bill.

(Extract from *South Africa*)

"When the division on the third reading was taken, 122 voted for the Bill and 78 against. In order to comply with the constitution the government needed a minimum vote of 138—that is, two-thirds of the total membership of both Houses."⁸⁰

121. In the course of this debate, Mr. Strauss, leader of the United Party and of the Opposition in the House of Assembly, said:

(Extract from *South Africa*)

"It is time that the Government realized that they have not got a constitutional mandate to tamper with the clauses of the South African Act and that the Opposition has a mandate to prevent any assault on the Constitution and any undermining of it as far as fundamental clauses are concerned.

"Mr. Strauss appealed to the Government to accept the situation as it was and not to plunge the country into further strife. The political rights of the Coloured were no danger, but tampering with these rights would lead to untold difficulty and harm."⁸¹

122. A member of the Labour Party moved that the debate be adjourned without a vote and asked the Prime

Minister then to reintroduce the Separate Representation of Voters Act and send it to a select committee before the second reading. If this was done it would give the Coloured people an opportunity of making representations on their own behalf as there had been conflicting views put forward by the parties as to what the Coloured people thought about the Bill.⁸¹

123. Although another speaker formally repudiated this last suggestion on behalf of the Labour Party,⁸² that was the procedure the Government adopted after the rejection of the South Africa Amendment Bill by the two Houses in joint session.⁸² On 2 October 1953, the House of Assembly and the Senate in joint session began a first reading of the Separate Representation of Voters Act Validation and Amendment Bill, 1953 introduced by the Government, and decided to appoint a commission, under the chairmanship of Dr. T. E. Dönges, Minister of the Interior, to inquire into the subject matter of this Bill.

124. In its report to the Governor-General,⁸³ this Commission states that it held a number of meetings to hear oral evidence and that voluminous evidence was adduced in elucidation of their written representations by those interested parties who, the Commission considered, should be afforded an opportunity of appearing personally before it. The Commission found however that it would not be able to complete its inquiry within the Parliamentary recess. The Commission therefore considered that the inquiry should more properly be conducted by a body directly responsible to Parliament, and refrained from making any recommendation.

125. On 1 February 1954, the House of Assembly and the Senate decided, by separate resolutions, to establish a Joint Committee on the Subject of the Separate Representation of Voters Act Validation and Amendment Bill, also under the chairmanship of Dr. Dönges, Minister of the Interior. The Committee presented its report on 17 March 1954.⁸⁴ It recommended the adoption of the Bill with some minor amendments.

126. In introducing the Bill before the two Houses in joint session, the Prime Minister traced the history of the problem. He also made certain statements, which are summarized below.

(Extract from *South Africa*)

"If he failed to get his Bill passed, the Government would seek a mandate at the elections for provincial

⁷⁷ The indented passages are quotations from the source named.

⁷⁸ A/2505, paragraphs 478 to 482 and 722 to 728.

⁷⁹ A/2505, footnote 208.

⁸⁰ *South Africa*, 19 September 1953.

⁸¹ *South Africa*, 23 September 1953.

⁸² The Government seems to have made another attempt to reach its goal by establishing a new Court of Constitutional Appeal, though this time as part of the Supreme Court of the Union of South Africa. The Court of Constitutional Appeal was intended as a separate chamber of the Supreme Court and was to be composed of judges of that Court designated by the Governor-General. See *South Africa*, 30 October 1953. However, some influential members of the Nationalist Party opposed this reform of the judiciary. Cf. statements of Mr. O. Pirow, Q.C., former Minister of Justice, *ibid.*

⁸³ *Report of the Commission to Enquire into the Subject Matter of the Separate Representation of Voters Act Validation and Amendment Bill*, 1953, part I and part II, the Government Printer, Pretoria, N.G. Nos. 20 and 21/1954.

⁸⁴ *Report, Proceedings and Evidence of the Joint Committee on the Subject of the Separate Representation of Voters Act Validation and Amendment Bill*, printed by Order of the House of Assembly, April 1954.

councils due to be held in June. The investigation by the select committee appointed to examine the Bill during the Easter recess had given an opportunity for consultation with the Coloured people. Coloured opinion, expressed through memoranda and oral statements, had shown that the Coloured people were equally divided on the issue; it had also shown, said Dr. Malan, that if all the qualified Coloured voters had actually been on the roll there would be 150,000 instead of the present 36,000.

"The qualifications laid down for Coloured voters had lost their meaning, the Prime Minister continued. All Coloured men could read, all Coloured men occupied fixed property to the minimum value of £75, and all Coloured men earned £50 or more a year. In 50 years' time, according to reliable statistics, the Coloureds at the Cape would out-number the Whites by about 2 million. Today there were 22,000 more Coloured children in Cape schools than there were Europeans. 'If that is not a serious problem to be reckoned with, then I ask what is a serious problem?' the Minister asked.

"To protect the White vote in South Africa was not a new idea, nor was it wrong or immoral to do so. The situation had arisen in other Commonwealth countries. In Canada and Australia, where non-European groups were not even a threat to the control held by the Europeans, the vote had been withheld. In New Zealand the Maoris had been given separate representation".⁸⁵

127. (Extract from *South Africa*)

"Mr. Strauss, leader of the United Party and of the Opposition . . . called the Bill an unwanted measure which only had the effect of keeping the country in a state of turmoil and aggravated race relations. It was lowering the prestige of the country in the eyes of the world. The Bill should be rejected, he said, because it would lead to the Coloureds losing faith in the White man's word, would endanger White leadership, might lead to a solid anti-White front. Contradicting what Dr. Malan had said, Mr. Strauss declared that the overwhelming weight of evidence before the select committee showed that the Coloureds were against the legislation. He also denied that they constituted a threat to European control, as they represented only 3 per cent of the total electorate of South Africa."⁸⁵

128. One of the outstanding events of the debate was the Government's acceptance of an amendment moved by the new dissident group which had seceded from the United Party.⁸⁶

(Extract from the *Rand Daily Mail*)

"The amendment provided for the establishment of a separate Cape Coloured voters' roll, but Coloured voters whose names appeared on the common roll on June 30, 1954 would have been given the option of remaining on the common roll or applying for registration on the Cape Coloured voters' roll. For the rest, the Cape Coloured voters' roll would have consisted of those Coloured voters who applied for registration after June 30 and also of those who were removed on the grounds of qualifications and who became qualified and applied for re-registration after March 1, 1954."⁸⁷

⁸⁵ *South Africa*, 22 May 1954.

⁸⁶ See paragraph 135 below.

⁸⁷ *Rand Daily Mail*, 9 June 1954.

129. Upon the acceptance of this amendment, six members of the Independent United Party voted with the majority for the amended Bill. Nevertheless, the Bill was not approved at the third reading, for by a margin of nine votes the required two-thirds majority of both Houses in joint session was not obtained.⁸⁸

130. (Extract from the *Rand Daily Mail*)

"After the fifth attempt [to secure separate representation for the Cape Coloured voters] failed, he [the Prime Minister] walked out of the House ready to carry on with a sixth, as he promised the House. This new method is said by Nationalists to be a Senate-packing move to follow the provincial elections"⁸⁸ This scheme is described in the following terms:

(Extract from the *Rand Daily Mail*)

"After dissolving the Senate they (the Nationalists) would elect another, not by proportional representation as has been the practise since Union, but by majority representation.

"The simplicity of this scheme, from the Nationalists' point of view is, as they have been surprised to discover, that the change can be ordered by the Governor-General in Council (in effect, the Cabinet). They do not have to pass any new Bill.

"Their legal advisers tell them that the plan is perfectly safe. The 32 elected members of the Senate are chosen in each province by electoral colleges consisting of all the M.P.'s and M.P.C.'s of the province.

"Until now it has been the rule for them to be elected proportionally . . . But under the proposed new scheme a party which has a bare majority in a province would be able to annex all eight senatorial positions for itself.

"So in the Cape, the Free State and the Transvaal, where the Nationalists have smaller or larger majorities, they will be able to return 24 senators—eight in each instead of the four, seven and five they hold under the present system.

"In Natal their holding would drop from the present one to none, because the majority of members of the electoral college support the opposition. They would thus gain eight seats and lose only one.

"It would be necessary for the Nationalists to make certain that, after the provincial election, they held a majority in the Cape and the Transvaal—the Free State is solid Nationalist. Then a simple amendment to the South Africa Act next session, dissolving the Senate, would allow the new system to be brought in . . ."⁸⁹

131. Elections of a new Natal Provincial Council were held in June 1954 and ended in a victory for the Opposition (United Party).⁹⁰ Elections of new provincial councils in three other provinces of the Union were held in August 1954.

(Extract from the *New York Times*)

"With only one constituency, in Cape Province, outstanding out of 147 in the three polling provinces, the standing of the parties was:

"Transvaal: Nationalists 45, United Party 23;

"Free State: Nationalists 25, United Party 0;

"Cape Province: Nationalists 29, United Party 24.

⁸⁸ *Ibid.*, 15 June 1954.

⁸⁹ *Rand Daily Mail*, 16 June 1954.

⁹⁰ *Rand Daily Mail*, 18 June 1954.

"Two special representatives for Natives in Cape Province will be elected later."⁹¹

(b) *Other political debates in Parliament concerning the racial problem*

132. During the Parliamentary session which ended on 15 June 1954, several debates were held in the course of which various aspects of the racial question were touched upon. Among these debates, of particular interest are those which took place in the House of Assembly from 3 to 8 February on a no-confidence motion introduced by the leader of the Opposition, Mr. Strauss (United Party⁹²), and also the Assembly's debates of 15 to 18 February 1954 on the Part Appropriation Bill.⁹³ Excerpts from some of the speeches made during these two debates will be found in chapter VI of the report, dealing with the various solutions of the racial problem proposed in the Union of South Africa itself.

II. New political parties and groups

(a) *Liberal Party of South Africa*

133. In 1953, the South African Liberal Association decided to constitute itself into a political party under the name of "Liberal Party of South Africa." The party held its first Congress in July 1953 and its second Congress in July 1954. Information concerning the party's programme will be found in chapter VI of the report, dealing with the various solutions of the racial problem proposed in the Union of South Africa itself.

(b) *Federal Party of South Africa*

134. Yet another political party, the Federal Party of South Africa, was formed in 1953. Its programme calls for a reform of the Union's present Constitution, giving a greater measure of autonomy to the provinces and transforming the Union into a Federal State. The parts of the programme bearing on the treatment of non-Europeans are also dealt with in chapter VI.

(c) *Independent United Party*

135. (Extract from the *New York Times*)

"There sits now in Parliament a new group of seven important, respected United Party deputies from various parts of the country, calling themselves the Independent United Party and devoted to the principle of putting white domination first. The Parliamentary leader of the group is Bailey Bekker, the former leader of the United Party in the Transvaal, the most important of the four provinces of the Union of South Africa. The independents are not malcontents or isolated men. The United Party benches are full of men who, it is known, might desert the Strauss leadership and go over to the Independent United Party if they become convinced that it is necessary in order to strengthen white domination in this country."⁹⁴

(Extract from the *Rand Daily Mail*)

"The leader of the Independent United Party Group, Mr. P. B. Bekker, announced in the House of Assembly today that his group intended to hold a conference after the provincial elections with the

aim of forming a Conservative Party. It was intended that the party should provide a home for all moderates.

"Mr. Bekker said: 'It is now quite clear that the Unity Party, clique-ridden as it is, has drifted irretrievably from its traditional principles into a leftist, liberal direction.

"The Independent United Party group differed from the Nationalist Party in the approach to the Constitution, the courts, republicanism, and the practical translation of *apartheid*, at any rate as expressed by some of its extreme leaders. . . .

"We shall support the Prime Minister where, in our opinion, the interests of South Africa are being promoted, and we shall oppose him in the same spirit for the same reason' ". . ."⁹⁵

(d) *South African Congress of Democrats*

136. The objective of this new organization is complete equality in all respects for all the inhabitants of the Union, without any discrimination on the grounds of race and colour. Particulars of its programme will be found in chapter VI.

(e) *South African Coloured People's Organization*

137. (Extract from *South Africa*)

"A new body, the South African Coloured People's Organization, was formed at a convention attended by 60 delegates at Salt River.

"The chief aim of the organization is the attainment of full democratic rights for all the people of South Africa in political, social, economic and cultural life.

"The organization pledges itself to organize the Coloured people, to achieve a better understanding of their problems, and to be a great force in the attainment of equal rights.

"Opening the convention, Mr. E. A. Deane, who presided, said he was perturbed that other Coloured organizations had not seen fit to attend."⁹⁶

III. Attitude of the churches

138. Of the many statements made by members of the clergy of various denominations, the Commission cites the following, which it regards as especially typical:⁹⁷

(a) *Joint statement of the Bishops of the Anglican Church in South Africa*

(Extract from *South Africa*)

"We believe that the only national policy which is morally defensible must be that which gives the fullest opportunity of development to the members of all racial groups. We believe that it is morally wrong to follow a policy which has as its object the keeping of any particular racial group in a permanent position of inferiority; and we believe that racial discrimination as it is practised in this country is directed to this end. In every racial group there are wide differences of

⁹¹ *Rand Daily Mail*, 16 June 1954.

⁹² *South Africa*, 3 October 1953.

⁹³ The Commission also took note of the Statement on Race Relations issued in June 1952 by the Archbishops and Bishops of the Catholic Church in the Union of South Africa and the Protectorates; the statement was communicated to the commission by the Catholic International Union for Social Service, the International Conference of Catholic Charities and the World Union of Catholic Women's Organizations. See annex C/V, and chapter VI, para. 272.

⁹⁴ *New York Times*, 20 August 1954.

⁹⁵ *Union of South Africa, House of Assembly Debates (Hansard)*, Nos. 1 and 2, 1954.

⁹⁶ *Ibid.*, No. 3, 1954.

⁹⁷ *New York Times*, 14 February 1954.

ability between man and man; it is wrong that the opportunities open to a man should be determined by the racial group to which he belongs and not by his own character and abilities. Such a policy seems to us to lead to a system of caste against which the Church has always set its face."⁹⁸

The statement also condemns the *apartheid* policy as incompatible with the principle of equality:

(Extract from *South Africa*)

"Since the passing of legislation which absolves the State from providing equal facilities for different racial groups it is no longer legitimate to defend racial segregation by claiming that it does not involve any infringement of the principle of equality".⁹⁸

The statement adds that, although normally Europeans and Africans worship in different church buildings, an African member of the Church is at liberty to worship in any church which he may desire and no attempt had been made by the Government to interfere in this matter.⁹⁹

With regard to education, while admitting that in present circumstances it is reasonable that there should be separate schools for different races, the Bishops say that they greatly desire a change in public opinion which would make it possible for some children in all racial groups to be educated together without risk of grave psychological harm and add:

(Extract from *South Africa*)

"We believe that it is morally wrong to educate one particular racial group in such a way as to fit its members only for subordinate or inferior positions".⁹⁹

(b) *Dutch Reformed Churches Conferences on Race Relations*

139. In recent years, the Federal Missionary Council of the Dutch Reformed Churches in the Union of South Africa has sponsored no less than five conferences on the racial situation in South Africa. Of the five conferences only the first was solely European and almost wholly Afrikaans speaking; at the subsequent four the Bantu or African delegates were in the majority. Another conference of the white leaders of the Dutch Reformed Churches was held at Pretoria from 17 to 19 November 1953. The general subject of the conference was: Christian principles in multiracial South Africa; thirteen reports were submitted. At the close of the conference a declaration was issued, from which the following passages are extracted:

(Extract from the publication, *Christian Principles in Multi-Racial South Africa*)

"(5) A strong desire was felt by all present to reach solutions and some understanding; there was also a sense of urgency arising from a realization of the seriousness of racial tensions in our country and of the unhappy effect on Non-Europeans when European Christians were at variance.

"(6) The talks have produced no change of views, nor was this expected. But the following statement was continually voiced: We cannot share your beliefs and convictions, but we gladly acknowledge your honesty and right to profess those convictions.

"(7) It was found that we, as Christians, have

⁹⁸ *South Africa*, 31 October 1953.

⁹⁹ *Ibid.*

much in common. We have our mutual faith in Christ our Lord and sufficient Saviour, to whom we owe final obedience. It was realized anew that the first task of us all is to bring the Gospel to Non-Europeans and to build up the Church of Christ amongst them. It may indeed be stated that a considerable part of our talks were not concerned with dispute but rather with mutual consultation on the ways and means of more effective evangelization and organization. It was remarkable that, in spite of grave differences in missionary policy, practical missionary work of the various churches was very much of a pattern.

"Because this is so, we urge that un-Christian competition between the churches should be discouraged in order to set an example to Non-Europeans.

"(8) It was generally felt that Non-Europeans have a claim to right and justice in all matters, great and small, but that there should be no talk of rights if there were not also admittance of fundamental duties.

" . . .

"(10) The Federal Missionary Council announced that it had now decided to hold, at a later date, a more comprehensive Conference to which will be invited White and non-White representatives of the other churches and missionary societies of our country. The Federal Missionary Council will decide on the date, venue and agenda of this further conference. Suggestions have been asked and received from the present conference in regard to this later, multiracial conference".¹⁰⁰

140. The Commission also draws attention to the following news item which reached it as it was about to complete its report:

(Extract from *La Suisse*)

"Abanson, 22 August 1954 (AFP). Speaking before the Assembly of the Oecumenical Council of Churches on Saturday morning, Dr. Ben Marais, of Pretoria, Adviser of the delegation of the Dutch Reformed Churches in South Africa, exhorted the churches to approach the problem of racial segregation calmly and in a Christian spirit.

"Another speaker, President Mays of Morehouse College, Georgia, a Negro delegate of the Baptist Church, had affirmed earlier that the existence of racial segregation 'was the greatest scandal of the Church, especially in the United States and in South Africa. Future historians would have a sorry tale to relate', he added, 'if, in studying our epoch and our way of life, they had to record that the last bastion of segregation on the grounds of colour in the United States and in South Africa had been God's Church'.

"Dr. Marais emphasized that antagonism among racial groups was a frequent occurrence and that in many countries 'Christians are looking to the Church for guidance in these matters. We must therefore', he concluded, 'face this problem with calm and in a Christian spirit' ".¹⁰¹

(c) *Reaction of the churches to various questions connected with the racial situation*

141. Subsequent sections of this chapter give some idea of the attitude of the churches or of members of the clergy towards such matters as property and residence, housing, education and labour legislation.

¹⁰⁰ *Christian Principles in Multi-Racial South Africa—A Report of the Dutch Reformed Conference of Church Leaders*, Pretoria, 17-19 November 1953, pp. 176-177.

¹⁰¹ *La Suisse*, 22 August 1954.

IV. Activities of scientific institutions concerned with racial problems

(a) *South African Institute of Race Relations*

142. Other sections of this chapter contain news items relating to this Institute's activities directly or indirectly connected with *apartheid* measures, such as the "Western areas removal scheme" (Native Resettlement Act),¹⁰² the Bill to amend the Natives (Urban Areas) Consolidation Act, 1945,¹⁰³ the Native Trust and Land Amendment Bill (later Act),¹⁰⁴ the Bantu Education Act,¹⁰⁵ the plans to introduce *apartheid* into the universities,¹⁰⁶ and other similar matters.

143. This year, the Institute celebrated its twenty-fifth anniversary. As in the past, it has continued to publish *Race Relations News* (monthly) and *Race Relations* (quarterly) and has issued several papers and pamphlets on various aspects of the racial problem. It also published the *Survey of Race Relations 1952/1953*.

The Council of the Institute held its annual meeting at Port Elizabeth from 11 to 14 January 1954.¹⁰⁷ During this meeting, reports on the following subjects were presented and discussed:

"Review of Recent Legislation", by Mr. Quintin Whyte, Director of the Institute.

"Response of Africans to Industrial Employment", by Mr. S. B. Ngcobo, Head of the Department of Economics, University College of Fort Hare.

"Equal Pay for equal Work", by Dr. Sheila van der Horst, Lecturer in the Department of Economics, University of Cape Town.

"Survey of Conditions in the Ciskei", by Professor Monica Wilson, School of African Studies, University of Cape Town.

"The Health of Non-Europeans", by Dr. H. W. Craib and Dr. D. L. Ferguson, Medical Health Officer of Port Elizabeth.

The findings of the 1954 Council Meeting of the Institute are as follows:

(Extract from *Race Relations News*)

"Recent Legislation"¹⁰⁸

"I. The Council has taken note of the review of legislation passed in 1953, and, while confirming the actions and attitudes adopted by the Executive Committee generally, records in particular the following comments upon some of the Acts reviewed:

"(a) While the more adequate machinery provided under the Native Labour (Settlement of Disputes) Act is to be welcomed, it would have been preferable in principle, simpler in practice, and more conducive to good race relations if the definition of 'employee' in the Industrial Conciliation Act had been extended to include all Africans.

"(b) The explicit introduction of the principle of inequality in the provision of facilities in the Reservation of Separate Amenities Act, is to be deplored as retrogressive, unjust, and not in accord with accepted democratic principles.

"(c) The transfer of African education to the De-

partment of Native Affairs under the Bantu Education Act is unsound in principle and undesirable in practice.

"(d) The Separate Representation of Voters Act, which it is now proposed to validate, is unjust, retrogressive and, in light of experience of the communal franchise in other countries, likely to increase, rather than diminish, racial friction.

"(e) The Council recognizes that law and order must be maintained, but considers the Public Safety Act to be objectionable in that it is based on the dangerous principle of substituting for the rule of law the virtually uncontrolled supremacy of the Executive Government.

"(f) The wide provisions of the Criminal Law Amendment Act and the harsh penalties it imposes curtail democratic rights to full and free criticism of legislation.

"II. The Council considers that the legislation reviewed is not conducive to better relations nor to the present and future welfare of the Union.

"III. (a) This Council, holding that it is the essence of democracy that there should be free interaction of thought and opinion between those who govern and those who are governed, considers that it is a primary duty of the citizens of a country to maintain constant vigilance over the legislation and work of the Government of the day. It has noted with great concern a tendency to regard the rights of citizens to full and free discussion and criticism of legislative and administrative proposals put forward by the Government as having lapsed once the Bills have become Acts and the administrative proposals have been approved by the Government

"(b) The Institute conceives it as its duty to promote the acceptance of the principles upon which it has, after earnest deliberation, agreed. If legislation is introduced, or measures are proposed, which conflict with these principles, the Institute must endeavour to bring to the public notice the objections to such legislation and measures, paying attention in particular to any derogation from basic human rights.

"(c) It is, further, the duty of the Institute to observe with the greatest care the administration of legislation, with special reference to the operation of the untrammelled discretionary powers which are increasingly being vested in the Government, in individual Ministers, and even, in the case of the Reservation of Separate Amenities Act, in other individuals.

"(d) Council recommends to the Executive that a sub-committee be set up to watch the administrative application of legislation with particular regard to any conflict with basic human rights.

"Survey of conditions in the Ciskei"

"(a) The Institute has long urged the necessity for the gradual abandonment of the system of migratory labour and the development of a group of full-time African farmers and one of industrial workers. The Keiskammahoek investigations¹⁰⁹ underline the urgency of this for social as well as for economic reasons. There is no doubt that the low productivity in the Reserves, the ineffectiveness of local government, the very high illegitimacy rate, and the lack of dis-

¹⁰² See paragraph 147.

¹⁰³ See paragraph 154.

¹⁰⁴ See paragraph 155.

¹⁰⁵ See paragraph 161.

¹⁰⁶ See paragraph 166.

¹⁰⁷ *Race Relations News*, No. 2, February 1954.

¹⁰⁸ See chapter III above.

¹⁰⁹ See paragraph 182 below.

cipline in the younger generation are directly linked to the migratory system.

“(b) Rural and urban problems hang together, for the land cannot be restored without the movement of a large section of the population into industry. One of the conditions of stabilization is alternative security: the possibility of investing savings in homes on freehold tenure in urban areas, and freedom for the efficient farmer to acquire more land. The Government is urged to make more land available to Africans on individual tenure.

“(c) A further condition of the development of the Reserves is increased provision for loans to African farmers for improvements such as fencing, the purchase of implements and so forth.

“(d) The Executive is requested to investigate the possibility of Fort Cox providing for an extension of veterinary services and the sale of seed and stock.

“Response of Africans to industrial employment

“I. The Council of the Institute welcomes the increased opportunities for Africans in semi-skilled work in industry, but considers that more opportunities to do skilled and supervisory work should be made available.

“II. It is grateful for such research as has been made into the structure of the labour force and the ability, response, training and turnover of African labour in manufacturing industry. It considers that further research should be undertaken, preferably by teams of specialists, into such subjects as:

“(a) The response of Africans to industrial conditions;

“(b) The efficiency of African workers;

“(c) Personnel problems, incentives and training schemes;

“(d) The turnover and mobility of African labour;

“(e) The creation of opportunities for the absorption of juveniles into industry;

“(f) The opportunities for employment of African women;

“(g) The relation of earnings of unskilled workers to the cost of living.

“Equal Pay for Equal Work

“The Council of the Institute considers:

“I. That the aim of wage and employment policy should be directed towards bringing about equal pay for equal work, in the sense of work demanding the same degree of innate ability, education, training, experience and responsibility, and of equal value to the employer;

“II. That even within the existing statutory framework employers and organized labour could do much to bring about a closer approach to this objective: employers by paying attention to the more efficient use of their labour force, and particularly to the organization, needs and aspirations of their Non-European employees; by permitting and assisting the reclassification of jobs to bring classifications more into line with technical developments and changing labour supplies. This would enable the lower paid to earn higher wages;

“III. That legislation and statutory regulations

should assist rather than impede the most productive use of labour thus easing adjustment to underlying changes;

“IV. That such adjustment would be in the interest of all sections because it is only by increased productivity that the national income can be increased to keep pace with the growth of population;

“V. That ‘the rate for the job’ is permissible provided this slogan is not used as a device for restricting opportunities to do equal work and obtain equal pay.

“VI. Arising out of the findings, the Council of the Institute considers it essential to establish a far closer liaison with industrialists and organized labour in order to enlist their co-operation and assistance to achieve:

“(a) A more efficient stable and contented labour force, with increased purchasing power and a higher standard of living;

“(b) An increased national income which would make it possible for all sections to make a larger contribution to the state revenue. This would be of immense value in enabling the country to meet its vital needs in respect of housing, education, health services and soil and water conservation.

“Health

“I. Health may be defined as that state of being which we all strive to attain, towards which private and public efforts are directed, and any departure from which is a matter for concern.

“II. The healthy person is a physically, chemically, psychologically complete, balanced, calm, unfrustrated individual with normal reactions and reserves of energy, in social harmony with his fellows, able to stand up to his environment with poise and dignity, able to do the work for which he is trained, not unduly over or under weight, and in whom clinical and instrumental examination reveal no abnormality or objective evidence of disease.

“III. The promotion of health is fundamentally a matter of economics and wide education.

“IV. Health services must be taken to all sections of the people according to their needs, because the health problems of all sections of the community are inter-dependent. Every effort should be made to reach the masses with health propaganda.

“V. The Council regards health centres and polyclinics as being of particular value in the spread of health education in primitive and rural areas, and considers that their development should be supported.

“VI. Health propaganda should be directed towards inculcating a personal sense of responsibility in the individual towards himself and his children.

“VII. An increase in recreational facilities is urgently necessary particularly in densely populated areas. In this connexion the needs of domestic servants should receive special consideration.

“VIII. The Council wishes to express to the Government and to the Provincial Administrations its appreciation for their large appropriations for health services, and in particular for generous assistance to Mission Hospitals”.¹¹⁰

¹¹⁰ *Race Relations News*, No. 2, February 1954.

"The Institute is taking the initial steps to call a national multiracial conference in the Union of South Africa, 'for the purpose of reviewing and analysing the position of the Non-European peoples of our country' and 'do all in its power to formulate some method of working together in harmony'.

"The decision to take steps to bring such a conference into being was taken during the Annual Meeting of the Institute's Council, in Cape Town in January 1953, where many members of the Institute urged that it call a conference representative of all the peoples of South Africa, for the purpose of formulating a method of achieving racial understanding and harmony. Since the Council meeting the Institute has been approached by other organizations and individuals with similar requests.

"More than 250 organizations and individuals have been approached by the Institute and asked whether they agree on the desirability of such a conference; the desirability of a preliminary agenda conference; and whether they would be willing (in the case of organizations) to send two delegates to such an agenda conference; or, whether they would be prepared to attend the agenda conference and would suggest a date and place for such an agenda conference.

"The preliminary agenda conference is to be held to enable representatives to return to their organizations for discussion prior to the national conference and would consider the following: the procedure to be followed at the national conference; organizations and individuals to be invited; agenda, and the appointment of an independent sponsoring committee for the national conference—it being possible that the Agenda Conference may consider some body other than the Institute more suited to call the larger, national conference".¹¹¹

(b) *South African Bureau of Racial Affairs (SABRA)*

145. The South African Bureau of Racial Affairs (SABRA) continued the publication of the monthly *Journal of Racial Affairs*, with some of the articles written in English. The Bureau also published a number of books and pamphlets dealing with questions of race relations.

The Council of the Bureau held its annual meeting at Bloemfontein in January 1954. In his opening address, Mr. J. F. J. Fouche, Administrator of the Orange Free State, spoke about "the two kinds of *apartheid*":

(Extract from *South Africa*)

"It must be remembered, he said, that the non-European, because of his lesser development, had been given a place in South Africa with which no civilized person would be satisfied.

"Particularly among developed non-Europeans, this had caused a feeling of frustration, with which the European must sympathize and of which he must take account.

"The less favourable position of the non-European was a result of his backwardness and not of oppression by the Europeans. It was a natural development. But it was *apartheid* of this sort which naturally shocked educated non-Europeans to their depths and turned them into agitators.

"This sort of *apartheid* also conflicted with the Christian and human feelings of the Europeans, laid an intolerable burden on the Europeans' shoulders and brought South Africa into disrepute in certain parts of the world.

"*Civilised Fraud*

"This *apartheid* might be kept going for many years by means of a degenerate diplomacy, which was nothing but civilized fraud, and by concessions here and there and concealed promises.

"But with that, no honourable citizen of South Africa can be satisfied. We must assure the Europeans' opportunity to survive, and we must give the non-Europeans an opportunity to develop.

"The non-Europeans were backward because: "The small European population could not contribute more to the development of the non-Europeans. The non-Europeans did not lend themselves sufficiently to co-operation, and the Europeans feared to a certain extent that the development of the Native, under the old system of integration, would bring about the destruction of the European.

"Today many Europeans realized that the solution lay in the separate development of the non-Europeans, and it was pleasing that non-Europeans were also beginning to realize what great advantages they could find in such a policy.

"*Honest Attempt*

"A policy of gradual integration would not only mean the destruction of the European race, but would be fought to the limit by the White man.

"The non-European would then remain in an inferior position for generations and dissatisfaction and strife in the country would continue.

"In contrast to that, separate development was an honest attempt to create real, lasting co-operation. But Europeans must realize as quickly as possible that they would have to make sacrifices and the non-Europeans must contribute to their own development and must co-operate better.

"The Free State Administration was determined to assure the future of the Europeans and to help build a nation in which the different European racial groups would be able to preserve themselves while dealing fairly with the non-Europeans and allowing them a better life".¹¹²

V. Property, residence and housing

146. Since the publication of the Commission's first report (A/2505 and Add.1) a number of important *apartheid* measures relating to property and residence have been enacted or proposed. These being matters to which the groups and individuals concerned are particularly sensitive, the enactment, or even the mere announcement, of the measures provoked reactions and tensions.

(a) *Native Resettlement Act*

147. Of all the recent measures of this nature, the Native Resettlement Act No. 19, 1954.¹¹³ generally known as the "western areas [of Johannesburg] removal scheme" caused the greatest stir.

As soon as it became known that the Government was contemplating the measure and was drafting legislation to that effect, numerous representations were made both by Natives and by many European organizations and individuals. The memorandum submitted to

¹¹² *South Africa*, 30 January 1954.

¹¹³ For a study of this Act, see paragraphs 82 to 90 above.

¹¹¹ *Race Relations News*, No. 11, November 1953.

the Commission by the International League for the Rights of Man¹¹⁴ includes a special appendix (appendix B) dealing with the Native Resettlement Bill and the western areas removal scheme Appendix A to the memorandum discusses the new legislation and likewise contains a number of comments on the subject. Information and comments on the Act are also found in the Indian Government's memorandum to the Commission¹¹⁵ and in the memorandum submitted jointly by the African National Congress and the South African Indian Congress.¹¹⁶

148. The first measures to give effect to the scheme were taken even before the Act was passed by Parliament, as is evidenced by the following report:

(Extract from *South Africa*)

"The scheme for the removal of 70,000 Natives from slum townships in the western areas of Johannesburg and for their resettlement in a single area separate from white residential areas, got under way last week, when work started on the construction of the first 300 houses at Meadowlands, the site chosen for the new Bantu township. This announcement was made by Mr. L. V. Hurd, chairman of the Non-European Affairs Committee of the Johannesburg City Council and a member of the Government-appointed advisory Committee on the Western areas removal scheme.

"The building of the houses at Meadowlands will take place under the direction of the city's Director of Housing, Mr. A. J. Archibald, who formerly directed the successful housing scheme for Natives at Springs. Mr. Archibald has developed high-speed mass building methods, based entirely on the use of native workers.

"The Western areas removal scheme was drawn up by the Government Department of Native Affairs and aims at the rehousing of the 70,000 Natives who are to be removed from Sophiatown, Martindale, Newclare and Pageview—slum townships bordering on backward white townships between four and six miles West of the centre of Johannesburg. Meadowlands, the site of the new Bantu township, is about nine miles West of the centre of Johannesburg, and lies close to the existing Bantu township of Orlando West. Special railway services are to be provided for the inhabitants of the new areas".¹¹⁷

149. According to the memorandum submitted to the Commission by the Indian Government, the removal scheme would also affect Indians and Chinese living in the township of Martindale, Sophiatown and Newclare. They number roughly 5,000 and are mostly engaged in trade. Their properties will also be expropriated as the idea is to use the area for European industry. The Indians and Chinese are mostly engaged in trade and their customers are largely Africans. They will thus lose their livelihood too.¹¹⁸

150. (Extract from the memorandum submitted to the Commission by the International League for the Rights of Man)

"The South African Government claims that the Western Areas removal is one of slum clearance and that in fact conditions in the new township will be far

superior. Speaking in the Senate on 24 July 1953, the Minister of Native Affairs, Dr. H. F. Verwoerd, said that Natives from the Western Areas 'will rent a house and a plot for practically the same rent (at Meadowlands) as they pay for a room now. We are also putting at their disposal premises where there are plots with service, where the Native can build on his own. . . . We will also assist them with loans of materials where necessary. Houses will also be built which the Native can buy on the instalment system. This is also subject to the basic principle—no ownership of ground'".¹¹⁹

The Minister also stated, in support of his position, that there are only 350 stands in the Western Areas actually held by Africans under the freehold system.¹¹⁹

151. The argument of slum clearance was contested as follows:

(Extract from the memorandum submitted to the Commission by the International League for the Rights of Man)

"Dr. A. B. Xuma, a resident of Sophiatown, and internationally recognized as an outstanding African, speaking at a Conference convened by the South African Institute of Race Relations in August 1953, said:

"We deny that this is a slum clearance scheme, because to eliminate slum conditions you do not have to shift a whole community, nearly 60,000 people, you do not have to condemn the good with the bad, you do not have to divest people of their property rights. . . . In place of existing amenities, we are asked to accept assurances about Meadowlands, the area to which we are to be moved. We are assured that no one will be removed unless accommodation is provided, that transport will be available, that services will be provided. Do you wonder that we are not prepared to accept these assurances? . . . I must ask you to remember Pimville, and the tanks that were put down in 1904 as a temporary measure. Even today, some of these tanks still stand. And the breeze-block shelters in Orlando, erected in 1946 to offer "temporary" shelter to squatters. Today Orlando's Shantytown . . . is a slum at least as bad and probably worse than any. Its sanitary conditions are a public scandal. And Moroka, established as an Emergency Squatters' Camp in 1947 for a period of five years. Over 50,000 Africans still live there on "emergency" sites twenty foot square.

"We are asked to leave our areas, where there are nine registered schools, and old established missions, where our churches stand, where we have cinemas and shops and the only swimming bath for African children . . . and to be trustful that all these will be provided in the new area. How can we be expected to trust when we see the lack of these facilities in Moroka, when even Orlando—Johannesburg's so-called model location—has less facilities and services than we have? How can we be expected to move seven miles further from the centre of the city and trust that transport will be adequate when we know that the existing train service is dangerously inadequate and that repeated representations for improved transport facilities have been fruitless?"¹²⁰

¹¹⁴ A/AC.70/2, annex C/IV.

¹¹⁵ *Ibid.*, annex A/II.

¹¹⁶ *Ibid.*, annex D/II.

¹¹⁷ *South Africa*, 20 February 1954.

¹¹⁸ See A/AC.70/2, annex A/II.

¹¹⁹ Appendix B to the memorandum submitted to the Commission by the International League for the Rights of Man (A/AC.70/2, annex C/IV).

¹²⁰ *Ibid.*

152. The memorandum submitted to the Commission by the International League for the Rights of Man¹²⁰ contains much information on the protests made against the Native Resettlement Bill by Europeans (newspapers, political parties, clergymen of different denominations, the South African Institute of Race Relations,¹²¹ members of the teaching profession, and others).

153. The Bill aroused much feeling, not only among the Natives directly affected, but also among non-Europeans throughout the Union. Some typical news items are reproduced below:

"The Western Areas Protest Committee has been formed under the chairmanship of Father Trevor Huddleston, C.R., and the African and Indian Congresses are also opposing the scheme. Recently 2,000 Africans in Sophiatown resolved at a meeting to oppose the Government's proposals."¹²²

"Representatives of the Non-European population of the Western Areas have petitioned the South African House of Assembly for a hearing and a second petition, already signed by 25,000 residents, declares that the removal scheme is 'an inhuman and unjust act of forcible mass deportation in the Hitler tradition, arising only from racialism and discrimination'".¹²³

Non-European opposition has become more vocal since the legislation was passed by Parliament, as can be seen from the following news item:

(Extract from *The New York Times*)

"The African National Congress was mobilizing 50,000 volunteers for a new non-violent attack on Mr. Malan's *apartheid* policy. The campaign would be directed against government's intention to move 58,000 Negroes from Western Johannesburg to a new location farther out of the city. It added that a joint statement by the African National Congress, the South African Indian Congress and other non-white organizations called for 50,000 'volunteers' to propagate plans for a 'congress of the people' to be held early next year to draw up a 'freedom charter'".¹²⁴

(b) *Bill to amend the Natives (Urban Areas) Consolidation Act, 1945*

154. There are many references in the Commission's first Report (A/2505 and Add.1) to Act No. 25 of 1945¹²⁵ and the amendments thereto.¹²⁶ The Government has prepared a new Bill, which amends some of the provisions of Act No. 25 of 1945.

(Extract from *South Africa*)

"At present the Act lays down that Natives in urban areas may only reside in locations, Native villages

¹²¹ The Institute has published a pamphlet entitled "The Western Areas Mass Removal?". It also convened a special conference of over 100 members including delegates of 51 major social welfare organizations, churches, trade unions, student bodies, educational and women's organizations, which in its findings protested against the Government bill. Cf. appendix B to the memorandum submitted to the Commission by the International League for the Rights of Man (A/AC.70/2, annex C/IV).

¹²² Appendix B to the memorandum submitted to the Commission by the International League for the Rights of Man (A/AC.70/2, annex IV). See the memorandum submitted by the African National Congress and the South African Indian Congress (A/AC.70/2, annex D/II).

¹²³ Appendix A to the memorandum submitted to the Commission by the International League for the Rights of Man (A/AC.70/2, annex C/IV).

¹²⁴ *The New York Times*, 29 June 1954.

¹²⁵ See A/2505, paragraphs 502 to 506, 524 to 529, 550, 603 and 604.

¹²⁶ *Ibid.*, paragraphs 531 and 532.

or Native hostels. Certain Natives, such as domestic servants, owners of property, Natives residing in mission houses or Natives in the Cape Province who are registered Parliamentary voters, are exempted from this provision. The present position regarding domestic employees is that Natives actually employed as domestic servants and for whom sleeping and sanitary accommodation is provided to the satisfaction of the local authority, are exempted from the clause stating that they may only reside in locations, villages, or hostels.

"The amending Bill seeks to provide that an employer may only give accommodation to his servant on his premises if such premises are occupied for residential purposes exclusively, or if the premises are of a class to be specified by the Minister, or if the provision of such accommodation has been authorized by the Minister and the local authority.

"In addition, the Bill seeks to prohibit an employer from housing more than five Natives on his premises, or where the Minister gives his consent to house a certain number above five, to prohibit the employer from accommodating more than the specified number. All this is evidently intended to deal with what is today commonly referred to as 'locations in the sky' (the housing of large numbers of Natives in rooms situated on the top of flat or hotel buildings).

"The Bill further seeks to make certain concessions to Natives employed in urban areas. At present Natives who leave an urban area must pass through influx control formalities again when they wish to return. The Bill now seeks to amend the Act in such a way that Natives who return to the same employer within twelve months after leaving the area may do so without first obtaining a permit to seek work in the area. Another important feature of the amending Bill is the fact that it seeks to provide that a Native entering an urban area may only look for the type of work specified on his work-seeking permit.

"Important changes in the position regarding the entry into urban areas of Natives from other African territories are sought for in the Bill. Where the Act at present prohibits the entry of Natives from territories such as the Rhodesias, Nyasaland, and Portuguese East Africa, the Bill now seeks to extend the prohibition to Natives from Basutoland, Swaziland, and the Bechuanaland Protectorate. Natives already employed in the urban areas will be exempted from this provision, but when they change their employment they will have to apply for a permit to be in the urban area. This is primarily intended to protect South African-born Natives".¹²⁷

A full analysis published by the South African Institute of Race Relations describes both the negative and the positive features of the Bill.¹²⁸

(c) *Native Trust and Land Amendment Act*

155. The substantive provisions of the Native Trust and Land Act No. 18 of 1936 were discussed in the Commission's first report.¹²⁹ As noted earlier, Act No. 18 of 1954 amends some of the provisions of Act No. 18 of 1936.¹³⁰

¹²⁷ *South Africa*, February 1954.

¹²⁸ *Race Relations News*, March 1954, pages 29-30.

¹²⁹ See A/2505, paragraphs 548 and 549.

¹³⁰ For an analysis of the 1954 Act, see paragraphs 73 to 81 above.

(Extract from the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress)

"It is estimated that this Act will affect about one million Africans, men, women and children. These are people who are either 'labour-tenants' on European-owned farms or those known as 'squatters' who have rented plots from European farmers on the basis of payment of rent in cash or crop-sharing.

"As there is a big shortage of cheap labour on European farms, the purpose of the Act is to provide for the control of the number of 'labour-tenants' which each white farmer could keep on his land and to uproot 'squatters' without the obligation on the Government to provide any alternative land.

"The uprooted Africans will not be able to find a place in the already over-crowded African areas; they are prohibited from going to urban areas to find employment and thus they will be forced to go and work as slaves on European farms".¹³¹

The South African Institute of Race Relations describes the objectives of the Bill, which has since become Act No. 18 of 1954, in the following critical terms:

(Extract from *Race Relations News*)

"The South African Institute of Race Relations views with alarm the provisions of the Native Trust and Land Amendment Bill because of the hardships liable to be inflicted by it on squatters and labour tenants. The Bill removes the obligations imposed on the Government by the principal Act to provide land to squatters and labour tenants displaced by the application of chapter IV, and substitutes a much less binding provision.

"When an attempt was made in 1938 to apply chapter IV of the Native Trust and Land Act in one district (Lydenburg) in the Transvaal, the movement of population and dislocation caused, combined with the necessity for providing land for the Africans displaced, led to the suspension of the attempt.

"This chapter of the Act was designed to reduce the number of squatters and labour tenants and so to increase the supply of Africans in regular employment. Attempts to accomplish this purpose by increased taxation of landowners and direct limitation of the number of Africans permitted to occupy land, as is proposed in the amendment, are likely to have an extremely unsettling effect on the African population and to lead to great hardship. If this chapter of the Trust and Land Act is applied in the amended form proposed, families may be uprooted from land which they have occupied for generations and turned adrift to augment the illegal urban and peri-urban populations. Because of the measure of security and independence enjoyed, many rural Africans have clung to the land and provided a source of farm labour despite conditions miserable in other respects. To displace them will have far-reaching consequences on the whole African population. It will increase insecurity, fear and unrest. Africans driven from long established homes are unlikely to become efficient and contented farm servants on other farms and many will inevitably drift townwards. Nor will it be possible to prevent this movement by tightening up urban regulations, which have repeatedly shown themselves in-

effective in stemming townward movements arising from economic conditions.

"The Institute appreciates the disadvantages of the labour tenant and squatting systems but considers that constructive measures in the form of improved opportunities and conditions of work will be more effective in encouraging both European farmers and Africans to develop less wasteful means of using land and labour. As more intensive farming extends the system becomes unprofitable and it has died out in the more developed areas. Where squatting and labour tenancy continue they meet a need, and to attempt to uproot the custom by edict is likely to have very serious repercussions.

"No accurate information is available of the number of Africans who would be displaced were this chapter of the Trust and Land Act to be generally applied. It would seem essential that before any attempt be made to displace squatters and labour tenants, more accurate information of the size of the displaced persons problem then created should be collected by surveys of the districts in which the squatting and labour tenant system prevail.

"In the case of any African displaced by the application of chapter IV, the Amending Bill provides, if the Native concerned so desires, that, if the land from which he is displaced is in a released area it is the duty of the Government to make such provision as the Minister may consider necessary and adequate for the settlement of such Native in a scheduled Native area or a released area: if the land is outside a released area, and the Native in the opinion of the Minister could reasonably have expected that he would be allowed to remain in continued occupation of that land it is the duty of the Government to make such provision as the Minister may consider necessary and adequate for the settlement of such Native in a scheduled Native area or a released area on terms and conditions to be prescribed by regulation; in the case of any other Native ejected from land outside a released area, it is the duty of the Government to endeavour to make or assist in making other arrangements for the placing of such Native in employment or for his settlement on other land either within or outside a scheduled Native area or a released area.

"In the case of any other Native, the Government is to endeavour to make or to assist in making other arrangements for the placing of such Natives in employment or his settlement on other land.

"As the previous attempts to limit squatting and labour tenancy broke down because of the obligation to provide land it is unlikely that the endeavour of the Government is likely to be more successful since land available for Native occupation is already over-crowded. There is no indication how the desires of largely illiterate rural Africans are to be made known to the Minister. Moreover, the reasonableness of the African's expectation of continued occupation of the land and the provision to be made for him is left to the unfettered discretion of the Minister.

"*The Native Trust and Land Amendment Bill*, by reducing the obligation to provide land for displaced Africans, is a breach of the 1936 settlement. For the *Native Trust and Land Act* was an important part of the *quid pro quo* offered to Africans in return for the surrender of their right to vote on the common roll. It was moreover the somewhat inadequate *quid pro quo* envisaged by the *Natives Land Act 1913*, for the

¹³¹ A/AC.70/2, annex D/II.

previous right of Africans to buy or lease land freely in three of the four Provinces."¹³²

(d) *Application of the Group Areas Act*

156. The authorities continue to take action to give effect to the Group Areas Act No. 41 of 1950,¹³³ as amended by Act No. 65 of 1952.¹³⁴

(Extract from *South Africa Reports*)

"Considerable progress has been made in this respect, the Minister of the Interior, Dr. Dönges, said. In the past year 2,444 permits were issued to control the sale of property in order to prevent infiltration into areas set aside for specific race groups. The Land Tenure Advisory Board were at present considering plans for group zoning in fifteen large areas and fourteen draft plans were also being drawn up. The Minister said one of the difficulties of the Act was the opportunity that it provided for speculation in the case of land that had to be vacated. To overcome this problem, the Government was considering the establishment of a finance corporation which would ensure that a compulsory seller received a fair price."¹³⁵

157. On the other hand, the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress contains the following information and comments on the application of the Group Areas Act:

(Extract from the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress)

"The Land Tenure Advisory Board set up in terms of the provisions of the Act is using the law to impose unbearable hardships on the Indian and non-White people.

"(a) Thousands of non-European owned and occupied stands have been 'defined' in terms of the Group Areas Act so that no extension to existing buildings and no building operation on vacant plots could be carried out.

"(b) Several hundred Indians and Indian companies have been served with notices to sell their properties worth hundreds of thousands of pounds, just because some minor technical errors were committed by the Indian owners in the process of acquiring or during the course of holding these properties.

"(c) Indians are also forced to sell their properties and the proceeds from these sales go to the Consolidated Revenue Fund of the Government.

"(d) Indian charitable, educational and religious institutions are also forced to sell their property which include places of worship.

"(e) The Land Tenure Advisory Board has been considering plans for the creation of racial groups in fifteen different centres. The Board has already submitted to the Minister of the Interior its recommendations for the establishment of group areas in Durban. These recommendations if implemented would uproot thousands of non-White citizens of Durban and force them to live in ghettos.

"(f) The Land Tenure Board during its public sittings to consider plans has gone out of its way to rule out the representatives of bodies like the Transvaal

Indian Congress, the Natal Indian Congress, the Congress of Democrats and the Indian Ratepayers Associations were not entitled to make representations on the specious plea that only individuals with direct pecuniary interests had a right to raise objections before the Board and not organizations, even though the interest of their members was involved.

"The operation of the Group Areas Act is nothing less than legalized robbery and if allowed to continue will bring untold misery, starvation and ruination to the non-White people."¹³⁶

The memorandum submitted to the Commission by the Indian Government¹³⁷ likewise contains a great deal of information regarding the effects of the application of the Group Areas Act on the Indian community.

(e) *Progress of Native housing construction in urban areas*

158. One of the positive aspects of the implementation of the Native Building Workers Act No. 27 of 1951¹³⁸ appears to be the more intensive Native housing construction in urban areas, as can be seen from the extract reproduced below:

(Extracts from *South Africa Reports*)

"About 5,500 Native families who have been living under poor conditions in the old Native residential area at Vereeniging (the so-called Top Location) are now being moved to what has been described as one of the most modern Native townships in the Union—the Sharpe Native Township, about two miles west of Vereeniging. During the past two years two blocks of shops, a creche, library, a communal hall costing £13,000 and a school have been built by Native labourers in the Sharpe Township. In addition a subsidized milk scheme providing 700 gallons of milk at 4½d. a pint has been started for the residents."

"Since the Pretoria City Council embarked on its Vlakfontein Native housing scheme at the beginning of 1952, 624 houses to accommodate about 3,500 Natives have already been completed while another 600 houses are in various stages of construction. Each House has four rooms of about 12 feet by 12 feet, the total floor space being 514 square feet, and it is expected that the original target of building 1,350 houses by March 31, will be reached."

"Mr. A. J. Archibald, Director of Housing of the Johannesburg City Council recently outlined a plan to solve the city's Native housing problem by building 5,000 homes for Natives a year. Mr. Archibald said he proposed to start with a team of 250 Native building workers, under European supervision, to do the building on an assembly-line system. Each Native building worker would teach at least two other Natives to become skilled builders. Mr. Archibald explained that when the scheme was in progress, there would arise a class of Native contractors, big enough to tender for housing schemes on a scientific basis, and trained to build scientifically and economically."¹³⁹

"Experiments at the industrial centres of Vereeniging, Sasolburg and Vanderbijlpark by town planners, Native administrators and the National Building Re-

¹³⁶ A/AC.70/2, annex D/II.

¹³⁷ *Ibid.*, annex A/II.

¹³⁸ See A/2505, paragraphs 607 to 613 and 740.

¹³⁹ *South Africa Reports*, 14 January 1954. See also paragraph 148 above dealing with construction of houses at Meadowland to accommodate the inhabitants of the western areas.

¹³² *Rac. Relations News*, March 1954, paragraphs 31 and 32.

¹³³ A/2505, paragraphs 555 to 586.

¹³⁴ *Ibid.*, paragraphs 587 to 590.

¹³⁵ *South Africa Reports*, 3 December 1953.

search Institute have showed that Natives can build better houses cheaper and faster for themselves than any previously used method. At Sasolburg, Natives are building two houses a day costing 8s. 6½d. a sq. ft., including water, light and sewer services. The houses, covering 596 sq. ft. on a stand 3,000 sq. ft., contain a sitting-room, two bedrooms, bathroom and kitchen and have electric lights, indoor sewerage and a stove, which provides hot water in the kitchen and bathroom.

“... ”

“In three months 80 houses have been built at Sasolburg and the project of 190 houses is expected to be finished within another three months. After that the men will build a communal hall, shops, a school and single quarters for 480 men.”¹⁴⁰

VI. Movement and immigration

(a) *The pass system*

159. In its first report the Commission gave an account of the pass laws and the amendments to them.¹⁴¹ In a series of three articles, the *Rand Daily Mail* of Johannesburg has described the consequences of the laws for Natives living in urban areas. Some extracts from the first article are reproduced below:

(Extract from the *Rand Daily Mail*)

“For pass purposes Native men can be divided into three main groups—the foreign Natives, the Union Natives who were born outside Johannesburg or have not won Johannesburg ‘citizenship’ and the Johannesburg Natives themselves.

“It is the last group who are the elite. The others are at present practically untouchables and have little security in their lives.

“... ”

“The foreign Native, from Rhodesia or Portuguese East Africa, may be in the Union on a valid immigration permit, but as soon as he falls out of a job—his firm may go bankrupt, through no fault of his own, in his position of tea-boy, say—he will be sent out of Johannesburg.

“He may even be deported to his own country, though if he accepts farm work he will be allowed to remain at Bethal, perhaps. As for his family in Johannesburg, that is his problem.

“Dr. Verwoerd has said that foreign Natives must eventually leave the city. Permission for them to remain is given in very special cases only.

“... ”

“The non-Johannesburg Union-born Native is also in an unhappy position—except that he cannot be deported. ‘Repatriation’ to another part of the Union is his medicine.

“... ”

“The Johannesburg Native must be able to prove he was born in that city or has worked there for ten years for one employer, or 15 years for several employers, with a clean police record.”¹⁴²

¹⁴⁰ *South Africa Reports*, 31 December 1953. See also paragraph 148 above dealing with construction of houses at Meadowland to accommodate the inhabitants of the western areas.

¹⁴¹ See A/2505, paragraphs 487 to 518.

¹⁴² *Rand Daily Mail*, 21 July 1954.

The article then goes on to describe the complicated procedure a Native must go through in order to obtain or renew his work permit and the severe penalties to which he becomes liable if, after he has refused an offer of employment, he is charged with being “idle or undesirable.”

The second article lists the many papers that every Native must carry in spite of the entry into force of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952. Violation of the regulations makes the offender liable to punishment. There may, however, be other consequences for the Native who is guilty of such violations:

(Extract from the *Rand Daily Mail*)

“The normal procedure on the arrest of a Native whose passes are out of order ensures that there will be a maximum of labour available to the farms.

“... ”

“They may be let off if they accept farm work, they may be offered one of the unpopular city jobs, they may even be released—or they end up facing a prosecution in the magistrate’s court.”¹⁴³

The third article deals with the special case of the inhabitants of Alexandra, a suburb of Johannesburg but not part of Johannesburg administratively speaking. Normally, the Natives of Alexandra go to work in Johannesburg. Nevertheless, under the new law, persons born in Alexandra are not “citizens” of Johannesburg and have no right to enter the city for purposes of work unless they have worked for several employers for 15 years or for the same employer for 10 years and show a good record.¹⁴⁴

(b) *Amendments to the immigration laws*

160. A number of the provisions of the Immigrants Regulation Act were amended in 1953. Since various ethnic groups are not mentioned in the Immigrants Regulation Amendment Act, 1953, the Commission did not include an analysis of the Act in chapter III of this report. Nevertheless, it considers it should cite the comments on the Act contained in the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress:

(Extract from the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress)

“This law is directed only against South Africans of Indian or Asian origin—and deprives them of a fundamental right. The net effect is to deprive an Indian of the right to bring into the Union his wife if the marriage is contracted outside the borders of the Union after 10 February 1953.

“The Act also provides, *inter alia*, that:

“(a) If a wife of an Indian already domiciled in South Africa but not born in South Africa proceeds abroad, and overstays the period of three years, she will lose the right of re-entry. The same would apply to a child already domiciled in but not born in South Africa.

“A child of parents already domiciled in South Africa who is born outside South Africa after 10 February 1954 cannot be brought by its parents into

¹⁴³ *Rand Daily Mail*, 22 July 1954.

¹⁴⁴ *Rand Daily Mail*, 23 July 1954.

South Africa. This applies in spite of the fact that, if the birth of the child is reported to the appropriate South African authorities the child would automatically become a South African citizen under Section 6 of the South African Citizenship Act of 1949.

"The rights of non-Indians in this respect are not affected by these measures."¹⁴⁵

VII. Education

(a) *Reactions to the Bantu Education Act*¹⁴⁶

161. The Bantu Education Act No. 47 of 1953 aroused strong feeling both among many European educators and in the populations concerned.

The joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress speaks of the Act in the following terms:

(*Extract from the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress*)

"It is clear that the aim of the Act is to give the African an inferior kind of education so as to keep him permanently as a hewer of wood and a drawer of water. In the words of Dr. Verwoerd: 'There is no place for him in European community above the levels of certain forms of labour'".¹⁴⁷

In a publication entitled "The Background to the Bantu Education Bill," issued at the time when the Bill was before Parliament, the Education League of South Africa made a detailed analysis of the Verwoerd Report on which the Bill is based, and of the Bill itself. The League's conclusion was as follows:

(*Extract from the memorandum submitted to the Commission by the International League for the Rights of Man*)

"We . . . consider the Bill a disastrous and retrogressive piece of legislation and we call on educationists throughout the Union to join us in protesting emphatically against it and demanding its complete withdrawal."¹⁴⁸

The enactment and promulgation of the Act met with reactions in many quarters; some of the comments are reproduced below:

(*Extract from the memorandum submitted to the Commission by the International League for the Rights of Man*)

"A Conference of the Cape African Parents' Association called upon the non-European people at large, impressing upon them 'the necessity of a principled, unified, unceasing struggle against the educational system couched under the Bantu Education Act as an integral part of the whole system of oppression by the privileged Whites', and exhorted 'parents, teachers and the African people generally not to operate the machinery of their own servile position'".¹⁴⁹

(*Extract from African World*)

"The Cape African Teachers Association called a conference of all native teachers in South Africa at

Queenstown in December to draw up a plan of action against the implementation of the Act."¹⁵⁰

(*Extract from South Africa*)

"In a statement issued at Pretoria, Dr. W. W. M. Eiselen, Secretary for Native Affairs, said that in the interest of native teachers, he wished to draw their attention to the fact that with their circular the Executive Committee of the Association has called on teachers to oppose a law of the land. 'This is a very serious step in that teachers, who are paid by the State, are asked to act against the law of the State', the statement said. In a message to African teachers replying to Dr. Eiselen's statement, Mr. N. Monono, convener of the conference, said: 'The warning or threat issued by Dr. Eiselen must have shocked all democrats. This attempt by the highest official of the Native Affairs Department to muzzle African teachers is a foretaste of things to come. The blanket of silence which the apostles and perpetrators of *apartheid* would throw over the issue of the control and content of African education is a sure indication of the evil designs behind the Bantu Education Act.' He added that even after African education has been transferred to the Native Affairs Department, his body would not tolerate anything which cut across the universally accepted aims and guiding principles of education".¹⁵¹

(*Extract from African World*)

"Although the call was to the thousands of teachers all over the Union, only some 150 attended.

"The African National Congress a few days later adopted a resolution calling for the repeal of the Act".¹⁵²

162. The question was also considered by the United Transkeian General Council (The Bunga) at Umtete:

(*Extract from South Africa*)

"We ask for the education of all people of South Africa to be on the same level for we all love to live together in this country", Mr. Ndmase said. He was moving a resolution, which was passed, deploring the provisions of the Bantu Education Act. The motion said that the Act provided for an education for the Bantu 'which is inferior to that of the White and Coloured sections of the population'. Mr. Ndmase said that the Native people had serious fears about the practicability of the system of education to be provided under the Act. The opinion had been expressed that because the Bantu received the same education as the Coloureds and the Europeans they always ended up as critics and opponents of the Government. Even under a changed system of education, the Bantu would still criticize the Government when, in their opinion, it failed to meet their needs. 'If the Natives are to be given a different kind of education how are we going to fit in with the European people among whom we live? People who have different educations cannot live peaceably in the same house.' The Native people feared that in the future, when they had progressed further and wished to have a greater share in the rights and privileges of the country, they would be told that "they could not have them because they were not qualified for them."^{152a}

¹⁴⁵ A/AC.70/2, annex D/II.

¹⁴⁶ For a study of this Act see paragraphs 55 *et seq.* above.

¹⁴⁷ A/AC.70/2, annex D/II.

¹⁴⁸ A/AC.70/2, annex C/IV.

¹⁴⁹ *Ibid.*

¹⁵⁰ *African World*, February 1954.

¹⁵¹ *South Africa*, 19 December 1953.

¹⁵² *African World*, February 1954.

^{152a} *South Africa*, 22 May 1954.

163. One feature in particular of the new Act, or rather of the measures taken under it, caused grave concern to the clergy; they were worried about the future of the Government-subsidized mission schools.

(Extract from the memorandum submitted to the Commission by the International League for the Rights of Man)

"Heads of mission schools and Church bodies are concerned at the South African Government's ultimatum to them either to sell or rent their schools to the Government, or continue to control their schools themselves with decreased subsidies for teachers. The Bishop of Johannesburg has said: 'On the basis of the decreased subsidy to teachers—half their present subsidy—it would be financially impossible to keep control of our mission schools.' The Diocese of Johannesburg operated schools accommodating 15,000 children with 320 teachers. 'We are most distressed at the thought of losing our schools', the Bishop continued. 'One of the major concerns of the Anglican Church has been the education of Native children . . . The only choice we have is to sell or rent the schools.'

"Bishops of the Roman Catholic Church are meeting to discuss the matter, as is the Methodist Church. The Christian Council, composed of representatives of all English-speaking Protestant churches, will meet in May to consider it. The *Pretoria News* (April 8, 1954) in carrying this report, said that an authority had told the *News* that the figure of £90,000,000 was a conservative estimate of the cost of purchasing or renting missionary schools by the Government, when it was considered that there were about 4,000 mission schools and institutions, some valued at as much as £200,000.

"The Bishop of Pretoria, the Rt. Rev. R. Selby Taylor, said: 'I believe it is true that the move is a threat to the freedom and development of the Native people. My opinion is that Native education would not exist today if it had not been for the missions.' Fr. Huddleston described the move as 'one of the most sinister threats yet made to the development of the Native people'."¹⁵³

164. The Government has considered amending the Bantu Education Act in certain respects. As amended, the Act would permit Natives to participate in the control and management of Government Bantu schools and Bantu community schools. The Bill to amend the Bantu Education Act stipulates that the Minister of Native Affairs may establish regional, local or domestic councils, boards or other bodies to which he may entrust control of Government or community schools, or he may entrust such schools to any Bantu authority or banga.¹⁵⁴

(b) Financing of Native education

165. (Extract from the *South Africa Report*)

"The General Native Tax would be increased to provide more money for Native education, said the Secretary for Native Affairs, Dr. W. W. M. Eiselen, when he opened the 24th session of the Transkeian Territories General Council (the Bunga) in Umtete on April 27. He said that the Native population's direct contribution to the country's revenue had re-

¹⁵³ Annex A of the memorandum submitted to the Commission by the International League for the Rights of Man (A/AC.70/2, annex C/IV).

¹⁵⁴ *South Africa Reports*, 29 April 1954.

mained almost static while Treasury allocations to Native education had grown by leaps and bounds. The Government would therefore call on the Natives to make a substantial contribution to the Bantu Education fund."¹⁵⁵

(Extract from the memorandum submitted to the Commission by the International League for the Rights of Man)

"The political correspondent of the *Rand Daily Mail* (March 1954) reported that a new law is expected this session for carrying out the Minister of Finance's Budget threat to 'peg the cost of native education unless the natives pay more in poll tax. The law would arrange for four-fifths of the native poll tax, plus 6,500,000 pounds from general revenue, to go into a special fund.' This would mean that as soon as the estimated expenditure on native education exceeded the limit, the new bill would enable the Native Affairs Department to recommend that a bigger poll tax be clapped on natives. As the expenditure on native education is due to increase by nearly half a million pounds over last year, the poll tax will have to be doubled within five years if the rate of increase continues."¹⁵⁶

(Extract from the memorandum submitted to the Commission by the Government of India)

"The Minister of Native Affairs, Dr. Verwoerd stated in the Union House of Assembly on 3rd June 1954 that he took 'full responsibility' for pegging of subsidy for African education. He explained: 'It must be clear to everyone that the European taxpayer will not be able to permit that expenditure in regard to Bantu Education should increase at any rate without there being any indication of its bearing good fruit . . . The European will not be satisfied to continue paying for steadily increasing expenditure, if the result of it is going to be more frustrated and dissatisfied Bantus in the country.'"¹⁵⁷

(c) Question of apartheid in the universities

166. As stated in the Commission's first report,¹⁵⁸ the universities of Cape Town and Witwatersrand admit non-Europeans to the same course and lectures as Europeans.

(Extract from the memorandum submitted to the Commission by the Government of India)

"Prime Minister Dr. Malan, who is Chancellor of the University of Stellenbosch, said at its graduation day ceremony on 11th December 1953 that 'the mingling of Europeans and non-Europeans at two of the largest universities in South Africa would have to be eliminated as speedily as possible. The mingling was directly opposed to the policy of *apartheid* which for many generations has been traditionally applied to and strongly maintained in lower and secondary education'. He further said: 'This glaring anomaly in our education system obviously cannot continue without having most harmful results. The Government have decided to end it as speedily as possible.'"¹⁵⁹

¹⁵⁵ *Ibid.*

¹⁵⁶ Annex A of the memorandum submitted to the Commission by the International League for the Rights of Man (A/AC.70/2). See also the memorandum submitted jointly by the African National Congress and the South African Indian Congress (A/AC.70/2, annex D/1).

¹⁵⁷ A/AC.70/2, annex A/II.

¹⁵⁸ A/2505, para. 705.

¹⁵⁹ A/AC.70/2, annex A/II.

(Extracts from *South Africa*)

"The Government created a commission headed by Dr. J. T. Holloway to investigate and report on the practicability and financial implications of providing separate training facilities for non-Europeans at universities.

"The principal of the Cape Town University, Dr. T. B. Davie, testifying before the Commission in the name of the University, said his institution refuted the basis on which the Commission had been established, and was in the peculiar position of having to give evidence on only certain aspects in which it did not believe. He said, for instance: 'When separated students began to feel that they were discriminated against, they developed feelings of frustration or animosity. There was evidence of this at Fort-Hare.'¹⁶⁰

"The University of Witwatersrand submitted a memorandum in which, listing its reasons for 'its firm belief that segregation at the universities is undesirable', it stated: 'extra-curricular contact between students and exchange of ideas outside classes are of prime importance in a multiracial society. Graduates and staff members have been impressed by the growth of tolerance, understanding and goodwill between students of different races at the University. Experience showed that extremist political views flowed from segregation at the University level, and that that tendency was reversed when former students of segregated universities became students of the University of Witwatersrand. The convocation says it would be unwise, impracticable and prohibitively expensive to provide separate facilities for training non-Europeans, either through complete segregation at the existing universities or through new ones.'¹⁶¹

(Extract from *South Africa*)

"A group including the Bishops of Johannesburg and Pretoria, Mr. J. B. Webb, the Methodist Chairman, Mr. L. Rabinowitz, Chief Rabbi, three Members of Parliament, the President of the South African Institute of Race Relations (Ellen Hellman), Mr. A. W. Hoerle, member of the Council of the University of Witwatersrand, a number of professors and other prominent citizens published an appeal stating that: . . . 'To destroy the open system and replace it with complete segregation would be to destroy one of the last bastions of tolerance and enlightenment in South Africa and to drive bitterness and despair deeper into the heart and mind of the non-Europeans.'¹⁶²

167. The South African Institute of Race Relations convened a conference in Johannesburg on 1 May 1954 to consider "the concept of the university" and "the function of the university in a multiracial society". Present were members of universities, and representatives of churches, university convocations and students' representative councils.

(Extract from *Race Relations News*)

"The views expressed by the majority of speakers could perhaps be summarized as follows:

¹⁶⁰ This is a college exclusively for non-Europeans. See A/2505, paragraph 706.

¹⁶¹ *South Africa*, 22 May 1954.

¹⁶² *South Africa*, 27 February 1954.

"The function of the university in a multiracial society is:

"1. To serve the community in the true sense of a university, i.e., as a centre for the preservation and advancement of learning for its own sake and its dissemination to all who are academically qualified for admission, irrespective of race, colour or creed;

"2. To aid the State by providing training for and maintaining standards in the learned professions and public services;

"3. By virtue of the multiracial character of the country to give a lead to the cultural and spiritual development of the different race groups as part of these developments of the community as a whole;

"4. Essentially to reflect in the composition of its student body, the multiracial picture of the society it serves.

"Differences of opinion were expressed, notably by the representatives of SABRA, Potchefstroom University, and the Dutch Reformed Church, who contended that in some respects this concept of the university was not necessarily to be accepted, particularly as it was felt that more attention should be paid to the attitudes and traditions of the country in which the university functions".¹⁶³

168. (Extract from *South Africa*)

"The Students' Council of Pretoria University, replying to an invitation from the Students' Representative Council of Witwatersrand University to take part in a conference on *apartheid* in the universities, said: 'We refuse point blank to be used as instruments, as put by you, to oppose the Government's intention to introduce *apartheid* at the Witwatersrand and Cape Town Universities'".¹⁶⁴

(Extract from *South Africa Reports*)

"Mr. H. M. Viljoen, the Minister of Education, Arts and Sciences, said on April 10th that a misconception seemed to have followed the appointment of the Government Commission to investigate the practicability of *apartheid* at universities. The Government did not intend to interfere in any way with the academic freedom of universities. If the right of admission to different universities with equal facilities was retained there would be no conflict with the concept of academic freedom".¹⁶⁵

(d) *Education of the Coloured persons in Cape Province*

169. A committee was appointed by the Administrator of the Cape Province in June 1953 to consider the financial implications of establishing compulsory education for Coloured children up to the fourth grade. The committee was also to consider "whether the type and tendency of present education satisfies the requirements of the Coloured population and whether this education, because of the emphasis on the academic, does not lead to a sense of frustration". It was likewise to consider "the problems of the Coloured teacher and his training, his professional conduct and the use he makes of facilities provided by the State".¹⁶⁶

¹⁶³ *Race Relations News* (published by the South African Institute of Race Relations), June 1954, p. 76.

¹⁶⁴ *South Africa*, 9 January 1954.

¹⁶⁵ *South Africa Reports*, 15 April 1954.

¹⁶⁶ A/AC.70/2, annex A/11.

VIII. Labour and employment

(a) *Reactions to the Native Labour (Settlement of Disputes) Act No. 48, 1953,*¹⁶⁷ and to the Bill to amend the *Industrial Conciliation Act No. 36, 1937*¹⁶⁸

170. The Commission received a statement from the International Confederation of Free Trade Unions on racial discrimination in the labour legislation of the Union of South Africa,¹⁶⁹ stating that at its meeting in Brussels from 24 to 29 May 1954, the Executive Board of the ICFTU had examined the trade union situation in the Union of South Africa and decided to lodge a complaint with the ILO, charging the Union Government with violation of freedom of association in that country. The complaint states, *inter alia*, that the Native Labour Act, 1953, No. 48, lays down a specific procedure which entirely ignores the trade union rights of African workers and the role of the trade union organizations in this field. The complaint states further:

(*Extract from the statement submitted to the Commission by the International Federation of Free Trade Unions*)

"The present South African legislation does not allow African workers to join unions of their own choice. All arguments put forward by the South African Government to justify its refusal to recognize the trade union rights of African workers must be rejected. The African workers—who number more than a million—contribute considerably to the industrial power of the Union of South Africa. Elementary justice requires that they should be given freedom of association and freedom to choose their representatives and to negotiate their wage conditions."¹⁶⁹

171. The memorandum submitted to the Commission by the Government of India notes that as a result of the amendment of the definition of the term "employee" in the Native Labour (Settlement of Disputes) Act, 1953,¹⁷⁰ some textile factories in Johannesburg which employ African women are taking advantage of this amendment to cut their wages and deny them other privileges such as employment benefits.¹⁷¹

172. As stated earlier,¹⁷² the Union Government has introduced a Bill in the House of Assembly to amend the Industrial Conciliation Act, 1937. A summary of the main provisions of the Bill, prepared by the Minister of Labour, Mr. B. J. Schoeman, is reproduced below:

(*Extract from South Africa Reports*)

"(1) No new trade unions would be registered except with the consent of the Minister.

"(2) Except with the consent of the Minister, all mixed trade unions must have separate European and non-European branches and no mixed meetings would be allowed.

"(3) When more than 50 per cent of the European or Coloured workers in any specified undertaking, industry or business wish to form a white or non-Euro-

pean trade union, they would have the right to do so and would be granted registration.

"(4) If such European or non-European trade union was established—and if in the preceding five years there had been a 'closed shop' rule in operation—these new trade unions would be entitled to receive a share of the funds of the original trade union".¹⁷³

In addition to these provisions relating to trade unions, the Bill contains provisions for strengthening the colour bar in industry.

(*Extract from the memorandum submitted to the Commission by the Government of India*)

"The most important racial provision of the Bill is contained in Section 77 under the heading 'Safe-guards against inter-racial competition'. It empowers the Minister of Labour to direct the Industrial Tribunal, members of which are appointed by the Minister himself, to hold investigations and make recommendations as to 'the reservation of employment in any undertaking, industry, trade or occupation in any specified area for persons of a specified race, and the prohibition of the employment therein of persons of any other race'. The Minister of Labour on receiving a recommendation and after consulting the Minister of Economic Affairs, may make a determination of such reservations by publication of a notice in the Government Gazette. This provision will apply to all races including the Africans".¹⁷⁴

173. The passages reproduced below describe some further reactions to the Bill in South Africa.

(*Extracts from the memorandum submitted to the Commission by the International League for the Rights of Man*)

"Commenting on the Industrial Conciliation Bill, Mr. Ivan Walker, former Secretary of Labour, said that the bill 'threatens to destroy the free trade union movement in South Africa. . . . Its passage through Parliament would result in the destruction of those independent trade unions which have been responsible mainly for improved wage rates and working conditions. . . .'¹⁷⁵

"Mr. Alex Hepple, Member of Parliament, Parliamentary leader of the Labour Party in South Africa, said the new Industrial Conciliation Bill would cause incalculable damage to labour relations and industrial advancement. He pointed out that the first draft contained far-reaching provisions, introducing trade union *apartheid*, opening the door to the registration of splinter trade unions, and restricting the strike right. The bill contained clauses setting up an industrial tribunal appointed by the Minister of Labour which would have the virtual effect of blocking recourse to the courts on many vital issues."¹⁷⁶

"The Trades and Labour Council stated that the separation of unions on a racial basis would disrupt peaceful relations between employers and employees and would create chaos in the negotiation of industrial agreements".¹⁷⁶

¹⁶⁷ For an analysis of Act No. 48, see paragraphs 64 to 68 above.

¹⁶⁸ For an analysis of Act No. 36 of 1937, see A/2505, paragraphs 598 to 602. For a discussion of the amending Bill, see paragraph 172 below.

¹⁶⁹ A/AC.70/2, annex C/IX.

¹⁷⁰ See paragraph 66 above.

¹⁷¹ See A/AC.70/2, annex A/II.

¹⁷² See footnote 43.

¹⁷³ *South Africa Reports*, 22 May 1954.

¹⁷⁴ A/AC.70/2, annex A/II.

¹⁷⁵ *Sunday Times*, 17 January 1954, as quoted in annex A of the memorandum submitted by the International League for the Rights of Man (A/AC.70/2, annex C/IV).

¹⁷⁶ *Cape Times*, 25 January 1954, as quoted in the same memorandum.

(Extract from *The New York Times*)

"By a vote of 61 to 3, with 4 absentions, the 'unity' conference of South Africa Trade Unions rejected the principle of different work for different races that the Government wants to enshrine in the new Industrial Conciliation Law. The overwhelming vote against the Government's plan means a deadlock, with the possibility of strike action by some of the 72 trade unions represented at the 'unity' conference, which was called specifically to organize opposition against the draft law".¹⁷⁷

(Extract from *The New York Times*)

"A conference of non-white trade unions representing 54,000 workers, decided to establish 'action committees' throughout South Africa to fight the Industrial Conciliation Bill and the law passed last year to regulate wages of native workers. . . .

"Mr. B. J. Schoeman, Minister of Labour, receiving a trade union deputation, said that it was a 'lie' that the law would destroy the trade unions. Of more than 200 registered trade unions, only sixty had a 'mixed membership', he said. . . . Mr. Schoeman had been emphatic that the section providing that occupations could be reserved for a particular race must become law despite the fact that every employer in the country was opposed to it. He told the deputation that racial division of trade unions was a matter of principle and that he would not depart from the provision compelling the unions to separate their members into racial branches and to hold separate meetings".¹⁷⁸

174. The tabling of the Industrial Conciliation Bill has also been criticized in the report of the delegation of the British Trades Union Congress sent to South Africa in November-December 1953 in the following terms:

(Extract from the statement submitted to the Commission by the International Confederation of Free Trade Unions)

"It has been clear that the Nationalist Government intends, during the present parliamentary session, to undertake further moves against the trade union movement. The projected legislation, in addition to according greater control by the Government over trade union finances and the election of officials, is to enforce racial segregation within unions. . . . Some ninety trade unions would be immediately affected by such legislation, among which would be some of the largest and oldest, and many members would be forced out of a union to which they have loyally subscribed for many years".¹⁷⁹

The International Confederation of Free Trade Unions, in its statement to the Commission, comments on the Bill as follows:

(Extract from the statement submitted to the Commission by the International Confederation of Free Trade Unions)

"If the Bill becomes law, a new blow will have been dealt to the dignity of man and a further major step will have been taken by the Nationalist Government of the Union of South Africa towards establishing an order of society based on suppression of the rights of man and on oppression of non-European races".¹⁸⁰

175. The Industrial Conciliation Bill has also evoked protests from employer groups.

(Extracts from the memorandum submitted to the Commission by the Government of India)

"The South African Federated Chamber of Industries, who collectively represent more than 90 per cent of capital investment in manufacturing industry and industrial services and who employ a like percentage of the workers, both European and non-European, have strongly opposed the racial provisions of the Bill and submitted a memorandum to all members of the Union Parliament giving their reasons why those provisions should not be included in the Bill. They hold the view that it would be difficult for the employers to negotiate with several separate trade unions divided by racial groups in the same industry or undertaking and that if the Bill is passed, the machinery of industrial conciliation would be liable to break down. In regard to the provision for job reservations, they are of the view that the fear that European workers would be displaced by non-European workers and that their standards of living would be undermined is unjustified.

"The Federation points out the dangers involved in depriving the management in industry of their right to select its labour and the likely disorganization and rise in the cost of production. They also point out the dangers to racial harmony and industrial peace so essential for industrial progress, and its possible repercussions on capital investment from abroad".¹⁸¹

(b) *Application of the Native Building Workers Act, No. 27, 1951*¹⁸²

176. (Extract from *South Africa Reports*)

"Skilled and semi-skilled Native building workers will not be allowed to work in European areas in any of the Union's nine centres from June 1954, says a Johannesburg report. The training of Native artisans will continue—in fact a vast expansion programme to train more for the building trade is already under way at various centres throughout South Africa—but they will only be allowed to work on Native housing schemes. These new measures have been hailed as a progressive step by both employers and employees in the building industry. It is claimed that they safeguard European artisans while at the same time ensuring the Native of a place in the industry. As one builder put it: 'There is more than enough work in Native housing for many years to come for all the Native skilled and semi-skilled artisans that can be trained. In the cities, European building workers are also assured of work for a long time now that there is no danger of their being replaced by Natives'.¹⁸³

(c) *Integration of non-European labour in the South African economy*

177. During the debate in the Union House of Assembly from 15 to 18 February 1954 on the Part Appropriation Bill,¹⁸⁴ many speakers referred to the steady increase in the number of non-European workers, particularly Native workers, in the various branches of the country's economic activity, notwithstanding the Government's *apartheid* policy.

In a pamphlet reproducing the speech made during

¹⁷⁷ *The New York Times*, 5 May 1954.

¹⁷⁸ *The New York Times*, 4 May 1954.

¹⁷⁹ A/AC.70/2, annex C/IX.

¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

¹⁸² For a discussion of this Act, see A/2505, paras. 607 to 613.

¹⁸³ *South Africa Reports*, 27 May 1954.

¹⁸⁴ See paragraph 132 above.

that debate by Mr. Strauss, leader of the Opposition, the following paragraph appears:

(Extract from the pamphlet *Speakers' Notes: Non-European Policy*)

"The following few figures, based upon the latest returns of the Department of Census and Statistics and the Wage Board, prove the fact of economic integration:

"1. Eighty-two per cent of all workers in South African commerce, industry, agriculture and fisheries are non-Europeans.

"2. Something like 16 per cent of the skilled labour and 67 per cent of the semi-skilled labour in industry is non-European.

"3. Out of just over 4 million persons employed in industry, commerce, mining, agriculture and fishing, 3,500,000 are non-Europeans.

"4. There are 750,000 of them in industry and commerce, including the railways, 500,000 in mining and 2,250,000 in agriculture and fishing.

"5. Of the nearly 200,000 employees of the railways, half are non-Europeans.

"6. Of the 115,000 posts in the public service, 18,000 are classified as non-Europeans.

"7. Nearly half of the police, 60 per cent of the Department of Native Affairs and half of the Union Health Department are non-Europeans".¹⁸⁵

(d) *Reform of the system of issue of trading licences in the Transvaal*

(Extract from the memorandum submitted to the Commission by the Government of India)

178. "The Transvaal Provincial Administration appointed a Commission last year to enquire into the system of Local Government in the Transvaal. Its terms of reference include, *inter alia*, the examination of the system of issue of trading licences. The most important aspect of the licensing system it was required to examine was whether trading licences should be refused on the basis of the race of the applicant. The Commission took evidence on this issue in January and February 1954. Several municipal bodies have recommended *apartheid* in trading. They proposed that licensing bodies should have the power to refuse licences on the ground that the applicant of his potential customers belong to a racial group different from that predominating in the area. It was also recommended that licensing bodies should be given the right to review the existing licences annually and every type of business should require a licence. Another recommendation made was that there should be absolutely no right of appeal against decisions of the licensing bodies.

"This move to further tighten the trading licensing laws is directly aimed at Indian traders. They are even now unable to get new licences but if the recommendations for introduction of *apartheid* in trading licences are accepted—and it is quite obvious that the recommendations would conform to the policy of the Union Government—then the existence of even the present Indian traders will be threatened almost immediately.

¹⁸⁵ *Speakers' Notes: Non-European Policy - Economic Integration or Apartheid?* published by the Division of Information, Johannesburg, March 1954, p. 14.

They will then be systematically eliminated at annual reviews and by refusal of transfer of licences in case of death of the head of the family or change of partnership due to any circumstances".¹⁸⁶

(e) *Native Labour Bureaux*

(Extract from the memorandum submitted to the Commission by the Government of India)

179. "Employment of Africans is being strictly controlled so that it is confined mainly to unskilled work. . . .

"The machinery of Compulsory Labour Bureaux will exercise full control over employment of Africans. Even if an employer, because of shortage of skilled and semi-skilled labour, was tempted to employ an African on such work, he would not be able to do so. At present these Labour Bureaux are busy weeding out Africans from urban areas so as to compel them to seek work in European farms and mines. Here they could be effectively used in keeping wages of Africans low. As no African can take up a job independently of the Labour Bureau or without its approval, the Bureau could always use its authority, according to the *apartheid* policy, to refuse registration of African labourers if the wage was high. The Native Affairs Department machinery is already working on these lines in the rural areas."¹⁸⁶

IX. *Apartheid in public transport*

The Reservation of Separate Amenities Act, 1953, and the Motor Carrier Transportation Bill, 1954

180. An account of the main provisions of the Reservation of Separate Amenities Act, No. 49, 1953, and a summary of the relevant Parliamentary debates are given earlier in this report.¹⁸⁷ As stated elsewhere, the Council of the South African Institute of Race Relations, at its 1954 annual meeting, declared that it deplored the Act "as retrogressive, unjust and not in accord with accepted democratic principles". The Government has now introduced a new Bill in Parliament to supplement the provisions of Act No. 49 of 1953: the Motor Carrier Transportation Bill, 1954.

(Extract from the memorandum submitted to the Commission by the Government of India)

"This Bill includes, *inter alia*, provisions for empowering the National Transportation Board to serve an order on any person who operates a trolley bus service or a tramway service for the conveyance of more than one class of persons, stating what class or classes of persons could be conveyed in such service or what should be the routes of that service. Such an order could also lay down what portion or portions of the vehicle should be set aside for the conveyance of any class or classes of persons. The Bill also provides for penalties of fine or imprisonment for a person who contravenes this order or a person who in contravention of the reservation made, travels in the vehicle.

"The Separate Reservation of Amenities Act of 1953 provides enough powers for reservation of vehicles or portions thereof for specific racial groups. But this power rests with the owner or the person who controls the vehicle. The Union Government want to have the powers in their own hands in the case of

¹⁸⁶ A/AC.70/2, annex A/II.

¹⁸⁷ See paragraphs 69 to 72 above.

public bus and tram services. These services are run by municipalities or private companies and in case they hesitate to introduce *apartheid* or do so not in the manner desired by the Government, for financial considerations, the Government through the Transportation Board will be able to compel them to do so. There is already segregation in public transport but there is one exception and that is in Cape Town, where a private concern runs the trolley bus services and does so at a profit when municipalities in other places suffer considerable losses on their services. If *apartheid* were introduced in Cape Town buses also, the costs would increase and profits vanish. The concern at Cape Town is therefore reluctant to introduce *apartheid*. But this bus service has been an eyesore to the Union Government who are now thinking in terms of compelling this concern not to let the White and Black travel together even though the service has run smoothly for years. The Government is assuming powers in every sphere to carry out its *apartheid* policy. Its attitude is not to tolerate any opposition from local authorities in the matter of enforcement of that policy.

"Dr. Verwoerd, Minister of Native Affairs, speaking in a debate in the House of Assembly on 28 May 1954, said that he wished to make it clear that 'if local authorities are not prepared to co-operate with me in carrying out the Government's Native policy, I will have no hesitation in compelling them to do so'."¹⁸⁸

X. Life in the Native reserves

(a) *Report of the Government Commission of Inquiry into the Socio-Economic Development of the Native Areas*

181. (Extract from *South Africa Reports*)

"Dr. F. R. Thomlinson, Chairman of the Government Commission of Inquiry into the Socio-Economic Development of the Native Areas, has announced that the Commission's Report is to be completed by the end of June, and will be submitted to the Government soon afterwards. The Report is expected to be one of the longest ever drawn up by a government Commission in the Union. It will contain findings on every aspect of the development of the Native areas, based on three and a half years' work. The Commission was directed to 'make an exhaustive inquiry into and to report on a comprehensive scheme for the rehabilitation of the Native areas with a view to developing within them a social structure in keeping with the culture of the Native and based on effective socio-economic planning'."¹⁸⁹

(b) *Publication of a survey of the conditions of life in a Native reserve*

182. (Extract from *African World*)

"The National Council for Social Research initiated and financed an investigation into the conditions of life in the Keiskammahock district of the Ciskei over the period 1947 to 1951. The results have been embodied in four volumes published by Shuter and Shooter, Pietermaritzburg. The first volume deals with 'The Natural History of the Keiskammahock District', the second with 'The Economy of a Native Reserve', the third with 'Social Structure', and the fourth with 'Land Tenure'."¹⁹⁰

(c) *Golden Jubilee of the Transkeian Territories General Council*

183. The General Council was first formed within a few districts. The Council is responsible for much of the welfare of about 1,500,000 African people belonging to twenty-six magisterial districts in the north-eastern part of the Cape Province. Each district has three representatives on the Council along with its Native Commissioner. Four Paramount Chiefs are also *ex officio* members.¹⁹¹

(Extract from *African World*)

"The Councillors are mostly middle aged or elderly men who are leaders in their various tribes. The young 'radical' is not generally conspicuous. This makes for a somewhat conservative attitude, but on the whole the Council is truly representative of general African opinion in the rural territories. It is the custom of the Council to make pronouncements on Government measures that affect the African people. The important Act recently passed for the establishment of new Bantu authorities was considered, and the Council requested that the provisions of the Act should not be applied to the Transkeian Territories and that the general Council should remain as now established. The Council took the important step of appointing a standing committee for the life of the Council to consider draft legislation promulgated by the Government, such committee to have authority to convey its views as being those of the Council on such draft legislation to the Government.

"The Council unanimously passed the following resolution:

"That in order to create good relations between the Europeans and the non-Europeans of the Union of South Africa, the Government be earnestly and respectfully requested to call a National Convention of leaders of the African section of the population to meet government and other political party leaders, at a centre to be arranged and chosen by the Government, with a view to the easing of the racial tension between the European and the African sections of the Union, by the review, repeal, or amendment of such laws as are irksome to the African section'.

"The Council also asked the Government 'to grant Natives in the Union of South Africa representation in Parliament by their own people in proportion to their number'."¹⁹²

(d) *Opinion of a Bantu notable concerning the development of Native reserves and the future of the apartheid policy*

184. (Extract from *South Africa*)

"The development of the native reserves into a self-sufficient national home for all natives in the Union was a mere dream and must remain a dream", said Dr. A. B. Xuma, honorary life president of the Johannesburg Joint Council of Europeans and Africans, at the Cape Town University summer school.

"There was nothing more disconcerting than to see apparently intelligent people trying to translate their day-dreams into reality when the facts against their fulfilment were staring them in the face", he said.

"The reserves were already overcrowded. Plots were too small for satisfactory farming, and crops too

¹⁸⁸ A/AC.70/2, annex A/II.

¹⁸⁹ *South Africa Reports*, 15 April 1954.

¹⁹⁰ *African World*, August 1953.

¹⁹¹ *African World*, February 1954.

¹⁹² *Ibid.*

exposed to drought. Wages earned outside the reserves were the only means of subsistence for most families there.

"Dr. Xuma said that the African denied he was the 'White man's burden', who had to be supported by the taxes paid by the White man. He, the African, considered that he carried the country on his back: the farm, the industries, and the mines could not be run for a month without Native workers.

"European taxpayers could make profits and pay income taxes because of the low wages they paid the Native.

"Dr. Xuma gave a résumé of the old tribal system of the Bantu and said that the chief had always had to be accessible to all his people. The Bantu could not understand it today when they were not allowed to see the Minister or others in their supposed to be in charge of their affairs.

"When the Bantu and the White men met each other in South Africa, the Bantu fought for segregation and *apartheid*.

"When the war was over and the Europeans had asked them to come and help with the development of the country, they hoped that their former enemies were entering into partnership with them for the advancement of all the peoples in South Africa.

"But they found, instead, that an undeclared bloodless war was to continue—a war of attrition, of economic strangulation, denial of free access to land and exclusion from political power.

"These were dangerous weapons against the progress and advancement of the African people. They were soul-destroying.

"Asked if the Bantu favoured *apartheid* today, Dr. Xuma said: 'No. We fought for it and lost. Now we want partnership'."¹⁹³

(e) *Campaign to make Natives "soil-conscious"*

185. (Extract from *South Africa Reports*)

"A nation-wide campaign to make the Native of South Africa 'soil-conscious' was launched on September 26, at a national conference of Native farmers in Johannesburg. This conference was an important feature of the Native National Soil Conservation Association's campaign to foster the idea of soil conservation among the large Native population of the Union. At the Conference, the Native farmers were told of various soil-saving methods and they were asked to apply them. Other projects during the National Soil Conservation Month (September) included film shows in 16 different Native areas on the Witwatersrand'."¹⁹⁴

(f) *Economic activities of a Bantu Authority established under the Bantu Authorities Act, No. 68, 1951*¹⁹⁵

186. (Extract from *South Africa Reports*)

"At the invitation of the Bantu Authority of the Pilansberg Native area in the Rustenburg district, Transvaal, South Africa's Minister of Native Affairs, Dr. H. F. Verwoerd, opened the first dam built by a Bantu Authority established in the terms of the Bantu Authorities Act . . .

"All the planning and the general administrative work in connexion with the building of the dam was

done by the Bantu Authority, while the construction itself was done by members of Chief Pilane's tribe . . .

"The dam, which holds 122 million gallons when filled, is called 'Bophelo', which means life-giving force. It was built under the free labour scheme. Chief Pilane delegated 150 members of his tribe to work on the project, which was carried out under the supervision of the Native Affairs Department . . .

"Naming the dam, the Minister said that his message to the Bantu in South Africa was that all should do as the inhabitants of Pilansberg have done; they should use their own energy and vitality to give new life to their people . . . Chief Pilane . . . agreed with the Minister that the time had come for the African people to stand on its own feet".¹⁹⁶

(g) *Refusal of a Bantu tribe to be transferred*

187. (Extract from *South Africa*)

"If we are forced to move we will scatter and cease to exist as a tribe', said Chief Makomba of the Komatipoort area in reply to a recent order by the Government that his tribe must trek to a new living area 50 miles from the present one because the Department of Lands has taken it over and broke it up into 27 farms of 40,000 morgen each for Europeans.

"Involved in the move are 5,000 natives. The Government has arranged transport for them to get to their new home, but if they do not take advantage of it before the end of the month they will have to move at their own expense.

"When Chief Makomba told the Chief Native Commissioner, Mr. H. Balk, that his people refused to move, the official said that he knew that the tribe did not want to go, but there was no alternative. The Government had decided on the move. That was the law, and they would have to go.

"In the new area he held out for them the hope of a better life. Each family would be given about six morgen for cultivation, and there would be sufficient water for everyone. Two Native schools would be built, and there would be a clinic. The scope for expansion would be better in the new area than it was in the place that they called 'home'."¹⁹⁷

XI. Tensions and repressive measures

188. The other parts of this chapter contain some information concerning the tensions which have been created by, for example, the application of certain *apartheid* measures or by the mere fact that such measures are contemplated and have been proposed in the Union Parliament. The particulars in this section, while not directly related to those other measures, supplement the earlier information. The section also includes certain data on repressive measures which have a more or less direct bearing on the racial problem.

A. TENSIONS

189. The Commission has ample documentation, mainly consisting of press reports, indicating that discontent is growing among all the population groups which are subjected to discriminatory measures and that extremist ideas and doctrines of violence are finding an increasing number of adherents, especially among the

¹⁹³ *South Africa*, 27 February 1954.

¹⁹⁴ *South Africa Reports*, 8 October 1953.

¹⁹⁵ See A/2505, paragraph 483.

¹⁹⁶ *South Africa Reports*, 3 December 1953.

¹⁹⁷ *South Africa*, 26 December 1953. See also the same publication, 9 January 1954.

youth. The following passages reproduce only some of the reports, which seemed to the Commission to be especially typical.

(Extract from *The New York Times*)

"Johannesburg (South Africa), 5 January 1954. The smuggling of arms into South Africa and regular traffic of educated South African Negroes to and from communist centres in the northern part of the hemisphere were reported today.

"A source opposed to the present Government's race policies, and professionally in constant touch with the Negro political and social movements of this city said the Government was aware of what was happening. Because of the wide open African frontiers and the ease with which the native Africans move about in this country without attracting attention, the less numerous whites have been unable to check the traffic.

"There are now two Negro political and economic movements.

"Since about a year ago, the small communist movement has increased its activities sharply and there is now an organized underground under communist leadership.

"The dividing line between this and the other movement is that the largely paralysed public organizations stand ostensibly for the principle that eventually some agreement can be reached with white South Africa.

"The underground leadership has taken the stand, it is stated, that it is already too late and that the organization must be built up and prepared for sedition and an eventual campaign of violence to overthrow the existing political institutions in South Africa.

"Reports indicate that the politically inclined Negro youth, who is still a definite minority, is turning away completely from the old leadership. There is nothing, apparently, that the more conservative older Negro leadership can do. The laws are so stringent that any attempt to agitate or win back their dwindling following would only land them in jail.

"The underground movement, working illegally as a conspiracy against the State, is not hindered by restrictions. The present period, according to reports, is being devoted to organization and person-to-person propaganda. The peace that now prevails on the racial front, it is asserted, is due to the fact that activist elements are engaged in what may be a long period of organization and preparation.

"One of the last public platforms available to the South African Negro is the suburban Advisory Councils, whose annual congress now is meeting in Johannesburg in the Negro suburb of Orlando. The boards are made up of Negroes who consult with the authorities on the problems of Negro locations or suburbs. The president, the Reverend Mr. Mooki, warned the Government at the congress today:

"The three million Natives who live in towns and whom we here represent have come to stay and are not migratory labourers who can be thrown out at will by their white employers when they are too old to work or when they cease to behave themselves, as was told us recently by the Secretary for Native Affairs."¹⁹⁸

¹⁹⁸ *The New York Times*, 6 January 1954. See also the same newspaper, 25 January 1954.

(Extract from *The New York Times*)

"Capetown, Feb. 14. African nationalism and communism are waging a fight here for the leadership of the South African Negroes, who constitute the largest industrialized and urbanized body of Native Africans in the continent.

"The struggle is regarded as possibly decisive for the direction that the Native peoples of southern Africa may eventually take.

"One group looks toward the Gold Coast regarding it as African Negro Nationalist primarily. The other is urging the urbanized Negro wage earners of South Africa's cities and industrial and mining settlements to seek liberation from white supremacy and racial segregation through alliance with the communist world. This calls for common action with White and Indian Communists within South Africa.

"The Communist organ *Advance*, widely read in Negro areas, and the extreme left-wing doctrinaire organ *Liberation* refer to 'hooligan' activities of young ruffians, meaning the Negro Nationalists.

"*Advance* says that peaceful meetings of 'democrats' have been attacked or disturbed by these 'hooligans'. The struggle centres on the effort to gain solid control of the African National Congress, principal Negro political organization. *Liberation*, writing from the extreme leftist viewpoint, states:

"There is room within the Congress for men and women from every walk of life and of every shade of democratic opinion. That is its strength. But there is no room for spies and deserters and there is no room for deliberate disrupters and political gangsters'.

"The present liaison organization of Communists largely under the control of former members of the now dissolved communist party is the South African Congress of Democrats. Its announced purpose is to combine into a common 'anti-fascist Front' the African National Congress, the Indian National Congress and the Cape Coloured (mulatto) organization recently founded by the Communists and called South African Coloured Peoples Organization.

"These are the organizations that are to participate in the 'people's congress' of all races called for in a resolution put through the last assembly of the African National Congress at Queenstown by the communist group.

"The Negro Nationalist 'Africa for the Africans' movement, which is fighting this 'anti-fascist Front', is accordingly attacked by the leftists as 'African Fascists'. The 'Africa for the Africans' movement is in a constant trouble with the police although they are charged by the Communists with being Government agents. They have not published an organ to compete with the publications of the Communists.

"Bounded by the police on the one side and the Communists on the other, they lead a troubled existence. In the past they have demonstrated in common with the communist wing, carrying their Africa flag, but they have apparently discovered that the Communists' 'anti-fascist Front' is not concerned with 'Africa for the Africans'.¹⁹⁹

(Extract from *The New York Times*)

"Pretoria, South Africa, 4 July 1954. The Ministry

¹⁹⁹ *The New York Times*, 15 February 1954.

of Justice here is alarmed by evidence of a new passive resistance campaign to racial segregation, being organized this time under actual communist leadership.

"Minister of Justice C. R. Swart said that the communist leaders concerned would be deported or imprisoned. The Press here has mentioned nine key Soviet-trained Communists whom the police are watching.

"The infiltration of Communists into the Negro political movement and the Reds' partly successful effort to organize a communist-led multiracial front followed the collapse in November of 1952 of the first passive resistance campaign. Volunteers who would risk imprisonment by deliberately breaking segregation laws are now being recruited.

"Various groups, some outright communist or communist-infiltrated, others democratic, are pushing their Congress of the People movement. This is to culminate in the drawing up of a freedom charter and a new resistance campaign.

"The older leadership of the African National Congress, principal Negro political movement, is stumbling along with the more energetic young communist leadership. The older men are under constant attack as inactive and ineffective.

"There has been much disintegration in the ranks of the Negro political movement. Various rival groups have appeared. Chief Luthuli, president of the African National Congress, is ineffective. The old leadership of the African National Congress appears to be without plan and the Communists are increasingly swinging the organization into their multiracial 'front'.

"The failure of the Liberal party, of which a White member of Parliament, Margaret Ballinger, is Native representative and president, to accomplish anything in the Western Cape Native elections, is an indication of what is happening.

"For a third time, the Western Cape Negro voters gave their votes to the communist candidate. This was despite the fact that they knew the Communist would, under recent legislation, not be permitted to sit. Previously, two Communists elected by the Western Cape Negro constituency have been expelled.²⁰⁰

"Indications are that the most active effective elements in the joint communist leadership is the group of young Communists in the Indian Congress. This communist group is pushing its policy of partnership with Negroes. The Indian group is well educated and highly trained in communist dialectics and tactics.

"The leadership seems to be passing to the Communists largely because they are ready for martyrdom. The older, more moderate Negroes and Indians are wary of the drastic legislation adopted under Prime Minister Daniel F. Malan. The powers of the Government to deal with any attempt at mass disobedience of the segregation laws or other protests are nearly unlimited.

"The strength of the Communists in their appeal to Negro youth with a certain amount of education is that they call openly for the total overthrow of the South African way of life and system of government.

"The Ministry of Justice has built a formidable arsenal of legislation, but apparently it is now awakening to the fact that communism has been advancing steadily none the less. The effort actually to root out the communist underground has been weak, although Minister of Justice Swart pointed to new efforts. The police have been in contact with the Red underground movement for a long time.

"What is happening, the evidence indicates, is that the Negro political movement is going underground after long years of failure as a public movement. In going underground it is becoming communist."²⁰¹

190. The last news item reproduced in the preceding paragraph mentions the possible resumption of the "campaign of defiance of unjust laws", suspended at the end of 1952.²⁰² The threat seems to be taken seriously by the responsible authorities, as the two following extracts tend to prove:

(Extract from *The New York Times*)

"The Union Government appealed on 25 June 1954 to the 'law abiding and responsible elements of the Negro population to refrain from any action that may lead to an undermining of law and order'.²⁰³

(Extract from *The New York Times*)

"The South African Ministry of Justice was alarmed by evidence of a new passive resistance campaign to racial segregation being organized under communist leadership. It added that the Minister of Justice asserted that the communist leaders concerned would be either deported or imprisoned. The report pointed out that Communists had infiltrated the Negro political movement and the recently set up multiracial front and that a freedom charter as well as a new resistance campaign would be drawn up. Moreover, the strength of the Communists lies in their appeal to Negro youth with a certain amount of education and in their call for the total overthrow of the South African way of life and system of government."²⁰⁴

191. Another significant fact is the ever-close collaboration of the various non-European ethnic groups, as evidenced by the formation of the multiracial front mentioned in the preceding news item. Moreover, the African National Congress, the Transvaal Indian Congress and the South African Coloured People's Organization called a meeting for 18 July 1954 which was addressed by the Rev. L. J. Collins, Canon of St. Paul's, London. *The Times*, in reporting the event, stated that on the orders of Mr. Swart, Minister of Justice, police were present at the meeting.²⁰⁵

For its part, *The New York Times* mentions the formation of a confidential resistance committee:

(Extract from *The New York Times*)

"Pretoria, South Africa, Aug. 7. Moses Kotane, secretary-general of the South African Communist Party before it was banned in 1951, has become chairman of a confidential committee set up to guide the resistance of the principal Negro and South African Indian organizations to Prime Minister Daniel F. Malan's racialism.

²⁰¹ *The New York Times*, 6 July 1954.

²⁰² See A/2505, paragraph 844.

²⁰³ *The New York Times*, 26 July 1954.

²⁰⁴ *The New York Times*, 6 July 1954.

²⁰⁵ *The Times*, 19 July 1954.

²⁰⁰ See paragraph 197, below.

"The committee puts the finishing touches to a painstaking organizational effort by which the leadership of the former public Communist Party has gained control of the interracial front formed here to combat segregation and racial inequality.

"The committee that now guides the campaign to obtain a greater measure of justice for South African Negroes and Indians—if necessary, by open resistance to the law—is the confidential steering committee of the New National Action Council of the Congress of the People.

"This is an organization formed during the last six months by the Negro African National Congress and the South African Indian Congress together with one small White and one equally small Cape Coloured (mixed blood) Communist front organization, to create a united front fight for racial equality.

"The vice chairman of the new confidential committee is reported to be Y. M. Dadoo, a former member of the central committee of the legal Communist Party. Mr. Dadoo is president of the South African Indian Congress.

"Mr. Kotane, who, formerly, was probably the most influential member of the Executive of the African National Congress, was ordered by the Ministry of Justice to desist from participation in Congress affairs under the Suppression of Communism Act. Another member of the committee was also a member of the central committee of the Communist Party before its dissolution. The six other members of the committee either were members of the legal Communist Party before it was dissolved or were known as fellow-travelers.

"The existence of the steering committee has not been made public, as has the existence of the recently created National Action Council, which, in effect, cannot act except as a passive instrument of its four-member organizations and actually is controlled by the confidential steering committee.

"This consolidation and centralization of control of the Negro and Indian struggle against white Nationalist racialism in communist hands is the result of a long and successful infiltration effort.

"The great majority of the members of the African National Congress and the South African Indian Congress have no knowledge of the extent to which the Communists have moved into key posts. Where the facts are known the Communists are accepted as inevitable allies in the fight against racial inequality.

"The president and one of the two vice presidents of the South African Indian Congress were regular and card-carrying members of the former legal Communist Party, as well as seven members of the executive committee, forming a complete majority of the committee.

"So far as its leadership is concerned, the South African Indian Congress, accordingly, is a communist organization and is openly proclaimed to be such by conservative Indian business and professional men in Durban. However, it has the support of the great mass of politically conscious Indians in South Africa.

"The national leadership of the African National Congress is less communist infiltrated. Only four out of seventeen members of its executive committee were regular members of the legal Communist Party.

"The secretary-general of the African National Congress, Walter Sisulu, led a delegation of congress

members to a Red youth rally and other communist countries last year. He was himself a guest at communist formal celebrations in Moscow and Peiping.

"The new African National Congress uniform resembles those worn by communist factory groups in Central Europe. These became familiar when the Communists of Czechoslovakia were crushing the students' resistance to the Communists' seizure of power there.

"Communist infiltration in the Transvaal executive of the African National Congress has given the Communists control of the organization in the most important province of South Africa, which contains the largest Negro industrialized proletariat in Africa."²⁰⁶

B. REPRESSIVE MEASURES

(a) *Act to amend the Riotous Assemblies and Criminal Law Amendment Act, 1914, and the Suppression of Communism Act, 1950*

192. The Commission mentioned in its first report²⁰⁷ that under the Suppression of Communism Act, 1950, which gives a particularly broad definition of the meaning of communism, the Minister of Justice is empowered to make orders barring specified persons from certain activities (such as holding office in trade union or other organizations, and taking part in public meetings), under penalty of the criminal law. Persons affected by the Act also become ineligible to Parliament.

193. The statement sent to the Commission by the International Confederation of Free Trade Unions, contains the following passage concerning the effect of the Act on trade union rights.

(*Extract from the statement submitted to the Commission by the International Confederation of Free Trade Unions*)

"The Suppression of Communism Act, adopted in 1950, and amended in 1951, reprehensible in many other respects and contrary to the principle of common justice and to the respect of trade union freedom, forms part of the system of racial discrimination.

"The report of a delegation sent to South Africa in November-December 1953 by the British Trades Union Congress, affiliated to the ICFTU, includes the following findings:

"It is a matter of record that when the original draft Bill was presented to Parliament, it included a provision to enable the Minister (of Justice) to declare trade unions to be illegal organizations. Subsequently, however, this provision was changed to exclude those unions which are registered under the Industrial Conciliation Act. It should be remembered in this connexion that the Industrial Conciliation Act does not recognize Native trade unions. Therefore, under the terms of the Suppression of Communism Act, Native trade unions can be banned as illegal organizations.

"The Suppression of Communism Act empowers the Minister of Justice to declare a person to be a "Communist" on the grounds, among other things, that he "has at any time . . . advocated, defended or encouraged the achievements of any of the objects of Communism. . . ."

"The TUC delegation's report, referring to this provision, says:

"When one recalls that the very concept of trade

²⁰⁶ *The New York Times*, 8 August 1954.

²⁰⁷ See A/2505, paragraphs 716 and 717.

union organization for natives is regarded as a communist philosophy, it does not call for much imagination to visualize the Act being used, if necessary, to deny completely any form of industrial organization for natives.' It also states: 'The Nationalist Government, through the Minister of Labour, has given assurances that the Act will not be used to the detriment of the general body of the trade union movement. Having regard, however, to the policy statements which have been made at other times, little credence can be placed in such assurances. The Suppression of Communism Act can, and in our opinion will, be used to ensure that the trade union movement will undertake only those activities and enunciate those policies which are in accord with the Nationalist Government's declared policy of Christian nationalism based on racial segregation.'²⁰⁸

194. When the Suppression of Communism Act was applied, a number of loopholes appeared, for the Appellate Division of the Supreme Court of the Union of South Africa gave a restrictive interpretation of the Minister's powers:

(Extract from *South Africa*)

"The mere fact that the name of a particular person is on the list of those connected with unlawful organizations ('named') does not entitle the Minister of Justice to issue an order against him in terms of the Suppression of Communism Act. The person whose name has been placed on the list might have severed his connection with or withdrawn his support from unlawful organizations long before the Act came into operation and he might now be a staunch opponent of Communism. For that reason, the Court held that a ('named') person was entitled to state his side of the case to the Minister of Justice before having his activities (such as attending meetings) restricted."²⁰⁹

As a result of this ruling, the courts have set aside orders against five non-Europeans on the ground that the Appeal Court's decision was applicable. Among those who have now been released from orders not to attend public meetings imposed by the Ministry of Justice under the Suppression of Communism Act is Dr. Dadoo, former president of the South African Indian Congress.²⁰⁹ A few days later, the Government Attorney informed the following seven persons: Mr. Piet Huyser, former organizing secretary of the Building Workers' Union, Mr. S. Rosenblatt, former president of the National Baking Industrial Union and of the Witwatersrand Baking Employees' Association, Mr. Sam Kahn, a former M.P., Mr. Fred Carneson, Miss Nancy Dick, Miss Ray Alexander and Miss Mary Butcher, who had appealed against a similar order, that the order had been rescinded by the Minister.²¹⁰

195. The Government considered, however, that what it looked upon as a gap—discovered by the Supreme Court—in the Act should be filled. Thus originated the Act to amend the Riotous Assemblies and Criminal Law Amendment Act, 1914, and the Suppression of Communism Act, 1950. When introducing the Bill, the Minister of Justice, Mr. C. R. Swart said:

(Extract from *South Africa*)

"In 1934 a person banned from certain areas under the Riotous Assemblies Act, had appealed to the Ap-

peal Court. In its judgment, the Court decided that it was not necessary to give reasons beforehand as provision was made for reasons to be given later. The Court also ruled that any reasons given by the Minister need not be complete or even correct. Mr. Swart said that the right of hearing was thus in any case of doubtful value.

"The Riotous Assemblies Act did not provide for an inquiry before the serving of the notice, but it provided that the Minister should, if asked to do so, give his reasons for serving such an order after it had been served. Mr. Swart said the situation which arose out of last year's Appeal Court judgment was that the Minister was required to give his reasons beforehand for serving banning notices, except in the case of the Riotous Assemblies Act. The present amending Bill brought the whole question in line with the Appeal Court's judgment. The Riotous Assemblies Act of 1914 had been applied for years without a hitch, said Mr. Swart. When the Suppression of Communism Act was passed in 1950 the Minister was also given the power to use his own discretion—a principle which had been applied by the present and previous Government for years.

"As well as revalidating the Minister's power to issue banning orders, the amending Bill says that Communists or anyone 'named' or banned under the Communism Act, shall not be capable of being chosen and, if chosen, shall not be capable of sitting, as a Senator, Member of Parliament, or Member of the Legislative Assembly in South West Africa without the written approval before the election of the Ministers, or leave of the Senate if it is a Senate election, or the Assembly in all other elections. Further, a prohibited person who managed to get himself returned as a successful candidate would be barred by the Bill from drawing a member's or Senator's salary. He would also be liable to imprisonment for not more than three years. There is also a clause that enables banned people to ask the Minister for reasons for the banning notice and for the information which induced him to issue it. The Minister must then issue as much information as can, in his opinion, be disclosed without detriment to public policy. The Bill forbids the playing at gatherings of recordings of speeches of banned people. It enables photostat copies of documents to be accepted as *prima facie* evidence against anyone being prosecuted under the Act.

"Another clause enables the Government to deport naturalized South African citizens who have been deemed Communists or convicted of certain offences concerning Communism."²¹¹

196. (Extract from the memorandum of the International League for the Rights of Man)

"Commenting on the Bill, which later became Act No. 15 of 1954, the *Evening Post* (4 February 1954) said:

"The Nationalist leaders have made it plain that their primary obsession is not Communism as understood in Europe but the preservation and extension of the Colour bar. Their worry is not so much what Russia is doing but what is happening in the United States, West Africa and the United Nations. So who may be the next victims? The Churches?"²¹²

²⁰⁸ A/AC.70/2, annex C/IX.

²⁰⁹ *South Africa*, 12 December 1954.

²⁰⁹ *South Africa*, 12 December 1953.

²¹⁰ *Ibid.*, 16 January 1954.

²¹¹ *Ibid.*, 20 February 1954.

²¹² Appendix A to the memorandum submitted by the International League for the Rights of Man (A/AC.70/2, annex C/IV).

(b) *Disqualification, under the Suppression of Communism Act, of the representatives elected by the Natives to the Union House of Assembly*

197. On three occasions, the Native constituents of Western Cape have been asked to elect their representative to the Union House of Assembly. Each time, the person who obtained the highest number of votes happened to be a "named" person under the Suppression of Communism Act.

(Extract from *South Africa Reports*)

"On 27 April 1954, Miss Ray Alexander received 3,525 votes, while James Gibson (Liberal Party) got 954 and Mrs. Jonker Fiske (South African Christian Coalition) 190. As Miss Alexander is a "named" Communist, she was stopped from entering the House of Assembly on 27 April. The seat of representative for the Western Cape Natives had therefore again become vacant. Miss Alexander is the third Communist to get the highest number of votes in this constituency".²¹³

(c) *Bantu and Indian leaders banned from taking part in public meetings*

198. According to the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress, the persons mentioned below have been affected by the Suppression of Communism Act or by the Riotous Assemblies Act:

(Extract from the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress)

"1. 'Statutory Communists':

"For taking part in the Campaign of Defiance of Unjust Laws conducted jointly by the African National Congress and the South African Indian Congress in 1952, many top-most leaders of the African and Indian people were arrested under the Suppression of Communism Act and were convicted for what the judge of the Supreme Court of South Africa termed 'Statutory Communism'.

"Most of these 'convicted' leaders have now been forced by the Minister of Justice to resign from their organizations and banned from taking part in any gathering of more than two persons meeting for a common purpose. The leaders so banned include Mr. Walter Sisulu, Secretary of the African National Congress, Mr. Robert Matji, Secretary of The Cape African National Congress, Mr. Nana Sita, President of the Transvaal Indian Congress, Messrs. Maulvi I. A. Cachalia and N. Thandray, joint-secretaries of the Transvaal Indian Congress, and Dr. Njougwe, President of the Cape African National Congress.

"2. Banned under the Riotous Assemblies Act:

"*Ex-Chief A. Luthuli*, President-General of the African National Congress has been banned from public gatherings and his movement confined to the magisterial district of Tugela, in terms of the provisions of this Act on the specious grounds that his activities are calculated to create hostilities between whites and non-whites.

"*Mr. Nelson Mandela*, an attorney and an outstanding leader of the African National Congress is also banned under this Act.

"It is well-known that both these outstanding per-

²¹³ *South Africa Reports*, 29 April 1954.

sonalities have devoted their energy in the cause of unity of all peoples, both white and non-white, in the struggle for democracy and freedom.

"*Mr. Yusuf Cachalia*, the joint honorary Secretary of the South African Congress, was banned under the Riotous Assemblies Act from attending any gathering to which the public has access during 1953. He was unlawfully arrested on 28th June 1953, at a closed conference held on the question of opposing the renewal of Western Areas in Johannesburg. Subsequently he was banned from attending any gatherings under the Suppression of Communism Act. This ban on him is still in operation."²¹⁴

(d) *Police raid and discovery of illicit weapons*

199. (Extract from *The New York Times*)

"The police have found hundreds of guns and thousands of rounds of ammunition in the native reserves of Natal Province. This search was undertaken following reports that weapons and ammunition were being smuggled into the country.

"The Natal reserves are areas in which tribal life is intact, as is the case with the Kikuyu tribe in Kenya which produced the Mau Mau rebellion. The reports indicated that part of the weapons probably were reaching the Zulu people and related tribes, Southern Africa's most warlike race.

"As in Kenya, there is a drastic land shortage in the native areas of Natal. Young men who are unable to have a shamba or garden farm of their own, in accord with tribal custom, are forced to work in the mines or elsewhere. As in the Kikuyu country also, the land has lost its fertility through bad native farming methods. In addition, much of the land that was once tribal land, or so regarded by the native African tribes, is in the hands of the whites".²¹⁵

XII. Interracial co-operation

(a) *Interracial conference organized by the Federal Missionary Council of the Dutch Reformed Churches*

200. As mentioned in section III of this chapter,²¹⁶ the Federal Missionary Council of the Dutch Reformed Churches has already, in recent years, organized five conferences on the racial situation in South Africa; the first only was limited to European delegates, but the Bantu delegates were in the majority at the other four. The conference held from 17 to 19 November 1953 on the general subject "The Christian Principles in Multi-racial South Africa", and limited to Europeans, heard a statement by the Federal Missionary Council to the effect that it would later convene a more comprehensive conference to which White and non-White representatives of the other churches and missionary societies of the country would be invited.²¹⁷

(b) *National multiracial conference planned by the South African Institute of Race Relations*

201. As also mentioned in section IV of this chapter,²¹⁸ the South African Institute of Race Relations has made preliminary arrangements for convening a national multiracial conference in the Union of South Africa.

²¹⁴ A/AC.70/2, annex D/II.

²¹⁵ *New York Times*, 25 January 1954.

²¹⁶ See paragraph 139 above.

²¹⁷ *Ibid.* See also the item concerning the Assembly of the Ecumenical Council of Churches, paragraph 140.

²¹⁸ See paragraph 144 above.

(c) *Interracial Assembly of the Moral Rearmament Movement*

202. An interracial assembly was organized by the Moral Rearmament Movement in Johannesburg. Five hundred people came to the assembly from Kenya, Nyasaland, Northern and Southern Rhodesia, South West Africa and all four provinces of the Union to consider how "to give Africa a unifying ideology which restores God to leadership in the affairs of men and nations and gives every race and class a part in making Africa a pattern of peace for a divided world".²¹⁹

The *Indian Opinion*, a newspaper founded by Mahatma Gandhi and now published in Natal by his son, Mr. Manilal Gandhi, issued a special supplement devoted to the Moral Rearmament Movement.

The following statements appeared in that supplement:

(Extract from *New World News*)

"Mr. William Nkomo, a founder and the first President of the African National Congress Youth League, said:

"For the past fifteen years I have fought militantly for the emancipation of the African people. I have fought, however, full of bitterness and hate and saw no alternative for the black man except bloody revolution.

"Last year I attended an interracial assembly for Moral Rearmament at Lusaka. I went prepared to fight for the African, to point out the faults of the white man. But I witnessed something different, men and women of all races, creeds and colours dedicating themselves to remake the world under God. I saw black men change, I saw white men change, I myself changed.

"Since then I have been able to get rid of the deep-rooted hatred of the white man, particularly of Afrikaners and have since had teamwork with them in remaking South Africa under the leadership of God.

"Later I went to Caux, where I saw a force greater than nationalism, a very revolutionary force and dynamic ideology, more revolutionary because it aims to change human nature and does not wait for the system to change. Unless I change I feel I cannot call myself revolutionary. Now I am happy to be in the greatest of all revolutions — that begins in the heart of a man. My wife and I have pledged ourselves to fight with all changed Boers, Britons, Coloureds, Indians and Africans, to fight to make the world what God intends it to be for us all."

"The Rev. George Daneel, Minister of the Dutch Reformed Church, said:

"As a member of the Dutch Reformed Church I believed I was doing all I could to present Christian living to all races. But I was very rudely awakened from my complacency when I attended an interracial assembly for moral rearmament where I met Dr. William Nkomo. He and other African leaders put me to shame by the courageous way in which they were facing their bitterness and hate towards Europeans.

"I decided to fight with an equal conviction to bring a God-led unit to this country.

²¹⁹ *New World News*, No. 8, Summer issue 1954.

"I knew that they had found the answer. But I also knew that if I did not face up to my superior attitude towards them and everyone else with a dark skin, then I would be breaking down what they were trying to build up.

"Tonight I want to say to all Africans and Indians present here that I am indeed sorry for my superior attitude and the division I have caused between us.

"Division comes from fighting for what I think is right. Unity comes from fighting for what God says is right. Everyone can find that unity. Everyone can find what Dr. Nkomo and I have found through listening to God.

"My wife and I have decided to give everything we have to bring a God-inspired unity to this country, because unless we find it, God help us."

"Mr. Manilal Gandhi, receiving the members of the Assembly in his house at Phoenix, Natal, said, *inter alia*:

"We stand with you wholeheartedly in the great work you are doing. I have been following it very closely and you have always had my thought and prayers. Today, for the salvation of the world, there is no other way but for each one of us to improve our own selves, and not to wait for the other person to improve. That is what you stand for, and if that is what we all stand for, the world will change."²²⁰

(d) *Convening of a Congress of the People*

203. The joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress contains the following passage:

(Extract from the joint memorandum submitted to the Commission by the African National Congress and the South African Indian Congress)

"Your Commission in its report to the United Nations General Assembly at its last session recommended, *inter alia*:

"The United Nations might suggest ways and means in which the Union might draw up a new policy: for example, a round table conference of members of different ethnic groups of the Union, which would, in an effort toward conciliation, make proposals to the Government to facilitate the peaceful development of the racial situation in the Union of South Africa. The United Nations might offer its help to that conference by sending a number of United Nations representatives, so that all parties might be sure that the Principles of the Charter would guide the debates."

"In view of the intransigence of the Union Government it is almost impossible to expect such a recommendation receiving a favourable response from Dr. Malan's Government in the foreseeable future.

"However, the African National Congress has taken initiative in the matter and together with the South African Indian Congress, the South African Congress of Democrats and the South African Coloured Peoples' Organisation is proposing to convene a Congress of the People by not later than June 1955.

"For the first time in the history of South Africa all racial groups are co-operating to bring about an

²²⁰ *Ibid.*

assembly elected directly by the people throughout the country to frame a Freedom Charter embodying the demands and aspirations of all sections of the South African population.

"The sponsors of the Congress of the People have issued invitations to Dr. Malan, the Prime Minister, Mr. J. G. N. Strauss, leader of the United Party and other leading organizations to participate in the work of organizing this Congress".²²¹

(e) *Views of a Bantu notable in favour of co-operation*

204. (Extract from *South Africa*)

"Speaking at a reception given for the Minister of Health, Dr. A. J. R. van Rhyen, at Thaba'Nchu when he visited the Santoord Tuberculosis Settlement, Dr. J. S. Moroka, former President of the African National Congress, said that it was the wish of the Natives of South Africa to be self-supporting. They did not want to be a burden on anyone. He said it

²²¹ A/AC.70/2, annex D/II.

was not fair to expect that the Europeans should do ever, thing for the Natives.

"Hospitals and other institutions for Natives were today maintained by the Whites because the Natives were not yet in a position to do so themselves. 'For the present, you must assist us, but we will do our best to become self-supporting', Dr. Moroka said. Because the Natives were the poorest section of the community, the incidence of tuberculosis was high. They often lived in houses which were too small and badly ventilated, while their main diet consisted of porridge. This state of affairs was, however, gradually disappearing. The Government tried to uplift the non-European both mentally and physically and the non-Europeans had reason to be thankful.

"I often wonder what would happen to the Natives if the Whites should suddenly decide to leave the country', Dr. Moroka said. He added that it was clear that White and non-White could remain friends without losing their identities."²²²

²²² *South Africa*, 19 December 1953. See also *South Africa Reports*, 17 December 1953.

Chapter V

ECONOMIC DEVELOPMENT OF THE UNION OF SOUTH AFRICA (1910-1954)²²³

I. Introductory remarks

205. The Union of South Africa is the most industrially developed country on the African continent and its economic development has been rapid. In 1910, when the four Provinces of the Cape, Natal, the Orange Free State and the Transvaal were united to form the Union of South Africa, agricultural and pastoral activities and gold-mining provided the chief means of livelihood. The economy was little diversified and depended for its manufactured goods on imports financed by exports of gold, diamonds and wool. Today, forty years later, the economy of the Union of South Africa is highly diversified and expanding.

This rapid and sustained development of the Union's economy has been largely dependent on the development of gold-mining which provided attraction for large investments of foreign capital and also provided the foreign exchange by which imports of both consumer and capital goods were financed. The economic development of the Union since 1910 may be conveniently considered in four phases. First the period from 1910 to the early nineteen-twenties, secondly 1925-1933, thirdly 1933-1945 and, fourthly, the post Second World War period. It was not until 1925 that the Union by the imposition

²²³ When the Commission prepared its first report it decided to include a section on "General Information on the Union of South Africa" to enable the General Assembly to appraise the racial situation in the Union of South Africa in the light of political, economic, geographical and social conditions. The Commission had, however, insufficient time to assemble the economic information needed for this study and to include data on the economic development of the Union of South Africa in this section of the first report. In view of the close relationship which, in the Commission's opinion, exists between the economic situation and the racial situation in South Africa, the Commission requested the Secretary-General to supply it with the information and documentation on the subject in his possession. The Secretary-General supplied the Commission with the items requested in the form of a document which the Commission has adopted and used without modification.

of relatively modest protective duties began seriously to develop secondary industry. The world agricultural depression in the late nineteen-twenties and the industrial depression of 1929-1932 retarded these developments. However, following the suspension of the gold standard by the Union Government in December 1932 and a consequent rise in the sterling price of gold, and the increase in 1933 in the buying price of gold by the United States Treasury to \$35 an ounce, the economy of the Union entered a phase of rapid expansion. Not only did the output and revenue of gold mining greatly increase, but investment was stimulated in many other directions, particularly in secondary industry. In 1934, the Government-sponsored steel plant was laid down, thus providing the Union with the most basic requirement for the development of heavy industry. The shortage of many formerly imported products arising from conditions of the Second World War, and the demand for military supplies of various kinds, gave an additional impetus to the Union's industrial development. In the post-war period the economy has continued to expand largely under the stimulus of the opening of new gold-fields and the development of uranium extraction from gold ores.

206. In the fiscal year 1911-1912, the contribution of industry to the national income was less than 7 per cent, but in 1953, its contribution was nearly 25 per cent. Secondary industry today employs over three-quarters of a million workers, manufacturing, among other things, iron and steel, engineering products, electrical goods, chemicals, textiles, footwear and many other types of consumer goods. The number of establishments engaged in manufacturing industry increased from 2,473 in 1911 to nearly 15,000 in 1950 and the net installed total power capacity which was less than 100,000 horse-power in 1915 had increased to over one and a quarter million horse-power in 1947. In 1911, people employed directly in manufacturing industry repre-

sented just over 1 per cent of the total population but by 1950 they represented 5.6 per cent. In the same period the proportion of people engaged in mining declined slightly from 5.6 per cent to just over 4 per cent of the total population.

207. Agricultural output though subject to large annual fluctuations as a result of variable climatic conditions has increased over the whole period to a marked extent, mainly on European farms. According to a pre-Second World War estimate, the index of the volume of agricultural production increased from 100 in the year 1910-1911 to 212 in 1934-1935.²²⁴

In the following decade agricultural output continued to expand though at a much slower rate. After 1947, however, there was again a very marked increase in agricultural output. Thus, the average annual volume of production for the years 1944/45 to 1946/47 was only 5½ per cent above the average for the years 1935/36 to 1937/38, but for the years 1949/50 to 1951/52 it was 27½ per cent higher.²²⁵ The production of maize, the staple food of the great majority of the population, increased from approximately 860,000 tons in 1910 to approximately 3 million tons in 1950. Increases in the production of dairy products and of deciduous and citrus fruits have been very large. As late as 1928-1929 the Union of South Africa was a regular importer of large quantities of butter. Six years later in 1934-1935 nearly 9 million pounds of butter were exported and shortly before the Second World War the annual production of creamery butter in the Union was approximately 35 million pounds. In 1952, the output reached some 62 million pounds.

208. In 1911, the national income expressed in current prices was approximately £130 million and by 1953 it had increased to £1,247 million. Since the total population increased in the same period from approximately 6 million to 13 million, the *per capita* national income in current prices increased from about £22 in 1911 to approximately £104 in 1953. Although it is difficult to allow adequately over such a long period of time for changes in price levels, it is nevertheless clear that *per capita* income has increased considerably in real as well as in money terms.

209. Such a rapid growth of the Union's economy would not have been possible without both considerable imports of capital, for which gold-mining provided the main attraction, and increasing investment out of current income. In its ability to attract foreign capital, the Union has been favoured by circumstance. Thus, in the critical period of the nineteen-thirties the rise in the price of gold completely changed the prospects of the gold-mining industry resulting in a great increase in investment. In the immediate post-Second World War period, the relative security of the Union proved an attraction to investors and to immigrants with capital and although this source of capital dried up considerably after 1948 and net foreign investment fell to a very low figure in 1950, imports of capital have subsequently increased again. With the expansion and increasing diversity of the Union's economy has come an increasing ability to provide from its own resources much of the financial and physical capital for its further growth. In the four years 1947-1950, average annual gross investment in

the Union was £215 million and average annual gross domestic saving £133 million.

210. The course of economic development in the Union has been influenced by the cultural and racial heterogeneity of the population and in its turn economic development has brought profound changes in the economic and social structure of the various racial groups. From the economic point of view, these conditions manifest themselves most significantly in peculiarities in the structure of the labour market. Of the total population of 12.6 million recorded by the census in 1951 some 8½ million were Bantus, 2.6 million European, 1.1 million Coloured and 365,000 Asiatics. The European population, approximately 21 per cent of the total, is by far the most economically advanced group and provides almost the whole of the skilled, and therefore most highly paid, labour in the economy. The Bantu population, some 67.5 per cent of the total, is by and large, the least economically advanced. Some 3 million of the Bantus live in Native reserves and retain a considerable degree of tribal organization, and a further 3 million or so live on European farms under a variety of forms of labour tenancy. The Coloured population, the greater part of whom are to be found in Cape Province, have a basically European culture but mainly have open to them only employment of an unskilled and semi-skilled nature. The Asiatics, of whom by far the majority are descendants of Indian labourers brought to work on Natal sugar estates in the late nineteenth and early twentieth centuries, are largely concentrated in the Province of Natal. They are, as a group, somewhat more economically advanced than the other non-European groups but, nevertheless, limited in the scope of employment and economic opportunity open to them and the majority of them belong to the low-income groups.

211. The extent of these differences in the economic condition of the various racial groups is reflected in the distribution among them of the national income. The only extensive statistical study of this aspect of the question is one made in respect of the year 1936 by the Economic Department of the University of Natal.²²⁶ According to this study the average income per head by ethnic groups of the population in 1936 was Europeans £129.6, Asiatics £27.6, Coloureds £18.8 and Bantus £10.4. More significant than the absolute figures are the relative differences which can be shown per head of the working population separately in farming and in other industries. In farming, average European incomes per head of the working population were more than fourteen times larger than Bantu incomes, Asiatic incomes more than five and a half times larger and Coloured incomes nearly five times as large. In non-farming industries European incomes were ten and a half times as big as Bantu incomes, Asiatic incomes more than two and a half times as large and Coloureds incomes one and a half times as large. The relatively more unfavourable position of Bantus in farming than in non-farming is explained partly by the low standards of subsistence agriculture prevailing in the Native reserves.

Although, since 1936, there have been considerable increases in national income and in average real income per head, the relative position of the social groups in regard to income distribution depends on structural factors which have changed only slowly. Thus, there is some evidence that structural changes have tended to reduce the disparities which, however, are still large.

²²⁶ *Handbook on Race Relations in South Africa*, Oxford University Press, 1949, pp. 306-347.

²²⁴ G. W. Schumann—*Structural Changes and Business Cycles in South Africa 1806-1936*, P. S. King, London, 1938, page 156.

²²⁵ Union of South Africa, Department of Agriculture, Pretoria. *Farming in South Africa*, Vol. 29, No. 336, page 163, Pretoria, March 1954.

212. When the Union was established the main fields of employment were in agriculture and mining. The lack of skilled labour, even among the European population, made it necessary to import skilled workers at relatively high rates of pay. Unskilled workers were eventually recruited mainly from the Native reserves as migrant workers on short-term contracts. Under the standards of agriculture prevailing the Native reserves have been progressively unable to provide for the needs of their growing populations. They have thus become characteristically exporters of labour. Since with the social and cultural conditions prevailing non-Europeans found it difficult to enter skilled occupations, the potential supply of unskilled labour in relation to demand was relatively high and wages, in consequence, relatively low. Nevertheless, increasing population pressure in the reserves coupled with the growth of a desire to earn cash income and to obtain the things which money could buy has resulted in an increasing flow of Bantu labour from the rural areas.

213. With the rapid development of industry since 1933 the demand for labour has greatly increased. To an increasing extent, Africans in the Union have been able to obtain other and more attractive employment than is offered in mining, and the gold-mines have, in fact, been able to maintain their supply of migrant unskilled labour only by special arrangements which permit them to recruit labour outside the Union. An increasing number of Bantus have ceased to be migrant workers and have become fully urbanized. Although opportunities to enter skilled occupations have continued to be restricted mainly to Europeans, the development of a wide range of new industries has greatly increased the range of occupations open to non-Europeans so that many have become semi-skilled industrial workers and, although it is broadly true that occupational distinctions follow a racial pattern, the situation is today considerably more complex than it was even a few years ago.

214. A significant aspect of the structure of the labour market in the Union of South Africa is the large gap between skilled and unskilled rates of pay. In developed countries such as Canada and the United Kingdom with homogeneous populations, wages for unskilled labour range from approximately 50 to 75 per cent of the wages for skilled labour. In the Union of South Africa, on the other hand, unskilled rates of pay are relatively much lower and vary from 10 to 30 per cent of the wages of

skilled workers. The wage rates of European skilled workers are determined for the most part by collective bargaining between organization of employers and employees within the framework of the Industrial Conciliation Act. These wage rates are protected by the high degree of organization amongst European workers and by the social, cultural and legal obstacles which limit the potential competition in skilled employment of the non-European. In recent years the wages of unskilled workers including large numbers of non-Europeans have been regulated by wage determinations under the Wage Acts. Although the gap between skilled and unskilled wage rates remains very large, there has been some tendency towards reducing it. The development of new industries for which relative wage rates were not already fixed by long established convention coupled with shortages of many types of skilled labour has led to increasing employment of non-Europeans and especially Bantus in semi-skilled occupations at wage rates higher than those for unskilled labour. In the absence of a thorough statistical study of the problem it is difficult to say how far this process may have gone and to what extent the wages of non-Europeans have increased relative to the wages of Europeans. According to the Industrial Census returns, the average wage of Europeans in manufacturing industry was five times as high as the average wage of Bantus in 1936/37 whereas in 1947/48 it was about four times as high.

II. Mining

215. The Union of South Africa is rich in a variety of minerals, of which the more important are gold, diamonds, coal, copper, tin, silver, iron ore, asbestos, manganese ore and uranium. Mining, especially gold, has played an all-important part in the economic development of the Union of South Africa. While mining is the most dynamic factor in this economic development, its relative importance has declined as the economy has become more diversified. Thus, in 1911/12, the contribution of the mining industry to the national income was 27.5 per cent; 20.3 per cent in 1917/18; 18.6 per cent in 1927/28; 19.5 per cent in 1937/38; 13.6 per cent in 1945/46, and 8 per cent in 1947/48. For the same periods covered, the trend in the manufacturing industry was in an ascending order, percentage-wise.

216. The number of persons employed in mines and allied concerns has increased considerably over the years as is illustrated by the following table:²²⁷

Table I. *Number of employees in mines and allied concerns*

	Gold	Diamonds	Coal	Other minerals	Other	Total
1912.....	231,355	63,041	24,169	6,795	9,747	335,107
1920.....	207,808	56,922	34,495	7,329	2,564	309,118
1930.....	236,305	63,297	32,594	16,835	3,907	352,938
1940.....	428,051	14,888	37,322	21,747	14,650	516,658
1945.....	374,533	14,822	51,640	21,397	14,991	477,383
1949.....	357,038	19,332	52,457	38,803	17,747	485,377
1952 ²²⁸	367,669	19,294	56,861		63,235	507,089

The indices of mining employment were (1948=100), 74 in 1912; 67 in 1920; 79 in 1930; 105 in 1938; 114 in 1940; 106 in 1946; 113 in 1950 and 115 in 1952.

Gold

217. The gold-mining industry in the Union is important because of its size and its stabilizing influence on the economy. A large proportion of the population obtains its livelihood directly or indirectly from the gold-mining industry, and it is a large contributor to the

finances of Government. Gold still plays an important part in the export trade of the Union, and at the current rate of output, represents about 40 per cent of South African exports, and thus has also been the chief provider of foreign exchange for the purchase of industrial raw materials.

²²⁷ *Official Year Book of the Union of South Africa*, No. 25, 1949, p. 929.

²²⁸ Union of South Africa, *Monthly Bulletin of Statistics*, December 1953, pp. 16 and 17.

The fact that the official United States buying price of gold has been fixed at \$35 per fine ounce, coupled with rising costs, has been disadvantageous to the industry. Also the effects of the shortage of unskilled labour were intensified by the opening of new gold-fields. However, the increase in the sterling price of gold consequent on the devaluation in September 1949 partially offset the effects of rising costs. Increased mechanization, more efficient methods of organization and improved efficiency of the labour force, have increased productivity and have also helped to offset the effects of rising costs.

The quantity of gold produced in the Union has shown a continuous increase up to the year 1941, when it began to decline and subsequently fell below the pre-Second World War level. The trend in gold output in the Union is as follows:

	Million oz. fine		Million oz. fine
1910.....	7.5	1941.....	14.4
1920.....	8.2	1945.....	12.2
1930.....	10.7	1949.....	11.7
1938.....	12.2	1952.....	11.8

Diamonds

218. The production of diamonds in the Union has shown a greater degree of fluctuation than gold output. From the high level of output in 1910, there was a considerable decline in the next two decades. From 1931 onwards, there was a sharp drop. This is attributable to the curtailment and subsequent stoppage of operations on some of the mines. The reopening of these mines in the nineteen-forties coupled with the discovery of extensive and valuable alluvial deposits and an increased overseas demand for diamonds gave rise to the renewal of activity in the diamond industry.

The table below gives the annual output and value of diamonds for selected years:

Table III. Production of some minerals in the Union of South Africa

	1911 Tons (1911-14 av.)	1920 Tons	1930 Tons	1940 Tons	1945 Tons	1949 Tons
Copper.....	19,286 (1912)	10,880	9,754	18,766	30,132	36,090
Tin.....	2,932	2,463	1,277	1,012	545 (1946)	497
Silver.....	—	—	—	—	1,207,373 fine oz. (1946)	1,159,375 fine oz.
Iron ore.....	—	—	—	—	1,040,541 (1946)	1,366,698
Asbestos.....	—	—	—	—	23,827	68,903
Manganese.....	—	67	162,394	454,233	126,265	722,211

221. The extraction of uranium in recent years has contributed to the expansion of the South African economy. By the end of 1953, there were four uranium plants under production, and 23 gold mines had been admitted to the uranium extraction programme. The estimated capital cost of the uranium development programme is stated to be about £50 million; and the estimated annual gross revenue is expected eventually to reach more than £30 million.²²⁰

²²⁰ Official Year Book of the Union of South Africa, No. 25, 1949, pages 924, 955, 956 and 959.

²²⁰ The Director of Information, London, South African Survey, 30 December 1953.

Table II. Output of diamonds in the Union of South Africa

	Quantity	Value
1910.....	5,456,558 carats	£8,181,197
1920.....	2,545,017 carats	£14,762,899
1930.....	3,163,591 metric carats	£8,340,719
1935.....	676,722 metric carats	£2,171,267
1940.....	543,463 metric carats	£1,620,467
1945.....	1,222,945 metric carats	£6,425,096
1949.....	1,264,794 metric carats	£7,646,727
1952.....	2,350,000 metric carats	—

Coal

219. Coal production in South Africa has shown a remarkably steady growth. The Union, besides being self-supporting with regard to coking coal, is also fortunate in possessing ample supplies of cheap industrial coal, the demand for which is increasing steadily year by year. The expansion in the iron and steel industry, developments in gold-mining, increased power station activities, and the introduction of new secondary industries, tend to ensure a substantial and increasing domestic market. The net quantity of coal produced in selected years since 1913 is as follows:

	Million short tons (2,000 lb.)
1913.....	9.0
1920.....	11.5
1930.....	13.5
1940.....	19.3
1945.....	25.0
1949.....	28.0
1952.....	30.0

220. The available statistical information on the other important South African minerals such as copper, tin, silver, iron ore, asbestos and manganese ore, shows that with the exception of tin and silver, there has been more or less appreciable increase in the quantity produced. The table below gives particulars of the production of these minerals:²²⁰

III. Processing industries

222. The First World War gave the Union's industrial development its first impetus when the Union had to depend on itself for the manufacture of many of its requirements which were formerly imported. Following the post-war boom, the Union's nascent industries were subjected to increasing competition and the Government met the situation by instituting a moderate protective policy through the Customs Tariff Act of 1925.

During the next few years there was a moderate expansion of industrial activity including the establishment of industries new to the Union. The depression

Table IV. Manufacturing production: General summary

	Number of establishments		Number of employees		Index of employ-ment 1934/35 = 100	Salaries and wages per employ-ee		Engines and motors		Cost of materials used Thousands of pounds	Value of gross output Thousands of pounds	Index of gross value of output 1935/35 = 100	Index of volume of output 1934/35 = 100	Value added by manufactures Thousands of pounds	Net output
	European	Non-European	European	Non-European		European	Non-European	Prime motors HP	Net total HP						
1911.....	2,473	44,867	21,049	44,867	24.8	63.9	..	..	9,389	17,249	13.1	—	7,860	..	..
1916/17.....	5,305	77,742	46,100	77,742	46.6	168.4	34.4	117,418	28,024	49,457	37.6	30.6	21,433	19,947	19,947
1920/21.....	7,005	116,857	62,962	116,857	67.6	255.4	49.8	132,477	57,965	98,308	74.7	43.7	40,343	37,546	37,546
1929/30.....	7,695	127,440	90,858	127,440	82.1	225.7	55.1	264,129	56,802	111,799	85.0	74.5	54,997	51,533	51,533
1938/39.....	10,256	144,838	207,62	144,838	132.6	239.5	54.9	565,466	102,472	199,617	151.7	149.4	98,145	92,070	92,070
1943/44.....	10,684	296,386	154,790	296,386	169.7	340.2	92.5	852,665 (1946/47)	166,748	330,557	251.2	195.7	163,809	154,864	154,864
1945/46.....	11,351	341,128	178,543	341,128	195.5	380.6	199.9	1,250,706	211,873	417,438	317.2	224.7	205,656	195,372	195,372
1948/49 ^a	14,361	506,702	236,449	506,702	279.5	—	—	—	362,019	674,775	442.6	—	—	297,865	297,865

Source: Official Year Book of the Union of South Africa, 1949, page 988.

^a Obtained from the Union of South Africa, Bureau of Census and Statistics, Special Report No. 191—Thirty-second Industrial Census, 1948/49 (Preliminary), page 1.

of 1929-1933 brought a temporary set-back. But with the revival of gold-mining following the departure from the gold standard in December 1932 and the consequent fall in the foreign exchange rate, a period of considerable expansion of secondary industry began. This expansion has continued almost without interruption to the present day.

Just before the outbreak of the Second World War, manufacturing industry ranked second only to the mining industry as the chief contributor to the national income. But since the end of the war, manufacturing industry has progressively outranked even mining as a contributor to the national income. Thus this contribution was 6.8 per cent in the fiscal year 1911/12; 9.6 per cent in 1917/18; 13.2 per cent in 1927/28; 17.6 per cent in 1937/38; 20.1 per cent in 1945/46; 22.4 per cent in 1948/49, and about 25 per cent in 1953.

This industrial expansion in the Union is attested to by such other indicators of growth as the number of establishments, number of employees, value of raw materials used, net installed total power capacity, and output. Table IV illustrates the trend.

223. With the establishment of a steel plant by the Government in 1934, the stage was set for the development of heavy industry in South Africa. The Union's manufacturing growth has been greatly assisted by this domestic iron and steel industry in which the Government has a controlling interest. This development in the

Union's industrial structure has naturally had a most beneficial influence on the development of the Union's engineering industry. A wide range of steel and metal manufactures such as pipes, piping and pipe fittings, steel tanks, agricultural implements, and structural steel manufactures are now being carried on. South Africa now produces enough steel to satisfy most of its present needs; and the current output of steel is over a million tons.

The manufacture and processing of consumer goods such as butter, cheese, bacon and ham, soap, footwear, cement, textiles and electrical appliances, have been on the increase.

The present field covered by the Union's manufacturing industry is indicated by the seventeen classes into which it is officially divided, and comprises: the production of raw materials for other industries; processes in stone, clay, marble and so forth; processes connected with wood and timber; metals and engineering in all its branches; industries dealing with the processing of food and drink; clothing and textiles; printing, book-binding, paper bag and cardboard box manufacturing; coach and wagon building; ship-building; furniture manufacture; chemicals of all kinds; surgical instruments; jewellery; power; leather and leatherware; building and contracting. The extent to which South African industry has developed is indicated by the increasing production of a selected range of goods, as shown in tables V and VI.

Table V. Selected industries: Volume and value of output

(Thousands of specified units)

Item and unit	1933/34	1935	1939	1944	1949	1952
Butter (pounds).....	18,658	27,113	36,963	42,733	46,674	62,391
Cheese (pounds).....	6,946	10,616	14,993	17,455	19,554	23,552
Bacon and ham (pounds).....	6,823	7,734	10,248	18,139	21,842	26,567
Footwear (pairs).....	7,172	8,847 ^a	13,301	14,959	14,710	15,347
Soap (pounds).....	74,344	—	—	(1946/47) 156,984	—	—
Pig-iron (metric tons).....	(1934/35) 191.2	173 ^a	(1938/39) 330.9	(1943/44) 519.8	(1948/49) 780.9	1,244.3
Cement (metric tons).....	481	527 ^a	(1938/39) 1,021	(1943/44) 1,076	(1948/49) 1,437	2,228
Electricity (kilowatt-hours (millions)).....	2,854	—	(1938/39) 6,574	(1943/44) 8,043	(1948/49) 10,013	12,533
Metal manufactures (South African pounds).....	556	—	—	(1946/47) 12,588	—	—
Textiles, clothing, etc. (South African pounds).....	5,541	—	—	(1946/47) 19,290	—	—
Chemicals, etc. (South African pounds).....	1,787	—	—	(1946/47) 18,005	—	—
Crude steel (metric tons) ^b	(1933) 9	188	368	484	636	1,258
Iron and steel (metric tons).....	—	—	—	—	(1950) 4,504 ^c	5,311 ^c

Source: Official Year Book of the Union of South Africa, No. 19, 1938, and No. 25, 1949.

^a Statistical Year Book, 1953, United Nations publication, Sales No: 1953. XVII.9.

^b Ibid, page 230.

^c Summary of Recent Economic Developments in Africa, 1952-53, (Supplement to World Economic Report, 1953) United Nations publication, Sales No: 1954.II.C.3 page 66.

IV. Agriculture

224. In the words of an official report, "A wide range of farm products can be produced in South African climate which ranges from temperate to sub-tropical. Owing mainly to deficient moisture, 85 per cent of the land is not arable at all and perhaps only a third of the remaining 15 per cent can be cultivated intensively. Even there crop yields are low, as insect pests and diseases are rampant owing to the short and mild winters, while produc-

tion is variable because the weather is inconsistent. The costs of marketing agricultural products are also high owing to the configuration of the country, the low density of population and the need to assemble farm products from widely dispersed points, farming units being large on account of aridity and low fertility".²³¹

²³¹ Industrial and Agricultural Requirements Commission, Third Interim Report, U.G. No. 40-41, Union of South Africa, 1941, pages 10-11.

Table VI. Principal industries

	Number of factories	Thousands of pounds		Number of employees	Salaries and wages paid	Cost of materials used	Value of output	Value added	Net output
		Value of land and buildings	Value of machinery, plants and tools						
Bacon, ham and sausage factories.....	40	118	60	527	58	561	760	199	186
1929/30									
1935/36	33	117	58	642	55	583	788	205	194
1946/47	38	268	106	1,370	257	2,622	3,327	705	686
Boot and shoe factories.....	57	257	358	5,017	571	1,294	2,306	1,012	995
1929/30									
1935/36	81	401	514	9,381	989	1,809	3,439	1,630	1,608
1946/47	90	975	909	14,880	3,376	6,572	11,452	4,880	4,839
Butter and cheese factories.....	129	380	277	1,595	145	1,415	1,878	463	434
1929/30									
1935/36	141	511	355	2,089	161	1,895	2,730	835	790
1946/47	126	898	720	3,434	492	5,507	6,882	1,375	1,282
Electricity generating plants.....	197	4,146	18,499	8,697	1,274	778	6,513	5,735	4,439
1929/30									
1935/36	246	5,880	25,987	11,538	1,705	1,751	9,452	7,701	5,878
1946/47	285	12,463	54,889	16,653	4,119	4,118	19,861	15,743	11,973
Galvanized ware, tin ware, steel trunk factories and plumbing.....	245	325	175	4,302	445	694	1,453	759	743
1929/30									
1935/36	289	422	222	6,341	618	1,070	2,144	1,074	1,059
1946/47	288	1,020	693	9,171	1,767	3,171	7,049	3,332	3,276
Jam factories and fruit preserving works.....	20	152	156	1,478	105	413	644	231	222
1929/30									
1935/36	18	145	138	2,523	133	573	969	396	382
1946/47	30	745	611	7,444	1,025	3,919	6,400	2,481	2,420
Soap and candle factories.....	27	292	177	1,783	194	1,132	1,896	764	741
1929/30									
1935/36	32	307	341	1,839	223	950	1,568	618	597
1946/47	34	538	326	3,306	748	3,898	6,500	2,502	2,563
Textile factories.....	12	221	514	2,611	262	579	1,208	629	612
1929/30									
1935/36	34	777	1,021	5,872	1,125	3,676	6,227	2,351	2,503
1946/47									

Source: Official Year Book of the Union of South Africa, No. 19, 1938, and No. 25, 1949.

225. Nevertheless, while the population has grown at a rate of about 2 per cent per annum, agricultural production has managed to expand on the average at a slightly higher rate. As a result of the increasing local demand for foodstuffs many food products, formerly exported, are now purchased for domestic consumption.

226. During the First World War South Africa experienced a boom in agriculture and certain products such as meat, dairy and poultry products which previous to 1914 had been imported in considerable quantities, were produced in the Union under the stimulus of inflated war prices. The production of meat, ham, bacon, butter and cheese, lard, eggs, dried fruit, sugar, Turkish tobacco, etc., soon exceeded local consumption; thus an appreciable export trade was developed in almost all these areas. The production of wool, maize, sugar, wheat, wine and brandy, fruit, cotton, etc., also increased substantially.

Wool production increased from an annual average of about 142.5 million pounds in the years 1922-1924 to an average of 233.5 million pounds in 1927-1929; maize production increased from about 1.6 million tons to 1.9 million tons; and sugar output rose from 181,000 tons to 271,000 tons, while wheat production advanced from 179,000 tons in 1923-1924 to 223,000 tons in 1928-1929; and the value of fruit exported rose from £773,000 in 1923 to £1,193,000 in 1929. The relative prosperity of the farming industry during this period was reflected, after allowing for the substantial increase in local consumption and the decrease in the imports of several protected products, in the growth of exports of farm produce from about £22.6 million in 1923 to about £31.8 million in 1928.

227. One of the striking features of the South African agriculture in this period, is the development of food and fruit processing. In 1928/29, the Union still had to import large quantities of butter, but six years later, in 1934/35, she exported nearly 9 million pounds of butter. In 1910, the value of fresh fruit exported from the Union was about £46,000. Twenty-seven years later, in 1937, the value of fresh fruit exported had risen to over £3.3 million. Exports of wine increased twentyfold in the same period. However, agricultural exports remained a small fraction of total exports. With the exception of a few agricultural products, the agricultural possibilities of the Union were practically largely dependent upon the domestic market. Maize and sugar, for example, figured regularly amongst the exports of the Union, but owing to relatively poor soils and many other factors, the local producers were definitely at a disadvantage compared with the principal cereal and sugar-producing countries and had little prospect of effectively competing with them in the world markets without artificial means of protection.

228. The 1929-1933 depression as well as the devastating drought of 1932/33 subjected most farmers to crippling financial losses resulting in a set-back to agriculture. To safeguard the farming industry, the Government made additional provision for various forms of assistance to farmers, and also set up a number of produce marketing boards as a means of stabilizing agricultural prices. By the time the agricultural industry was able to recover fully from this set-back, the Second World War broke out and serious shortages of farming implements, tractors, spare parts, fencing, building and packing materials as well as of fertilizers and labour limited the expansion of production. These shortages persisted until about 1947 since when there has been a

marked expansion in agricultural production. In the five years, from 1947 to 1952, the volume of agricultural production in South Africa increased by some 22 per cent as against 5½ per cent in the previous nine years.

The main factor responsible for this increase in agricultural production since 1947, is the increased post-war mechanization of the Union's agricultural industry. "If the number of tractors is to serve as an indication it may be pointed out that while only 6,019 tractors were used on farms according to the Agricultural Census of 1937, the numbers increased to 22,292 and 48,423 in 1946 and 1950, respectively. . . . Apart from tractors, millions of pounds have been spent on the purchase of other agricultural machinery. The landed value of agricultural machinery (tractors included) imported during 1945 and 1946 was £4.4 million, or £2.2 million per annum, while the corresponding figures for 1950 and 1951 were £16 million and £8 million per annum, respectively.

"These figures give some indication of the extent to which our agricultural industry has been revolutionized since the thirties and especially since 1947. . . . In addition, other labour-saving machines are being extensively used with the result that our agricultural cropping is today highly mechanized."²³²

229. These improvements in agricultural production have for the most part been confined to European farming areas, and have not been experienced in the Native reserves. Although various efforts have been made to improve agriculture in the native reserves, they have been on a relatively small scale and have not been sufficient to overcome the low standards of cultivation generally prevalent there. The deleterious effects of agricultural standards in the reserves, of the heavy and continuous outflow of migrant labourers, the problems of soil erosion, and the lack of capital, have combined to prevent any marked improvement in the low levels of productivity. The Native reserves though entirely agricultural areas, are importers rather than exporters of food.

230. Maize is the most important grain crop in the Union. The development of maize growing is shown by the fact that total production, which in 1910 amounted to a little more than 361,000 tons reached the record figure of 2.8 million tons during 1936/37, only to be exceeded by the 1938/39 output of 2.9 million tons and the 1947/48 output of over 3 million tons. Local consumption of maize has also increased considerably, and since the Second World War very little maize has been exported.

231. The output of sugar since 1910 has also shown steady improvement. Within the decade 1910 to 1919, production rose from 82,000 tons to 150,214 tons. The prosperity enjoyed by the industry during the post-war years was an additional incentive to expansion and the high prices of sugar overseas made export a definite object. Production increased to 239,850 tons in 1925/26, and the export totalled 70,600 tons. By 1930/31 the output had reached 393,205 tons, and six years later had topped 500,000 tons. During the Second World War, the industry made special efforts to raise production to meet increasing demands of the domestic market, and the years 1943 and 1944 saw a steep rise to the record output of 614,158 tons in 1944/45. In 1949/50 the output of sugar dropped to 561,122 tons; and the 1951/52 output dropped further to 532,505 tons.

²³² Department of Agriculture, Pretoria, *Farming in South Africa*, Vol. 29, No. 336, March 1954, p. 163.

232. Fruit processing and export in South Africa have also expanded over the years. By 1910, the quantity of fruit exported amounted to 2,795 tons. Since that time, the export of fruit has consistently increased until the total quantity exported is now over 200,000 tons per annum. The consumption of fruit in the Union is also very great.

233. Increase in total consumption has, indeed, taken place in the case of almost all foodstuffs. The Union's pre-war and war-time consumption of certain locally produced foodstuffs is shown below:²³³

	Pre-war	1945
Maize	15-16 million bags	20-21 million bags
Wheat	4 million bags	5½ million bags
Sugar	280,000 tons	480,000 tons
Creamery butter	35 million pounds	54 million pounds

234. With respect to animal husbandry, the Union had in 1939 about 12 million heads of cattle, 38 million sheep and 6 million goats. Some 43,000 European sheep farms sold 700,000 to 800,000 bales (of 300 pounds) of wool per annum. Almost all of these were for export and the annual value of wool in pre-war years averaged £9 million. Hides and sheepskins were exported to an annual value of over £1.5 million. The 1943 census showed that the number of cattle had increased, particularly in the younger age group, whilst the number of sheep had remained practically unchanged.

²³³ W. Peters, *Union of South Africa: Review of Commercial Conditions*, His Majesty's Stationery Office, London, 1945, page 21.

235. Farming has contributed about 16.1 per cent of the national income in 1911/12; 21.6 per cent in 1917/18; 18.2 per cent in 1927/28; 12.0 per cent in 1937/38; 12.0 per cent in 1945/46; 14.2 per cent in 1948/49; 13.4 per cent in 1951/52 and 15.1 per cent in 1952/53. In doing this, farming has provided livelihood for approximately 35 per cent of the European population and for about 78 per cent of the non-European population. It has provided food for the entire population and some for export, and has furnished raw materials for the manufacturing industries and for export.

An estimate of the economic growth in the Union for the period 1910 to 1935, shows that the annual average index of growth in agricultural and pastoral production (1910=100) for 1917/18 was 119; 176 in

Table VII. *Index of production*
(Base 1934-38 average=1,000)

	Agricultural	Pastoral
1939	1,278	1,128
1940	1,124	1,253
1941	1,129	1,297
1942	1,072	1,340
1943	1,290	1,301
1944	1,125	1,164
1945	1,067	1,166
1946	1,059	1,246
1947	1,336	1,267
1948	1,596	1,312
1949	1,240	1,400

Table VIII. *Agricultural and forestry production: all races*

Product and unit	1910/11	1917/18	1924/25	1929/30	1934/35	1945/46	1947/48	1948/49	1950 ^a	1952 ^a
<i>Grain (millions of pounds):</i>										
Wheat.....	362.1	587.4	421.4	637.5	982.5	608.7	1,076.9	1,065.2 (1949)	1,559.8 (1951)	1,177.0
Rye.....	40.5	52.1	54.5	80.5	51.5	—	49.9	32.9	28.6 ^b (1949)	26.4 ^b (1951)
Barley.....	61.1	97.2	49.2	105.6	74.1	69.1	81.4	65.6	59.4 ^b	79.2 ^b
Oats.....	309.1	335.2	239.0	301.4	211.2	169.9	271.3	180.3	272.0	—
Mealies.....	1,726.5	1,942.5	4,187.9	3,758.9	3,297.5	2,719.4	5,101.6	3,381.8	5,986.2 (1949)	6,505.4 (1951)
Kaffir corn.....	100.0	92.9	312.2	164.7	155.1	70.1	265.0	111.8	338.8 ^b	345.4 ^b
<i>Wine, fruit and vegetables:</i>										
Total vine products (thousands of South African pounds).....	1,037.4	1,157.3	1,380.8	1,421.1	1,645.2	—	—	—	—	—
Total fruit and vegetables (thousands of South African pounds).....	4,900	7,100	9,100	10,200	11,400	—	—	—	—	—
<i>Miscellaneous:</i>										
Sugar (thousands of metric tons).....	82.0	104.9	161.2	298.6	358.7	553.1	512.0	607.8	622.0 ^b	482.0 ^b
Wood (millions of cubic feet).....	7.17	5.62	5.9	6.57	8.86	25.0	24.0	26.3	—	—
Wattlebark and extract... ..	—	62.3	152.1	117.0	125.2	121.6	—	175.6	—	—
Tobacco (ten thousand pounds).....	1,496	1,250	1,276	1,227	1,625	2,965.7	4,963.5	4,555.3	5,324.0	4,400.0
Lucerne (millions of pounds).....	245.8	700.1	360.7	622.8	—	—	—	—	—	—
Potatoes (millions of pounds).....	—	220.2	310.1	346.3	338.6	590.0	556.7 ^c	474.3 ^c	525.8	—
Peas and beans.....	—	62.5	43.4	45.0	—	134.2	—	—	—	—

Sources: 1910/11-1934/35: C. G. W. Schumann, *op. cit.* pages 151-152. 1945/46-1948/49: *Official Year Book of the Union of South Africa*, 1949. 1950 and 1952: *Statistical Yearbook*, 1953, United Nations Publication, Sales No.: 1953. XVII.9 and the Food and Agriculture Organization of the United Nations *Yearbook of Food and Agricultural Statistics*, Vol. VI, part 1- Production, 1952.

^a From the *Official Year Book of the Union of South Africa*, 1949, unless otherwise stated.

^b Food and Agriculture Organization of the United Nations *Yearbook of Food and Agricultural Statistics*, Vol. VI, part 1- Production, 1952.

^c Production on European farms only.

1924 25; 204 in 1929 30; and 212 in 1934 35.²²⁴ This represents an annual average rate of increase of 4.1 per cent between 1910 11 and 1924 25; 1.9 per cent between 1924 25 and 1929 30; and 3.1 per cent for the entire period of 1910 11 to 1934 35.

Subsequent indices of farm production prepared by the Standard Bank of South Africa,²²⁵ show the trend of growth during the Second World War and the

post-war period.

The International Monetary Fund's recent estimates of agricultural production in the Union (1948 100) were as follows:²²⁶ 82 (1937), 93 (1947), 108 (1949), 100 (1950), 107 (1951), 109 (1952).

The following tables present a general picture of the growth in agricultural and pastoral production in the Union of South Africa:

Table IX. Pastoral produce on occupied farms, and fishing: all races

Item and unit	1910/11	1917/18	1924/25	1929/30	1934/35	1940	1945	1949	1950	1952
Animals slaughtered (thousands):										
		(1918, 19)								
Cattle.....		365.3	525.4	624.3	587.6	786.7	901.8	1,300.3	---	---
Sheep and goats.....	---	1,940	2,251	2,643	2,502	3,371.2	3,641.4	2,822.6	---	---
Pigs.....	---	147.3	158.7	196.0	194.4	351.5	597.7	799.6	---	---
Wool, hides, etc. (exports) (millions of pounds):										
Wool.....	132.2	115.6	208.6	275.0	260.0	---	154.1	(1946) 467.4	---	---
Mohair.....	21.1	19.6	11.6	6.9	10.6	---	8.7	(1946) 11.6	---	---
Hides.....	13.2	12.5	26.9	33.2	24.3	---	5.7	33.4	---	---
Skins.....	31.5	31.2	35.3	44.5	40.5	---	29.0	37.5	---	---
Dairy produce:										
Milk ^a (1910/11 1934/35, millions of gallons; 1934 38 to 1952, metric tons).	73	104	113	142	171	(1934 38) (1947) 914	1,619	1,652	1,797	1,862
Cheese ^b (thousands of metric tons).....	---	---	Pre-war (1934-38)		5	---	7 ^c	8	9	10
Poultry (millions).....	10.53	9.42	10.50	11.75	10.0	---	(1946) 12.28	(1949/50) 10.7 ^b	---	---
Fishing:										
Whales (number caught).	2,517	1,213	2,578	3,200	10	---	---	---	---	---
Fish (millions of pounds) ..	6.53	12.85	38.93	40	42	14.33	6.52	10.52	---	---

Sources: 1910/11 1934/35: C. G. W. Schumann, *op. cit.* page 154. 1940 1949: *Official Year Book of the Union of South Africa*, 1949. 1950 and 1952: Food and Agriculture Organization of the United Nations *Yearbook of Food and Agricultural Statistics*, Vol. VI, part 1—Production, 1952 and the *Statistical Yearbook*, 1953, United Nations publication, Sales No. 1953. XV11.9.

^a *Statistical Yearbook*, 1953, page 79, United Nations publication, Sales No. 1953. XV11.9.

^b Food and Agriculture Organization of the United Nations *Yearbook of Food and Agricultural Statistics*, Vol. VI, part 1—Production, 1952.

^c *Official Year Book of the Union of South Africa*, 1949, page 818.

V. Labour

236. The existing structure of the labour market in the Union of South Africa reflects the multi-racial distribution of the total population and the differences in culture and social and economic opportunities of the racial groups. "The greatest occupational gulf is between Europeans and Africans. Coloureds and Asiatics, in the districts in which they live, occupy an intermediate position. Professional, supervisory and skilled work is performed mainly by Europeans, to a lesser extent by Coloureds and Asiatics, and to an almost negligible extent by Africans. This is true of all branches of economic activity: agriculture, mining, manufacturing, transport, public administration, and professional work with the exception of teaching, nursing and religious service where non-Europeans serve their compatriots".²²⁷

The total working population according to racial groups in 1936 and 1946 is set out in the following table:

Table X. Working population of the Union: Europeans, Asiatics and Coloureds, 15 years and over, and Natives, 10 years and over, 1936 and 1946^a

Race	Number (thousands)		Percentage of total	
	1936	1946	1936	1946
Europeans.....	741.6	888.2	14.0	14.2
Natives.....	4,222.4	4,943.6 ^b	79.5	79.0
Asiatics.....	66.3	79.2	1.3	1.3
Coloureds.....	281.8	348.8	5.3	5.6
TOTAL	5,312.1	6,259.7	100.0	100.0

^a Population Census, 1936, Vols. VII and IX; Population Census, 1946, unpublished figures.

^b Partly estimated.

237. In 1946, 56.2 per cent of the total gainfully occupied population was engaged in agriculture and 43.8 per cent in all other employments. As among the racial groups, however, the situation was quite different. About 60 per cent of the Bantus were engaged in agriculture as against 32 per cent of Coloureds, about 20 per cent of Asiatics and less than 20 per cent of Europeans.

²²⁸ International Monetary Fund, *International Financial Statistics*, May 1954, page 164.

²²⁷ *Handbook on Race Relations in South Africa*, chapter V, "Labour" by Sheila T. van der Horst (Oxford University Press, Cape Town, 1949).

²²⁴ C. G. W. Schumann, *Structural Changes and Business Cycles in South Africa, 1806-1936*, P. S. King and Son, Ltd., London, 1938, page 215.

²²⁵ Standard Bank of South Africa, London, *Union of South Africa: National Income and Production Indices, 1939-1949* (Supplement to the *Standard Bank Monthly Review*, June 1950).

238. According to the 1946 census 41.7 per cent of all Bantus were in Native reserves, 31.4 per cent on farms outside the reserves and 26.9 per cent in other areas mainly urban. The Native reserves are not self-supporting areas. They depend to a very large extent on the income earned by workers who migrate for longer or shorter periods to European farms, to mines and to urban centres to work as wage earners. It has often been remarked that such labour is relatively unskilled and of low productivity. The continuing supply of it is the outcome of the interaction of a complex set of forces in which the opportunities offered by an expanding economy, the inadequacy of agricultural output of the reserves and the growth of new tastes and habits on the part of the inhabitants, mutually reinforce each other. The deterioration in the agricultural condition of the reserves which results partly from the absence for prolonged periods of the most productive male workers is a serious problem in itself but it also constitutes an increasing pressure on the population to seek alternative means of livelihood. Between 1936 and 1946, the proportion of the total Bantu population living in the reserves fell from 44.9 per cent to 41.7 per cent while the proportion in other mainly urban areas increased from 21.8 per cent to 26.9 per cent.

There is a marked drift of the Bantu working population away from farming into other occupations, especially manufacturing industry. Whereas between 1936 and 1946 the number of Bantu males employed in farming increased by only 2.2 per cent and the number in mining by 8.6 per cent the number in manufacturing industry increased by no less than 75 per cent. The number of Bantu workers in manufacturing industry, in transport and communications and in commerce and finance has increased much more rapidly than the numbers of other racial groups in these employments. Thus, according to the 1946 census nearly 50 per cent of all employees in manufacturing industry were Bantu. In transport and communications more than 33 per cent were Bantu and in commerce and finance nearly 30 per cent. Although the results of the 1951 census are not yet fully available it is clear from other sources that this invasion of the labour market in manufacturing and ancillary employments by Bantus has continued at least as rapidly since 1946 as between 1936 and 1946.

239. In virtually all employments however the majority of skilled jobs is still held by Europeans. According to an estimate made by the Industrial Legislation Commission of Enquiry²³⁸ on the basis of industries investigated by the Wages Board between 1937 and 1948, 83.8 per cent of all skilled workers in these industries were European and only 5.8 per cent were Bantu, 5.6 per cent Asiatic and 4.8 per cent Coloured. On the other hand, only 1.5 per cent of the unskilled workers were European while 80.8 per cent were Bantu. As regards semi-skilled workers Bantus were the largest group being 34.2 per cent of the total with Europeans providing 33.8 per cent. The significance of these facts is brought out in another way if it is noted that Africans comprised 47 per cent of all employees in these industries investigated while Europeans comprised 35.4 per cent.

240. The wage structure in the Union of South Africa reflects the conditions of the labour supply which have just been discussed. The most striking feature of this structure is the large gap between the wages of skilled and unskilled workers—a gap much larger than is found in other industrialized countries. Thus according to an

official report in 1938 unskilled wages in manufacturing industry were 16.7 per cent of skilled wages in South Africa against 52.9 per cent in Canada, 68.4 per cent in Italy, 75.4 per cent in Australia and 75.6 per cent in France.²³⁹

Although these ratios are only approximate the difference between the Union and all the other countries is so great that its position is, in this respect, unique. Basically the explanation is simple and is to be found in the fact that by force of historical circumstance, social custom and legislation, the supply of skilled labour is restricted relatively to the supply of unskilled labour. Since this restriction rests mainly on differences in colour and racial origin the wide gap between skilled and unskilled wages corresponds broadly with the gap between the wages of Europeans and those of non-Europeans. In the table below are set out the average wage of each of the non-European groups in manufacturing expressed as a percentage of the average wage of Europeans for each of the years 1938/39 to 1947/48.

Table XI. Average wage of non-Europeans as percentage of that of Europeans: Manufacturing, 1938/39 to 1947/48

Year	Bantus	Asiatics	Coloureds
1938/39.....	20.2	29.9	37.7
1939/40.....	20.1	29.7	37.2
1940/41.....	20.3	31.1	37.2
1941/42.....	20.9	32.4	39.7
1942/43.....	22.7	35.7	40.8
1943/44.....	24.7	39.8	41.7
1944/45.....	26.7	42.4	43.9
1945/46.....	26.8	43.4	44.4
1946/47.....	26.1	43.9	43.8
1947/48.....	25.0	42.0	42.8

Source: Report of the Industrial Legislation Commission of Enquiry, U.C. 62-1951.

241. From the above table two points call for comment. Firstly, Bantus, who make up about 80 per cent of the unskilled labour earn on the average about one quarter the amount earned by the average European worker, while Asiatic and Coloured workers with a larger proportion of their numbers engaged in semi-skilled work earn on the average about 40 per cent of the average European wage. The number of Europeans in unskilled occupations is negligible but European workers represent about 34 per cent of the semi-skilled workers. Hence, the gap between the wages of European and non-European workers tends to be somewhat closer than the gap between the wages of skilled and unskilled workers.

The second point to be noted is the tendency for the gap between European and non-European wages to narrow somewhat over the period. Thus Bantu wages rose from 20.2 per cent of European wages in 1938/39 to 25 per cent in 1947/48, the wages of Asiatics from 29.9 per cent to 42.0 per cent and of Coloureds from 37.7 per cent to 42.8 per cent.

242. The narrowing of this gap between the wages of European and non-European workers is in part due to the movement of non-European labour from unskilled occupations into more highly paid semi-skilled and skilled jobs; in part it is due to a narrowing of the gap between skilled and unskilled rates of pay. According

²³⁹ Report No. 282, South African Board of Trade and Industry, 1945.

²³⁸ *Ibid.*

to the Report of the Industrial Legislation Commission the available data on wages justify the conclusion that "a considerable decline occurred in the difference between the wages of unskilled workers and skilled workers in the Union during the last decade".²⁴⁰ No statistical statement can be made regarding the tendency of non-Europeans of all groups to infiltrate into semi-skilled and skilled occupations. Although the structure of the labour market has not changed basically since the immediate pre-Second World War years, the marginal changes are probably not fully revealed in the available data. The expansion of the Union's economy in the past war years has been practically continuous and the increase in non-European employment in industry has been at a greater rate than that of European employment. Given the shortage of many types of skilled labour it is reasonably certain that an increasing number of semi-skilled and even skilled jobs must have been taken over in one way or another by non-Europeans. So long as the economy continues to expand and the shortage of skilled workers exists a continuation of this development seems inevitable with consequent effects on the structure of the labour market and the wage structure.

The table below shows the extent to which nominal wages had risen in three major branches of economic activity up to 1948 and 1950.

Table XII. Total increase in average salaries and wages of employees in the manufacturing industry, South African railways and harbours and mining, 1932/33 to 1939/40, and 1939/40 to 1947/48 and 1949/50

(Percentage)

	1932/33 to 1939/40	1939/40 to 1947/48	1949/50
Manufacturing:			
Salaries:			
Europeans.....	16.8	61.0	-
Wages:			
Europeans.....	27.7	76.2	-
Bantus.....	18.8	118.4	-
Asiatics.....	31.3	149.6	-
Coloureds.....	19.2	102.7	-
South African Railways and Harbours:			
Salaries:			
Europeans.....	8.4	59.3	77.1
Wages:			
Europeans.....	30.7	79.2	101.6
Non-Europeans.....	18.4 *	175.1	237.0
Mining:			
Salaries and Wages:			
Europeans.....	25.6	50.1	81.8
Non-Europeans.....	12.5	35.6	53.3

Source: Report of the Industrial Legislation Commission of Enquiry, U.G. 62-1951.

* 1934/35 to 1939/40.

243. It is possible to translate these changes in nominal wages into changes in real wages only in the case of Europeans to whom the available cost of living index applies. When this is done it appears that real wages of European workers increased between 1938 and 1949 approximately as follows: in transport 22.3 per cent, in gold mining 9.6 per cent, in manufacturing 5.3 per cent and in engineering 4.0 per cent. In printing and building

²⁴⁰ Report of the Industrial Legislation Commission of Enquiry, U.G. 62-1951.

real wages fell slightly.²⁴¹ Since except in mining the nominal wages of non-Europeans increased on the average by larger percentages than did European wages it may be supposed that there has been an increase also in the real wages of non-Europeans between 1939 and 1949. In manufacturing and in transport the increase in real wages of non-Europeans has been greater than in the case of Europeans partly because of the tendency for the gap between skilled and unskilled wages to be reduced and partly because of the structural changes as a result of which the numbers of non-Europeans in semi-skilled and skilled occupations are increasing.

VI. Foreign Trade

244. There has been a considerable growth in the volume, and changes in the structure of the external trade of the Union of South Africa from the first few years of its national existence to the present time.

245. The outbreak of the First World War gave rise to a serious disturbance in trade. Imports declined from about £42 million in 1913 to about £32 million in 1915. Exports fell from about £67 million to about £32 million in the same period. This trend was reversed in the post-war period when exports increased from £78 million in 1923 to £84 million in 1924 and to £98 million in 1929. Imports rose from £58 million to £66 million and to £84 million, respectively, in the same periods.

246. The 1929-1933 depression brought about a drop in imports from the 1929 level of £84 million to about £33 million in 1932; while exports fell from £98 million to £69 million despite an increase in the export of gold (including specie). The two features of this world depression which affected the Union most adversely were, firstly, the tremendous slump in the world prices of foodstuffs and raw materials, and secondly, the collapse of the world's diamond market. Furthermore, the fall of 65 per cent in the export value of wool, which for almost twenty years was the principal export of the Union apart from gold, deepened the effects of the depression. The same applied, in a larger or smaller degree, to maize, hides and skins, sugar, fruit, etc. Diamond export dropped from an average of £11 million per annum during the years 1925-1929 to about £2 million in 1932. The only bright spot was the gold-mining industry, which had continued to expand since 1924. The enhanced purchasing power of gold in relation to commodities in general helped to counteract the adverse effects on the economy of the decline in the value of the other exports of the Union.

247. The departure of the Union from the gold standard at the end of 1932 and the linking of the South African pound with sterling, helped to stimulate recovery. Exports increased from £69 million in 1932 to £82 million in 1934; and imports rose from £33 million in 1932 to £66 million in 1934. This increase in exports was due mainly to the higher price realized for gold, which during the two years under consideration constituted over 70 per cent of the total exports of the Union. However, exports of wool, diamonds, fruits, hides and skins, and maize also increased, but to a less extent. On the other hand, the doubling of imports in this period was primarily due to the greater purchasing power of the economy arising out of the appreciably higher price realized

²⁴¹ Report of Industrial Legislation Commission of Enquiry, U.G. 62-1951, page 43.

for its gold. Part of this increase in imports was, of course, due to the fact that in 1932 imports were valued in gold pounds which commanded an average premium of 38 per cent over sterling in that year, whereas in 1934 they were valued in sterling as the Union pound was then practically at par with sterling.

248. In the immediate pre-Second World War period (1935-1938), the general economic picture was that of a rapidly developing economic activity, mainly stimulated by the gold industry. Information concerning both the Union's production and external trade was very much restricted during the war for security reasons. Such figures that are available regarding imports refer to commercial merchandise and do not give a picture of government imports which must obviously have taken place during the war on a very large scale.

The yearly average value of imports for 1935-1939, and 1940-1944 were about £90 million and £111 million, respectively. The corresponding value of exports for these periods were about £32 million and £49 million, respectively. In 1946 imports totalled about £215 million and exports about £90 million. In 1953, imports were £425 million and exports were £333 million. With due allowance for price changes over the years, it is quite obvious that there has been a significant growth in the volume of the South African external trade.

249. Not only has there been an increase in the volume of the South African trade, but structural changes have also taken place over the years. The outstanding characteristic of the nature of the Union's exports is their homogeneity. Three products, gold, diamonds, and wool account for over 80 per cent of total exports. For 1910-1912 the value of these three products exported accounted for about 83 per cent of total; for 1922-1924, about 80 per cent; and for 1934-1936, about 83 per cent.

For the four years 1935-1938, gold accounted for nearly 72 per cent of the total visible exports. Other mineral products such as diamonds, copper, coal, asbestos, ores of manganese, chromium, tin, etc., accounted for about 6 per cent of exports. The main agricultural products such as fruit, maize, sugar and wattlebark accounted for about 8 per cent of the exports.

250. Whilst a comparatively small number of items accounted for the great bulk of the South African exports, imports cover a very wide range. The mines, for example, required a very wide range of mining stores, many of which had necessarily to be imported. The farming sector of the economy required agricultural machinery and fertilizers. The secondary industries depended on imported raw materials to a very large extent and, moreover, they imported the greater proportion of their specialized equipment and plant. Apart from these needs for production purposes, consumer needs which were not fully met, or in some cases were not met at all by the local industries, had to be imported.

Generally speaking, it may be said that by the outbreak of the Second World War, the Union did not require much in the way of large food imports (being, indeed, a net exporter even at this time) but did require large quantities of raw materials or semi-finished products, machinery and equipment, as well as manufactured articles of all kinds.

During the Second World War, apart from the exigencies of war, the Union of South Africa had pursued more actively a policy of industrialization and of increasing the production of many articles of food that were primarily imported. This policy has not only given rise to an increase in the domestic production of these commodities, but has also caused a decline in the amounts imported to satisfy the demand. This trend is illustrated by the following table:

Table XIII. Imports of various articles of food, 1910-1946

Year	(Thousands of pounds)					Value (£) Eggs (shell)
	Cheese	Fresh or frozen beef	Frozen mutton	Sugar	Jam	
Average:						
1910-1914.....	5,129	5,987	2,356	55,318	1,986	62,777
1930-1934.....	395	354	19	7,859	379	3,413
1935-1939.....	606	121	108	2,785	520	4,389
1940.....	216	215	49	1,920	407	91
1941.....	180	441	12	5,281	667	132
1942.....	145	4,950	4	2,452	43	50
1943.....	375	8,892	49	2,057	5	43
1944.....	85	5,170	253	2,472	5	49
1945.....	25	4,513	2,841	2,345	2	75
1946.....	89	1,664	90	1,698	838	67

Source: Official Year Book of the Union of South Africa, 1949, page 1057.

251. One of the most striking features of the Union's foreign trade is the role played by the development of secondary industries and manufactures in the last three decades. For example, raw materials imported as a percentage of total imports have been on the increase since the First World War while there is a marked decline in the percentage of total imports attributable to foodstuffs. These trends are obviously due to the industrialization of the Union, and an increasing depend-

ence on domestic produce and manufactures. However, the percentage of imported manufactures has been relatively steady despite the Union's industrial progress. This is due to the increase in total demand in the Union for manufactured goods. With regard to exports, minerals (especially gold) still head the list. Nevertheless the percentage of total exports attributable to manufactured goods has increased more than tenfold in the last three decades. At the same time, South Africa is not only

importing a smaller proportion of foodstuffs, but she emerged from the Second World War as a net exporter of foodstuffs. The following tables show the structural changes that have taken place in the foreign trade of South Africa:

Table XIV. Percentage of total imports, according to category

Item	Average			
	1914-1918	1926-1929	1937-1939	1946-1949
Total imports.....	100.0	100.0	100.0	100.0
Animals, live.....	0.17	0.06	0.08	0.53
Seeds, plants, bulbs, trees	0.06	0.05	0.06	0.04
Raw materials.....	8.30	9.31	10.48	11.31
Foodstuffs and tobacco..	14.04	10.72	5.86	7.23
Manufactures.....	69.85	70.37	71.75	68.46
Petroleum and petroleum products.....	2.27	3.75	4.34	4.46
Government imports....	5.14	5.54	7.47	7.06

Source: Prepared from the *Annual Statement of the Trade and Shipping of the Union of South Africa and the Territory of South West Africa* for 1914, 1915, 1916, 1917 and 1918; 1926, 1927, 1928 and 1929; 1937, 1938 and 1939; and 1946-1949.

Table XV. Union of South Africa, exports^a of manufactured goods by category, 1914-1918, 1926-1929, 1937-1939 and 1946-1949

(Value in thousands of South African pounds)

Item	Average				Percentage of total			
	1914-1918	1926-1929	1937-1939	1946-1949	1914-1918	1926-1929	1937-1939	1946-1949
Total exports.....	25,929.4	73,726.5	74,795.4	110,765.2	100.0	100.0	100.0	100.0
Total of manufactured goods.....	1,254.2	2,095.6	3,968.9	33,792.0 ^b	4.84	2.84	5.31	30.51 ^b
Foodstuffs.....	220.4	395.6	414.2	5,047.6	0.85	0.54	0.55	4.56
Beverages.....	175.7	131.3	371.5	1,934.8	0.68	0.18	0.50	1.75
Tobacco.....	147.6	256.1	20.1	427.3	0.57	0.35	0.03	0.39
Textiles and footwear.....	51.5	141.9	277.1	4,663.3	0.20	0.19	0.37	4.20
Agricultural machinery and implements	1.0	39.6	74.8	348.7	-	0.05	0.10	0.31
Industrial, mining, construction machinery and scientific instruments.....	20.4	4.9	19.4	1,627.4	0.08	0.01	0.03	1.47
Electrical machinery.....	0.1	1.9	57.8	307.9	-	-	0.08	0.28
Other metal manufactures.....	44.0	110.0	200.1	3,009.8	0.17	0.15	0.27	2.72
Transportation equipment.....	2.0	45.0	245.5	1,441.2	0.01	0.06	0.33	1.30
Building materials.....	2.4	229.0	492.3	554.4	0.01	0.31	0.66	0.50
Chemicals, paints, etc.....	62.0	240.5	134.3	2,054.6	0.24	0.33	0.18	1.85
Diamonds.....	...	...	936.4	4,920.4	...	...	1.25	4.44
Miscellaneous.....	528.7	498.8	725.5	7,454.7 ^b	2.04	0.68	0.97	6.73 ^b

Source: Prepared from the *Annual Statement of the Trade and Shipping of the Union of South Africa and the Territory of South West Africa* for 1914, 1915, 1916, 1917 and 1918; 1926, 1927, 1928 and 1929; 1937, 1938, and 1939; and 1946-1949.

^a Export of South African produce, including ship's stores for the years 1914, 1915, 1916 and 1946-49; and including exports

VII. National income, investment and Government finance

NATIONAL INCOME

252. Table XVI indicates that the value of the geographical national income increased from £130.9 million in 1912 to £1,386.5 million in 1953. Net national income increased from £364.1 million in 1939 to £1,247.3 million in 1953. To what extent this represents a growth in real income *per capita* is difficult to determine both because of changes in consumption habits and because cost of living indexes do not apply to all racial groups. However, between 1912 and 1946 real income *per capita*, expressed in 1938 cost of living prices, rose from £27.2 to £46.2. Between 1948 and 1952, the total national income index in constant prices increased from 100 to 114.4. Since in this period the population increased by about 8 per cent, it would appear that there has been a small increase in real income *per capita*. Private manufacturing (including construction) is the most important factor in the growth of the national income. Income from this source increased from £8.9 million in 1912 to £346.2 million in 1953. Agricultural income, though fluctuating from year to year, increased from £21.1

to South West Africa for the years 1914-1918 and 1946-1949.

^b Sharp increase owing to jewellery, which includes manufacture of gold. In previous periods gold exports were mostly in the form of bullion.

^c Data not available.

million in 1912 to £210 million in 1953. Income from trade increased in the same period from £18 million to £175.2 million. The total income from mining increased from £36 million in 1912 to £174.6 million in 1952.

The changes in the percentage contribution of each sector to the total geographical national income throw significant light on the changes which have taken place in the structure of the economy. Between 1912 and 1953 the contribution of mining declined from 27.5 per cent to 12.6 per cent, agriculture from 16.1 per cent to 15.1 per cent, trade from 13 per cent to 12.6 per cent. Manufacturing increased from 6.8 per cent to 25 per cent.

INVESTMENT

253. Foreign capital has always been an important

factor in the Union's economic development. It is estimated that during the period 1922-1942 foreign capital accounted for approximately one quarter of total investment and in the post-Second World War period for about one half of the total.

In the seven years 1946-1952, total gross investment amounted to £1,832 million of which gross public investment accounted for £519 million and gross private investment for £1,313 million. Net public investment amounted to £435 million and net private investment to £1,005 million. Available statistics indicate that between 1946 and 1948 about one third and between 1949 and 1951 about one half of the Union's investment was financed by domestic saving. Total gross domestic saving increased from £88 million in 1947 to £236 million in 1951.

Table XVI. *Union of South Africa geographical and net national income in selected years*

(In millions of South African pounds)

Year to 30 June	Total geographical income	Net national income	Agriculture per cent	Mining per cent	Private manufacturing per cent	Trade per cent	Other per cent
1912.....	130.9	...	16.1	27.5	6.8	13.8	35.8
1920.....	248.3	...	22.5	20.9	17.5	16.5	29.7
1930.....	256.8	...	15.1	17.1	15.2	14.3	38.3
1940.....	433.5	399.8	12.2	22.7	17.4	14.3	33.4
1945.....	661.3	608.2	11.6	14.5	20.1	14.2	39.6
1950.....	1,026.1	939.2	14.2	13.8	22.0	15.0	35.1
1953.....	1,386.5	1,247.3	15.1	12.6	25.0	12.6	34.7

Source: *South African Journal of Economics* No. 2, June 1952, page 178 for 1912-1950, and South African Reserve Bank *Quarterly Bulletin of Statistics*.

Government finance

254. With the exception of some decreases in the fiscal years 1922-1923 and 1931-1932 the Union's revenue (revenue and loan accounts) excluding Provincial and Railway Accounts, has increased constantly from £14 million in 1911/12 to £211.3 million in 1952.

Since 1934, Union revenue showed a considerable increase due to the rapid growth of various sectors of revenue and also to the changes in taxation and improvements in methods of tax collection.

Taxation, by far the largest source of revenue, increased from £9 million in 1911/12 to £115.2 million in 1951/52. Thus it accounted for more than 50 per cent of total revenue with direct taxes on income as the main contributing item of the various taxes. Revenue from these taxes increased from £19 million in 1939 to £97.8 million in 1952.

Revenue from both customs and excise constitutes another important source, particularly since 1943/44. This source accounted for an average of 24 per cent of total revenue from 1939/53. Revenue from excise duty showed a constant increase throughout the period (except in 1929/30 to 1933/34). It has increased from £3 million in 1939 to £19.7 million in 1951 and to £30.6 million in 1953 or by 6, 12 and 14 per cent of the total revenue respectively. Customs duties, though increasing, have fluctuated throughout the same period. It should be added that excise duties on cigarettes, tobacco and spirits are the main source of total revenue from excise while customs revenue is derived mainly from import duties.

Other sources of revenue combined accounted for an average of 20 per cent of the total revenue from 1939-1953.

Total government expenditure of the Union of South Africa (excluding credit operation expenditure) has increased from about £14 million (excluding interest on Railways capital) in 1911-1912 to £254 million in 1952.

The increase in expenditure was particularly large during the Second World War. Thus it increased from £122 in 1940/41 to £189 million in 1945/46.

The increase was due chiefly to the considerable rise in national defence expenditure from £2 million in 1938/39 to £60 million in 1940/41 and to a peak of £103 million in 1943/44. National defence expenditure declined after the war to a low level of £10 million in 1948/49, thereafter increasing to £24 million in 1951/52.

Total expenditure also decreased in 1946/47 and 1947/48, but increased sharply subsequently. Estimated expenditure of £280.6 million for 1953/54 was about 343 per cent higher than in 1938/39 or about 50 per cent above the level in 1945/46.

Expenditure on social security has increased nearly five times, from £7.5 million in 1938/39 to £34.4 million in 1952/53.

Capital expenditure from revenue and loan account declined during the Second World War from £24.5 million in 1939 to £15.2 million in 1943. It increased to £85 million in 1949/50 and declined to about £60 million in the following year, due mainly to the decline in Railways and Harbour expenditure. It increased to £84.9 million in 1949/50.

C. Solutions proposed in the Union of South Africa and relevant experience of other countries

Chapter VI

SOLUTIONS PROPOSED IN THE UNION OF SOUTH AFRICA

255. It is for the people of the Union of South Africa to choose their own method of solving the racial problem.²⁴² But the United Nations is in duty bound to leave no stone unturned in assisting them to make a choice compatible with the Purposes and Principles of the Charter, which is binding upon the Union of South Africa, a founding Member of the Organization.

256. The Commission has accordingly studied as systematically and as fully as possible all the solutions which have been proposed in the Union of South Africa itself.

In chapter II of the present report²⁴³ it describes the efforts it has made with that end in view. The results of those efforts are contained in the pages which follow. In this connexion, the Commission is again compelled to record its profound regret at its failure to secure the co-operation of the Union Government, a failure which was probably also responsible for the fact that a number of South African organizations refrained from offering their assistance.

257. The solutions of the racial problem proposed in

²⁴² See also paragraph 372 on page 90.

²⁴³ Paragraphs 29 *et seq.*

the Union of South Africa are, to a greater or less extent, based on one of the three following concepts: I. Integration of ethnic groups; II. Separation of ethnic groups; III. Federation of ethnic groups.

258. This year, the Commission did not resume its consideration of the *apartheid* policy of the present Union Government, which would logically have been included among the solutions based on the separation of groups (concept II), this policy having been examined in the Commission's first report, in which it was shown to be incompatible with the principles of the Charter relating to human rights and also with the Universal Declaration of Human Rights.²⁴⁴

259. None of the schemes based on concept I, II or III is a complete and self-contained whole. Nor, in most cases, do their sponsors regard them as capable of immediate and full implementation.

260. All of them embody alternatives or variants, which mainly relate to the most suitable *time* for their initiation, the *method* to be followed in carrying them into effect and the goal to be attained.

261. The advocates of integration (concept I) thus include some who propose the complete assimilation of members of the different ethnic groups and others who merely recommend the removal of the colour bar, while acquiescing in the retention of political, social and other distinctions.

262. Similarly, among the advocates of the separation of ethnic groups (concept II) there are some who favour the partition of the Union of South Africa into a number of independent States, European and Bantu, and others who recommend the establishment within the Union of more or less autonomous territories or zones reserved for the different ethnic groups, this latter solution having much in common with the *apartheid* policy of the Nationalist Government.

263. The schemes based on the concept of the "federation of ethnic groups" (concept III) also reflect variations of opinion, particularly in regard to the political role to be played by the different ethnic groups within the proposed federation.

264. In the interest of the fullest possible treatment of the variations noted, the Commission has classified the solutions proposed as follows:

I. Schemes based on the integration of ethnic groups:

1. Complete assimilation of members of different groups.
2. Integration of members of non-White groups who have reached a certain level of cultural development.
3. Economic integration through the removal of the colour bar, some political rights being granted either immediately or at a later date.
4. Economic integration through improvement of the living conditions of the non-Whites and their admission to certain occupations and professions.

²⁴⁴ Particulars are, however, given in other parts of the present report of the legislative and other action taken since 1953 for the purpose of maintaining and consolidating the *apartheid* policy. For the convenience of the reader, the Commission recapitulates the main features of that policy at the beginning of section II of the present chapter (paragraph 283) in which an analysis of the Government's policy would logically have been included.

II. Schemes based on the separation of ethnic groups:

1. Division of the Union of South Africa into a number of independent States, European and Bantu.
2. Development of the reserves or Native Areas with a view to their conversion into autonomous territorial units and the ultimate re-absorption of the Bantus at present living outside them.

3. Measures involving separation on the basis of the present distribution of the population among different ethnic groups.²⁴⁵

III. Schemes based on the conversion of the Union of South Africa into a federal State with a separate unit for each ethnic group.

I. Schemes based on the integration of ethnic groups

1. SCHEMES FOR COMPLETE ASSIMILATION

(a) Programme of the African National Congress

265. On 16 December 1945 at Bloemfontein, the annual Conference of the African National Congress adopted a Bill of Rights, the most important sections of which read as follows:²⁴⁶

"We, African people in the Union of South Africa, urgently demand the granting of full citizenship rights, such as are enjoyed by all Europeans in South Africa. We demand:

"1. Abolition of political discrimination based on race . . . and the extension to all adults, regardless of race, of the right to vote and be elected to parliament, provincial councils, and other representative institutions.

"2. The right to equal justice in courts of law, including nomination to juries and appointment as judges, magistrates and other court officials.

"3. Freedom of residence and the repeal of laws . . . that restrict this freedom.

"4. Freedom of movement.

"5. Freedom of the Press.

"6. Recognition of the sanctity or inviolability of the home as the right of every family, and the prohibition of police raids on citizens in their homes for tax or liquor or other purposes.

"7. The right to own, buy, hire or lease and occupy land and all other forms of immovable as well as movable property, and the repeal of restrictions on this right . . .

"8. The right to engage in all forms of lawful occupations, trades and professions, on the same terms and conditions as members of other sections of the population.

"9. The right to be appointed to and hold office in the civil service and in all branches of public employment on the same terms and conditions as Europeans.

"10. The right of every child to free and compulsory education and of admission to technical schools, universities and other institutions of higher education.

²⁴⁵ Such measures, which form part of the *apartheid* policy of the present Government, will not be studied by the Commission.

²⁴⁶ *African Claims in South Africa*, Congress Series No. II, published by the African National Congress, Johannesburg.

"11. Equality of treatment with any other section of the population in the State social services, and the inclusion on an equal basis with Europeans in any scheme of Social Security."

266. The declaration stresses a number of specific issues connected with industry and labour, commerce, education, public health and medical services and discriminatory legislation:

"A. Equal opportunity to engage in any occupation, trade and industry. In order that this objective might be realized to the fullest extent, facilities must be provided for technical and university education of Africans so as to enable them to enter skilled, semi-skilled occupations, professions, government service and other spheres of employment.

"B. Equal pay for equal work, as well as equal opportunity for all work and for the unskilled labour workers in both rural and urban areas such minimum wage as shall enable the workers to live in health, happiness, decency and comfort.

"C. Removal of the Colour Bar in industry, and other occupations.

"D. The statutory recognition of the right of the African worker to collective bargaining . . .

"E. The extension of all industrial welfare legislation to Africans engaged in agriculture, domestic service and in public institutions or bodies.

"F. The recognition of the right of the Africans to freedom of trading.

"G. The state must provide full facilities for all types of education for Africans' children.

"H. *Abandonment of the theory that 'there is a need of a special type of education for Africans as such.' Africans must therefore be given the type of education which will enable them to meet on equal terms with other people the conditions of the modern world.*

"I. It is the duty of the State to provide adequate medical and health facilities for the entire population of the country.

"J. It is fundamental to the establishment of a new order in South Africa to abolish all enactments which discriminate against the African on the grounds of race and colour . . .

"K. In short, we demand the repeal of any and all laws as well as the abandonment of any policy and all practices that discriminate against the African in any way whatsoever on the basis of race, creed or colour in the Union of South Africa."

267. It will be noted that this programme was drawn up before the inception of the present Government's *apartheid* policy and is therefore solely concerned with the discriminatory legislation in force at the time. In broad outline, however, it is unquestionably still the programme of the African National Congress.

(b) *Programme of the South African Congress of Democrats*

268. The complete assimilation of members of all ethnic groups also figures in the programme of an organization recently set up under the name of the South African Congress of Democrats.

The following passages are taken from a pamphlet recently published by this organization:²⁴⁷

²⁴⁷ *The Threatened People - the Case for a South African Democracy*, South African Congress of Democrats, Johannesburg.

"Race conflict can be avoided not by suppressing the non-European political movements, but by recognizing their claims. Democracy in South Africa can be entrenched, not by making it more and more exclusive, but by extending it. This is the only alternative to the Nationalist Government, its brand of fascism or any other brand. The 10 million non-Europeans are our natural allies in defence of democracy. We must find the way to build that alliance, by striking out boldly on a new, democratic path."

" . . . A genuine opportunity for Europeans to strike out boldly for that alliance is offered by the policy of the Congress of Democrats. Every act of the Nationalist Government abrogating the rights of some section of the South African people has impelled more and more people to the realization that only the united opposition of White and non-White in a mighty political alliance, operating both in the parliamentary field and outside it, can stop the advance of fascism and bring into living reality a democratic society.

"The Congress of Democrats has taken its stand firmly on the principles of the Universal Declaration of Human Rights, as adopted by the United Nations General Assembly.

" . . . Its Constitution states that the Congress is 'against all forms of inequality and discrimination. It repudiates as false the doctrines of racial inequality, of White supremacy, of *apartheid*, trusteeship and segregation'.

"It works to secure for all South Africans, regardless of race, colour or creed, the rights laid down in the Universal Declaration of Human Rights, with particular reference to:

"Equal civil liberties:

"The freedom of thought, speech and Press;

"The freedom of movement and assembly;

"The freedom of organization and religion.

"Equal political rights:

"The right to vote in and to stand for election to state and local law-making bodies on the basis of universal and equal adult suffrage.

"Equal economic opportunities without discrimination based on race or colour:

"To qualify for and engage in all trades, crafts, occupations and professions; to acquire and own land and property, and to freely form, join and administer unions.

"Equality of social status:

"In every field of state and administration, public activity, education, culture and recreation, and the preservation of family life with no interference which would lead to its disintegration."

" . . .

"Working closely together with the African and Indian Congresses, the Congress of Democrats is helping to forge a mighty, united peoples' alliance against fascism. Here is an opportunity for thinking people who realize that only such an alliance and such a force, inspired by a programme of full democracy for all, can defeat the Nationalists. Here is an opportunity for *You* to act for democracy which will have meaning and will bring new life to all the people of

our country. It is time for *You* to be with the Congress of Democrats, and in it."

2. SCHEMES FOR THE INTEGRATION OF MEMBERS OF NON-WHITE GROUPS WHICH HAVE REACHED A CERTAIN LEVEL OF CULTURAL DEVELOPMENT

269. Many proposals have been made for a more or less far-reaching and progressive integration of members of the different non-White groups who have adequately assimilated the elements of Western culture. The ideas underlying such proposals have been held for some time by a number of individuals broadly characterized as "liberals" without any real political significance being attached to that term.

(a) *Views of the South African Institute of Race Relations*

270. Among such "liberals" in the broad sense of the term, mention should first be made of the intellectuals, White and non-White, associated with the South African Institute of Race Relations, which was set up in 1929 and has just celebrated its twenty-fifth anniversary. The policy of the Institute has been defined in a pamphlet entitled *Go Forward in Faith*²⁴⁸ and in the inaugural address delivered by J. D. Rheinallt Jones, President of the Institute, at the Council's twenty-third annual meeting at Cape Town on 20 January 1953. The latter contains the following passage:²⁴⁹

"I turn now to the Institute's declaration of policy as outlined in the pamphlet . . . *Go Forward in Faith* (The Logic of Economic Integration). The Institute declares that it approaches the problem from the fundamental principles of Christian living and the values basic to Western civilization. It expresses its belief in the value of the individual human being and his right, by virtue of his humanity, to the fullest expression and development compatible with similar rights of other individuals within the pattern of a democratic state; its belief in the values of democratic society with its accepted freedoms, rights and duties; and its acceptance of the brotherhood of man in its Christian interpretation. While these principles do not predicate for South Africa either a policy of total segregation or a policy of total integration or assimilation — physical, political, economic and social — the Institute believes that neither is acceptable in South Africa; that the former is unattainable altogether, and that the latter is not going to occur in the near future and may never occur.

"Basic cultural assimilation is held to be possible and desirable without ethnic assimilation. It is conceded, however, that once cultural assimilation has been achieved, ethnic separation will be difficult to maintain, unless there is a strong determination on the part of each ethnic group to maintain its group identity.

"The Institute sees the future South Africa as a multiracial society, in which ethnic groups are more or less interdependent, with varying cultures tending towards integration consequent upon economic activities and social contacts common to all groups. It believes that indefinitely there will be in this multiracial society elements of segregation, of parallelism at different levels, and of assimilation. The Institute be-

lieves that economic trends are making for equality of economic opportunity for all races, that these trends will continue, and that, arising therefrom, social equality based upon mutual respect and equity, but not necessarily miscegenation, will follow.

"The Institute's practical policy will be described as conforming to the principle of the 'inevitability of gradualness', because of the wide range of variation in the actual attainment to the standards and values of Western culture to be found in our population as a whole. This is brought out in the following declaration of the Council of the Institute in 1950:

"The Institute is convinced that the aim of statesmanship in the Union should be to find the basis for the development in all sections of a common attitude towards the ideals of Western civilization expressed in a common loyalty to the State and in a standard of public and private life consonant with those ideals. For this reason the Council believes that the goal of racial policy should be the attainment in due course of common citizenship by individuals of all races. While adopting common citizenship as the goal of racial policy, the Institute recognizes that this cannot be reached at once because of differences in adjustment to Western civilization."

"The Institute's aims may be summarized as the integration of the various ethnic groups within one State, with citizenship for all who qualify and full economic, social and cultural opportunities leading to the general adoption of Western cultures and values."

(b) *Views of the Christian Council of South Africa*

271. Similar views on policy towards the non-Whites have been put forward by some representatives of the Churches, particularly of the English-speaking churches. They have found expression in the Declaration adopted by the Christian Council of South Africa at its conference held at Rosettenville, Johannesburg, on 11-13 July 1949, the most important passages of which are as follows:²⁵⁰

"God has created all men in His image. Consequently, beyond all differences remains the essential unity.

"Individuals who have progressed from a primitive social structure to one more advanced should share in the responsibilities and rights of their new status.

"The real need of South Africa is not *apartheid* but *een drag* (Unity through teamwork).

"Citizenship involves participation in responsible government. The franchise should be accorded to all capable of exercising it.

"Every child should have the opportunity of receiving the best education that the community can give, and for which the child has the capacity.

"Every man has the right to work in that sphere in which he can make the best use of his abilities for the common good.

"Man's essential value lies in his nature as man, and not in race or culture.

"The study of anthropology confirms us in the conviction that of greater significance than the admitted diversities among men is man's common humanity.

"This study suggests the relativity of all indi-

²⁴⁸ *Go Forward in Faith*, A Statement of the Fundamental Beliefs and Attitudes of the South African Institute of Race Relations.

²⁴⁹ *At the Crossroads*, South African Institute of Race Relations, Johannesburg, 1953, pages 23 to 25. See also the conclusions adopted at the twenty-fifth annual meeting of the Council of the Institute (January 1954), chapter IV, paragraph 144.

²⁵⁰ *The Christian Citizen in Multi-Racial Society—Report of the Rosettenville Conference, July 1949*. See also paragraph 138 on page 21.

vidual cultures, their complex origin and the fact that when by culture contacts and the dynamic intrusion of new standards the whole background of a primitive culture crumbles, it is impossible to rebuild that society on outgrown standards of life.

"When individuals have moved from a primitive social structure to one which is more advanced this change should be given recognition.

"We consider that in principle adult persons of all races should share in the responsibility of the government of the country. This implies the exercise of the franchise. We recognize that at present many such persons are not ready for this responsibility. We therefore agree to a qualified franchise.

"We maintain that every child should have the opportunity of receiving the best education that the community can give and of which the child is capable. This education will be provided within a threefold sphere—the home, the church and the school.

"The welfare of a nation depends much upon its industry and economy. We affirm that every man has the right to work and should be given the opportunity to do so. He should accept his labour as a duty, the means by which he serves the community.

"In his work the worker must be given the opportunity to develop his abilities to the best possible advantage, for the better he can do his work the greater will be his contribution to the common good. We declare that the practice of migratory labour and the colour bar in industry prevent many workers from exercising their skills. Further, the practice of migratory labour, because it separates men from their families, causes grave moral decline both in the men at their places of work and in the members of their families left at home. Consequently we are convinced that these practices should be discontinued through a determined policy of gradually settled labour encouraged to increase its skill.

"We would speak for workers employed in farming. These suffer a grievous handicap through insufficient security of tenure of the land which they occupy, often resulting in the ejection of themselves and their families. We urge that means be found by employers of such labour which will to a large degree remove this handicap and enable the labourers to feel more settled in their work."

(c) *Views of the Roman Catholic Archbishops and Bishops*

272. A similar position has been adopted by the Archbishops and Bishops of the Catholic Church in the Union of South Africa and in the Protectorates in their Statement on Race Relations, issued in June 1952.²⁵¹ Their position is summarized in the following conclusions:

"(a) Discrimination based exclusively on grounds of colour is an offence against the right of non-Europeans to their natural dignity as human persons.

"(b) Though most of the basic rights of non-Europeans are in theory respected, conditions arising out of discriminatory legislation (such as laws restricting employment), social conventions and inefficient administration, seriously impair the exercise of these fundamental rights. The disruption of family life is a case in point.

²⁵¹ This Statement was transmitted to the Commission by the Catholic International Union for Social Service and is reproduced in document A/AC.70/2, annex C/V.

"(c) Justice demands that non-Europeans be permitted to evolve gradually towards full participation in the political, economic and cultural life of the country.

"(d) This evolution cannot come about without earnest endeavours on the part of non-Europeans to prepare themselves for the duties connected with the rights they hope to enjoy."

(4) *Programme of the Liberal Party of South Africa*

273. Ideas of progressive integration took on a more concrete form with the formation, in 1953, of the Liberal Party of South Africa, the most outstanding personalities in which are Mrs. Ballinger (representative of the Natives in the Union Assembly), Mr. Alan Paton (author of *Cry, the Beloved Country*) and Mr. Leo Marquard (author of *The Peoples and Policies of South Africa*). The Liberal Party sent the Commission²⁵² its Constitution and the summary decisions adopted at its first National Congress in July 1953. Article 2 of the Constitution is as follows:

Principles:

"(1) The essential dignity of every human being irrespective of race, colour or creed, and the maintenance of his fundamental rights;

"(2) The right of every human being to develop to the fullest extent of which he is capable consistent with the right of others;

"(3) The maintenance of the rule of law;

"(4) That no person be debarred from participating in the government and other democratic processes of the country by reason only of race, colour or creed.

Objects:

"(1) Equal political rights based on a common franchise roll for all suitable qualified persons;

"(2) Freedom of worship, expression, movement, assembly and association;

"(3) The right to acquire and use skills and to seek employment freely;

"(4) Access to an independent judiciary;

"(5) The application equally to all sections of the population of the principle of compulsory, state-sponsored education;

"(6) The right to own and occupy immovable property;

"(7) The right to organize trade-union and other economic groups and associations."

274. Paragraphs 1 and 2 of the summary decision on franchise policy adopted at the first National Congress of the Party in July 1953 read as follows:

"1. The aim of the Liberal Party of South Africa is to achieve the responsible participation of all South Africans in government and democratic processes of the country, and to this end it aims to provide a compulsory education for all South Africans and the extension of the right of franchise to all adult persons who have received such education.

"2. In order to ensure an orderly transition towards this goal, the Party proposes the immediate introduction of a qualified franchise for South African citizens over the age of 21 on a common roll on the following basis:

"(a) There shall be no diminution of existing political rights of already enfranchised persons.

²⁵² See A/AC.70/2, annex D/I.

"(b) Uniform qualification, irrespective of race, colour, sex or creed, for the national, provincial or local franchise shall be required of all new applicants for a common roll franchise.

"(c) The qualifications required for national and provincial franchise shall be one of the following:

"(i) Satisfactory evidence of completion of STD VI.

"(ii) Income of not less than £250 per annum in cash or kind, or ownership of unencumbered property to the value of at least £500.

"(iii) A special qualification for persons of not less than 35 years of age who are adjudged by a judicial tribunal to deserve the franchise on the grounds that they occupy positions of special responsibility or have rendered meritorious service to the community."

3. SCHEMES FOR ECONOMIC INTEGRATION THROUGH THE REMOVAL OF THE COLOUR BAR, SOME POLITICAL RIGHTS GRANTED EITHER IMMEDIATELY OR AT A LATER DATE

275. Solutions based on the economic integration of the non-Whites through the removal of the colour bar have been proposed for some time by politicians such as the late Jan H. Hofmeyer²⁵³ or by thinkers such as J. D. Rheinallt Jones.²⁵⁴ These writers take the view that the inevitable result of an improvement in the economic position of the non-Whites will be a demand for participation in the political life of the country, a demand which will have to be satisfied in one way or another.

(a) *Programme of the South African Labour Party*

276. These ideas have recently been embodied in the programmes of certain political parties. The South African Labour Party, in particular, has published a declaration containing the following statement:

"... the party realizes the need for the implementation of the franchise for the non-Europeans in stages, and therefore advocates the following reforms:

"(1) The provisions applicable to Coloured voters in the Cape should be extended to the other provinces.

"(2) The franchise to be applicable to both men and women.

"(3) No disqualification on the grounds of colour shall debar Coloured candidates from election to Parliament or provincial or town councils."

Dealing with the Native population, the statement says:

"(1) At present, Natives in the Cape, on a literacy and property test, elect three members of Parliament to represent them. This right should be extended to permit the election of three members of Parliament, one for the Transvaal, and two each for Natal and the Free State.

"(2) Similar representation to be available for the provincial councils.

"(3) Eight senators should be elected, two from each province.

"(4) Qualifications for the franchise to be based on literacy—Standard V.

²⁵³ Jan H. Hofmeyer, *South Africa*, second edition revised by J. B. Cope, London, 1953.

²⁵⁴ See, for example, his article "Industrial Relations in South Africa", *International Affairs*, January 1953.

"(5) In municipalities, Natives residing in their separate wards should elect a number of town councillors equivalent to, say, 10 per cent of the total number of councillors for each municipality. There should be an easy qualification, based on the ability to read and write and 12 months' residence.

"(6) Candidates should not be disqualified on the ground of colour from being elected as the representatives of their people.

"In the Cape, Asiatics have the same franchise rights as Coloured. These rights should be extended to the Transvaal and the Free State.

"Present laws confine Natal Indians to that province. The Labour Party is opposed to laws restricting the movement of Indians in the Union.

"Under existing circumstances, Indians—men and women—in Natal should have the right to elect three members of Parliament, three members of the Provincial Council, and two senators."²⁵⁵

(b) *Programme of the Federal Party*

277. Similar views are held by another political party, the Federal Party, set up after the general elections of 1953, as is evident from the following extracts from the Manifesto published at the time of its formation:²⁵⁶

"We believe that the following are the main principles on which the future well-being of South Africa may be secured:

"(1) *National Aim*. To create in South Africa opportunities for people of all races to enjoy fullness of life and liberty under the protection of the law, to enable our country to play an honourable and constructive part in world affairs, and to promote Western civilization among the peoples of South Africa.

"(2) *The United States of Southern Africa*. A long-term policy for Southern Africa is essential. We shall seek ultimately to provide a Constitution-structure and way of life acceptable to neighbouring States, Colonies and Protectorates as a basis for the future Federal Union of the States and Territories of Southern Africa.

"...

"(5) *The State and the Citizen*. The maintenance of a Western democratic form of Government and of Parliamentary institutions; the protection of the basic liberties of the people and the freedom of the individual, and of his right to appeal to the courts against any arbitrary act of the executive; the retention by Parliament of direct control over, and the limitation of the executive's powers; the elimination of all forces of totalitarianism, whether Fascist or Communist.

"(6) *Racial Accord*. The promotion of racial accord among Europeans with unyielding resistance against any attempt at the domination of one group by the other.

Racial harmony between European and Non-European is as essential as that between European and European; a progressive rather than repressive Non-European policy in line with Western traditions and Christian teachings on race relationships.

"(7) *Non-European Policy*. The abandonment of fear as the guiding principle, and the adoption in its

²⁵⁵ *South Africa*, 13 February 1954.

²⁵⁶ Document RR.104/53, published by the South African Institute of Race Relations.

place of courageous policies offers the only hope in the field of Non-European affairs. The policies that have so far been pursued hold out no genuine prospect of permanently peaceful relations among the peoples of South Africa.

"We believe that the immediate aim in the field of Non-European affairs should be the rapid improvement of living conditions, welfare services, education, and economic opportunities; thus striking at the roots of crime, disease and political discontent.

"We adhere to the principles that the franchise already extended to the Non-European should in no way be curtailed, or by any means rendered less effectual. The South African-born Non-European should be accorded a right of expression in the organs of Government commensurate with his degree of civilization, as follows:

"(a) The present system of limited group representation of Natives to be maintained, and an interim period of group representation of Indians on a system similar to that accorded to Natives to be initiated.

"(b) Subject always to due safeguards against the disproportionate representation of any one section of the Non-European population, the long-term policy to be taken in steps over a considerable period of years is the ultimate placing of those Non-Europeans who have passed suitable tests of a high standard on the common roll of the voters.

"We recognize the fact of the increasing economic integration of the Non-European peoples in the economy of South Africa.

"We accept the desirability of residential and social segregation between Europeans and Non-Europeans, to be obtained on a fair and equitable basis, and wherever possible, by the encouragement of voluntary population movements through housing and town planning schemes designed to that end, and to the establishment of the foundations of a sound family life.

"We believe that Natives who have attained a high degree of civilization should be entitled to exemption from laws designed for the protection of backward peoples.

"We stand for the recognition of all South African-born people, Coloureds, Bantu and Indians, as members of the greater South African community."

4. SCHEMES FOR ECONOMIC INTEGRATION THROUGH IMPROVEMENT OF THE LIVING CONDITIONS OF THE NON-WHITES AND THEIR ADMISSION TO CERTAIN OCCUPATIONS AND PROFESSIONS

278. The improvement of the living conditions of non-Whites, particularly through their admission to certain better-paid occupations or professions, has long been advocated by a number of economists and sociologists and also by a large part of the industrial world. It was also the official objective of the United Party during its term of office before the advent to power of the present Government after the 1948 elections.

(a) Report of the Fagan Commission

279. With that object in view, the Government of the United Party set up a special Commission known as the Fagan Commission (1946-1948) after its Chairman, Mr. Fagan, Judge of the Supreme Court of the Union. An extremely lucid analysis of this Commission's report

has been made by Mrs. Helen Suzman,²⁵⁷ in which the following points are of special interest:

"Having assessed the nature and extent of the problem it is necessary to decide on principles of policy before suitable remedies can be suggested.

"Three possible policies are considered:

"1. Firstly, that of *apartheid* or total segregation which would involve complete territorial division between Europeans and Natives.

"2. Secondly, that of no racial discrimination either in law or in administration.

"3. Thirdly, that of accepting the co-existence of European and Native communities side by side, but recognizing their intrinsic differences in legislation and administration."

280. After considering these three policies in detail, the report concludes:

"1. That the idea of total segregation is completely impracticable.

"2. That the rural and urban movement is a natural economic phenomena engendered by necessity—one which possibly can be regulated but cannot be reversed.

"3. That the Native population in the urban areas consists not only of Native migrant workers, but also of a settled permanent Native population.

"With these important premises established it is clear that the old cry 'Send them back' is no longer a solution of the problem, and that legislation based on the concept laid down by the Stallard Commission is no longer able to cope with the situation which has materially altered during the past twenty-five years.

"A consideration of the second possible policy—that of no racial discrimination in law or administration—leads one from the realm of reason and logic into the realm of sentiment and emotion, tempered by a realistic acceptance of the fact that in South Africa concepts of democracy have to be adapted to suit the heterogeneous make-up of its population.

"Not only are there racial differences between Europeans and Natives, to be taken into consideration, but also the fact that the Natives themselves are not a homogeneous group, consisting as they do of raw tribal Natives, Natives who are in a transitional stage, partly urbanized yet retaining tribal ties, and Natives who have settled permanently in the towns and are themselves in all stages of development.

"Thus, for example, the question of representation of Natives on town councils must be considered with these facts in mind and in all honesty it must be admitted that the reason for excluding the Native from the franchise is the difference in race and not because he cannot be considered as a permanent town dweller—as suggested by the Stallard Commission.

"There remains, then, the third policy as the only practical line of action: namely, the acceptance that European and Native communities will permanently exist side by side, bound together by economic ties, but whose intrinsic differences necessitate recognition in legislation and administration, while allowing sufficient machinery for consultation on matters of mutual concern.

²⁵⁷ *A Digest of the Fagan Report*, prepared by Helen Suzman, South African Institute of Race Relations, third edition, 1952.

"Where the implementation of this policy necessitates new measures, these should be introduced gradually, thus ensuring that the changes will be evolutionary and will respect established institutions, their historical background and the 'neutrality' which is linked with them.

"Such a formula while admittedly vague and general, has the advantage of being sufficiently elastic so as to allow adjustment to a situation which is always dynamic. The task then is constant adaptation to changing conditions, constant regulation of contacts and smoothing out of difficulties between the races, so that all may make their contribution and combine their energies for the progress of South Africa."

(b) *Present attitude of the United Party*

281. Has this always been the programme of the United Party? This question must be answered with care. In a statement made in the House of Assembly in February 1954, Mr. Strauss, the parliamentary leader of the United Party, announced that the Party had decided to set up a committee in each Province of the Union, which would report to the Union Congress of the United Party, the sole body competent to determine the policy of the Party. Mr. Strauss added:

"The Union Congress of the Party can set the clock back, and take a step backwards. As I know, there is no danger of that step being taken. The United Party is a forward-looking party and not a backward-looking party. Secondly, it is possible that the Congress may decide that the policy should remain exactly as it is.

"The third alternative is that the party may be prepared to act in the spirit of what General Smuts referred to when he made his great statement in 1947, where he said that a greater measure of devolution could thus take place and the beginning of a substantial forward move may thus be laid down."²⁵⁸

282. For the present, however, the policy stated in two recent speeches in the Assembly, one by Mr. Steyn and the other by Mr. Strauss, may be considered to represent the general position of the United Party. The following are extracts from these two speeches:

"Mr. STEYN. . . . Our policy is clear. It is the policy which the Hon. the Minister of Finance admitted in England—he did not want to admit it in South Africa, but he admitted it on the BBC in England—has been followed in South Africa for all these years. It is a policy which has stood the test of time, the policy which has kept South Africa white, and it is the policy which has been carried out and applied from time to time so that the non-European was satisfied and the leadership and guardianship of the white man was accepted. We stand for white authority in South Africa. We think it would be absolutely stupid for the white man to hand over his civilization and what he has achieved during the centuries to 9 million people who have scarcely emerged from barbarism. We recognized the facts, and one of the most important facts is that great differences exist between the standard of civilization of the Europeans and of the non-Europeans in South Africa. Any practical policy must take those differences in standards of civilization into consideration. We also recognize the fact that we cannot allow our Native policy and our services to the

²⁵⁸ *Union of South Africa, House of Assembly Debates (Hansard)*, 1954, No. 3, page 781.

Natives to be determined by the fact that there are 2 million Natives in the reserves. One must also take into consideration the fact that there are many more than that number permanently settled in the European parts of South Africa. We do not stand for equality and assimilation and miscegenation, and we all say that in the United Party.

...

"I say that we are against equality and against assimilation and against miscegenation, and that is why we advocate what we have always advocated, that is to say, separation in the social sphere and in residential areas and no miscegenation. Taking these facts into consideration we say candidly that the Native is entitled to go forward and to develop, and that it is our policy as the Christian guardians of the Natives to grant them that opportunity and even to create it so that they can develop.

...

"... As far as the reserves are concerned we regard them as the natural home and the cultural basis of the Native. There the development can perhaps take place most rapidly without endangering the white man. There we can experiment with an increasing degree of self-government for the Native. There we can experiment with suitable industries for the Native, not the removal of heavy industries which are dependent upon coal and the provision of water to places where there is no coal and water, as the Minister has proposed, but suitable industries. There he can develop under the supervision of the white man. There he can enjoy self-government to a large extent, also under the supervision of the white man. In the urban areas we stand for parallel urban areas where the Native must accept to an increasing degree responsibility for his own handling of those taxes, always under the supervision of the European municipalities."²⁵⁹

"Mr. STRAUSS: . . . I am proposing to say exactly where the United Party stands with regard to this process of integration of the non-Europeans into the economic life of the country and where we stand with regard to the consequences that will inescapably flow from this process of integration that is going on apace in the industrial life of the country.

...

"I say that, as far as we see the position, we cannot approach this basic and fundamental question of the relations between Black and White in this country unless we make up our minds first of all as to what our attitude is going to be with regard to integration. That question, whether there is to be a continuation and even an acceleration of the process, as there is now, of economic integration, or whether there is to be something else, whether we are going to turn that process back, is fundamental to any approach to the non-European problem in this country, and we have to face the position on that basis.

...

"We have recognized and appreciated that this process of economic integration is not something to frighten us, and it is not something to upset us. This process of economic integration is something to be worked out in the interests of South Africa as a whole.

...

²⁵⁹ *Ibid.*, No. 1, pages 198 to 206.

"There are, as I said before, only two alternatives. Either we do accept this process of economic integration and we handle it with a sense of realism and wisdom and statesmanship, or we proceed to undo what has been done in this country over the last 300 years; in other words, you proceed to reverse the trend of economic integration. You put a stop to it, and you follow the only other alternative, which is complete territorial segregation. Those are the two alternatives.

"Now there can be no doubt as to where the United Party stands with regard to this question of economic integration. We have accepted it not today or yesterday, but we accepted it for as long as I can remember.

"...
"First of all, as far as the economic consequences are concerned, I need do no more, surely, than to mention them, and say at the same time that the economic consequences of integration have been vastly to the benefit of South Africa as a whole. There is no doubt that the economic consequences have been greatly to the benefit of the European population of South Africa. Indeed, one of the most valuable assets this country has as compared with other countries is this vast useful, co-operative and almost submissive labour force we have in this country. The non-Europeans have made a tremendous contribution towards all we have been able to achieve and all that we celebrated a year ago at the tercentenary celebration here.

"...
"I come, therefore, to the social consequences, and the social consequences are undoubtedly stark and ugly. Whereas the economic consequences present us with difficult problems to face, these social consequences and the problems arising from them are, in my opinion, a challenge to European leadership in South Africa and at the same time a searching test of the sincerity of our ideas of Christian trusteeship in South Africa.

"What are the social consequences? They are lack of housing and overcrowding, the disruption of Native family life and the consequent deterioration in their moral standards.

"...
"That, as I say, is a challenge to the white people of South Africa, and a challenge to our powers of leadership. I say that the test is whether we are willing to face up to it; in other words, whether we are willing, whilst on the one hand picking the beneficial fruits of integration, to tackle the difficult problems that flow from it. I say that if we accept these fruits, it is our duty as Christian guardians of these people to face up to these questions, and I say the question is how urgently and how sincerely are we prepared to face up to this question. I say that the first priority in any responsible political programme is the amelioration of the lot of the tens of thousands of people who are suffering as the result of this process of integration; and it will be and it is, as far as the United Party is concerned, subject to its policy of social and residential separation, one of the highest priorities to deal with if the reins of government in this country are handed back to us.

"I now come to the third set of consequences which flow from it. I am sure that the honourable members are anxious that I should state the attitude and approach of this Party to this point, namely, the political consequences of integration. There is no point at all

in any responsible person or party evading the inescapable consequences that flow or will flow or have flowed in every country where economic power has been gained. In other words, history teaches us very simply and plainly that economic power is the forerunner to claims for a say in the political set-up of the country.

"...
"We in the United Party face this question of the political consequences of integration fairly by putting things first. We face, and have faced in the past, and are prepared to face it in future.

"...
"We are prepared to take various steps as far as the political rights of the non-Europeans are concerned. Let me refer to these steps that have been announced. These steps are that we are prepared in regard to the Natives representative council, which unfortunately this Government has abolished, to re-establish that Council but not to leave it as a mere talking shop, as my predecessor called it in 1947. We are prepared to give that body a measure of responsibility and a measure of executive power so that it will not merely be a talking shop but a working reality.

"...
"When it comes to the future, I will say this, as far as these political rights are concerned. I would say to you that the United Party is quite prepared to measure and to test its present non-European policy against the facts and the circumstances of 1954 and the facts and circumstances as we expect them to unfold before us in the next ten or fifteen years."²⁰⁰

II. Schemes based on the separation of ethnic groups

283. The present Government's policy is, as we know, based on the theory that the separation of members of different ethnic groups is essential. Without going into the details of this policy, which the Commission has described both in its first report and in other parts of the present report, it will simply recall that it is characterized by an increasingly clear-cut separation in all spheres—political life (separate representation of Coloureds in the Parliament of the Union); family relations (prohibition of mixed marriages and other measures against miscegenation); social life (separate facilities in the public services); education (movement to deny non-Whites access to "White" universities); labour (strengthening of the colour bar, encouragement of separate trade unions); residence and housing in general (legislation on separate areas, expulsion of non-Whites from the mixed districts in western Johannesburg, limitation of the number of Bantus permitted to reside with their employers either in the towns or on farms), etc. Unquestionably, therefore, the policy comes within the category of proposed solutions with which the present section is concerned.

284. The Government's is not, however, the only policy aimed at the separation of ethnic groups. Two other positions or programmes should be mentioned, which, though based on the same general idea, develop it along very different lines.²⁶¹

²⁰⁰ *Union of South Africa, House of Assembly Debates* (Hansard), 1954, No. 3, pages 771 to 787.

²⁶¹ It will be noted that this idea also underlines the proposal to convert the Union into a federal State. But, having regard to the political implications of this solution, the Commission considered it preferable to treat it separately in the following section of the present chapter.

1. DIVISION OF THE UNION OF SOUTH AFRICA INTO A
NUMBER OF INDEPENDENT STATES, EUROPEAN
AND BANTU

(2) *Programme of the Federal Mission Council of the
Dutch Reformed Churches*

285. The above solution has been put forward by some representatives of the Churches, without, however, specifically proposing completely separate States. The programme adopted at Bloemfontein in April 1950 by the Conference of the Federal Mission Council representing the four federated Dutch Reformed Churches as well as the three Dutch Reformed Mission Churches has been summarized as follows:

"This conference was an attempt to define a constructive policy concerning the Bantu. The basic principle which permeated all discussions and resolutions was that of *apartheid* but of *apartheid* in a very specific sense, namely as a 'process of development which seeks to lead each section of the people in the clearest and quickest way to its own destination under the gracious providence of God.' It was emphasized that the rights of every man were to be respected and that permanent subordination of one group to another should not exist in any realm of life. The only way in which these aims could ultimately be realized was by total separation which would mean the conversion of the Native areas into true homelands of the Bantu with full opportunity for development and self-government, and the replacing of the Bantu in the European industrial system. In other words as the conference itself put it: a complete reorganization of the present economic structure, which would entail great sacrifice on the part of the Europeans. But a reorganization which seemed to the conference quite inevitable for, as it was put in one of the documents: 'No people in the world worth their salt will be content indefinitely with no say, or only an indirect say, in the affairs of the State or in the socio-economic organization of the country in which decisions are taken about their interests and future.'²⁸²

286. Similar views are advanced by Ben J. Marais in a recent book,²⁸³ which attracted considerable attention. The book concludes by stating a number of principles, the most important of which are the following:

"9. Nowhere on earth is the colour problem so complicated and dangerous for Church and State as in South Africa.

"10. Integration cannot be forced on groups of people, especially not in circumstances like our own. It would bring chaos and reaction in Church and State, and that would lead to anarchy.

"11. It is dangerous and hazardous in a time of emotional tension, where the clash of colours is acute, to tamper with the rights of groups or people, except where it means a patent increase of those rights and is accepted as such by the group concerned.

"17. No notion of a permanent trusteeship can be justified on any ground.

"19. To speak of racial equality in South Africa

²⁸² Quoted from the article by W. A. Visser't Hooft: "A Visit to the South Africa Churches in April and May 1952", *The Ecumenical Review*, January 1953, pages 189 and following.

²⁸³ Ben J. Marais, *Colour - Unsolved Problem of the West*, Howard B. Timmins, Cape Town, for George Allen and Unwin Ltd., London. Originally published in Afrikaans.

today, is wholly unrealistic under existing circumstances.

"20. Very few Whites in South Africa, English or Afrikaans-speaking, would be in favour of equality or racial crossing.

"21. But more and more people feel that right and justice must be given to the non-Whites and that an arrangement should be made in which the non-Whites will also have the hope of full development and a reasonable livelihood for themselves and for their children.

"23. We live in a world where the trend is unmistakably in the direction of more rights for minority groups or subject majority groups. The tide is very strong, and it would be foolish not to take that fact into account.

"24. We cannot solve the South African problem with broad democratic cries. The actual historically developed world of facts must always moderate and amend all broad theses and cries.

"25. In practice the African Bantu is today inferior in relation to the Whites, whether it is inborn or due to historical and sociological factors. But in practice only individuals equal the achievements of the Whites. That is also true of Brazil and other parts of the world. Nowhere is the Bantu or Negro distinguishing himself to an equal extent with the Whites.

"26. The Whites in South Africa have no second home to which they can go if matters become too difficult or if they lose control as, for example, the Hollanders in the East Indies.

"27. A policy of segregation, as long as there is economic integration, can never be applied consistently and with decency.

"28. Total territorial segregation, as proposed by the church in the Bloemfontein Congress, is the only real solution. But is it still feasible and will the Whites be prepared to pay the price? And where is the necessary land? We shall have to think in wider terms than the Union.

"29. If the Whites are trying to find a solution for our colour relations in a policy of *apartheid*, it will have to be a far more radical and comprehensive *apartheid* policy than those in vogue among the political parties in South Africa at the present time. Only a radical policy of huge dimensions, one embracing economic and territorial segregation, can bring about a position that can to any extent influence the trend of affairs in Southern Africa. All other arrangements are purely temporary and in the long run of very small significance.

"30. If extensive territorial segregation is finally impossible, or if the Whites cannot or will not apply it because our whole industry and economy have been built on the labour of the Native; in other words, when once we admit that several millions of non-Whites will live permanently among us and know no other home, then there is no honourable manner in which we as Christians and democrats will in the long run be able to deny them political and other rights to the extent in which the non-Whites develop, nor will we be able to limit such rights to an insignificant minimum.

"31. A policy of integration that is fully applied, will and must in the long run lead to the loss of White

leadership in Church and State. Only large-scale White immigration could possibly avert it.

"32. Everywhere Communism is using the colour problem to advance its own ideology, and, as the tension increases, Communism will reap more benefit. Any step by the West that unnecessarily increases colour tension, is in favour of Moscow.

"33. There is a grave risk that we in South Africa may view every manifestation of Bantu nationalism as Communism and to treat it in that light. Nothing could be more disastrous in the long run.

"34. Our task will always be to guard against two extremes:

"(a) As tension increases we can by emotional action deny our Christian principles and act in a selfish and unbrotherly way by being interested only in the maintenance of our own position and interests.

"(b) We can lose our Christian heritage in South Africa by unreasonable and sentimental generosity.

"35. Public opinion in South Africa will make impossible many of the practical attempts made in the U.S.A. to bring about a better understanding between Whites and Blacks. Even an attempt in that direction would be impossible here.

"36. Our generation did not create the colour problem in South Africa. We inherited that problem. But it is and remains our duty and primary task as Church and nation to examine every possible avenue by which this historical situation can be brought nearer to the will and the plan of God.

"38. The great danger in South Africa and in all areas with sharp colour problems is in the activities of two types of people: (a) the non-White and White agitators who wish to remove all distinctions on a Communistic basis and who attempt to lure the non-Whites with the promise of the heaven of full equality as an immediate aim, and (b) groups of Whites who exploit the selfishness of the Whites in as selfish a manner with the cry: 'Keep what you have, at all costs' even though it would lead to a denial of all honourable principles and of Christianity itself.

"40. No *quick* or *final* solution of our colour problem is possible. In the meantime it is essential that no step be taken without proper consultation. Such consultation must not take place on a party basis.

"41. In the churches it will have to be realized that more 'brotherliness' or fatherly 'help' will no longer be able to save the position. Church and State must co-operate in a non-political orientation to regain the confidence of the non-White, with his growing national aspirations and to protect him against extreme defiance and agitation by ensuring for him and his descendants a future that includes hope and an honourable livelihood.

There is today a grave danger that the non-White in his defiance will to an increasing extent become antagonistic to the Afrikaans churches and eventually also against Christianity as such.

"42. The great task of our churches in South Africa is to find the balance between the reality of diversity and the reality of unity in Christ.

"43. Few outsiders realise the practical impossibility of the task resting on 2½ million Whites to bring the eight million Bantu of South Africa to a higher

stage of civilization and culture by education and other means.

"44. It is now the time for a great plan or for great forward steps to stop the feeling of futility that is becoming more acute on both sides of the colour line, and to prevent the position where fear and hate have taken possession of the thoughts of eleven million people."

287. Such views are held not only by representatives of the Churches, but by a number of intellectuals associated with the South African Bureau of Race Relations (SABRA), although official pronouncements by the Bureau itself seem to be rather less categorical.²⁶⁴ The pamphlet by Professor L. J. du Plessis, *Problems of Nationality and Race in South Africa*²⁶⁵ should be mentioned in this connexion.

(b) *Views of Professor Hoernlé*

288. Partisans of the total territorial separation of ethnic groups are not confined to persons connected with the Dutch Reformed Churches and SABRA. As far back as 1939, R. F. Alfred Hoernlé, head of the Department of Philosophy of the University of Witwatersrand and then President of the South African Institute of Race Relations, opposed the terms "separation" and "segregation" as follows:

"'Separation': the word is chosen deliberately, because 'Segregation' stands for a policy offensive to all non-Europeans in South Africa, viz., for a policy of exclusion, forced upon them by the White group, from the status and privileges which the White group insists upon reserving for itself. This is segregation as an instrument of domination: segregation which retains the segregated in the same social and political structure with the dominant White group, but subjects them to the denial of important rights and keeps them at a social distance implying inferiority.

"By 'Separation,' on the other hand, is meant literally a *sundering or dissociation so complete as to destroy the very possibility of effective domination*. To entertain the thought of Separation in this sense implies willingness to consider whether multi-racial societies have not shown themselves, in our experience of them, to be a tragic mistake. When human beings cannot live together except in a caste-structure of racial superiors and inferiors, they had better live apart. There is nothing to be gained by holding them fast in an organisation in which, owing to its caste-structure, there is always tension, friction, conflict, ill-will and bitterness, because of the depth of the divisions between the castes, and because in the struggle for exclusive ascendancy the dominant group refuses 'rights' to the dominated groups which the latter are not willing to do without. 'Total Separation' envisages an organisation of the warring sections into genuinely separate, self-contained, self-governing societies, each in principle homogeneous within itself, which can then co-operate on a footing of mutual recognition of one another's independence.

"...

"Needless to say, such 'solution' will be no solution, unless the territories assigned to each group allow of an adequate economic system for each group, which

²⁶⁴ See section 2 below, paragraphs 292 and following.

²⁶⁵ Published in the series *International Studies*, The Diplomatic Press and Publishing Co., London, 1949. See in particular chapter III ("The Bantu and Segregation").

means for the Natives that their territories must be such that, given efficient use of the land and of the other natural resources, it becomes unnecessary for the bulk of the men to go out into neighbouring White areas for wage labour. In such territories, the Natives could 'develop along their own lines'; and this ambiguous phrase would then include all that they can, and choose to, *make their own*. It would emphatically not mean that they would be pushed back into, or kept in, an artificial perpetuation of 'primitive' ways: on the contrary, they would have every opportunity to become acculturated at their own pace and according to their own wishes, developing industries and professions as required. Total Separation, so conceived, would mean for the Natives escape from White domination, coupled with unhindered access to European culture. The goal would be Native societies, in which Natives are their own masters, freed from their present position of subordination to Whites, i.e., freed from a relationship which at once arouses, and baulks, their ambitions to make their own the ampler and fuller life which they see the more favoured Europeans enjoying.

"... if my analysis is right, there are three possible ways to be considered for transforming a racial caste-society under White domination into a genuine 'area of liberty', or in several such areas... I believe that this choice ought to be made, even if we have no hope of any one of the three alternatives being capable of realisation; or, at any rate, that liberals ought to clear their minds about the application of liberal ideals in a multiracial society, by reflecting on the three alternatives, as if they were preparing themselves for the day when one of the three has to be chosen as the basis for a practical policy.

"... Each of the three schemes which on my analysis are theoretically possible is consistent with liberal principles, in that each offers a realisation of the ideal of an 'area of liberty,' or in other words, of a free society for free men, but each does so with a different treatment of the factors of race and race difference, expressing themselves in race feelings. To think over these three schemes, to confront this choice of 'long-range' goals, is, I believe, the most testing demand that a liberal can make upon his conscience, his wisdom, his spirit of Humanity.

"Speaking solely for myself, I suggest that, from this point of view, Total Separation should be the liberal's choice. To choose Total Assimilation is to condemn himself to utter impotence in the face of existing race feelings: he can do nothing for the realisation of greater liberty for the non-European groups, if he adopts Total Assimilation as his professed objective. To choose Parallelism is to choose a policy which will not, in practice, abolish racial domination: so long as Whites and non-Whites are united in the same socio-political structure, the former will not consent to surrender their dominance. Parallelism will remain domination in disguise. White superiority and Black inferiority will continue to impress their stamp on the supposedly parallel institutions—the better will be for the Whites; the worse, for the non-Whites".²⁶⁶

²⁶⁶ *South African Native Policy and the Liberal Spirit*, being the Phelps-Stokes Lectures, delivered before the University of Cape Town, May 1929—Witwatersrand University Press, Johannesburg, 1945 (First Impression 1939).

(c) *J. D. L. Kruger's territorial separation scheme*

289. The idea of complete territorial separation has been carried furthest by J. D. L. Kruger in a 49-page pamphlet with the thought-provoking title "*Bantustan—A Study in Practical Apartheid*".²⁶⁷

He defines the main area of territory to be placed at the disposal of the Bantus as follows:

"The tract of land contemplated extends southwards from the Portuguese East boundary in the North, and includes the whole of Swaziland, Natal, East Griqualand, Tembuland, the Transkei, Ciskei and stretches along the Indian Ocean as far as the Fish River. The Western Boundary is marked by the Fish River and the main railway line from Rosmead via Naawpoort and Coksberg to Noroalopont on the Orange River. From there the Orange River, to the point where it enters Basutoland, marks the Northern Boundary".

290. The area so described has, according to the author, a large indigenous population, but very few White inhabitants.

His recommendations regarding the form of government are as follows:

"The state will in course of years become autonomous in every respect. It will be governed by the African inhabitants living therein, and will not form part of the Union unless by choice of its inhabitants. It will have customs barriers more or less on the same lines as now exist between Rhodesia and the Union. Possibly such Europeans as may care to remain in Bantustan (the name he gives to the proposed state) through business or other reasons will be treated as *peregrini*, inhabitants of another state, and as such will not be entitled to a say in the Government of the State."

291. In view, however, of the fact that the great majority of Africans have no experience of politics or administration, he suggests that a system of "guidance" or training might be organized for their benefit.

2. DEVELOPMENT OF THE RESERVES OR NATIVE AREAS WITH A VIEW TO THEIR CONVERSION INTO AUTONOMOUS TERRITORIAL UNITS AND THE ULTIMATE REABSORPTION OF BANTUS AT PRESENT LIVING OUTSIDE THEM

(a) *Programme of the South African Bureau of Racial Affairs (SABRA)*

292. This is the programme of the South African Bureau of Racial Affairs (SABRA).²⁶⁸ It may be asked whether it differs essentially from the schemes proposed by individuals connected with this organization which have been described in the preceding section. The underlying concept may well be the same in both cases; the difference is, however, that in one case the emphasis is placed on the objective to be attained—total separation—whereas in the other, it is placed on the means, without specifying the ultimate objective. The following statement appears, for example, in an official SABRA publication:²⁶⁹

"By a policy of free and separate development, we must understand the territorial separation of European and Bantu, and the provision of areas which must

²⁶⁷ Printed by the *Daily Representative*, Queenstown, C.P., August 1951.

²⁶⁸ *Integration or Separate Development?* Issued by the South African Bureau of Racial Affairs (SABRA), Stellenbosch, 1953.

²⁶⁹ *Ibid.*, page 18.

serve as national and political homes for the different Bantu communities and as permanent residential areas for the Bantu population or the major portion of it.

"It must be readily admitted that the future political development of the Bantu areas and their ultimate relationship with the European State are somewhat unpredictable, precisely because the problem of human relationships and outlooks will play such a major role in the matter. In general it can be said that the political development of the Bantu communities must be aimed at granting the Bantu communities a steadily increasing measure of control over their own affairs. SABRA believes that the measure of independence which these communities will obtain in the course of time should be welcomed by the European population, since they will thereby be granting to the Bantu what the European demanded and obtained for himself.

"The question arises, however, as to whether this greater measure of independence should lead to complete autonomy; and if this is to occur, whether the European State will not then be subject to grave military danger and to conquest by the independent "Bantu States" within and around the Union. The mere thought of this possibility is so terrifying to some that this argument is put forward as the chief weapon against a policy of separate development.

"But the problem must be approached objectively: whatever the Europeans do, the Bantu must be given the opportunity for political development. Throughout the rest of Africa constitutional developments are following one another in fast succession—all too fast, in our opinion; it cannot be thought that such developments will not affect the Union's Bantu population, or that the Union can follow a policy which bears no relation whatsoever to occurrences in the rest of Africa.

"If the political development of South Africa's Bantu is accepted as unavoidable, the first and most important question which must be asked is: Must such a development occur in an integrated community, in which European and Bantu form a unity, or must each group be given the opportunity of self-realization and the achievement of political maturity within its own territory? Herein lies the basic question, and anyone who approaches South Africa's racial problems in a serious spirit must first obtain clarity for himself on the matter, before becoming apprehensive about the so-called military danger.

"SABRA's answer to this question has already been outlined here; it can be summed up as follows:

"The granting of political rights to the Bantu—rights which will satisfy their political aspirations—is altogether impossible in a mixed community, since such a step would endanger the present position and survival of the European population. If this danger is to be avoided, and at the same time the Europeans are not to violate their own conscience and moral standards, a policy of separate development will prove the only alternative.

"It should be realized, however, that the Europeans will have to continue exercising a measure of control in the Bantu areas for a long time; and furthermore that it is unlikely that *one* large Bantu area will come into existence, but rather a number of smaller areas, in keeping with the principle of national entities. By its very nature it is impossible to determine in advance

what relationship should exist between the different Bantu areas, and between these areas and the European territory, or what degree of political development will occur in the Bantu territories.

"These problems must be left for the future, since it is altogether impossible to say at this stage whether or when the Bantu will reach such a degree of development that control of their own affairs can be left in their hands; it will in any case depend on their co-operation and development. The idea can also be considered of a new federation, consisting of the European area and the various Bantu areas eventually to come. It is also within the bounds of possibility that a broader Southern African Federation will come into existence; firstly a grouping of the different European communities and of the Bantu areas separately, and secondly a larger federal tie between both groups."²⁷⁰

293. The programme is therefore mainly concerned with the means of attaining what is described as the "separate development" of the two groups. One of the most important of such means is the development of the reserves:

"The first evident step is the development of the Native areas to such an extent that the Bantu and their families no longer need to leave them, and that these areas may become a counter-attraction for those Bantu who are already in the European urban areas.

"... The size of the Native territories and their development according to the separation policy will chiefly be determined by the question: How many people must be able to make a living in those territories? The seriousness of the problem and the difficulty of the task lying ahead will be better understood when it is remembered that it may even be necessary to remove a portion of the Native population now resident in the Native areas from their agricultural holdings in order to carry out the necessary reclamation of the soil."

SABRA does not underestimate the political, economic and financial obstacles to the execution of such a programme of territorial separation, but it firmly believes "that a policy of separation is practicable; that it is the only policy which can be regarded as just and fair; and that it can be put into practice without creating insuperable economic problems".²⁷¹

294. The pamphlet does not overlook the economic aspects of the programme or the problems of its financing:

"It is our considered opinion that it would be preferable for the European community to rely on its own labour resources, instead of leaving such an essential part of its national life in the hands of members of another race. Nevertheless the course of events in South Africa has been and is different from that in other countries, and a situation has developed which has to be accepted for what it is. But this does not mean that it is not possible to replace Bantu labour to an ever-increasing extent, if the Europeans so desire it; the increase in the European population itself, together with more mechanisation, efficiency and co-operation (particularly in the farming industry), should be sufficient to provide the European economy with all its labour needs at some time in the future—

²⁷⁰ *Ibid*, pages 33 to 35.

²⁷¹ *Ibid*, pages 22 and 23.

if these steps are accompanied by the necessary planning and co-ordination.

"It should be clear to any intelligent observer that Bantu labour is not only essential to the country's economy at the present time, but will probably remain so for a very long time to come.

"The problem arises of how this fact is to be reconciled with the principle outlined above, namely that the essence of the separation policy is that the number of Natives in the European areas must be limited to a minimum.

"These two apparently conflicting principles can be reconciled by the system of migratory labour. In other words, the European economy will have to make far more use of migratory workers than it does at present. Such workers will have their permanent homes in the Bantu areas, and therefore be part of the political and social structure of their own nation or community. In European territory, however, their only role will be that of labourers.

"It is recognized that certain grave objections to the migratory system can be raised on economic and social grounds. But on the grounds of principle there can be no particular objection to the system if it is chiefly limited to young unmarried Natives; even in the case of married Natives it should be possible to retain the necessary communal and family ties by giving them the opportunity to go home daily or at regular intervals.

"It has unfortunately become the habit of many people to present the separation policy as one which will require that the farmer in the rural areas, the industrialist in the city and the private employer of Natives will all have to lose their labour immediately, thus creating economic chaos. This is nothing but gross misrepresentation. No intelligent person could advocate as a practical possibility the immediate large-scale removal of the Bantu from the European economy, with the resultant complete dislocation of the country's economic system.

"Even should the Europeans suddenly decide that all Bantu workers must be sent out of European territory, such a decision could not be put into practice, for the simple reason that the Native areas are still far from sufficiently developed to absorb the Bantu; they would simply and rightly refuse to go there on the grounds that such areas offered no proper means of existence.

"The system of migratory labour itself would help and facilitate the development of Native territories inasmuch as it would lessen the necessity for the immediate creation in the Native areas of sufficient avenues of employment for all the Natives residing there.

"To sum up: SABRA believes that a policy of separation is practicable; that it is the only policy which can be regarded as just and fair; and that it can be put into practice without creating insuperable economic problems.²⁷²

"...

"Concerning the economic aspects two questions are frequently posed, namely: (i) Can the European population provide the financial means for carrying out a policy of separation? and (ii) Is there not a real

danger that the Native territories (particularly when developed industrially) might become a 'second Japan' and, in view of the much lower standard of living of the Bantu, constitute a grave economic threat to the Europeans?

"Referring to the first of these difficulties, it is our opinion that the European population should be prepared to make the necessary sacrifices—not only in the interest of its own survival, but also for the sake of justice and fairness; and if the Europeans are not prepared to do this, they will only have themselves to blame if a state of affairs arises which seriously endangers European survival in South Africa. Mention has been made previously of the enormous sums of money which the Union was prepared to spend on the last war; it can well be claimed that similar expenditure in this sphere can bring tremendous results.

"Furthermore, it is usually forgotten that it should be possible to obtain overseas financial assistance in the development of our Native territories. It should also be considered whether the Bantu communities themselves cannot be made responsible for the payment of a portion or all of the interest and redemption of such loans—even if this is only done at a later stage. It can be accepted as self-evident that the different undertakings which are established or brought into operation in the Bantu areas can and must be set up on an economic basis; here it need only be mentioned that if this should not be the case, there is *a fortiori* no possibility of economic competition.

"The aim in the development of these areas must naturally be to enable the Bantu communities in them to make a better living than in the past and accept responsibilities for their own progress and for the financing of their social and other services. It can hardly be expected that the European population should forever be prepared to play the role of economic guardian; sooner or later the Bantu will have to meet their own expenses and carry their own financial responsibility.

"It must be particularly stressed here that *it is an illogical and false assumption to claim that the Europeans will be spared financial sacrifices if a policy of integration is followed.*²⁷³

"*Only a separation policy, which accepts the organic unity of the Bantu communities as a basis, can create conditions under which the Bantu can determine the rate of their own progress, and which can safeguard the European population against continual accusations of discrimination and neglect.*"²⁷⁴

"*It is obviously essential that the necessary co-ordination must exist between industries in the Bantu areas and those in the European areas—co-ordination also in respect of wages.*

"*In addition, it seems evident that the European and Bantu areas should be developed as a single economic unit. If the State, assisted by such a Corporation, accepts responsibility for the industrial development of Bantu Territory, the proper co-ordination of economic production in South Africa will certainly be a practical possibility.*"²⁷⁵

295. Many articles on different aspects of this programme have appeared in the *Journal of Racial Affairs* published by SABRA. They almost invariably empha-

²⁷³ *Ibid.*, page 29.

²⁷⁴ *Ibid.*, page 30.

²⁷⁵ *Ibid.*, pages 31 and 32.

²⁷² *Ibid.*, pages 27 and 28.

size that the programme is a long-term project for which fifty years or more will be required.²⁷⁶

296. Supporters of the programme frequently also stress its advantages for the Bantu population. Typical in this respect is the following extract from an article which appeared in the same publication in October 1952:

"It is only by applying such a policy of separate development that the Bantu could be assured of attaining his own aims without thereby endangering the way of life of the Europeans and without forcing the Bantu to relinquish his culture and traditions. This is actually our only chance of eliminating racial friction and racial conflict. Such a policy would, of course, entail the initial expenditure of large sums of money, but this would not be money given for charity. It would be a capital investment that would not only show material dividends due to the economic development of the whole of Southern Africa, in which both European and Bantu will have his fair share, but will also show dividends that are perhaps even more important—racial peace and harmony.

"Is this an idealistic dream? A policy such as this, based on the realization of the aims of the European inhabitants of South Africa and the desire to allow our Bantu population to develop according to their own needs and nature, without a feeling of inferiority for what is good and beautiful in their own culture and without being perpetually dominated by the European, may indeed be called idealistic—its aims are to see justice done to both European and Bantu, and justice to all is one of the idealistic aims of democracy. This policy, furthermore, is based on all the facts at our disposal, whereas the protagonists of integration appear to be blind to quite a few. They appear to think that human nature could be changed by word of command; that just by telling the European that he need fear nothing he will immediately change his convictions that were built up and developed through the centuries; convictions that rightly or wrongly do exist and cannot be argued away. The idealists who have tried to procure peace in Europe, are again discovering that human nature cannot be changed so readily. Some of the defenders of integration appear to think that only Europeans are civilized and forget that the Chinese consider us to be rather barbarous. Due to this feeling of superiority they want to extend a charitable hand to the Bantu and make of him a pseudo-European, which he can never become. Others simply do not want to dispense with the cheap labour and think up all kinds of nice excuses to justify themselves in their own eyes and in the eyes of the rest of the world.

"The only realistic approach to this problem is to admit the fact that the conflict between the European and the Bantu is slowly becoming more acute, that the granting of certain limited rights would not appease the Bantu for long but would actually intensify his need for more and more rights, and that he will not be satisfied with anything less than complete equality. It should be realised that the European will never willingly sign what he believes to be his death warrant and that integration must therefore inevitably give rise to more and bitter conflicts. The only realistic conclusion is therefore that the two larger race groups in South Africa must be allowed to develop

²⁷⁶ See, for example, "South Africa can do without Native Labour", by W. E. Barker, *Journal of Racial Affairs*, July 1953, pages 24 to 35.

separately. If this is realised by us all, ways and means would be found to put the policy of Separate Development into practice."²⁷⁷

III. Schemes based on the conversion of the Union of South Africa into a federal State with a separate unit for each ethnic group

297. A number of White South Africans advocate the establishment of a federal State to be known as The United States of Africa or The Southern Africa Federation. Such proposals are not to be confused with the programme of the new Federal Party set up in 1953, which aims at a revision of the present Constitution with a view to the grant of a greater degree of autonomy to the four existing provinces of the Union.²⁷⁸ These proposals, on the other hand, envisage a federation composed of autonomous regions inhabited by the different ethnic groups.

298. In the opinion of Mr. J. J. Olivier, federation would merely be a particular form of *apartheid* or of the "policy of separate development":

"In the essence (the policy of separate development) aims at the gradual and systematic disentanglement of the two groups, making it possible for each group to exercise political rights and enjoy economic opportunities within its own territory. Positively, it means the large-scale development of the existing Native areas within the Union of South Africa . . .

"What the eventual form of collaboration between the European sector and the various Native sectors will be, is difficult to foretell, but it is quite possible that it may develop along federal lines, eventually resulting in a United States of Southern Africa or a Southern Africa Confederation."²⁷⁹

(a) *L. M. Thompson's federal scheme involving the establishment of a Bantu State*

299. In a pamphlet published in 1949 by the South African Institute of Race Relations,²⁸⁰ Mr. Thompson goes a stage further and defines the principles on which a Southern Africa Confederation should be based; after examining the methods adopted in a number of countries with multi-racial populations, he suggests that a democratic federation in South Africa might be based on the following constitutional principles:

"South Africa to be a federation of five states, four comprising the present non-reserve areas of the provinces and the fifth comprising, at first, the present reserves.

"The federal government to consist of a bicameral legislature (House of Assembly and Senate) and a Cabinet responsible to the House of Assembly. Powers to be divided between the two Houses as at present.

"The Federal House of Assembly to be elected by universal adult citizen suffrage, subject only to an educational test.

²⁷⁷ "A Psychological Approach to Separate Development", by Dr. P. A. Theron (University of Stellenbosch), *Journal of Racial Affairs*, October 1952.

²⁷⁸ The Federal Party's programme in regard to non-Europeans has been described in paragraph 277 on page 64.

²⁷⁹ "Apartheid - a Slogan or a Solution?", by J. J. Olivier. The article first appeared in the *Journal of Racial Affairs* published by SABRA; it has been reprinted by the South African Institute of Race Relations. See also the official programme of SABRA (paragraph 292 on page 70).

²⁸⁰ *Democracy in Multi-Racial Societies*, Johannesburg, 1949.

"The Federal Senate to contain an equal number of representatives of each component state, elected by the State legislatures.

"The Cape, Natal, Transvaal and Orange Free States each have a uni-cameral legislature, elected by the registered voters domiciled in the State, and a Cabinet responsible to the legislatures.

"The reserve or African State to have a uni-cameral legislature and a Cabinet responsible to it. The legislature to be eventually elected in the same way as those in the other states. But the "colonial" method of representation to be adapted to local circumstances so long as the majority of the population are administered by tribal authorities.

"The powers of the Federal Government to be defined and to include those necessary for the conduct of foreign affairs and the co-ordination of the economic development of the Federation. State governments to possess residual powers.

"The Constitution to be rigid, amendments requiring the sanction of the Federal and the State legislatures (or of a majority of the electorate in each State by referendum).

"The Federal Supreme Court to possess the power of interpreting the Constitution specially as regards the demarcation of Federal and State rights.

"Such a system", L. M. Thompson concludes, "would be democratic in that all educated adult citizens, irrespective of race, would possess full franchise rights. The franchise would be withheld from the uneducated and the partly educated on the reasonable grounds that moderate educational attainments are a necessary requirement for the exercise of political responsibility."

(b) *A. Keppel-Jones' federal scheme involving the establishment of separate States for the different groups*

300. Lastly, reference should be made to the book by Arthur Keppel-Jones²⁸¹ who proposes the establishment of a federation comprising one or more member States for each ethnic group. Chapter XV entitled "The Federal Constitution" contains the following passages:

"Our federal constitution would differ in certain important respects from these now existing in the world.

"In the first place, it would establish racial segregation in the fashion already described, while forbidding racial discrimination in other directions.

"Secondly, we should have in principle a federation not only of states but of races and national groups. A general feature of federal constitutions is the equal representation of the states, irrespective of population, in the upper house. We have this principle even in our present unitary system. But it would not be desirable under the new dispensation planned here. It would lead to a jockeying for position in the Senate by the creation of new states. Afrikaners, for instance, would complain that their two large states would be outvoted in the Senate by three small English-speaking states, and even more obviously by four Native states. The admission of Native territories as states would be wrongly delayed if the composition of the Senate were affected. Yet it is desirable to establish states on the natural lines dictated by racial distribution.

²⁸¹ *Friends or Foes? - Point of View and a Programme for Racial Harmony in South Africa*, Pietermaritzburg.

"The balance in South Africa ought to be maintained not among states but among racial and national groups. There are among us three groups—the two White communities and the non-Europeans. The conflict among these and their respective interests and sentiments has been the chief plague in our history. I submit that these three groups ought to be equally represented in the Senate.

"It might be done in this way. The franchise for the Senate would be based on a high educational qualification—say matriculation or any other examination recognized by a commission, appointed for the purpose, as its equivalent. Senatorial voters, when registering, would be classified according to race and home language, and placed on separate lists accordingly. Each group would be entitled to twenty senators. The non-European group would be further sub-divided, giving the Coloured and Asiatic sections a bigger representation than would be justified by their numbers; for instance: Coloured, six; Asiatics, two; Natives, twelve.

"...

"The preponderance in the lower House would belong, as at present, to the Afrikaner section; yet it would have only one-third of the Senate. But the Europeans as a whole would control two-thirds of the Senate. To whatever extent the franchise for the House of Assembly were granted to the non-Europeans, this would never affect the position of the White population as entrenched in the constitution, since it would have an unalterable majority in the upper House. It would thus never be possible, under this constitution, for any racial group to practise 'mastery' or 'supremacy'. No party could hope to exercise power unless it got significant support from several different racial and national groups.

"...

"For constitutional amendments there would be a special procedure. They would require not only a simple majority in the House of Assembly, but a three-quarters majority in the Senate.

"...

"This would mean that no amendment could be passed against the will of any one of the three groups in the upper House. Even if two of the groups were unanimous, they would need the support of five members of the third group to change the constitution.

"...

"In the House of Assembly there would be no need for the distinctions maintained in the Senate. With the rights and security of the separate groups thus hedged about, the voters' roll for the lower House would be the proper place for the association of different races. This system would put a powerful lever into the hands of Western civilization, if not of White supremacy. By determining the qualifications for the franchise, Parliament could steer the development of the backward races into any channel that was desired. Parliament could, by the ordinary processes, regulate the franchise; but the constitution would provide that for the first election no person should be excluded from it who either (a) was qualified to vote for the House of Assembly, on the common roll, under the old constitution, or (b) was qualified to vote for the Senate under the new. Persons qualified as voters for either House would also be eligible to that House.

“ . . .

“The Governor General of the Union would be appointed in the same manner, and exercise the same functions, as at present, and his ministers would stand in the same relation to him and to Parliament as they do now.

“The Supreme Court of the Union would, as in other federations, have jurisdiction in cases arising under federal laws, in cases between states, between citizens of different states, between a state and a citizen of another state, and between a citizen, a state or the Union and a citizen or government of another country ; it would also interpret the constitution and have power to declare a law of the Union or of a state *ultra vires*. And, as in Australia, an appeal would lie to it from the state courts.

“ . . .

“Parliament could, by simple majorities, admit a new state to the Union on the request of its legislature; provided that the ratio in the Senate be not altered. The people of the new state would be admitted to the separate senatorial electorates on the existing basis.

“ . . .

“In addition to its organic provisions the constitution would guarantee certain rights and liberties, which neither the Union nor any state would be permitted to abolish or abridge. This guarantee was sought in the United States by the first ten amendments—the so-called ‘Bill of Rights’—and by some later amendments, notably the fourteenth. This is not an altogether satisfactory way of establishing civil rights, because the terms of a constitution must be clear and short, and civil liberties involve a large number of elaborate technical definitions.

“A better method might be to pass a law or laws, before the adoption of the constitution, consolidating and amending the existing laws on this subject. The constitution itself could then refer to this law by its title, establish it as part of the constitution, and safeguard it against amendment by ordinary process.

“Such a law would cover freedom of speech, of the press, of religion, of association, public meeting and petition. It would define, in technical detail, the rights of the citizen in regard to judicial processes. The American Bill of Rights does this in looser terms, such as: ‘the right to a speedy and public trial . . . and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence’; ‘the right of the people to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures . . . and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be ‘seized’; the right not to be ‘subject for the same offence to be twice put in jeopardy of life and limb; nor shall (he) be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation’. Such rights would, in our proposed law, be more exactly defined.

“There are more provisions of the same kind which could be included in this law, or in the constitution itself. One could concern freedom of education, which would be secured by guaranteeing the right of private persons or institutions to establish schools, and the right of the citizens to send their children to these instead of to the State schools. This would allow an escape from any kind of indoctrination which a State government might choose to introduce into its schools.

“ . . .

“A constitution of this kind would make politically possible the raising of the coloured races in civilization and standard of living. It would in the long run allow White and Black to play parallel and not complementary parts in the economic system. If at that time it were thought desirable to make racial segregation complete, it would be economically practicable to do so. If the co-operation of White and Black in the same Union were no longer thought feasible, White States and Black could agree to part and go their several ways. If, on the other hand, closer integration were wanted, that could be obtained. But no course could be forced upon any separate group against its will.”

The book contains a map of the proposed federation, which would be composed of four Native States, six European States (three predominantly English-speaking, two predominantly Afrikaans-speaking and one in which the two groups would be almost equally balanced) and lastly, a small Indian State (Inanda).

301. It will be noted that this plan, as described above, would provide a solution for three of the four sections of the population—the Europeans, the Bantus and the Indians. After noting their assimilation of the culture of the European group, whose language and customs they have long since adopted, Keppel-Jones proposes “the complete integration of the Coloureds with the Europeans, except in social relationships, which would be regulated by the operation of natural social sanctions”.²⁸²

302. Another problem considered by the author is the treatment of members of minority groups in the territory of the different States composing the federation. His views on the civil and economic rights of minority groups and, in particular, of Natives inhabiting predominantly European States are as follows:²⁸³

“Their civil liberties would be the same as those of anybody else, and would be guaranteed by the federal constitution. The building up of their economic rights is the key to the success of the whole proposal.

“ . . .

“The White man, or rather the civilized man, is entitled to claim that he should not be exposed to competition from people who can oust him not because they are more skilful or efficient, but because they can accept an uncivilized wage. On the other hand it is unjust to protect him from the competition of men who have the same living standards and are paid the same wages, but claim an opportunity to show their greater skill and efficiency. It is not only unjust; it removes from the White man the stimulus necessary to maintain his own standards.

²⁸² *Ibid*, page 185.

²⁸³ *Ibid*, pages 194 to 198.

“... ”

“I would suggest these principles and policies. First, that on the basis of equal pay for equal work there be no economic colour bar. Second, that the training of unskilled workers be undertaken, and their efficiency encouraged by stabilizing them in particular industries. Third, that they be encouraged to increase their earning capacity by the removal of obstacles to their advancement and by the opening of avenues of expenditure now closed to them.

“Fourth, a policy of mechanisation which would reduce the proportion of unskilled to skilled workers. (A rise in the rate of wages for unskilled labour would encourage this in South Africa, as it has done in every other country.)

“These need to be supplemented by another policy of a traditional kind. Only a few Natives can be expected to qualify immediately for jobs at European wage-rates. Many more could reach that standard after working for lower wages and gradually increasing their earning capacity. They will not be allowed to do this where they are in competition with European workers. But it could be made possible in such occupations as building, commercial and distributive work, catering and other services, both in the Native states and in the Native areas elsewhere.

“We have thus two principles :

“(i) Throughout the Union, free access to all jobs for all races on the basis of European-wage-rates, and

“(ii) In Native areas, skilled jobs at lower wage-rates where the work is exclusively for a local public and does not compete with similar enterprises elsewhere.

“The next point concerns the social amenities and public services. It is important that all these be made available to all races on similar conditions. The federal constitution might therefore provide that, after the lapse of a sufficient time to enable

adjustments to be made, all these facilities should be of the same standard for all races. No person could be excluded from any bus, tram, waiting room, first-class railway carriage, school, university, swimming bath, bathing beach, library or other public institutions or amenity on the grounds of race or colour, unless special facilities of the same standard had been available to him.

“Both the Union and the states would be forbidden to discriminate between races in the standards of social services provided by law. That is to say, there could be separate schools and hospitals, but they must be accessible to the various races on the same terms. If education is free and compulsory it must be free and compulsory for all. The same is true of the services collectively described as social security. Pensions, unemployment and accident and sickness insurance could make no distinction of race, though of course distinctions could be made on other grounds.”

303. The author takes the view that the immediate establishment of Native states would not be feasible.²⁸⁴

“A system of Natives states is the objective ; but it would take time to reach. Their inhabitants are not yet ripe for the full responsibilities of self-government. Their economies are not far enough developed to bear the whole of its cost. Following the American example—and, indeed, that of most colonial powers—we could let these states begin as territories, of which the control remained with the federal government. It would be responsible for developing them economically. By stages, beginning at the lowest local level, the inhabitants would be given experience of self-government and administrative responsibility. The personnel of the future state civil service would be recruited and trained. When the territory was ripe for the change—some would be so earlier than others—it would be admitted to full statehood. A similar transitional period, though of shorter duration, might be necessary for the Indian territory of Imanda.”

²⁸⁴ *Ibid.*, pages 198 and 199.

Chapter VII

BRIEF ACCOUNT OF THE RELEVANT EXPERIENCE OF OTHER COUNTRIES

304. As stated above,²⁸⁵ the Commission considered it necessary to supplement its examination of the measures for solving the racial problem proposed in the Union of South Africa itself by a study of the experience of other countries which have been confronted with similar difficulties. The Commission was of the opinion that this experience might be a source of information which could assist the Union in securing a peaceful settlement of its serious and difficult problem.

305. The Commission is aware that conditions and circumstances peculiar to the Union of South Africa give the racial problem in that country a special character. It has already expressed its views on that subject in its first report (A/2505 and A/2505/Add.1). It believes, however, that the experience of other coun-

tries yields information which may make a helpful contribution both to the analysis of the problem and to the study of methods for its solution. Such information must be assembled and disseminated if it is to assist in the formation of the necessary climate of opinion prepared to accept the possibility of a peaceful solution.

306. The Commission studied the experience of such countries very closely. As it has already indicated, it asked all States Members of the United Nations to provide it with information regarding their respective experience and requested other relevant information from a number of inter-governmental and non-governmental organizations.²⁸⁶ Lastly, it requested the Secretary-General of the United

²⁸⁶ *Ibid.* The analyses of the information collected by the Commission are contained in document A/AC.70/2.

²⁸⁵ See paragraphs 34 and following.

Nations to make available any information in his possession.

307. In addition, the Commission obtained the assistance of Professor Gilberto Freyre, an eminent Brazilian sociologist and anthropologist, who prepared a study of the most effective methods for eliminating racial conflicts, tensions and discriminatory practices employed with positive results in countries in different geographical regions, in particular, countries where conditions approximate most closely those in the Union of South Africa.²⁸⁷

308. The information thus collected has been published by the Commission in documents with an unrestricted circulation. Although the Commission did not consider it necessary to include such information in the present report, it forms a natural complement to the report and will undoubtedly help the General Assembly to form an opinion on the precise manner in which it can assist the South African people to achieve a peaceful settlement of its racial conflict.

309. Despite this limitation, the Commission thought it would be useful to include in the present study, by way of example, a brief account of the methods which have been employed in certain countries and which might serve to illustrate the general principles on which the different policies are based. The methods selected are those which seemed to the Commission to be particularly noteworthy.

310. In selecting examples from different parts of the world, the Commission took no account of political or economic systems in the firm belief that the great principle of non-discrimination proclaimed in the United Nations Charter was meant to be applied without regard to place, political régime or economic system. It was glad to find that its conviction was borne out by the facts and that on this point at least the peoples of the world are in general agreement.

311. In attempting to classify the methods which have been used to ensure the harmonious and peaceful coexistence of separate groups, the Committee noted that either in isolation or simultaneously, the countries concerned have had recourse to one or other of the three methods advocated in the Union of South Africa itself, which were dealt with in the preceding chapter, *viz.* (i) the integration of the groups, (ii) their complete separation and (iii) their separation within a federal organization.

I. Solutions involving the integration of separate groups

312. The Commission selected as examples four countries, of which three belong to Latin America. The first of these, Haiti, developed under *French* influence; the second, El Salvador, under *Spanish* influence; and the third, Brazil, under *Portuguese* influence. The fourth country, the United States, is in North America and developed largely under *Anglo-Saxon* influence. In making this choice, the Commission was also guided by the fact that in the first group of countries integration is already an accomplished fact, while in the United States the process of integration is taking place before our eyes as a result of a steady succession of progressive measures.

LATIN AMERICA

313. Latin America offers typical examples of the integration of different ethnic groups in a common culture

²⁸⁷ See A/AC.70/3.

and a common social and judicial order. Obviously, this process is not complete, and in many countries there are still indigenous groups of varying sizes which have not yet been integrated in such a common culture and order. This is due to social and economic conditions rather than to deliberate opposition on the part of the other elements of the population. The fact remains, however, that in many countries, particularly in Brazil, Venezuela, the countries of Central America and Cuba, where there were large groups of Indians, Europeans and Africans, a remarkable degree of integration has been attained and racial conflicts have completely disappeared. It must, however, be admitted, that this process has been favoured by a combination of factors and circumstances—geography, climate, religion and the traditional attitude of the *Conquistadores*—whose influence, though felt, has not been as appreciable in other countries. The above-mentioned study by Professor Freyre²⁸⁸ contains a detailed analysis of the factors involved, which have operated to produce very different results in Latin America, North America and South Africa.

A remarkable conclusion is to be drawn from the experience of the Latin American countries, namely, that integration is in no way incompatible with the preservation of the essential values of European culture. On the contrary, as Professor Freyre states, their experience has shown that "European civilization and its essential values may be preserved and even developed by non-Europeans".

Furthermore, the twenty Latin American republics have proclaimed the equality before the law of all their inhabitants without distinction of race, birth or religion in their respective Constitutions. The conditions attached to the enjoyment of civil rights and the exercise of political rights are prescribed by law and apply to all citizens regardless of their origin.

In this connexion, it is of interest to recall the declaration and undertaking contained in article 29 of the Charter of the Organization of American States signed at Bogotá in May 1948, which reads in part as follows:

"The Member States agree upon the desirability of developing their social legislation on the following bases: All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty . . . [equality of] opportunity, and economic security".²⁸⁹

(a) Haiti²⁹⁰

314. The territory which today constitutes the Republic of Haiti was under Spanish rule from the time of its discovery by Christopher Columbus in 1492 until the annexation of the western part of the island by the French in 1625. The annexation was recognized by Spain in 1697 (Treaty of Ryswick). French domination lasted until the proclamation of Haitian independence on 1 January 1804.

The French colony of Santo Domingo was extremely successful in developing its resources and early achieved an exceptional prosperity which earned it the title of "queen of the Antilles". That prosperity was, however, entirely based on forced labour and slavery, the extent of which was substantially increased by the French as a

²⁸⁸ *Ibid.*

²⁸⁹ See *Yearbook on Human Rights for 1948*, United Nations publication, Sales No. 1950.XIV.4, p. 438.

²⁹⁰ See the reply of the Government of Haiti to the Commission's request for information (A/AC.70/2, annex A/1).

result of the annual importation of thousands of Negroes from various parts of Africa.

The population of the colony was divided into three classes: the *Whites*, who were the masters; the *freedmen* — emancipated mulattoes and Negroes who, under the Black Code of 1685, possessed only limited rights; and the *slaves*, who were treated like cattle and left to the mercy of the often cruel whims of their owners.

At first, the French Whites did not display any repugnance for the Negroes, and many settlers contracted legal or illegal unions with their female Negro slaves with the result that the number of mulattoes or mestizos rose to 48,000 in 1789, as against 30,000 Whites and 450,000 slaves, the latter including coloured persons who had not been enfranchised. Colour prejudice was deliberately fostered by the Government of metropolitan France, which, particularly during the reign of Louis XV, enacted a number of regulations or ordinances prohibiting legal or illegal union between Whites and Blacks or persons of mixed blood and establishing increasingly rigid distinctions between the three classes of the population.

The harsh treatment meted out to the slaves and the humiliations inflicted upon the enfranchised population, Negroes and mulattoes—some of whom had succeeded in acquiring an excellent education—gave rise to numerous revolts which were suppressed. The French Revolution and the Declarations of the Rights of Man and of the Citizen stimulated the efforts of the oppressed population and slavery was abolished in Santo Domingo on 29 August 1793. In 1801, the great Toussaint Louverture, the Negro who had become Governor of the colony, promulgated a Constitution which transformed Santo Domingo into a virtually self-governing "dominion", "forming part of the French Empire". In that Constitution, Toussaint secured the inclusion of the following three articles (3, 4 and 5): "There can be no slaves in this territory, in which slavery is abolished forever. All men are born, live and die in it free and French. All occupations are open to all men, whatever their colour. There is no distinction other than that based on virtue and talent, and no superiority of rank save that conferred by law on persons holding public office. The punishments prescribed and the protection afforded by the law are the same for all".

These principles of liberty and equality for all men were not to the taste of Napoleon Bonaparte, who had become First Consul of France and who treated the promulgation of the Constitution of 1801 as an act of rebellion. He despatched a large army to the island under the command of his brother-in-law, General Leclerc, for the purpose of overthrowing Toussaint, of re-establishing slavery in Santo Domingo and then of consolidating French power in Louisiana and the Mississippi valley.

General Leclerc proclaimed the re-establishment of slavery in Santo Domingo; but Jean-Jacques Dessalines and Alexandre Petion — the former a Negro and the latter a mulatto, and both generals in the Santo Dominican army—joined forces and resumed the struggle, with a view this time to the attainment of full independence.

The proclamation of Haitian independence on 1 January 1804 did not merely mark the birth of yet another State; by abolishing slavery, it affirmed the *liberty of man*, while the triumphant entry of a people of Negro origin into the comity of civilized nations was an assertion of the principle of *racial equality*.

After the proclamation of independence, Dessalines ordered the massacre of the settlers by way of reprisal and secured the inclusion in the Imperial Constitution of 1805 of a provision to the effect that no "White" should be admitted to the new State as a master or landowner. This exclusion was not, however, absolute nor did it imply any racial discrimination, for Haitian nationality was granted to Whites with liberal views, several of whom had thrown in their lot with the partisans of independence, to the White women who remained in Haiti after the war and to the German and Polish soldiers who survived the Leclerc expedition, for whom Dessalines had a special sympathy. Article 28 of the Republican Constitution of 1806 reads as follows: "Whites serving in the Army or civil service and Whites admitted to the Republic at the date of the promulgation of the present Constitution shall be recognized as Haitians". Under the terms of this Constitution, Haiti became a sanctuary for all men of African or Indian origin seeking refuge from the slavery which was still rife in other countries of America; they became free on setting foot on Haitian soil.

Aliens — Whites and non-Whites — were therefore early admitted to the new State, although at that period neighbouring countries explicitly barred its nationals from their territories. Today aliens can become naturalized Haitians, and as such, enjoy the same political and civil rights as are granted to the citizens of Haiti, *without distinction of colour, sex, religion or language*.

The only restriction imposed on aliens, regardless of colour, is the incapacity to acquire immovable property other than that required for their own residential, business or industrial needs. This is a political and economic measure which was considered necessary to prevent the buying-up of land and the re-establishment of indigenous serfdom in the form of a class of agricultural wage-earners.

A class of small landowners was created by the distribution of land to officers, junior officers and soldiers of the army of independence in 1809 and 1814 with the result that most of the peasants own the land they cultivate. Haitian society thus rests on a broad democratic basis, the rural population representing almost 83 per cent of the total (2,905,000 out of 3,500,000 inhabitants).

Another constitutional principle which was early adopted by the Haitian State and which has made a substantial contribution to the development of Haitian democracy is that of *compulsory primary education* and of *free public education at all stages* (primary, secondary, higher and vocational). All Haitian children, without distinction of origin, sex or religious belief, accordingly have access to the highest culture, to the public service and, each according to his deserts or ability, to the highest offices of the State.

Haiti may be said to have achieved not merely total integration within a common culture and a common social and judicial order, but a complete fusion of the different ethnic groups.

(b) *El Salvador*

315. El Salvador, which is very similar to other Latin-American countries, differs from Haiti in regard to the ethnic composition of its population and the policy adopted by its Spanish colonizers towards the indigenous Indian inhabitants.

According to a speech by Sonthonax, one of the civil commissioners sent by the National Convention to Santo

Domingo in 1792, it was an undisputed fact that the Spaniards had never recognized any distinction based on colour, for in the Spanish possessions civil, military and even ecclesiastical posts were open without distinction to Whites, coloured men and free Negroes; some *Negroes* had even become bishops in their South American possessions.

El Salvador may therefore be regarded as a typical case.

316. In his reply to the Commission's request for information, the Minister of Foreign Affairs of El Salvador, after observing that his country has never experienced any difficulties due to conflicts between ethnic groups, makes the following statement:

"The Commission is certainly aware that the White race of the Spanish conquerors and the indigenous race of the American aborigines played a preponderant and almost exclusive part in the historical evolution of the Salvadorian population.

"In El Salvador the conquerors did not, as in other countries of our continent, form a separate group which confined the Indians to specific areas, exterminated them or merely avoided contact with them; conquest there was followed by large-scale Spanish colonization, which enabled the American Indians to assimilate some of the culture and civilization of their conquerors. The fusion between the two races was such that a new and purely American race came into being, that of the mestizos, who in fact constitute the majority of the population of El Salvador and of those Latin American countries to which there was no large-scale immigration after the Spanish conquest and settlement.

"Although there are still small indigenous communities in El Salvador in the villages of Izalco and Nahuizalco, the existence of these groups has never raised any problems of racial discrimination, because they have been assimilated to the rest of the population, living with them on an equal footing, enjoying the same rights and subject to the same obligations.

"Such in brief is the social situation in El Salvador. It is in conformity with our political Constitution, one article of which provides as follows: 'All men are equal before the law. The enjoyment of civil rights may not be restricted for reasons based on differences of nationality, race, sex or religion.'²⁹¹

(c) *Brazil*

317. Brazil offers an extremely interesting example of racial integration and the peaceful coexistence of different ethnic groups—Europeans (Portuguese), aborigines, African Negroes and later, German, Japanese, Italian and other immigrants.

Professor Freyre's study gives a detailed account of the development, causes and special features of this process of integration, from which it is evident that the present tradition in Brazil originated well before the country attained its independence and is the outcome of the policy applied by Portugal in all its colonies, a policy carried on and strengthened by the Empire and the Republic. Today Brazil can justly pride itself on having successfully solved a problem, which might have had serious consequences and of which other nations have not so far been able to free themselves.

318. The Commission thought it might be helpful to reproduce some passages from Professor Charles

Wagley's work *Races et Classes dans le Brésil rural* (*Races and Classes in Rural Brazil*), which was published following a survey carried out in 1951 under UNESCO auspices and which gives a striking account of the racial situation in Brazil.

"Brazil is known throughout the world for its democratic attitude on racial matters. Throughout its vast territory, which extends over half a continent, racial prejudice and discrimination are insignificant by comparison with many other countries.

"In Brazil, three different stocks—American Indian, Negro and Euro-Caucasian—have combined to form a society in which, despite the great ethnic diversity of the population, racial tensions and conflicts are particularly mild.

"The first phase of Brazil's colonial history was marked by the massacre and enslavement of the Indian population. It was followed by a longer period ending only in 1888 during which a large Negro population was kept in slavery. As several writers have pointed out, however, the Portuguese colonizers of Brazil were unusually free of racial prejudice by comparison with many Europeans.

...

"From the outset, there were undoubtedly many mixed marriages between Portuguese and Indians and between Portuguese and Negroes. Soon, the *mamelucos*, the offspring of Portuguese fathers and Indian mothers, and the *mulattoes*, the offspring mainly of European fathers and Negro mothers, became important elements in the Brazilian population, and the mixing of the races continued for four centuries. Brazil's present population includes persons endowed with the physical characteristics of each of the three ethnic stocks and these characteristics may be observed in every conceivable combination and proportion"²⁹²

319. The Roman Catholic Church undoubtedly seems to have made a considerable contribution to the formation and development of this attitude. Any free man, whatever his race, could gain admittance to the clergy and even reach the higher ranks of the ecclesiastical hierarchy. Charitable institutions such as the *Santas Casas* were established to assist both Whites and Negroes in the event of sickness, poverty and death. These institutions catered particularly for orphans, including those of marriageable age. This is how the same author describes the situation resulting from this attitude:

"Furthermore, the existence of former slaves has not given rise in Brazil—as in the United States of America or the British West Indies—to a society based on the caste system, in which rigid barriers are established between the different racial groups. In Brazil, Negroes and mulattoes enjoyed civil rights and were eligible for posts in the Government service as soon as they gained their freedom. Many persons partly or wholly of Negro descent have played an important part in the cultural and political life of Brazil. They are to be found today in the highest levels

²⁹² According to the 1940 census, *Brazil* had a population of 41,236,315 composed of the following ethnic groups: *Whites*, 26,171,773 (63.5 per cent); *Mulattoes*, 8,744,365 (21.1 per cent); *Negroes*, 6,035,869 (14.6 per cent); *Indians*, 242,320 (0.6 per cent).

Professor L. M. Thompson, who quotes these figures in his pamphlet *Democracy in Multi-racial Societies* (page 32), points out that the Brazilian Whites include a considerable proportion of fair-skinned mulattoes.

²⁹¹ A/AC.70/2, annex A/1.

of Brazilian society, which is free of any racial tensions or conflicts capable of disrupting the life of the individual or the nation. At the present time, it may be said that in Brazil there is no 'racial problem' in the sense given to that term in other parts of the world; relations between persons belonging to the three main races or descended from any of the conceivable forms of mixed marriage among them, are fundamentally peaceful. All are Brazilians, proud of their great country, and all play their part in resolving its difficulties and utilizing its resources.

"...

"For these difficulties exist, and Brazil cannot be so vain as to believe that it has achieved absolute perfection in this respect.

"...

"The Brazilians", Mr. Wagley continues, "who are well aware of social conditions in their country, will agree that, though there is no racial prejudice, racial discrimination still exists in an attenuated form and in some areas is even growing. Certain attitudes of mind and traditional views are widespread in Brazil which point to the existence of a certain contempt for the Negro and the mulatto. 'Coloured people' descended from slaves encounter familiar obstacles when they try to improve their social position. The increasing prevalence of discriminatory practices in cities such as São Paulo and Rio de Janeiro has led the National Congress to pass a law making racial discrimination an offence."

320. It may be of interest to describe the origin of the law to which Professor Wagley refers—Act No. 1390 of 3 July 1951 under which acts resulting from prejudice based on race or colour become penal offences. The Act is reproduced *in extenso* as an annex to the Brazilian Government's first reply²⁹³ to the request for information made by the Secretary-General in accordance with Economic and Social Council resolution 303 F (XI) of 9 August 1950.

As the result of large-scale immigration in recent decades, Brazil has absorbed a considerable number of Europeans with very different views on inter-racial relations from those customarily held in Brazil. The result was that about four years ago a well-known North American performer who visited São Paulo during a professional tour was refused admittance to a hotel in that city on account of her colour. The incident aroused protests, not only in São Paulo, but throughout the country, and it was in those circumstances that the above-mentioned Act was passed. Its principal provisions are as follows:

"Art. 1. Refusal by any commercial or any educational establishment of any kind to lodge, serve, attend or receive a client, buyer or student owing to prejudice based on race or colour constitutes a penal offence punishable in accordance with the provisions of this Act.

"Sub-paragraph. The director, manager or person in charge of the establishment shall be considered the offender.

"Art. 2. Refusal of hospitality in hotel, boarding house or similar establishment owing to prejudice based on race or colour. Penalty: imprisonment for three months to one year and fine from 5,000 (five

thousand) cruzeiros to 20,000 (twenty thousand) cruzeiros.

"Art. 3. Refusal owing to prejudice based on race or colour to sell merchandise in stores of any kind or to wait on customers in restaurants, bars, tea shops and similar places open to the public in which food, beverages, refreshments and sweets are served. Penalty: imprisonment for fifteen days to three months or fine of 500 (five hundred) cruzeiros to 5,000 (five thousand) cruzeiros.

"Art. 4. Refusal of admission to public entertainment or sports establishments and to barber's shops or hairdressing establishments owing to prejudice based on race or colour. Penalty: imprisonment for fifteen days to three months or fine of 500 (five hundred) cruzeiros to 5,000 (five thousand) cruzeiros.

"Art. 5. Refusal to register a student in an educational institution giving any course or grade owing to prejudice based on race or colour. Penalty: imprisonment for three months to one year, or fine of 500 to 5,000 (five hundred to five thousand) cruzeiros.

"Sub-paragraph. If an official educational institution is involved, the penalty shall be the dismissal of the offender after due investigation.

"Art. 6. Denial of access to any post in the public service or in any branch of the armed forces owing to prejudice based on race or colour. Penalty: dismissal after due investigation of the official in charge of the department responsible for receiving applications of candidates.

"Art. 7. Denial of employment or work to anyone in an independent undertaking, mixed undertaking, public service or private enterprise owing to prejudice based on race or colour. Penalty: imprisonment for three months to one year and fine of 500 (five hundred) cruzeiros to 5,000 (five thousand) cruzeiros in the case of a private enterprise; dismissal of the person responsible for the refusal in case of an independent undertaking, a mixed undertaking or a public service.

"Art. 8. In case of repetition of the offence in private establishments, the judge may order the additional penalty of suspension for a period not exceeding three months."

The need for such a law in a country like Brazil is, however, open to question. Discriminatory views, which in Brazil are something in the nature of novelty imported from abroad, would in time probably have disappeared of themselves under the influence of education.

321. In its second reply²⁹⁴ to the same request for information, the Government of Brazil also transmitted the following information:

"The indigenous inhabitants still remaining in Brazil are gradually adapting themselves to civilization, with the aid of the special service called the 'Service for the Protection of Indians' and their civil status is regulated by the Civil Code, article 6, sole paragraph, as follows:

"The indigenous forest Indians (selvcolas) shall be subject to the trusteeship system established in special acts and regulations, which shall be discontinued as and when the said Indians become adapted to civilization."

²⁹³ See E/CN.4/Sub.2/122/Add.36.

²⁹⁴ See E/CN.4/Sub.2/122/Add.39.

NORTH AMERICA

(d) *United States of America*

322. The Constitution of the United States and the Bill of Rights have proclaimed the right of all men to liberty and the pursuit of happiness. The negroes, however, remained in slavery in the United States, not as before because of "pagan beliefs" but because of the more or less dark colour of their skin. A terrible war between the slave-owning South and the abolitionist North had to be fought before Abraham Lincoln could secure the passage of the Emancipation Act of 22 September 1862 which put an end to this system of the exploitation of man by man—a system based on the unscientific and unchristian doctrine of the fundamental inequality of the races of man.

Though the Civil War succeeded in abolishing slavery, however, it did not bring to an end all practices of racial discrimination and the process of integrating the coloured groups in the mass of the population is still proceeding slowly in the United States.

323. The situation on the date of entry into force of the United Nations Charter has been described by Professor Robert E. Cushman as follows:²⁹⁵

"Three important amendments were added to the Constitution after the Civil War ended. The Thirteenth Amendment (1865) forbade slavery and involuntary servitude, a term which includes peonage and the compulsory enforcement of contracts to perform labour. The Fourteenth Amendment (1868) broadened the basis of American citizenship, and forbade the states to abridge the privileges and immunities of that citizenship, or deny due process of law or the equal protection of the laws to any persons. The Fifteenth Amendment (1870) forbade racial discrimination in respect to the right to vote. The framers of these amendments intended, particularly by the Fourteenth, to force upon the states a broad *federal* duty to respect and safeguard the general civil liberties of the people, a duty which would be enforceable in the federal courts. While this new protection was designed primarily for the newly freed Negroes, it was not limited to them, but was phrased in broad language. The old equilibrium between federal and state responsibility with respect to civil rights and liberties was to be replaced by a 'nationalization of civil liberties', by which the states would be brought under effective federal discipline in respect to their treatment of their own citizens.

"In a series of important decisions the Supreme Court blocked for a long period the achievement of this broad purpose. This was done by giving very narrow meanings to the terms 'privileges and immunities of citizens of the United States', 'due process of law', and 'equal protection of the laws'. The net result was that the states were still left free from any *federal* compulsion to respect within their jurisdictions the guarantees of civil liberty found in the federal bill of rights. It took nearly twenty years for the Supreme Court to weld the 'due process clause' of the Fourteenth Amendment into a judicial measuring rod by which could be judged the constitutionality of state police legislation; legislation regulating business, seeking to ameliorate social and economic conditions.

"It was not until 1925 that the Supreme Court, by a startling reversal of earlier doctrine began to make parts of the federal bill of rights applicable to the states.

²⁹⁵ *The Yearbook on Human Rights for 1946*, United Nations publication, Sales No. 1948.XIV.1, pages 323 and 325.

"..."

"... As we have seen, the Federal bill of rights limits the national Government, while the Fourteenth Amendment restricts the states. These limitations in behalf of civil liberties are enforceable in the courts, which in exercising the power to pass on the constitutionality of legislative and executive acts, will determine whether the civil rights of the individual have been unconstitutionally infringed, and will afford him relief if they have.

"The states, if they so desire, may exercise their police powers in such a way as to forbid private persons to interfere with the civil rights of other private persons. The recent New York statute forbidding racial discrimination in employment is an example of this. The power of the federal Government, which has no general police power is, however, more limited. It may not punish an individual for violating the civil liberties protected by the bill of rights or the Fourteenth Amendment, since, as we have seen, these two sets of guarantees restrict governmental and not private action. Congress has, however, passed laws punishing individuals who obstruct or interfere with the enjoyment by private individuals of rights or privileges guaranteed to them by the Constitution or statutes. Thus one may be punished for interfering with the constitutional right of a citizen to vote in a federal election. Recently federal efforts to extend this area of protection to individuals have been more aggressive, but the limits on federal power are emphasized by the very serious doubts as to the constitutional authority of Congress to pass an effective federal statute against lynching".

324. It is evident therefore that even before 1946 a serious effort to abolish discrimination had been made both by the federal authorities and by the authorities of certain states. The Supreme Court, however, conceded that segregation was not in itself contrary to the principle of non-discrimination, provided that the treatment accorded to the various groups concerned and their individual members was "equal".

325. In reading the notes and the accompanying texts contained in successive issues of the *Yearbook on Human Rights*, one is struck by the headway made by the principle of non-discrimination both in the Union and in the individual states.

A complete account of the measures taken at the national, state and city levels cannot be given in this report. An indication will merely be given of the spheres with which these measures are concerned.

Some are concerned with the principle of non-discrimination in employment, both private and public. The New York statute forbidding racial discrimination in employment has already been mentioned in the quotation from Professor Cushman. Similar provisions have been enacted by a number of other states and cities.²⁹⁶

²⁹⁶ *The Yearbook on Human Rights for 1949*, for example, points out that the states of New Mexico, Oregon, Rhode Island and Washington enacted legislation to that effect in 1949, while the states of New York, New Jersey, Massachusetts and Connecticut strengthened already existing legislation. In the same year similar action was taken by the states of California, Kansas, Nebraska and Minnesota and by a large number of cities including Richmond (California), Chicago, Minneapolis, Philadelphia, Cincinnati, Milwaukee and Phoenix. Other issues of the *Yearbook* refer to similar laws. *The Yearbook for 1951* states that fair employment practices legislation existed in that year in states or cities which held 32.5 per cent of the nation's population.

In executive Order 9980 of 26 July 1948, the President called for more effective application of the long-established policy of employment in the federal service on the basis of merit and fitness alone, without regard to race, colour, religion or national origin.²⁹⁷

In Executive Order 9981 of July 1948, he proclaimed the policy of equality of treatment and opportunity for all persons in the armed services without regard to race, colour, religion or national origin.²⁹⁸ Legislation on the subject of non-discrimination in the armed forces was also enacted in 1950,²⁹⁹ and in 1951, the Government of the United States was in a position to state that the integration of racial groups in the armed services had been completed in the Navy and Air Force, and that considerable progress had been made in the Army.³⁰⁰

In regard to the administration of justice, the United States Supreme Court unanimously reversed a judgment of the Supreme Court of Florida affirming a conviction, the grounds for the reversal being that the method by which the jury had been selected had resulted in the exclusion of negroes.³⁰¹

Many laws and regulations have been passed for the abolition of discriminatory practices and segregation in the spheres of housing³⁰² and public accommodation.³⁰³ Reference should also be made to a number of court decisions in this connexion. In 1948, the Supreme Court of the United States ruled that state and federal agencies might not enforce racial or religious restrictions on the ownership of real property, thereby removing the support of law from restrictive housing covenants. In December 1949, the United States District Court for the Northern District of Alabama held unconstitutional, racial zoning ordinances of the City of Birmingham barring Negroes from residing in dwellings in certain sections of the city. In a court decision, affecting segregation in public accommodations, the United States District Court for the Eastern District of Virginia held that the 1948 order of the United States Civil Aeronautics Administrator prohibiting racial segregation at the Washington National Airport became the controlling policy of the airport.³⁰⁴

But the sphere in which the principle of non-discrimination has made the greatest progress is that of public education. In 1948, an Act of the Legislature of the State of New York prohibited discrimination because of race, colour, religion, creed, or national origin in institutions of higher learning.³⁰⁵ Two other states followed the New York example in 1949, but the provisions they adopted were less far-reaching. The State of Indiana passed a law abolishing separate schools for White and

Coloured students and progressively eliminating segregation in its public school system from kindergarten to university. This law becomes fully operative by 1954. A 1949 Wisconsin law prohibits the establishment of separate schools or school departments and forbids the exclusion of any child between the ages of four and twenty years from any public school on account of religion, nationality or colour.³⁰⁶

The public schools of Oklahoma, like those of Indiana and a number of other states, have been organized and maintained on the principle of providing equal educational opportunities in separate schools for White and Coloured students. However, in response to a ruling by the United States Supreme Court³⁰⁷ that equal graduate school facilities must be provided to Negro students and in the same full measure as provided for students of any other colour, the State of Oklahoma adopted a law on 9 June 1949 admitting qualified Negro students to its institutions of higher learning serving White students, to pursue such courses of instruction as are not given in the institutions established and maintained for the use of Negro students. This act stipulated that the course of instruction given to Negroes in the White institutions must be either at separate times or in separate classrooms.³⁰⁸

An important ruling by the Supreme Court

326. An event of exceptional importance has taken place in the United States in recent months—the unanimous ruling given by the United States Supreme Court on 17 May 1954,³⁰⁸ which represents an important step forward in the process of the progressive abolition of racial discrimination and indicates that this process has been proceeding at a more rapid tempo in recent years.

By this ruling, the Supreme Court reversed its previous finding³⁰⁹ that racial segregation in public schools was permissible provided that the principle of “separate but equal facilities” was effectively applied. In its new ruling, the Supreme Court found that racial segregation in educational institutions was contrary to the principle of “equal protection of the laws” guaranteed by the Fourteenth Amendment to the Constitution.

The most important part of this ruling formulates a doctrine on the scope of application of the principles of “equality before the law” and “equal protection of the law,” which is undeniably consistent with equity and completely in conformity with the principles of the United Nations Charter. The decision also contains unequivocal and pertinent statements of opinion with far-reaching sociological and human implications concerning the highly detrimental effects of segregation on the spiritual and moral development of the human beings subjected to it.

The most significant passages of the ruling are as follows:

“Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.”

³⁰⁶ See *Yearbook on Human Rights for 1949*, United Nations Publication, Sales No. 1951.XIV.1, page 238.

³⁰⁷ Case of *Sipuel v. Board of Regents*, 332 U.S. 631.

³⁰⁸ Cases of *Brown v. Board of Education of Topeka (Kansas)*, *Briggs v. Elliott (South Carolina)*, *Davis v. Country School Board of Prince Edward County (Virginia)* and *Gebhart v. Belton (Delaware)*.

³⁰⁹ Case of *Plessy v. Ferguson* (163, U.S. 537), 1896.

²⁹⁷ *Yearbook on Human Rights for 1949*, United Nations Publication, Sales No. 1951.XIV.1, page 237.

²⁹⁸ *Ibid.* The same issue of the *Yearbook* refers to similar action taken by the states with respect to their state militia.

²⁹⁹ See *Yearbook on Human Rights for 1950*, United Nations Publication, Sales No. 1952.XIV.7, pages 323 and 329.

³⁰⁰ See *Yearbook on Human Rights for 1951*, United Nations Publication, Sales No. 1953.XIV.2, page 370.

³⁰¹ *Ibid.*, page 368.

³⁰² See, for example, the action taken in this matter by the federal authorities and by those of a number of states and counties: *Yearbook on Human Rights for 1949*, page 299, and the *Yearbook on Human Rights for 1951*, pages 374 and 375.

³⁰³ See, for example, the measures adopted with respect to parks in the national capital: *Yearbook on Human Rights for 1949*, page 237, and *Yearbook on Human Rights for 1951*, pages 375 and 376.

³⁰⁴ See *Yearbook on Human Rights for 1949*, United Nations Publication, Sales No. 1951.XIV.1, page 239.

³⁰⁵ See *Yearbook on Human Rights for 1948*, United Nations Publication, Sales No. 1950.XIV.4, page 240.

"To separate them [the children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

327. In addition to the general measures mentioned above, the purpose of which is to secure the increasingly extensive application of the principle of non-discrimination and hence the integration of individuals belonging to different population groups, reference must be made to the special legislation enacted by the United States for the protection of the indigenous Indian tribes inhabiting the reservations set apart for them. The most recent of these measures is the Indian Reorganization Act approved on 18 June 1934, the text of which was communicated by the Government of the United States in its reply³¹⁰ to the request for information made by the Secretary-General in accordance with Economic and Social Council resolution 303 (F) XI. The Act is not applicable to a reservation in which a majority of the adult *Indians* vote against its application in free election (section 18).

328. At the end of his classic work on the position of the Negroes in the United States, written in 1942, i.e., at the height of the war, Gunnar Myrdal wrote as follows:

"In this sense the Negro problem is not only America's greatest failure but also America's incomparably great opportunity for the future . . . If America in actual practice could show the world a progressive trend by which the Negro became finally integrated into modern democracy, all mankind would be given faith again—it would have reason to believe that peace, progress and order are feasible . . . *America is free to choose whether the Negro shall remain her liability or become her opportunity.*"³¹¹

329. Much ground has been gained since that book was written and conditions are changing rapidly. The most important legislative, administrative and judicial measures have been mentioned in the preceding pages. Attention should, however, be drawn to the strong pressure being exerted by United States public opinion in favouring the change, which is in fact gradually taking place. In addition to the unambiguous stand taken by the Supreme Court, which has already been described, reference should be made to the fact that all recent Presidents of the United States as well as the great majority of Senators, Representatives and State Governors have openly expressed themselves against racial segregation and discrimination. Influential non-governmental organizations are mobilizing public opinion in support of necessary reforms both of legislation and of practice. The United States is a typical example of a country in which a racial problem, of some dimensions, deeply-rooted in history and in an agricultural system favourable to slavery, is being resolved under the joint influence of the course of the country's economic development, as a result of which agriculture is rapidly becoming industrialized, and of the will, conscience and democratic spirit of its people.

³¹⁰ E/CN.4/Sub.2/122/Add.9.

³¹¹ Gunnar Myrdal, *An American Dilemma*, Harper and Brothers, New York, London, pages 1021 and 1022.

II. Solutions involving separation

330. In some countries there were two separate groups in the population with characteristics and aspirations so different and even antagonistic that it seemed impossible to reconcile them and provide for their peaceful coexistence on equal terms within a single political community. In such cases, a more radical solution has been adopted—that of separation into two completely independent political entities. The Commission has concentrated its attention on two such solutions involving separation: one involving India, a founding Member of the United Nations, and the other, Palestine, a territory placed under the Mandates System of the League of Nations and in respect of which partition was recommended by the General Assembly itself.

331. As will be seen, the formation of absolutely homogeneous national States was not contemplated in either case, and steps were taken to ensure the application of the principle of non-discrimination and of special measures for the protection of members of groups destined to become minorities in the new States established as the result of partition.

(a) *India*

332. In 1946, the United Kingdom Government decided to send to India a mission composed of Cabinet members with instructions to use "their utmost endeavours to help prepare her [India] to attain her freedom as speedily and fully as possible".³¹²

333. After outlining the views expressed to it by the representatives of the Moslem League and by those of the majority, the Cabinet Mission set out the solution which it itself recommended. The solution was as follows:

"We recommend that the constitution should take the following basic form:

"(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: foreign affairs, defence and communications; and should have the powers necessary to raise the finances required for the above subjects.

"(2) The Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

"(3) All subjects other than the Union subjects and all residuary powers should rest in the provinces.

"(4) The States will retain all subjects and powers other than those ceded to the Union.

"(5) Provinces should be free to form groups with executives and legislatures, and each group could determine provincial subjects to be taken in common.

"(6) The constitutions of the Union and of the groups should contain a provision whereby any province could by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter".³¹³

³¹² *India (Cabinet Mission): Statement by the Cabinet Mission and His Excellency the Viceroy*, London, His Majesty's Stationery Office, May 1946, Cmd. 6821, page 2.

³¹³ *Ibid.*, page 5.

334. However, the opposition of the Moslem population proved more obdurate than anticipated as the two statements of 20 February 1947³¹⁴ and 3 June 1947³¹⁵ indicate. That was why it was ultimately necessary to adopt the solution of partition.

335. In opening the second reading of the Indian Independence Bill in the House of Commons, the Prime Minister (Mr. Attlee) made the following statements:

“ . . . the major difficulty that has faced all of us in considering the best way of achieving Indian self-government has been the absence of mutual trust and toleration between the communities. . . . This same difficulty, which faced Mr. Edwin Montagu and the Simon Commission faced the President of the Board of Trade in his Mission and my three Cabinet colleagues in theirs, and it was still the outstanding difficulty of the present Viceroy when he took office. Everyone who has touched the Indian problem has been brought up against this stumbling-block. They have all wanted to maintain the unity of India, to give India complete self-government and to preserve the rights of minorities. Everyone of them has hoped that a solution might be found without resorting to partition. I know that many Indians of all communities passionately desire this, but it has not been found to be practicable. We and the Indian statesmen have had to accept the only alternative—partition”.³¹⁶

336. It was therefore the partition solution which was embodied in the Indian Independence Act (1947), section 1 of which reads as follows:

“1. As from the fifteenth day of August nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan”.

337. It will be noted, however, that the Indian Independence Act expressly provides that “Excepting in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion . . . , each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935 . . .” (section 8 (2)), and that sections 275 and 298 of the Act of 1935 establish the principle of equality before the law.³¹⁷

(b) Palestine

338. Resolution 181 (II) on the *Future government of Palestine* was adopted by the General Assembly on 29 November 1947. That resolution was based on the recommendations of the United Nations Special Committee on Palestine³¹⁸ established under resolution 106 (S-1) adopted by the General Assembly at the special session.

339. The recommendations of the Special Committee were of three kinds:

(a) Those approved unanimously or by a substantial majority;³¹⁹

³¹⁴ *Indian Policy, Statement of 20th February, 1947*, London, His Majesty's Stationery Office, Cmd. 7047.

³¹⁵ *Indian Policy, Statement of 3rd June, 1947*, London, His Majesty's Stationery Office, Cmd. 7136.

³¹⁶ *Parliamentary Debates* (Hansard), Vol. 439, 1947, cols. 2444-2445.

³¹⁷ See *Yearbook on Human Rights for 1946*, United Nations Publication, Sales No. 1948.XIV.1, page 153; and *Yearbook on Human Rights for 1947*, United Nations Publication, Sales No. 1949.XIV.1, pp. 152 and 153 (communication from Sir Benegal N. Rau).

³¹⁸ See *Official Records of the General Assembly, second session, Supplement No. 11, Vol. I*.

³¹⁹ *Ibid.*, chapter V.

(b) Those approved by a majority of seven members of the Committee (Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden, Uruguay)³²⁰; the recommendations in this category included the plan or partition with economic union which served as the basis for Assembly resolution 181 (II) and are therefore of particular interest to the Commission;

(c) Those supported by three members of the Committee³²¹ (India, Iran and Yugoslavia). These recommendations envisaged the establishment of a federal State; they were not taken into consideration in the drafting of resolution 181 (II) and will therefore not be examined here.

340. The recommendations in the second category, that is to say, those relating to the plan of partition with economic union, which were finally adopted by the General Assembly, are preceded in the Special Committee's report by a “justification” of which the following section should be noted:

“1. The basic premise underlying the partition proposal is that the claim to Palestine of the Arabs and Jews, both possessing validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practical settlement, and is the most likely to afford a workable basis for meeting in part with claims and national aspirations of both parties.

“2. It is a fact that both of these peoples have their historic roots in Palestine, and that both make vital contributions to the economic and cultural life of the country. The partition solution takes these considerations fully into account.

“3. The basic conflict in Palestine is a clash of two intense nationalisms. Regardless of the historical origins of the conflict, the rights and wrongs of the promises and counter-promises, and the international intervention incident to the Mandate, there are now in Palestine some 650,000 Jews and 1,200,000 Arabs who are dissimilar in their ways of living and, for the time being, separated by political interests which render difficult full and effective political co-operation among them, whether voluntary or induced by constitutional arrangements.

“4. Only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations.

“5. The partition solution provides that finality which is a most urgent need in the solution. Every other proposed solution would tend to induce the two parties to seek modification in their favour by means of persistent pressure. The grant of independence to both States, however, would remove the basis for such efforts.

“6. Partition is based on a realistic appraisal of the actual Arab-Jewish relations in Palestine. Full political co-operation would be indispensable to the effective functioning of any single-State scheme, such as the federal State proposal, except in those cases which frankly envisage either an Arab or a Jewish-dominated State.

“7. Partition is the only means available by which political and economic responsibility can be placed squarely on both Arabs and Jews, with the prospective

³²⁰ *Ibid.*, chapter VI.

³²¹ *Ibid.*, chapter VII.

result that, confronted with responsibility for bearing fully the consequences of their own actions, a new and important element of political amelioration would be introduced. In the proposed federal-State solution, this factor would be lacking."³²²

341. It may also be of interest to recall the seventh of the recommendations approved unanimously on the subject of democratic principles and the protection of minorities. It reads as follows:

"It is recommended that

"In view of the fact that independence is to be granted in Palestine on the recommendation and under the auspices of the United Nations, it is a proper and an important concern of the United Nations that the constitution or other fundamental law as well as the political structure of the new State or States should be basically democratic, i.e., representative, in character, and that this shall be a prior condition to the grant of independence. In this regard, the constitution or other fundamental law of the new State or States shall include specific guarantees respecting

"A. Human rights and fundamental freedoms, including freedom of worship and conscience, speech, press and assemblage, the rights of organized labour, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property; and

"B. Full protection for the rights and interests of minorities, including the protection of the linguistic, religious and ethnic rights of the peoples and respect for their cultures, and full equality of all citizens with regard to political, civil and religious matters.

"Comment

"(a) The wide diffusion of both Arabs and Jews throughout Palestine makes it almost inevitable that, in any solution, there will be an ethnic minority element in the population. In view of the fact that these two peoples live physically and spiritually apart, nurture separate aspirations and ideals, and have widely divergent cultural traditions, it is important in the interests of orderly society, and for the wellbeing of all Palestinians, that full safeguards be ensured for the rights of all.

"(b) Bearing in mind the unique position of Palestine as the Holy Land, it is especially important to protect the rights and interests of religious minorities."³²³

342. As already stated, these recommendations were the basis for the adoption of the General Assembly resolution 181 (II), which provided for the establishment of two independent States, Arab and Jewish, forming an economic union.³²⁴ Before its independence was recognized, each of the two States was to make a declaration to the United Nations containing certain specified clauses and, in particular, clauses relating to religious and minority rights (chapter II).³²⁵

343. It will therefore be seen that the solution recommended by the General Assembly was largely based on

³²² *Ibid.*, chapter VI, part I.

³²³ *Ibid.*, chapter V, section A.

³²⁴ The plan also provided for the establishment of the City of Jerusalem as a *corpus separatum* under a special international régime and for its administration by the United Nations. See *Official Records of the General Assembly, second session, resolutions*, page 146.

³²⁵ *Ibid.*, pages 136 and 137.

the principle of the territorial separation of the two ethnic groups in the Palestinian population, and that the application of this principle was modified by the establishment of an economic union comprising the two projected States and the City of Jerusalem on the one hand and on the other, by clauses providing for the protection of persons who remained in the territory of either State as members of minority groups.

III. Solutions involving the organization of a federal State

344. The classic example of Switzerland and also that of Canada show that the organization of a federal State is not a new solution to the problem of the relations between different groups in the population of a State. However, the Commission preferred to take as an example the Union of Soviet Socialist Republics, where the conversion to a federal State is of more recent date and was effected for the specific purpose of regulating relations between the various ethnic groups and providing their peaceful coexistence.

Union of Soviet Socialist Republics

345. In the Union of Soviet Socialist Republics, racial problems have been resolved as a result of continuous and effective action by the Government and authorities. Racial discrimination has been abolished and any attempt to practice it constitutes an offence.

On 15 (2) November 1917, just after the October Revolution, the "Declaration of Rights of the Peoples of Russia" was published under the signatures of V. Ulyanov (Lenin), Chairman of the Council of People's Commissars, and Joseph Djugashvili (Stalin), People's Commissar for Nationalities. The Declaration contained, in particular, the following passage:³²⁶

"In the period of tsarism, the peoples of Russia were systematically incited against each other. The results of this policy are well known: slaughter and pogroms on the one hand, and slavery of the peoples on the other.

"There must be no return to this shameful policy of incitement. Henceforward it must be replaced by a policy of voluntary and honest union of the peoples of Russia.

"In the period of imperialism, after the February revolution, when the power passed into the hands of the 'Cadet' bourgeoisie, the open policy of incitement gave way to a policy of cowardly distrust towards the peoples of Russia, a policy of persecution and 'equality' of the peoples. The results of this policy are well known: increase in national hostility and the undermining of mutual confidence.

"This unworthy policy of deceit and distrust, persecution and provocation must be brought to an end. Henceforward, it must give way to an open and honest policy, leading to absolute mutual confidence between the peoples of Russia.

"An honest and lasting union of the peoples of Russia can only be achieved on the basis of such confidence.

"Only on the basis of such a union can the workers and peasants of the peoples of Russia be welded into a single revolutionary force, capable of resisting all

³²⁶ Yearbook on Human Rights for 1946, United Nations Publication, Sales No. 1948.XIV.1, p. 315.

attacks from the imperialist and annexationist *bourgeoisie*.

"The Congress of Soviets of June this year proclaimed the right of the peoples of Russia to free self-determination.

"The second Congress of Soviets in October this year confirmed this inalienable right of the peoples of Russia in a more decisive and definite form.

"Carrying out the will of these Congresses, the Council of People's Commissars has resolved to base its activities with regard to the question of the nationalities of Russia on the following principles:

"1. The equality and sovereignty of the peoples of Russia.

"2. The right of the peoples of Russia to free self-determination, including separation and the formation of an independent State.

"3. The abolition of all national and national-religious privileges and limitations.

"4. The free development of national minorities and ethnic groups inhabiting the territory of Russia.

"The concrete decrees arising out of these principles will be elaborated immediately after the establishment of a Commission on the Affairs of Nationalities".

346. Under article 13 of the present Constitution,³²⁷ the Union of Soviet Socialist Republics is a federal state consisting of the following Soviet Socialist Republics, having equal rights:

The Russian Soviet Federative Socialist Republic
The Ukrainian Soviet Socialist Republic
The Byelorussian Soviet Socialist Republic
The Azerbaijan Soviet Socialist Republic
The Georgian Soviet Socialist Republic
The Armenian Soviet Socialist Republic
The Turkmen Soviet Socialist Republic
The Uzbek Soviet Socialist Republic
The Tajik Soviet Socialist Republic
The Kazakh Soviet Socialist Republic
The Kirghiz Soviet Socialist Republic
The Karelo-Finnish Soviet Socialist Republic
The Moldavian Soviet Socialist Republic
The Lithuanian Soviet Socialist Republic
The Latvian Soviet Socialist Republic
The Estonian Soviet Socialist Republic

Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the USSR (article 16). The right freely to secede from the USSR is reserved to every Union Republic (article 17), and the territory of a Union Republic may not be altered without its consent (article 18).

347. The Russian Soviet Federative Socialist Republic consists of a number of Territories and Regions. It also includes the Tatar, Bashkir, Daghestan, Buryat-Mongolian, Kabardinian, Komi, Mari, Mordovian, North Ossetian, Udmurt, Chuvash and Yakut Autonomous Soviet Socialist Republics, and the Adygei, Gorno-Altai, Jewish, Tuva, Khakass and Cherkess Autonomous Regions (article 22). The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Region (article 24). The Georgian Soviet Socialist

Republic includes the Abkhazian Autonomous Soviet Socialist Republic, the Adjar Autonomous Soviet Socialist Republic and the South Ossetian Autonomous Region (article 25). The Uzbek Soviet Socialist Republic includes the Kara-Kalpak Autonomous Soviet Socialist Republic (article 26), and the Tajik Soviet Socialist Republic includes the Gorno-Badakhshan Autonomous Region (article 27).³²⁸

348. The long list of the Soviet Socialist Republics and the Autonomous Soviet Socialist Republics as well as their names, which are those of the numerous peoples of the USSR, prove that an attempt has been made, within the framework of a federal State, to satisfy the aspirations of the various ethnic groups.

349. The following provisions aimed at ensuring the full application of the principle of non-discrimination will also be noted:

"Article 123 of the Constitution of the Union of Soviet Socialist Republics which is worded as follows:

"Equality of rights of citizens of the USSR, irrespective of their nationality or race, in all spheres of economic, State, cultural, social and political life, is an infeasible law."

"Article 597 of the Criminal Code of the Russian Soviet Federative Socialist Republic which contains the following provisions:

"Propaganda, or agitation to arouse national or religious enmity, as well as the dissemination, preparation or possession of literature of that nature, shall be punishable by deprivation of freedom for a term not exceeding two years.

"Similar actions in war time or during mass disturbances shall be punishable by deprivation of freedom for not less than two years; in particularly aggravating circumstances, by shooting."³²⁹

350. Writing on this subject in the *Races of Mankind*, Ruth Benedict and Gene Weltfish comment as follows:

"The Russian nation has for a generation shown what can be done to outlaw race prejudice in a country with many kinds of people. They did not wait for people's minds to change. They made racial discrimination and persecution illegal. They welcomed and honoured the different dress, different customs, different arts of the many tribes and countries that live as part of their nation. The more backward groups were given special aid to help them catch up with the more advanced. Each people was helped to develop its own cultural forms, its own written language, theatre, music, dance, and so on. At the same time that each people was encouraged in its national self-development, the greatest possible interchange of customs was fostered, so that each group became more distinctly itself and at the same time more a part of the whole.

"The Russians have welcomed cultural *differences* and they have refused to treat them as *inferiorities*. No part of the Russian programme has had greater success than their racial programme."³³⁰

³²⁸ Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (English text, Moscow 1952).

³²⁹ Reply of the Government of the Union of Soviet Socialist Republics to the request for information made by the Secretary-General in accordance with Economic and Social Council resolution 303 F (XI) (E/CN.4/Sub.2/122/Add.15).

³³⁰ Ruth Benedict and Gene Weltfish, *The Races of Mankind*, Public Affairs Pamphlet No. 85, Public Affairs Committee, Inc., New York, N. Y.

³²⁷ Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (English text, Moscow 1952).

PART TWO

THE POSSIBILITIES OF A PEACEFUL SETTLEMENT

I. A difficult task

351. Faced with the responsibilities placed upon it by General Assembly resolution 721 (VIII), the Commission took full measure of the difficulties of its task, which had nothing in common with those it had had to tackle in compiling and drafting its previous report.

352. Whereas the mission with which the General Assembly entrusted the Commission in 1952 involved the analysis and description of a situation, together with an examination of its various factors in the light of the Principles of the Charter, the provisions of the Universal Declaration of Human Rights and certain important resolutions adopted by the main organs of the United Nations, the new terms of reference explicitly request the Commission "to suggest measures which would help to alleviate the situation and promote a peaceful settlement". Having accomplished its task of clinical analysis and diagnosis, the Commission is asked to draw up a plan of treatment and therapy. However rational and logical this succession of tasks may appear to be in theory, the Commission was obliged to consider and appraise the grave dangers and peculiar responsibilities inherent in the preparation of such a plan in the existing circumstances, particularly in view of the stand taken by the Government of the Union of South Africa with respect to the competence of the United Nations to deal with this question.

353. The Commission needed the co-operation and moral support of the governmental agencies in all Member States and of all the competent inter-governmental and non-governmental bodies in the fulfilment of its new task. It earnestly desired this co-operation, which was not only necessary but indispensable. From the experience it had had, however, in drawing up its first report it was justifiably apprehensive that this co-operation would not be forthcoming in as full a measure as would be desirable. That is unfortunately what happened. The Commission has been sadly compelled to record blunt refusals of co-operation, as will be seen in paragraphs 28 and 43-46. It is not for the Commission to pass judgment on these replies but it felt that they should be reproduced in their entirety in order that the General Assembly and the co-ordinating bodies of the United Nations might have before them all the material which would enable them to judge for themselves whether the adoption of such a stand could be regarded as being consistent with the basic documents of the United Nations or with the agreements between the United Nations and the specialized agencies, and, in particular, whether it constitutes an expression of that fraternal solidarity and earnest desire to co-operate which there should be and which should constantly increase in strength among all the Members of the great family of the United Nations.

354. It was therefore in a spirit of deep humility that the Commission began its work. Anxious to collect all the information history could provide, it studied the

methods by which problems of the coexistence of different ethnic groups had been partially or entirely solved by some countries in an atmosphere of peace and harmony. It was without any great hope of discovering methods or means which could be applied directly to the problem in South Africa that it embarked upon this study, which merits the attention of professional historians, working at leisure and in all freedom of spirit. In practice, every case is different and the case of the Union of South Africa is without a doubt sociologically and historically unique.

One fact that emerged from the Commission's study was that although methods and techniques vary from country to country the principles underlying them are identical. These principles, incorporated in the provisions of the Charter concerning human rights and fundamental freedoms, have become, even outside the United Nations Charter, "the general principles of law recognized by civilized nations".³⁵¹ An examination of the great experiences of the past, such as those of Brazil, Haiti, the United States of America or the Union of Soviet Socialist Republics, as also of present-day colonial experience, in which racial conflicts appear to be developing more or less rapidly towards harmonious solutions, shows that the motive force behind peaceful evolution, proclaimed with a greater or lesser degree of clarity, applied to a varying extent and sometimes largely triumphant, is mutual racial tolerance and a recognition that the different ethnic groups are of equal human dignity. It is undoubtedly useless, however, to try to find in history the technical elements of solutions that could be applied to present problems; this somewhat disappointing realization was brought home to the Commission in its difficult task, which involved study, research and understanding for the assuagement of feelings in the racial conflict.

355. Finally, the Commission was unable to remain indifferent to some of the reactions produced by its previous report, even from individuals or groups which had recognized its endeavours to be objective and impartial and were in substantial agreement with the Commission on the trend that future developments in the racial relations in the Union of South Africa should take. Even in quarters basically hostile to any racial segregation and wholeheartedly devoted to international co-operation, the opinion has been expressed that advice from outside could do more harm than good and that it was liable to offend national susceptibilities and to contribute to a stiffening of the positions taken up by the opposing parties. The Commission naturally realizes, and declares again and again in this report, that any measures to reduce racial conflicts must be the result of efforts initiated within the Union itself; it was in order to meet these views that the Commission, as a preliminary step, collected and analysed the various solutions suggested by different individuals and groups in

³⁵¹ Article 38 of the Statute of the International Court of Justice.

the Union of South Africa itself. It cannot believe, however, that such a danger really exists. The work of international bodies on a problem such as the racial situation in South Africa must be regarded as a brotherly endeavour on the part of the human community to help one of its members in difficulties. It is to be hoped that disinterested international offers of good offices for the settlement of dangerous racial conflicts or deteriorating colonial disputes will be increasingly understood and appreciated in this light.

356. However that may be, the Commission found many difficulties facing it as it approached its task. We have mentioned only a few of them. The greatest obstacle proved to be the Union Government's refusal of co-operation, which made it impossible for the Commission to see the facts for themselves, on the spot. These difficulties might justifiably have caused some discouragement, but the Commission, entrusted by the General Assembly with a mission of goodwill, could not flinch from its duty. The General Assembly will judge how far the Commission was impeded by unnecessary obstacles in the accomplishment of its task.

II. General conclusions

357. Having examined the new information collected on the problem, having studied the development of the situation in the light of the economic documents and the information reproduced in the first part of the Report and in the annexes, and having taken particular note of the solutions proposed within the Union of South Africa itself, the Commission has come to the following conclusions:

358. The Commission reiterates the conclusions set forth in its first report³³² regarding the policy of *apartheid* and the measures taken in pursuance of that policy. As it has indicated in chapter III of the present report,³³³ the laws and regulations enacted since its first report are as incompatible with the obligations assumed by the Union of South Africa under the provisions of the Charter relating to human rights as were the measures previously adopted. The new measures are also contrary to certain provisions of the Universal Declaration of Human Rights. It reaffirms its profound conviction, previously expressed in its earlier report and especially in paragraph 905, that the policy of *apartheid* constitutes a grave threat to the internal situation and foreign relations of the Union of South Africa, as also to the future of peaceful relations between ethnic groups.

359. It was strengthened in that conviction by its study of the tensions within the country, which has increased during the past year. Chapter IV contains a special section (section XI) on the subject of tensions and repressive measures. But the existence of more or less serious tension is demonstrated by the facts set out in other sections of the same chapter, more particularly in sections V (Property, residence and housing), VI (Movement and immigration), VII (Education), VIII (Labour and employment) and X (Life in the Native areas). It was further strengthened in that conviction by the examination of the economic situation and its development during relatively recent years, as also by an examination of the "effects of segregation policies in the Union of South Africa on economic development and stability".³³⁴ The latter study was carried out, at the

request of the Commission, by an economist of high moral and professional reputation, who came to the following conclusions, *inter alia*: "The net effect of present *apartheid* policies would appear to involve very considerable burdens on the economy and entail placing considerable restraints upon the freedom of the Native in the field of economic activity". "There are reasons to believe that the achievement of *apartheid* would be a lengthy as well as costly process and that a real burden would be borne by the Native and as well by the European population". "Various reasons are given for believing that the pursuit of the aim of *apartheid* is likely to increase racial tensions".

360. Furthermore, as Mr. Strauss, the Leader of the Opposition, indicated during a recent debate in the Union House of Assembly, the interpenetration of groups in the economic life of the country, far from diminishing, is steadily increasing, despite the policy of *apartheid*. The number of Bantus in mining concerns, processing industries and on European farms is steadily growing.³³⁵ Replying to this, Dr. H. F. Verwoerd, the Minister of Native Affairs, admitted these facts but said that increased employment of Natives should not be regarded as integration.³³⁶ In another speech, delivered at Vereeniging last May, the same Minister declared that if economic integration existed because Natives were employed in industry and on the farm, then "asses, oxen and tractors used by the farmers are also integrated into the country, because they, too, are indispensable."³³⁷ Such words, which reduce human labour to the level of beasts of burden, are utterly revolting. Statements of this kind³³⁸ undoubtedly create trouble and tension. One thing must be remembered, however: whatever language or terms may be used, a responsible Government spokesman has admitted that the Government's policy has not succeeded in arresting the process of interpenetration of ethnic groups in the economic field.

361. The apprehensions expressed by the Commission in its first Report³³⁹ have been borne out by some of the information it has obtained. It had pointed in the Report to the danger that the forces of agitation and subversion might find an increasingly favourable soil in the atmosphere of tension characterizing the racial situation in the country, until the non-European elements came to regard them as a "hopeful instrument of liberation". In the Commission's opinion, there is a grave risk, as time passes, that the struggle against *apartheid* may be capitalized and turned to account by forces which afford no guarantee either of a peaceful solution or of a wholesome respect for the fundamental rights and freedoms of the human person and for the other Principles of the United Nations Charter. In the Commission's opinion, it is up to the democratic forces of the free peoples to work for the liberation of the oppressed and to give them support and hope.

362. The Commission wishes also to stress another effect of the *apartheid* policy already noted last year but perhaps insufficiently brought out in the previous Report; this is the psychological effect of that policy on the population, on its spiritual and moral development.

³³² *Union of South Africa, House of Assembly Debates (Hansard)*, 1954, No. 1, pages 26 and following.

³³³ *Ibid*, page 198.

³³⁴ *Rand Daily Mail*, 20 July 1954.

³³⁵ The Minister of Native Affairs used very much the same language in another speech delivered at Randfontein. See *Rand Daily Mail*, 19 July 1954.

³³⁶ See A/2505, paragraph 905.

³³² See A/2505, paragraphs 898 to 904.

³³³ See paragraphs 102 on page 16 and following.

³³⁴ See annex I, chapter VII.

and on its social life. The information gathered by the Commission since its first Report has shed a strong light on this aspect of the question.

363. As was so rightly stated by the United States Supreme Court in its leading decision of 17 May 1954,³⁴⁰ segregation on racial grounds generates in the individuals concerned "a feeling of inferiority . . . that may affect their hearts and minds in a way unlikely ever to be undone". Moreover, those individuals very often develop an easily understandable feeling of resentment against the white groups, thereby creating a permanent current of conflict and revolt into the country. The white groups, on the other hand, acquire, in relation to the non-European population, a feeling of insecurity derived from a more or less conscious fear that a violent reaction may ensue. This causes a gradual disappearance of that minimum of mutual trust and human contact that are essential to normal existence and development in a civilized society.

364. In addition to *apartheid* in its present form or in the form now being developed, another solution has been proposed, which is also based on the concept of the segregation of ethnic groups but which has a different objective. That objective is territorial separation that may—and according to some must—go so far as the establishment of separate sovereign States for the European and Bantu groups. There have certainly been instances where the partition of a country has provided a solution; the Commission gives a number of examples in chapter VII, section II. As Professor Hoernlé has pointed out, such a solution is not in itself anti-democratic where it serves to preclude the possibility of one group being dominated by another. But a separation or partition is not feasible unless the groups concerned are sufficiently localized, each one constituting a majority within a geographical area capable of survival as an economic entity. Such is not the case in South Africa. The Bantus form a compact majority only in the reserves. And the reserves, already overpopulated, represent reservoirs of manpower for South African industry rather than areas in which the present inhabitants can become genuinely self-supporting. Is it then conceivable that they could absorb the Bantu masses living on European-owned farms and in the large industrial centres? Plans to increase the absorptive capacity of the reserves mainly envisage the establishment of new industries *in the vicinity* of, rather than *within*, the reserves. Even assuming that this is feasible, the result would be to perpetuate the present state of affairs and to retain a horizontal colour bar guaranteeing the managerial posts to the Europeans and restricting the Bantus, as at present, to subordinate and poorly paid occupations. Moreover, under those circumstances, the working lives of the groups would not be really separate. In the Commission's view, no objective individual can escape the conclusion that a complete separation of ethnic groups with each progressing independently and shaping its individual destiny, in accordance with the dictates of its own genius, is an altogether unrealistic and unattainable goal. Efforts to achieve it by means of an authoritarian policy, however liberal and paternal a guise that policy might be represented to those affected, would be not only futile but dangerous. Today, as in the near or distant future, such complete segregation is an absolute impossibility. Furthermore, apart from being an impracticable method of dealing with the problem of the Bantus, the solution of territorial separation takes no account of the two other

non-European groups, namely the Coloured and the Asiatics. For those groups, the present problem would remain intact unless it were solved by assimilation.

365. Although federation, especially in the form advocated by Keppel-Jones which involves a complete reshaping of the Union and not merely the establishment of a Bantu State alongside the four existing provinces, as proposed by Thompson, might appear to be a more practicable solution than partition, it is at least questionable whether it would be entirely satisfactory to all the inhabitants of the Union. Although it might be capable of establishing a satisfactory political balance between the various ethnic groups and guaranteeing the protection of their rights, it would at best be only a partial solution, as it would not in itself provide a solution to the crucial problem of economic and social relations between individual members of different groups; contacts in those spheres would continue as in the past. Whether the structure of the State is federal or unitary, this essential problem must be solved, a fact of which the sponsors of the federal schemes are fully aware.

366. The hard and inescapable fact which, in the Commission's opinion, all groups must constantly have in mind, is that economic progress demands, and will increasingly demand, a closer co-operation between all sections of the Union's population, each contributing in accordance with its level of intellectual and technical development but on a footing of equality proclaimed by law and gradually accepted into the practice of everyday social relations. Regardless of whatever measures may be enacted and efforts made to endorse them, the fact remains that for many long years, indeed decades, the indigenous population will need intellectual and technical leadership to assist it in the process of advancement to which it aspires; similarly, for the economic, industrial and agricultural development of the Union, the European population will require a plentiful supply of manpower, largely indigenous, daily becoming more aware of its rights, its responsibilities and its essential role in the country's future. For the Commission, the most important human factor affecting the course of South Africa's development today is the increasing and relentless pressure being excited by past events, present economic and social conditions and the quickened tempo of changes in the climate of thought, on all ethnic groups, which can resist it only at grave peril. That pressure is impelling them towards the creation, despite all the obstacles and regardless of the sacrifices entailed for all parties, of an integrated community endeavouring to give increasing effect in its active national life to the principle of human dignity enunciated in the Universal Declaration of Human Rights.

367. In view of this conviction, the Commission was happy to note that in the Union of South Africa itself numerous voices have been raised to suggest solutions of the racial problems which differ from those advocated by the supporters of *apartheid*. Such solutions, details of which are given in the present report³⁴¹ have been proposed by thinkers, men of science, ethnographers, civic and religious leaders and various civil, political and religious bodies. They have one reassuring quality in common; with varying emphasis but with equal clarity, they all state the same objective: the integration and assimilation of the different ethnic groups on the basis of human equality. The solutions differ, however, even quite substantially, in regard to the timing of the proposed measures, that is to say in regard to the priorities

³⁴⁰ See paragraph 326 p. 82.

³⁴¹ See above paragraphs 265 and following.

and time-limits to be fixed for attaining the desired objectives. We therefore find that the aims of Union policy advocated in the opinions expressed by many qualified representatives of South African thought are identical with those which the Commission's work and study have led it to recommend. The differences which exist between these individuals and groups seeking a common goal may be regarded as confined to the timetable to be followed in implementing measures to bring about progressive integration—economic, social and political.

III. Towards a peaceful settlement

368. The Commission is aware of the severe handicap imposed upon it by the fact that direct, on-the-spot observation of South African conditions and difficulties, and exchanges of views and discussions with individuals and groups, were rendered impossible by the non-co-operation of the South African Government. It is obviously not in a position to submit a general programme worked out to the last detail and accompanied by a timetable, for dealing with so complex and dangerous an economic, social, political and human situation, which it was able to study on paper only.

369. In accordance, however, with the General Assembly's request, the Commission submits a number of suggestions which, in its opinion, could effectively and speedily contribute to an easing of the situation and thereby facilitate a peaceful settlement:

SUGGESTION I. INTERRACIAL CONTACTS; INTERRACIAL CONFERENCE

370. Considering that the greatest contribution to harmony and understanding among the various groups could be made by frequent and repeated contacts between the individuals of which they are composed, the Commission *suggests* that serious and sustained efforts in that direction should be made by all the parties concerned. In particular, the Commission wishes to draw attention to the statement made in its first report³⁴² that "the United Nations might *express the hope* that the Government of the Union of South Africa will be able to reconsider the components of its policy towards various ethnic groups. The United Nations might *suggest* ways and means in which the Union might draw up a new policy: for example, a round-table conference of members of different ethnic groups of the Union, which would, in an effort towards conciliation, make proposals to the Government to facilitate the peaceful development of the racial situation in the Union of South Africa. The United Nations might offer help to that conference by sending a number of United Nations representatives, so that all parties might be sure that the Principles of the Charter would guide the debates".

371. The Commission has noted with satisfaction that an almost identical wish has been expressed by the general council (Bunga) of the Transkei territories, and that steps to convene large and representative inter-racial conferences have been taken by the Dutch Reformed Church, the South African Institute of Race Relations and a number of organizations such as the African National Congress and the South African Indian Congress. It would be gratified to see all these efforts consolidated under the auspices or with the assistance of the Government of the Union of South Africa. It consequently has no hesitation in repeating—and with particular emphasis—the suggestion it made in 1953.

³⁴² See A/2505, paragraph 908.

372. The Commission has stated on a previous occasion that it is for the South African people themselves to solve their problem. It wishes, however, to set out a number of basic ideas derived from plans or projects originating in the Union of South Africa which it believes to be consistent with the United Nations Charter and the Universal Declaration of Human Rights. These ideas should be taken into consideration in any discussion of the solution of the racial problem. In setting them out, the Commission is fully aware of the fact that they can be put into effect only gradually and over a long period. They are as follows:

373. (A) In view of the wretched economic and social conditions in which the non-White peoples live, any steps to raise their standard of living will help to reduce internal tension in the Union. The Commission has no hesitation in stating this obvious fact. It is not unaware that considerable efforts, the burden of which has been borne mainly by the European population, have already been made in this direction in regard to health, education, nutrition and material living conditions. But the Commission would wish the responsible authorities in the Union of South Africa to consider whether a still greater effort by the European population may not be desirable and feasible. In this inevitable coexistence, in this co-operation which must be organized among the various ethnic groups, those who have acquired material and spiritual strength from their culture and skills must realize that this strength makes it incumbent on them to accept sacrifices for the sake of the community to be established and that a willingness to make such sacrifices to the extreme practicable limit is probably an absolute condition of the existence and stability of that community. We must add that the Commission would hesitate to urge the leaders of a Member State to accept painful sacrifices, had it not already expressed the opinion in its previous Report that that State could appeal for international co-operation in a task of such importance to mankind. It reaffirms that view here; it is never inconsistent with the dignity of a State, however legitimate its grounds for sensitivity may be, to appeal for the co-operation of other Member States in carrying out on its territory undertakings consistent with the ideal of the Charter, but beyond its own immediate capabilities. With all the spiritual, material, economic and financial resources at its disposal, the United Nations, in collaboration with all its specialized agencies, *could*, and, in the Commission's opinion, *should*, afford liberal assistance to a Member State in difficulties by means of generous grants of technical assistance.

374. (B) In view of the predominant part undoubtedly played by economic and technical factors in inter-group tensions in the Union of South Africa, the Commission believes that it will be difficult for the Government to postpone without risk steps towards an "economic" integration designed to alleviate the serious suffering caused to the Bantu people by the *dispersal* and *inadequacy* of the reserves, their *over-population* in relation to their *natural resources*, the *quality of their soil* and their economic and technical development and also by the *discriminatory measures* against Bantu workers employed in industry in the European areas. Re-emphasizing its inability to present a co-ordinated plan with priorities owing to the conditions under which it has worked, the Commission can only draw attention to some of the many areas in which a re-direction of policy might

make an effective contribution to the relaxation of tension.

375. (a) *Announcement of a policy for the progressive reduction, with a view to the ultimate abolition, of the system of migrant labour.*

The Commission's previous report³⁴³ contains references to the harmful effects of the system of migrant labour, while the annex to the present report describes the serious limitations it places on the productivity of human labour and on economic, industrial and agricultural development.³⁴⁴ The Commission believes it to be an incontrovertible fact that neither the system, which is degrading to human dignity, causes a vast amount of individual and collective human suffering and disrupts family life, nor the working conditions it involves, will ever be accepted by those subjected to them and will never be regarded by an aroused world conscience as an inevitable necessity. Clearly, however, any policy directed towards the progressive eradication of this serious cause of tension implies the *gradual removal of the statutory restrictions on the settlement of non-Whites in urban centres, the recognition of the Bantus' right to become permanent city-dwellers, and the genuine acceptance by the Europeans of a non-White population settled in the cities and having the right to own urban property.*

376. (b) *The organization of a continuous programme of fundamental adult education, with the assistance of the United Nations and UNESCO, if required, for the purpose of creating in the reserves agricultural communities receiving the maximum practical advice, information and equipment as speedily as circumstances permit, in order to ensure first the conservation and then the development of the known resources of the Reserves and the surveying and exploration of their unknown or potential resources.*

377. (c) *Execution of a long—(but not too long)—term plan for the organization of general education or, at the very least, for the accelerated development of a system of universal education for the non-Europeans in order to give all children the greatest possible opportunities to develop their aptitudes and their ability to serve the community, and to train the non-Europeans and qualify them for genuine full employment within their country's economy. The Commission believes that the Union of South Africa should be able to count upon moral—and material—support for such a long-term plan from all Members of the United Nations and upon its machinery for technical and financial assistance.*

378. (d) *Elimination of the colour bar and recognition of the principle of "equal pay for equal work". Many voices of protest have been raised in the Union of South Africa itself not only against the legislative measures establishing a colour bar and driving the non-Whites into inferior and badly-paid employment, but also against the administrative measures to the same end: the so-called "Civilized Labour Policy", the policy governing the issue of licences for carrying on commercial, industrial or craft undertakings, the conditions imposed on parties tendering for contracts for public works or supplies, etc. Contrary to what has been claimed, the establishment of equal opportunities would not lead to a sharp fall in the White population's standard of living, because the Union is suffering from a shortage of manpower, which is acute*

in certain branches,³⁴⁵ and because, owing to their educational level, the Europeans possess a considerable advantage over the other groups, in particular the Bantus. But the proclamation of the principle that all men, whatever the colour of their skin, have equal access to all employment, and that there is equal pay for equal work would, in itself, effect an easing of tension.

379. (e) In close connexion with the foregoing, *the reorganization of the apprenticeship system* so that it constitutes the normal means of access to specialized and better-paid employment and is thus open to children with the necessary aptitude.

380. (f) *The progressive enactment of new legislation recognizing the right of Bantus, Coloureds and non-Europeans in general to become members of trade unions and to participate with full rights and complete equality in all arbitration proceedings and negotiations for the peaceful settlement of labour disputes.*

381. (g) *Abolition, by rapidly succeeding stages, of the pass laws* which are clearly inconsistent with most of the measures and efforts suggested above and result in restrictions and disabilities in the daily lives of non-Europeans, which are incompatible with the conception of freedom and the dignity of the human person held by the United Nations.

382. (C) The distinction drawn between measures of economic and measures of political integration is undoubtedly somewhat artificial and arbitrary and any intervention by the State in the sphere under consideration inevitably has both an economic and a political aspect. But far greater stress has been laid on the economic aspect in the areas in which we have suggested that a redirection of government policy might lead to a relaxation of tension and an easing of the general situation. Many enlightened persons, on whom the economic position of the Bantu masses and the conditions of their daily life have made a profound impression, apparently acquiesce in the deferment of measures of "political" integration and in the assignment of a high priority to measures of "economic" integration.

383. Although the Commission appreciates the importance of securing equal economic opportunities for all, regardless of differences of race, colour or belief, it feels bound to state its conviction that *steps to achieve political equality among ethnic groups are of prime importance and cannot be continually deferred without serious danger.* The ideals of the freedom of the individual and the independence of peoples have been the subject of such admirable and effective propaganda in and by the great and more highly developed countries, and exhortations to combat servitude have been so numerous that it is hardly surprising that as a result of the enormous development of the means of communications, such propaganda and exhortations should have deeply influenced the more backward masses and incited them to action. In those circumstances, the Commission cannot do less than confidently recommend the adoption of a policy, which while being careful to avoid wounding susceptibilities and accepting inevitable delays in implementation, would aim at associating the non-White masses to an ever-increasing extent in the political management of the South African national community, of which they form an indispensable, irreplaceable and inseparable part.

³⁴³ See A/2505, paragraph 773 and following.

³⁴⁴ See annex I.

³⁴⁵ See annex I, paragraph 64 and following, and chapter VIII (Summary of Conclusions), paragraph 9.

SUGGESTION III. POSSIBLE ASSISTANCE BY THE UNITED NATIONS

384. Should the General Assembly take the view that all or part of the programme outlined above could provide a provisional basis for possible co-operation with the Government of the Union of South Africa, the Commission would suggest that an offer might be made to that Government to set up at its request a committee of technical experts specializing in the planning of economic and social development, particularly in multi-racial societies, who might be asked to catalogue all the various forms of assistance which the United Nations and the specialized agencies can supply. Such a proposal might doubtless strike many persons as incompatible with the timidity or caution usually associated with international operations. But while caution may be justified, timidity is not. It should be borne in mind that similar action and on an extensive scale has been taken by the United Nations in the reconstruction and rehabilitation of countries *after* they had suffered the consequences of a dispute; why then should it hesitate to take such action when it involves the *preventing* a threatened dispute? The latter is the type of situation with which the international community is confronted in South Africa.

* * *

For the Union of South Africa the road towards eventual reconciliation and willing collaboration among the ethnic groups is assuredly a long and arduous one, blocked by many obstacles. *The essential thing, however, is the the right road should be taken.* The Commission sincerely believes that the road of *apartheid* leads to inevitable deadlock and to the threat of disputes. Despite all the difficulties inherited from the past and still acute

today, Europeans, Bantus and Coloureds must necessarily wend their way together; we might almost go so far as to say that they are doomed to live together and together to build an organic community. The road of gradual integration is the only one that seems to be open and it alone is likely to lead to a peaceful future acceptable to all parties. To travel that road will require a steadfast, persevering and tenacious will, renewed from day to day, to collaborate, to negotiate and to compromise, a will to give and take. This partnership will be difficult; one side will have to jettison theories of racial superiority which give a semblance of legality to political supremacy but are in reality based on obsolete ideas to which modern science gives not a shred of confirmation; the other will have to realize that the ideas of fraternal equality and collaboration enshrined in the United Nations Charter and deep in the hearts of men cannot become reality at the stroke of a magic wand, without passing through many successive stages. Both will often have to moderate, for a time, the force of their claims and aspirations in order to fulfil their duty towards the community which is to be built up in peace. We repeat that the essential thing is that the right road should be taken. The Commission would like to think that its Report will help the South African people to make the right choice. It is confident that it will eventually be possible for the Union Government to accept moral, spiritual and material assistance from the United Nations, if offered generously in the spirit of international co-operation. It is also confident that it itself could be its presence help to ease the difficult process of co-operation among the various ethnic groups that must necessarily be undertaken and become a decisive factor in guiding that country towards a great destiny founded on respect for the dignity of man.

ANNEXES

ANNEX I

Survey of the effects of the segregation policy on economic development and stability in the Union of South Africa

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Note

At its third session, the Commission adopted a resolution (resolution II) on 23 February 1954, in which it decided, *inter alia*:

"... (c) To make a technical survey of the possible past and future effects of racial tensions and the segregation policy on the economic development of the country, and requests its Chairman to consider, with the Secretary-General, ways and means of preparing this survey, including, if necessary, the appointment of an expert with the highest moral and technical qualifications."

This survey was prepared in pursuance of the above decision.

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PREFACE

1. Many of the aspects of segregation and *apartheid* policies have already been covered in considerable detail in the Commission's first report to the General Assembly (A/2505 and A/2505/Add.1). The present survey has been written bearing this in mind. Wherever possible the writer has therefore refrained from giving information which is already available in the previous report and in particular he has tried to avoid detailed and repetitive accounts of legislation which has been previously dealt with.

2. The scope of this survey has been narrowly confined to the economic effects of segregation and *apartheid* policies. Thus any discussion of the moral and ethical or purely political aspects of these policies has been carefully avoided. On the other hand, where it appears that non-economic judgments have affected or are likely to affect the course of economic events, they have been taken into account.

3. The main sources of information on which the survey is based are official and other publications.

Chapter I

GENERAL CONSIDERATIONS

4. For the purpose of this report we shall take segregation policies to be those which set out to keep the various races apart, for example in different parts of the country, as in Native reserves or Native townships, or in different occupations or types of work, such as in skilled or unskilled work, or in separate organizations, such as European and Native trade unions. The form which these measures have taken cannot be considered as independent of the economic structure of the country or the stage of economic development which has been reached. Thus the growth of industrialism has given rise to new forms and concepts of segregation. On the other hand the forms and concepts have themselves helped to mould the economic system which exists today and they have clearly played a significant part in determining the rate and nature of the economic progress which has taken place. Thus we cannot consider segregation policies and measures apart from the economic environment; nor can we consider the environment without realizing how it has been affected by segregation.

5. In general it can be said that most of the segregation measures which we shall examine are ones which impede the free flow and distribution of labour and hamper its normal development and the normal exercise of its activities. Such measures appear as deliberate interferences with those forces of competition and selection which are normally considered to allow of an effective mobilization of a nation's man-power. Other important measures of segregation, such as the provision of separate amenities, are likely to entail wasteful duplication of effort and capital and thus lead to a diversion of resources from more profitable channels. This may be specially important at a time of full employment. There is therefore a *prima facie* case for believing that segregation hampers development and prevents the maximization of the national product. We shall examine this argument in the light of available facts.

6. We shall in this analysis be largely concerned with the problems of a community which has emerged from the early stages of economic development based mainly on agriculture and mining. In the last century, and even later, the prospect of a high remuneration for the white section of the community, in conjunction with a large supply of low-paid unskilled workers, was the chief attraction for the outside capital and skilled labour necessary for development. Such a situation was maintained and prolonged by measures involving segregation and discrimination. In the Union, however, the phase in which the essential skill and capital must come from outside has been replaced by one in which, it appears, some

of the capital and the bulk of the skill and initiative must come from within. If we are right in this, then segregation policies must be considered as unfavourable to economic expansion. We shall therefore examine how far the presence of a large supply of low-paid workers, many of whom are migratory and almost casual workers, can, in a modern industrial community, be considered as favouring economic expansion and development. It would have been desirable to have examined in some detail the impact of the peculiar composition of the labour supply on the organization and efficiency of the firm. This unfortunately has not been possible. It is however possible to make some general statements, based partly on deduction and partly on the statements of those aware of industrial problems. One would have wished also to analyse the distribution of incomes and the structure of the internal market with more precision and in more detail and to relate these more closely to the pattern of segregation policies. Nevertheless, despite the absence of fully adequate statistics, there appears to be sufficient information to portray the situation in broad outline.

7. It will be clear from our analysis of recent trends in the Union that rapid advance and economic progress have taken place despite policies which tend to restrict them. Mining, secondary and tertiary activities have all expanded rapidly in post-war years. This however has been largely a result of certain fortuitous occurrences within the Union and outside which have favoured development. Thus the discovery of new deposits of gold and uranium resources led not merely to activity preparatory to exploitation and production but to a stimulation of the demands for many other products and services which could be locally provided and thus to an expansion in secondary and other economic activity. This and other reasons for the post-war advance we shall discuss later. The mere fact that development may have been more rapid than elsewhere is, however, no proof that the policies being pursued are economically wiser; it may simply be that the country has been more fortunate. What therefore we shall discuss is whether segregation policies have or have not made it more difficult for the country to secure the full advantage from its windfalls and good fortune.

8. It would, however, be incorrect as well as improper to assume that each step now being taken in the direction of *apartheid* must necessarily impede progress and prejudice the welfare of those who are affected by them. *Apartheid* aims at a more complete form of segregation than has hitherto existed; ideally conceived, it aims at providing full scope for native skill and initiative within

those fields set aside for the native. Thus the use of native skilled workers for building native houses is fully in conformity with *apartheid* and such a measure is capable of allowing a more effective use of labour resources than was previously possible and at the same time benefiting the native population, both as workers and consumers. Indeed one could assume that any government pursuing a policy of *apartheid* would, in order to remove objections to its policy and to reduce racial tension, seize every opportunity of this kind. It is necessary therefore to examine the various measures carefully on their own merits in order to determine their effects and to avoid prejudgment. This we have attempted to do before arriving at any conclusions.

9. In attempting to assess the possible costs of *apartheid* to the community and its constituent parts it must be noted that we are not able to consider the possible effects of a clearly defined plan of action. The policy of *apartheid* has been defined in terms of direction but not of speed; the method to be adopted has been asserted to be experimental. The importance of this is that not only are observers somewhat bewildered by uncertainties, but

those who live within the Union and whose lives may be profoundly affected by *apartheid* measures are likewise uncertain of what will be done and when. These uncertainties must be considered as factors restricting the flow of capital into the Union and affecting the rate of immigration and emigration, the development of racial tension and so on. They must therefore be considered as giving rise to part of the real cost of the policy of *apartheid*.

10. It is necessary to stress the danger of imagining that practical solutions can be readily derived from the conclusions of such an analysis as is contained in this report. In fact there are a great number of other non-economic considerations which must be taken into account in determining what is desirable and what is practicable. It is no intention of the writer to consider these. Yet in dealing with actual policies both past and present some idea of what is politically feasible must be conveyed to the reader. This is not unimportant for it is in the clash between alternative feasible policies as well as in the conflict of abstract ideals that racial tensions arise.

Chapter II

MAIN ASPECTS OF SEGREGATION POLICY: ECONOMIC

11. In a brief treatment of this problem it is only possible to dwell upon those features of segregation and discrimination which appear to have some obvious bearing on the economic structure and development of the Union. Even so it has been necessary to limit the scope of the report and for this reason attention has been focussed upon measures which have placed the Bantu population under disabilities. There is a clear justification for this limitation as, according to the 1951 census, the Bantu population comprised some 8.5 million persons within a total of 12.6 million of which 2.6 million were European, 1.1 million Coloured and .37 million Asiatic. The Bantu population thus constitutes an obviously significant source of productive power and the writer felt that the effects of segregation and discrimination could be most clearly demonstrated by concentrating attention on the position of this group in the economy. A further justification is that none of the other racial groups has been subject to such consistent and massive attempts at segregation and discrimination as the Bantu population.¹

1. THE RESERVES AND MIGRATORY LABOUR

12. The Native has long been subject to restrictions affecting not only his place of residence but also his ownership and cultivation of land. The broad lines of this policy were laid down in the Natives Land Act of 1913 by which the Native Reserve system was established. This Act provided that, except with the approval of the Governor-General, no Native might purchase or hire land outside the Native Reserves except from one of his own race, nor might any European purchase land which was Native-owned. These Native Reserves, which in 1916 covered approximately 45,100 square miles out of a total of some 472,494, were progressively enlarged to 51,800 in 1936 and 55,100 in 1939. The process of extension was, however, temporarily sus-

pending during the war and recommenced afterwards. The Reserves are a part of the territory of the Union in which the Native is able to pursue life as an agriculturalist on his own land and, where opportunity permits, engage freely upon crafts and other pursuits. It is, however, quite clear from official and other reports that these areas are able to sustain only a fraction of the total Native population. Actually, in 1946, they had a population of 3,100,000 or less than half the total Native population. Moreover, it is equally clear that these areas are incapable of providing even minimum subsistence requirements under present conditions for those who live there.

13. Thus there is a constant flow of migratory labour from these areas. As the Witwatersrand Mine Natives' Wages Commission stated "a considerable percentage (of the Reserve Natives) have to work for hire almost continuously with relatively short breaks to earn a living".² This fact inevitably reacts upon agriculture as well as upon social life within the Reserves by withdrawing at any moment a large part of the male population. In 1936 the percentage of the male population between 18 and 54 years of age absent from the Reserves was as high as 53.9.³ The fact that such a movement still continues is indicated by the dependence of certain major industries of the Union, notably the gold-mining industry, upon this migratory labour. In effect the Reserves act not so much as areas which satisfy the aspirations of those Natives who wish to pursue life as agriculturalists, but as areas which constitute reservoirs of labour from which Natives move either as migrant labourers or as permanent dwellers into the towns or on to the European farms. These areas, which have been

¹ See *Report of the Witwatersrand Mine Natives' Wages Commission on the Remuneration and Conditions of Employment of Natives on Witwatersrand Gold Mines*, U.G., No. 21-1944, para. 207.

² See Social and Economic Planning Council, *Report No. 9, The Native Reserves and their Place in the Economy of the Union of South Africa*, U.G. No.32-1946, p. 45.

¹ In general the term "Native" will be substituted for "Bantu" or "African" in accordance with official terminology as designating "pure blooded aboriginals of the Bantu race".

allowed to deteriorate over a lengthy period, are commonly recognized to be badly eroded, over-grazed, poor in fertility and over-populated.

14. It is natural to find a drift away from rural areas in any country where industrial opportunities are expanding. Thus has the Witwatersrand been called the Mecca of the central and south African Native.⁴ But the movement of the migrant labourer who leaves his family in the Reserves to augment its income by periods of work in the mines or other industries is not on a par with the drift to the town which has taken place in most countries. It reflects an inability on the part of the worker to find a settled place in the community where he can enjoy a normal and stable livelihood. In the Union the continued existence of migratory labour has been a result of three main factors:

(a) Inadequate resources within the Reserves which are limited in size and where conditions have been allowed to deteriorate over a prolonged period of time.

(b) Lack of facilities for settled life in the urban and industrial areas.

(c) The maintenance of an organized market for migratory labour. The gold-mines, for example, recruit and utilize almost exclusively this form of Native labour. The fact noted by the Native Laws Commission⁵ that migratory labour "has become a tradition, a custom with Tribal Natives" arises from the long-established necessity for this type of migration on the part of the population of the Reserves and not out of any tradition of tribal movement.

15. The strength of this economic pressure is, however, difficult to gauge. The calculation of the income in kind and cash of the Reserve Native has only been made on the occasion of investigations which have occurred infrequently, nor have we any exact standards by which to judge his needs. In any case the sense of poverty and the awareness of needs depends largely upon what people visualize as necessary and desirable and in this connexion the growing acquaintance with the greater possibilities and the greater variety of goods and services to be found in urban areas undoubtedly heightens the sense of poverty amongst the Reserve dwellers and accentuates the flow outwards.⁶ But to the actual cost of living must also be added the burden of taxation imposed on the Native population under special legislation. Thus every male Native who has reached the age of 18 must pay a general tax of £1 *per annum* and the occupier of every hut a tax of 10/- *per annum*. These taxes, especially as they must be paid in cash, have been argued to be "one of the chief causes" of migratory labour. Whether this is so or not these taxes most certainly increase the need of the Reserve Native to augment his cash income.⁷

16. The acceptance of this system of migratory labour by successive Governments and by the European population can at least be partly explained in the light of the following considerations:

(a) The Reserve system coupled with migratory labour makes possible a form of limited segregation. Those who look forward to the total withdrawal of

⁴ See *International Labour Conference, 34th Session, 1951, Record of Proceedings, statement by Mr. Gemmill, Employers' delegate from the Union of South Africa*, p. 31.

⁵ See *Report of the Native Laws Commission, 1946-48, U.G. No. 28-1948*, p. 42.

⁶ *Ibid.*, p. 16.

⁷ See U.G. No. 329-1946, p. 43.

Native labour from European areas view the present system as one which would allow of a gradual transition. Others who believe that industry will never be able to dispense with Native labour look on the system as a permanent solution to the problem of segregation. There is therefore an ideological background to the system though it cannot be discussed adequately in this survey.

(b) Certain industries, notably the gold-mines, operate on the assumption that the supply of migratory labour will continue. It is true that the mines in particular recruit from outside the Union, but there are fears that this supply will diminish.⁸ Any serious diminution of the numbers of migratory workers obtainable from within the Union would be a source of serious embarrassment. Thus it has been argued by the Social and Economic Planning Council that immediate abolition of the migratory system, especially in the case of the gold-mining industry, is not feasible:

"Economically, the effect of a sudden change of this nature on the financial position of the mines and, consequently on the whole economic structure of the Union would be catastrophic. If the change were gradual it is quite conceivable that the increased efficiency of the stable labour force would more than compensate for the additional costs involved. The permanent settlement of the mine-workers' families on the Rand would in any case be physically impossible since the necessary land is not available and the capital cost would be prohibitive."⁹

(c) There is the realization that any substantial improvement within the Reserves, both by reducing the economic pressure to move outside for short periods and by retaining a greater proportion of the male population within the Reserves, would conflict with the requirements for a continuing flow of migratory labour. Thus, as the Report of the Native Laws Commission stated, "one cannot in one and the same breath advocate the development of the Reserves and the encouragement of migratory labour."¹⁰

17. To get some quantitative measures of the problem would be highly desirable. Unfortunately this is difficult. The last detailed study of the Native Reserves published in 1946¹¹ gave the number of absentees from the Reserves in 1936 as 396,676 males, constituting just over half of the male reserve population between the ages of 18 and 54, and 50,713 women, giving a total of 447,389 absentees. Although there are no more up-to-date figures available, the pressures making for the continued existence of migratory labour are still present and the mines alone still employ in the neighbourhood of 100,000 workers of this type, recruited from within the Union.¹²

18. If therefore the problem is one of magnitude, it becomes the more necessary to examine its economic implications. The Native Laws Commission quoted at length the views of Professor H. R. Burrows of the Department of Economics, Natal University College.¹³ These are summarized below. The movement from place to place and from job to job means that migrant labour tends to become casual labour and this by common experience is less productive and earns less than stable labour.

⁸ See *International Labour Conference, 34th Session, 1951, Record of Proceedings, statement by Mr. Gemmill, Employers' delegate from the Union of South Africa*, p. 30.

⁹ See U.G. No. 32-1946, paragraph 186.

¹⁰ See U.G. No. 28-1948, p. 17.

¹¹ See U.G. No. 32-1946, p. 45.

¹² See *International Labour Conference, 34th Session, Record of Proceedings*, p. 31.

¹³ See U.G. No. 28-1948, p. 37.

Moreover, where labour is casual there tends to be an excess of supply over requirements. Industrial organization is generally poor in the case of concerns depending upon casual labour; "loyalty and discipline are qualities only to be found in a stable labour force". Migration involves an obvious loss of working time and organized recruitment, as practised by the mines, involves an additional cost. Moreover, as in practically all jobs there is some need for training and a settling-down period, if there is constant movement, there is a "constant state of sub-optimum efficiency". Professor Burrows concludes:

"The difficulties barring entrance to the skilled trades and the general lack of incentive to self-improvement have tended to perpetuate (the Natives') traditional status as unskilled labour. In the eyes of the employer there is thus little distinction between one African and another. Indeed the ease with which one labourer can be replaced by another labourer has often been regarded as a convenient advantage in South African economic life. This lack of differentiation is actually an indication of the degree of under-employment of labour. Hence, not only does African Labour tend to remain unskilled because it is casual but it also tends to remain casual because it is unskilled". "The low level of skill and the rapid job to job movement result in low output and low income. Low *per capita* output from African workers means an unnecessarily low national income. Moreover, low earnings are often reflected in poor housing and inadequate diet, and ultimately in reduced working efficiency. Again the situation tends to perpetuate itself."

2. THE COLOUR BAR IN INDUSTRY

(a) *General considerations*

19. It is clear from this opinion and argument of Professor Burrows that at the root of the problem of the low national income *per capita* lie not merely the system of the Native areas and migratory labour but the obstacles "barring entrance to the skilled trades", barriers which affect the earning ability and the productive capacity of the main section of the population. These barriers only to a small extent rest upon legislation. The main legal colour bars as far as employment is concerned, exist in mining, under the Mines and Works Act of 1911, which was amended in 1926, and in building, under the Native Building Workers Act of 1951. This latter Act we shall comment upon later as it is not a simple type of colour-bar legislation which precludes the use of Natives in skilled operations in all circumstances; moreover it exemplifies more clearly than the earlier legislation, the underlying economic principles of *apartheid*.

20. It is essential at the outset to recognize that occupational segregation and discrimination are not of recent origin in the Union. By now they are firmly established, rooted in custom, tradition and institution. They are not merely economic in character but part of a wider social tradition. It is thus quite impossible to explain the strength and all-pervasiveness of the colour bar in simple terms and more particularly in terms of mere economic motives. It is however necessary to mention certain factors which contribute to its strength and persistence. First, there is the existence of race attitudes.¹⁴ These cannot be discussed in detail, but they obviously help to determine the behaviour of European employers

and employees towards the Native and assist in shaping the course of legislation and governmental action. Such attitudes give rise to concepts of the social status which the various races within the society should be permitted to occupy, the "needs" of the various races and the occupations or jobs for which they are fitted and should be allowed to follow. The phrases "Kaffir work" and "civilized labour" reflect such attitudes. Secondly, and related to the above, are the fears that freedom of competition between the Native and the European would destroy the established social and economic distinctions, particularly at the margin where the European might, as in semi-skilled work, be compelled to compete with the non-European with his lesser "needs".

21. The actual devices and policies in which these attitudes and fears have found expression are many and it is possible to discuss only some of the most significant even amongst those which bear on economic structure and development. But before considering specific policies or particular pieces of legislation it should be stressed that these are but isolated parts of a total situation in which the Native is placed at a disadvantage when competing with the European. It is, therefore, desirable to outline some of the features of this general setting before examining particular details.

22. In the first place it is difficult for a Native to become sufficiently skilled to compete with a European, except in those jobs where skill is acquired through acquaintance with the work. He has not the necessary access to the basic requirements of skill-development, such as education of a sufficiently high order, technical training or apprenticeship facilities. Moreover the very poverty of the Bantu would in any case, even if these facilities were available, preclude advantage being taken of them, for the acquisition of skill is both a laborious and a costly process. Thus the poor section of the population will tend on the whole to be unskilled and, because it is unskilled, poor. This is why, in many progressive States, the vicious circle must be broken by measures such as free compulsory education both formal and technical and by social security measures to prevent absolute poverty. That the Union Government cannot afford to extend such services to the Native is of course primarily because its national income is low in relation to its total population and this, it may logically be argued, is a result of not encouraging the development of skills amongst the Native population. Here is a vicious circle, but one which it would be by no means impossible to break, by taking significant steps in the right direction. Each step would have the effect of making further measures easier as the labour resources of the country became more effectively utilized and the national income increase.

23. In the second place, even if Natives were to become skilled or professionally qualified and thus technically able to compete in these fields, it would still be difficult for them to be so employed. In part this is due to legislation, as in the case of the gold mines, in part to policies such as the "civilized labour" policies which are designed to give preference to the European worker and thus prevent the Native from competing freely for all the jobs available, and also in part to pressures exerted by European public opinion and by organized bodies such as European trade unions. One factor which also enters into this situation is what the Report of the Economic and Wage Commission (1925) called the "use of the wage rate as a colour bar". This will be discussed presently.

¹⁴ See in the *Handbook on Race Relations in South Africa*, Oxford, 1949, chapter 33 on "Race Attitudes" by I. D. MacCrone.

24. In the third place, the Native, possessing no political rights and little or no bargaining power in the field of employment, is placed at a disadvantage in securing those improved wages and conditions of work which have been secured by European trade unions.

25. It is, however, important to recognize that the above general statement can only be taken as true subject to qualification. Thus some European trade unions have, in representing the interests of employees, ignored the colour bar, whilst even in government policy and public opinion there has been a growing realization that the "non-European whether in town or country is part and parcel of the whole economy and that he must be given greater scope for his activity".¹⁵ Thus certain social welfare measures, public health and educational facilities have been extended to the Native population. Nevertheless these qualifications are not of such importance as to change the general picture. In the main they are measures designed to ease the tensions which segregation has created and to mitigate some of the more undesirable consequences of segregation.

26. From the foregoing it can be seen that the "colour bar" is not the result of some few simple measures or pieces of legislation which can be readily isolated. It is important that this should be clearly noted, for in the analysis of legislation and policy one may fail to realize the effect of the combined forces of all the contributory factors taken together, which cannot be fully appreciated by a mere process of aggregation.

(b) *The Wage Acts of 1925 and 1937*

27. The possible use of the wage rate as a colour bar to which we have referred was given very careful consideration by the Economic and Wage Commission and can hardly be better explained than in its own words:

"While definite exclusion of Natives from the more remunerative fields of employment by law was not urged upon us, the same result would follow a certain use of the powers of the Wage Board under the Wage Act of 1925 or of other wage-fixing legislation. The method would be to fix a minimum wage rate for an occupation or craft so high that no Native would be likely to be employed. Even the exceptional Native whose efficiency would justify his employment at a high rate, would be excluded by the pressure of public opinion, which makes it difficult to retain a Native in employment mainly reserved for Europeans. The significance of such a policy is that it would extend still further to all skilled and responsible work, the conditions which we observed in the mining industry and some other industries where there is a skilled White class, receiving a relatively high rate of pay for their work accompanied by the payment of a low rate for all other work."¹⁶

By and large, this statement reflects accurately what has transpired since 1925.

28. The Wage Act of 1925, from the scope of which agriculture and domestic service were excluded, was designed to secure reasonable standards of wages and conditions of work in those industries in which labour was unorganized. Until the Act was amended in 1937, the Board which investigated such an industry with a view to making recommendations was not allowed to propose wages which were lower than those needed to maintain

¹⁵ *Ibid.*, chapter on "Inter-racial Co-operation" by Quintin Whyte, p. 651.

¹⁶ See *Report of the Economic and Wage Commission (1925)*, U.G. No. 14-1926, p. 124.

"civilized" standards of life, unless this was specially sanctioned by the Minister. The view of Senator Ballinger expressed in 1934 was that, at the time, the Native looked on the Wage Board as an "additional colour bar" and that this was not without justification for not only had the Board "tended to fix wages for skilled and semi-skilled occupations at levels quite unattainable by the Native under existing conditions, but also in many instances raised the rates of pay for unskilled work done by Natives to a level which encourages their displacement by the Europeans".¹⁷ In the early phase, before 1937, the prime concern of the Board was with the wages of skilled and semi-skilled employees; later more particular attention was devoted to the maintenance and raising of unskilled wages, although the gap between the unskilled and other wage levels remained, and still remains, inordinately large. It must, however, be noted that, although the Board can prescribe rates for the job, it cannot prescribe according to the race of the worker. There is thus no formal colour bar; the bar in so far as it exists emerges in the policy pursued. Nor is there any evidence that the Board itself has deliberately tried to accentuate the gap. Indeed the Institute of Race Relations even suggests that the Wage Board in recent years has been responsible for raising minimum rates of pay for unskilled workers in the sectors falling within its purview. The Board, however, in view of the institutional and social framework within which it works, can obviously do little about closing the gap.

(c) *The Industrial Conciliation Act, 1937, and other obstacles to bargaining power*

29. The Industrial Conciliation Act of 1937, which replaced the Act of 1924, constitutes what appears formally at least to be a wholly admirable attempt to avoid industrial conflicts between employers and employees and to arrive at settlements of disputes through methods involving conciliation and arbitration. It provides for the establishment of industrial councils and conciliation boards and for the use of mediators and arbitrators. In the awards or agreements under the Act there can be no differentiation made on grounds of race. Perhaps the most important feature of the Act has been that by which industrial councils have been set up consisting of representatives of employers' and employees' organizations, registered or recognized for the purpose under provisions of the Act. Agreements which are arrived at may be made binding upon both sides with the approval of the Minister. Where such councils do not exist and where disputes arise the Minister may set up conciliation boards. The area covered by the councils has of recent years been very considerable. Thus in 1950 there were some 86 industrial councils and in the same year some 108 agreements by these bodies; there were, however, only twenty conciliation board agreements.¹⁸ Obviously the nature of such agreements depends upon the strength of interests which are represented and it is here that the Act discriminated against the Native by excluding him from the definition of an "employee". Paradoxically, by some curious oversight, until the passage of the Native Labour (Settlement of Disputes) Act in 1953, Native women were legally entitled to consider themselves as "employees".¹⁹ Under the 1937 Act, an "employee" was

¹⁷ See W. G. Ballinger, *Race and Economics in South Africa*, London, 1934, p. 49.

¹⁸ See *Official Year Book of the Union of South Africa*, No. 26, 1950, 1953, p. 289.

¹⁹ See E. S. Sachs, *The Choice before South Africa*, London, 1952, p. 162. Mr. Sachs gives an account of how the legal position was put to the test in December 1944 by the Industrial Council for the Clothing Industry (Transvaal).

taken to exclude any person whose contract of service was regulated by the Masters and Servants Acts, the Native Regulation Act, the Native (Urban Areas) Act or by any regulation made under any of those laws. The principle of excluding Native workers from the category of "employees" has not been altered in substance by subsequent legislation. We are not, however, concerned with the legal disabilities but with the economic consequences which follow from them. These we can list as follows:

(a) Native wages and conditions of work can be determined under industrial council agreements, but the Native not being classed as an "employee" for the purpose of the conciliation machinery plays no part in the negotiations. His trade unions, though they may exist, cannot be registered for the purpose of the Act. It is true that the Minister might appoint officials to watch the Native interests at industrial council meetings, but they have no voting power. The same principle still holds today. Thus the Native is excluded from the formal process of collective bargaining. This is a singularly great disability when both the other bargaining groups (European employers and employees) are likely to gain by making only the minimum of concessions to the demands of the Native workers. The wage structure which emerges is thus likely to be one which maintains the gap between unskilled and skilled wages, the gap which, as the Economic and Wage Commission (1925) suggested rightly, might of itself constitute a colour-bar.

(b) The fact that Native trade unions cannot be registered under the Act, although such unions are not illegal, means in fact that their development has been seriously hindered. Compliance with the requirements for registration, if that had been possible, would have stimulated organization on sound and workmanlike principle, whilst the material advantages offered by the possibilities of collective bargaining would have encouraged the growth of trade unions amongst the Native population.

On these two counts alone it is clear that the bargaining position of the Native is weak, almost non-existent. Thus the Industrial Legislation Commission of Enquiry has stated:

"The evidence available to the Commission on the point is sufficient to satisfy it that the interests of Native workers have suffered in the process of collective bargaining between employers and European employees. In some cases it would seem that their interests are deliberately sacrificed by the European employees to gain benefits for themselves while in other cases employers refuse to bargain in regard to Native wages, as Natives are not represented on the employees' side. In such cases employers merely stipulate the wage rates they are prepared to concede in respect of occupations in which Natives are employed. . . . Indeed, it has on many occasions been necessary for the head office of the Department of Labour to intervene with the threat to refuse to recommend favourably the publication of a proposed agreement, unless the wages and conditions of Native employees were improved."²⁰

30. In addition to the above disabilities in the bargaining process it must be noted that the Native worker is also governed in his employment contract by the Masters and Servants Laws under which failures to comply with the obligations imposed become a matter for the Crown

and offer grounds for prosecution.²¹ Formally there is no colour bar embodied in such legislation, yet the fact that penal sanctions may be invoked has led to the Acts being used mainly in disputes between European masters and non-European servants. It could thus be a crime for non-European workers to take part in a strike. Thus one of the traditional weapons in bargaining could be accounted as a dangerous one to use, even by a group of workers to whom no alternative methods of bargaining are open.²² As Dr. van der Horst remarks, "The same principle of attaching criminal consequences to a breach of contract, which in South African common law is a civil wrong only, is embodied in legislation controlling the recruiting and conditions of work in the mining industry and in legislation applying to the contracts of service of the great majority of African men in urban areas".²³

31. But there is still another factor which weakens the bargaining power of the Native section of the population: that is the migratory system of labour. Clearly, with a stable labour force, sooner or later one can expect trade unions to emerge and establish collective bargaining. In a mobile labour force trade unionism can only grow slowly and therefore strong unions are organized with difficulty. Particularly in those industries dependent upon migratory labour, such as gold-mining, supplied with labour from widely dispersed areas throughout Southern Africa, it is not easy for trade unions to take root and develop strength.

(d) *The Native Labour (Settlement of Disputes) Act, 1953*

32. In regard to conciliation and the recognition of trade unions composed of Natives, two post-war legislative texts are noteworthy. The 1947 Industrial Conciliation (Natives) Bill, which was approved by Parliament, would have formally introduced racial discrimination in industrial legislation. Native trade unions could have been registered under the contemplated Act, but no Native employee could have belonged to any union registered under the 1937 Industrial Conciliation Act. Thus European and Native trade unions were to be separate and distinct. It has been argued, too, that the requirements for the formation and registration of unions under the contemplated Act were so rigid that this formation of trade unions would have been strongly discouraged. One requirement of particular interest was that no person who was not a Native employee or ex-employee in the particular industry concerned could be appointed as an official without the consent of the Minister. Thus a restriction was to have been placed on Native unions which European trade unionism would never have tolerated and, unless the Minister had been particularly lenient in enforcing this clause, the growth of trade unionism would have been hampered. At the same time there was provision under the Bill for conciliation machinery including mediation and arbitration. The second Bill, which was introduced in 1952, was the Native Labour Relations Bill. This was passed in 1953 as the Native Labour (Settlement of Disputes) Act. It applies to Bantu employees other than those employed in farm-

²¹ See U.G., 62-1951, p. 193.

²² The War Measure No. 45 of 1942 explicitly prohibited strikes and the prohibition, as a result of further legislation, is still operative. The War Measure provided for the appointment of arbitrators by the Minister when a dispute affecting African workers existed and in such cases it was the practice for African trade unions to be consulted.

²³ See S. van der Horst in *Handbook on Race Relations in South Africa*, Oxford, 1949, p. 145.

²⁰ See *Report of the Industrial Legislation Commission of Enquiry*, U.G., 62-1951, p. 196.

ing, domestic service, government, education and in the gold and coal mines. The Governor General may, however, extend the operation of the Act to the two mining industries. This Act more fully exemplifies the principles of segregation, in the sense of separate treatment of the various races, than any other previous industrial legislation. First it redefines the term "employee" as used in the Industrial Conciliation Act so as to exclude any person who is accepted as a member of any aboriginal race or tribe of Africa. The new Act provides the machinery to deal with those formally excluded by the Industrial Conciliation Act, namely the Native workers. Secondly, it establishes special machinery for the settlement of disputes. Thirdly, it prohibits strikes and lock-outs. Fourthly, it leaves the position of the Native trade unions unchanged. The Minister of Labour stated in the House of Assembly that, if the machinery worked, "Natives will have no interest in trade unions and trade unions will probably die a natural death".²⁴

33. The 1953 Act provided for the setting up of Regional Native Labour Committees with Native members appointed by the Minister of Labour and European chairmen, namely, the Native Labour Officers for the regions concerned. The purpose of the Committees is to maintain contact with employees and employers and to help in the settlement of disputes. There is also to be a Central Native Labour Board composed of European members appointed after consultation with the Regional Committees. Finally there may be works' committees in the various establishments, one member of each committee to be responsible for maintaining contact with the Regional Committee concerned. The intention is that if a dispute should arise the Regional Committee should try to act as a mediator; if it is unsuccessful, the dispute will be referred to the Central Board and, if again there is no success, it will report to the Minister stating whether or not the matter should be referred to the Wage Board. In all this there is no sign of the application of the principles of collective bargaining and direct negotiation between organized bodies being extended to the Native population. Furthermore, it is clear that the constitution of the Councils both regional and central is not in fact designed to give free expression to the complaints and grievances of the Natives by allowing them direct representation but to interpose between the interested parties a group of selected Natives under the obligation of "mediating" or, at the higher level, a body of Europeans with the function of "conciliating". If one assumes that the Native is at all a rational being with the normal desires to improve his position, it cannot by any stretch of the imagination be thought that this machinery will satisfy his aspirations.

34. There are other provisions of importance. Thus, where an Industrial Council is considering an agreement which affects occupations in which Natives are employed, the representatives of the Central Committee and the European chairman of the Regional Committee are entitled to attend the deliberations but not to vote. Afterwards the Central Committee shall inform the Minister whether it is satisfied or not and if it is not satisfied, whether it considers that the matter should be referred to the Wage Board. The Wage Board determination must have the assent of the Minister and if he is not satisfied he may refer the matter back for further consideration. What again emerges is that neither representatives of Native trade unions, nor even individual

Natives chosen as representatives, are entitled to press their claims in person before the Industrial Council, whilst even the Europeans, members of the Central Committee, who have at least followed the dispute and who may be present, are not entitled to vote. It is hardly necessary to stress that this machinery precludes the Native organizations from any direct participation in negotiations in issues which so vitally concern them. The decisions which are made, are not in fact agreements between the parties concerned but agreements made for one of the parties. It is of course undeniable that under such agreements the Native may be granted increases in wages and improved conditions of work, for the trade unionist, the employer and, now, the European representative of the Central Committee will in some measure try to further the welfare of the Native worker. Yet concern for the welfare of the Native is obviously limited by concepts of what the Native "should be given" and not by what, if he were free to bargain he could secure, even as an unskilled worker.

(e) *The "civilized labour" policy*

35. The import of this concept of the "needs" of the Native which is embodied in wage agreements is clearly seen in the "civilized labour" policy of the Union Government in the past. This was a policy designed to protect the living standards and the well-being of a section of the European population which found itself incapable of securing employment in the ranks of the skilled. In the main this section was drawn from the landless squatters in rural areas who "eked out an existence by the grace of the landowner".²⁵ In the years between 1928 and 1932 the Carnegie Corporation financed an enquiry into the extent of this problem which indicated that in 1926 the "poor whites" represented a population group of about 220,000 persons, the existence of which constituted a major problem for the State.²⁶ Basically this problem arose from the marked divergence between the earnings of Europeans and non-Europeans in the types of work for which they were held to be socially fitted. In a normal modern society with a homogeneous population the ratios between wage rates for the various types of labour are, in the long run, regulated by the possibility of movement and mobility from the ranks of the unskilled and semi-skilled into those of the skilled, and *vice versa*. The relationship between the wage rates is not such that any transfer from the ranks of one section into another would lead to grave concern. In the Union, however, in the early 20's large numbers of Europeans drifted to the towns from rural areas and found it difficult to "make a living" in their new surroundings. For this reason the Government decided in 1924 to take certain steps to reserve work for them at standards which were in conformity with those required by "civilized" persons. This first took the form of setting aside unskilled posts in the public service at rates of pay which were higher than those which prevailed for unskilled labour performed by Natives. The Prime Minister's circular No. 5 of 1924 defined "civilized" labour as "the labour rendered by persons whose standard of living conforms to the standard generally recognized as tolerable from the usual European standpoint". Uncivilized labour was defined as that "rendered by persons whose aim is restricted to the bare requirements of the necessities of life as understood among barbarous and undeveloped peoples". Formally it

²⁵ See De Kiewiet, *History of South Africa, Social and Economic*, Oxford, 1941, p. 193. See also, Lord Hailey, *An African Survey*, Oxford, 1938, pp. 684 and 685.

²⁶ *Report of the Carnegie Commission on the Poor White Problem in South Africa*, 1932.

²⁴ *Union of South Africa, House of Assembly, Debates (Hansard), First sitting, Eleventh Parliament*, columns 867 and 872.

could be said that there was in fact no colour bar, but in practice, as the Third Interim Report of the Agricultural and Industrial Requirements Commission in 1943 stated, "the Coloureds alone rank with the Europeans. The effect of the 'civilized' labour policy in industry and public works is, therefore, much the same as the colour bar established in the Transvaal gold mines . . . to exclude Natives from certain occupations."²⁷ The Government subsequently extended this policy to industry by a system of protection, on condition that industries would maintain a satisfactory ratio between "civilized" and "uncivilized" workers. It is also clear that the concept of "civilized" labour has had its impact upon wage agreements, for as is stated officially:

"More recently, the scope for the employment of Europeans in unskilled and semi-skilled industrial occupation has increased as a result of developments in manufacturing methods. Industrial councils now include many categories of work in their agreements which enable Europeans to be employed in occupations not hitherto available to them."²⁸

36. A still more recent manifestation of these attempts to protect "civilized standards", coupled in this case with a desire to ease the shortage of Native housing

²⁷ Third Interim Report of the Industrial and Agricultural Requirements Commission: *Fundamentals of Economic Policy in the Union*, U.G. 40-1941, p. 34.

²⁸ See *Official Year Book of the Union of South Africa*, No. 26-1950, p. 279. The italics are the writer's.

in urban areas, is well exemplified in the Native Building Workers Act of 1951 which is described in some detail in the first Report of the Commission.²⁹ Under the terms of the Act sanction is given for differentiation in rates of pay as between Europeans and non-Europeans doing identical work, but in markets which are to be kept separate. The market is to be split into two sectors, one of which is concerned with the production of Native housing. Outside this sector the European is left in a fully protected position, even though skilled work may now be performed by Natives at lower rates, but only within their own sector. This scheme not only affords protection to the European worker but it could relieve the Native housing situation by permitting building costs to be reduced. A proclamation has been issued prohibiting the use of Natives on skilled work in an urban area unless this falls within the definition of a Native Area and, in order to expedite Native building, the Act provides for the training and registration of Native builders. A Native Building Workers' Advisory Board (on which a European official was appointed to represent Native interests) was set up to advise the Minister on these and other matters. It does not appear, however, that any additional training facilities such as were contemplated under the Act have been set up, although it is understood that some 2,000 Native workers have been registered and approved as builders and artisans in their own areas.

²⁹ See A/2505, para. 607 *et seq.*

Chapter III

MAIN ASPECTS OF SEGREGATION POLICY: SOCIAL SERVICES

1. GENERAL

37. It must not be thought that the inferior position of the Native in industry derives merely from such factors as we have described. It also is in part a consequence of the meagre participation which is allowed to the Native in the general services of the State such as health, education, housing and so on. These services in any modern society help to establish not only an environment which each individual shares with his neighbours as a right, but also an environment in which the production potential of the people can freely develop. Thus in many countries there is not only free education, but compulsory education, and it is generally accepted that not merely is it right that each citizen should have access to education, but that there is a minimum level which is necessary for the maintenance of a satisfactory standard of production. The same is true of many other services which the State provides or in some way ensures.

38. Normally the provision of these services depends upon the economic strength of the country. A poor country can do less in this respect than a rich one and there are countries which can only develop these services with difficulty and more slowly than they would desire. Yet it may often be, as we have already mentioned, that the relative poverty of the country is itself a result of this absence of the basic requirements for the effective use of labour potential. There is no reason to believe that in the Union the vicious circle could not be broken by steps to extend these services.

2. EDUCATION

39. With this in mind let us look at the educational level of the Native population. Unfortunately we have not the detailed statistical information desirable but from what is available the general outline is unmistakably clear.

(a) The bulk of the Native population is illiterate³⁰ and as far as we are aware, there has never been any attempt by the Union Government to remedy this situation on the massive scale which is necessary. Something has been done it is true by certain local authorities and other bodies and these efforts are undoubtedly of importance but only the fringe of the problem has been touched.

(b) Although certain educational facilities are available to Native children these are very meagre when compared with those provided for the European section of the population and low when compared with those for Coloured and Asiatic citizens. This is clearly indicated by the figures for expenditure on education in 1951-1952 when nearly £22 million was spent on European education or about £44 per pupil, £5 million on Coloured and Asiatic pupils or £18.8 per pupil and £5.9 million on Bantu education or £7.6 per pupil. Still more recently, this year the principle has been laid down by the Gov-

³⁰ The Committee of Enquiry appointed to consider the position of adult education in South Africa (U.G. No. 35-1945) stated that probably 80 per cent of the Native population was illiterate and 70 to 75 per cent of the Asiatic and Coloured population.

ernment that the Treasury's contribution to Bantu education should be frozen at £6.5 million.³¹ This picture of inadequacy in educational standards for the African is borne out by other data. Thus, of the children in the 6 to 16 years age group, including those attending all types of schools, in 1951 97.6 per cent of the Europeans were at school, 67.0 of the Coloured children, 60.8 of the Asiatic and only 34.7 per cent of the Bantu children. Of these latter some 45 per cent were in 'sub-standard' classes, 48 per cent in primary classes and only 7 per cent in secondary classes. The respective figures for Europeans were 23, 50 and 25 per cent. Thus it is clear that though a certain percentage of the Bantu children may have some education, this is of a very low order and extends over a very short period. Education for the Native is not compulsory and it is clear that most Native families could not afford to forego, by keeping their children at school, either the additional cash income which might be earned or other assistance which might be rendered by these children.

(c) The number of Natives partaking of higher, technical and vocational education is very small. In 1951 there were some 494 Bantu students attending Universities, some 314 Asiatic students and 192 Coloureds. This must be compared with the figure of 18,000 European students. Complete figures for the non-European students in technical and vocational institutions are not available but the incomplete data give a similar picture to that portrayed above. The reason for this state of affairs is not any lack of interest or desire on the part of the Native to further his education or training, or any lack of innate capacity. The main reasons are absence of the financial support needed to allow such education to be extended to young Natives who are not far from the poverty line on any standard, lack of the basic educational qualifications, such as those for entry to Universities, and absence of sufficient openings after training to allow of the operation of general incentives.

40. The consequence of this situation is that in fact there are few Natives who are in a position to enter into the professions or indeed into skilled occupations. For this reason the sense of grievance on the part of the Native is not as acute as it otherwise would be, nor are the pressures making for the breaking down of the colour bar so strong. Indeed an extension of educational facilities would create frustration on a massive scale unless at the same time opportunities were given to the Native to use his acquired knowledge and skills. Thus the Minister of Native Affairs stated in the House of Assembly:

"Education must train and teach people in accordance with their opportunities in life, according to the sphere in which they live; . . . Native education should be controlled in such a way that it should be in accord with the policy of the State . . . Good relations cannot exist when the education is given under the control of people who create wrong expectations on the part of the Native himself . . ."

He went on to state that racial relations could not improve "if the result of Native education is the creation of a frustrated people".³² This presumably indicates the spirit in which the new Bantu Education Act (No. 47/1953) will be operated and indicates the reason why

³¹ See *The Manchester Guardian*, 29 March 1954.

³² *Union of South Africa, House of Assembly Debates (Hansard), First Sitting, Eleventh Parliament*, columns 3585 and 3576.

Native education has been transferred from the Provinces to the Department of Native Affairs.

41. It is difficult to say what is lost to the country in human resources by this lack of facilities for their cultivation. The opinion of the Social and Economic Planning Council³³ was that one could not ignore the possibility of differences in educability but that there was a *prima facie* case for believing, as Myrdal had argued for the United States, that "it is highly improbable that the differences would be so large that, particularly when the overlapping is considered, they could justify a withholding of facilities of financial aid" from the Native population.

42. The lack of basic education in conjunction with the educational requirements of the Apprenticeship Act of 1922, as amended in 1944, has also been held to exclude Natives and others from entry into occupations which they would be able and legally entitled to join. The Act, which contains no specific colour bar, provided for the establishment of committees consisting of employers and employees to determine apprenticeship requirements. The Minister after consultation with these committees would then specify the industries to which these regulations would apply. Formally it is through these regulations and in particular the educational requirements that most Natives are prevented from entering certain occupations. Nevertheless it is probable that in any event the prejudices of trade unions and others would have precluded the acceptance of Native apprentices in any appreciable numbers. Certainly though the Act makes no racial distinctions it operates to the detriment of non-Europeans and the number of non-European apprentices in fact appears to be very small.³⁴

43. What is of importance is that there are indications that in industry the Native could occupy an important place. Thus the survey entitled *The Native Factory Worker*, which is based upon a study of the Dunlop factory in Natal, points out how careful selection of applicants, often raw Natives, for posts in industry, enabled the output per worker to be increased simply by discovering the aptitudes of the individual and selecting the right individuals for the jobs. Some of these jobs called for high manual dexterity; others for a high degree of intelligence. To quote:

"A large number of tests and records made in the Dunlop factory suggest that the more efficient type of Native takes about one half as long again to learn a particular job as a European and that his normal rate of output is about 85 per cent of the European's."³⁵

None of these Natives had had the benefit of any extensive education such as helps in the case of Europeans to discover and to develop the special aptitudes of each individual. From this and other evidence the conclusion can be drawn that State policy in Native education both impedes the development of the labour resources of the country and places the Native people at a grave disadvantage.

3. HEALTH AND NUTRITIONAL SERVICES

44. The existence of discrimination in the provision of health services can also be clearly seen and one must

³³ See Social and Economic Planning Council, Report No. 13, *Economic and Social Conditions of Racial Groups in South Africa*, U.G. 53/1948.

³⁴ S. van der Horst, in *Handbook on Race Relations in South Africa*, Oxford, 1949, p. 151.

³⁵ See *The African Factory Worker*, a survey by the Department of Economics, University of Natal, Oxford, 1950, p. 5.

assume that this too serves to keep down the productivity of the Native worker. Yet though low productivity associated with sickness and lack of vitality may be in part a result of the absence of normal medical and health services, to a much greater extent is it the sequel to underlying and widespread poverty.

45. There is overwhelming evidence of the existence of malnutrition and associated diseases and conditions on an appalling scale and over a considerable period of time. Thus in 1944, Kark and Le Riche found that amongst 7,000 school children in urban and rural areas, the percentage of those bearing obvious signs of ill health and/or malnutrition varied between 44.5 to 90.4 in the different areas for boys and between 43.0 and 84.2 for girls.³⁶ A more recent enquiry by the School Feeding Commission in 1950 gave the percentages of the prevalence of malnutrition alone amongst children examined by medical officers as follows: Europeans, 8.9; Coloured, 44.1; Asiatics, 45.0; Bantus, 33.5. The Commission went on to say that the problem of undernourishment was so serious that "comprehensive and active steps should be taken to raise the nutritional standard of the population."³⁷ Still more recently, J. and T. Gillman,³⁸ in their important treatise on chronic malnutrition and pellagra with special reference to Africa, emphasize that the problems of malnutrition are far more serious than are generally realized. The existence of malnutrition in the mother affects the child, and malnutrition in childhood affects the whole life-track of the individual. The Gillmans discuss the information gathered by Janish and Fox in 1941 relating to the feeding habits of some 987 Native families in Johannesburg. This showed that in no single respect did the diet reach the optimum requirements, and only in proteins, iron and vitamin C did it exceed the "marginal requirements". The intake of calories was about 60 per cent of the "marginal requirements". The comment by the Gillmans is as follows:

"The low caloric intake of the Africans puzzled Fox. He believed that unaccounted extraneous sources of nourishment were available to these people. The explanation which he suggested to account for this unbelievably low caloric intake may indeed be valid. Nevertheless, the great prevalence of chronic malnutrition as well as the high incidence of pellagra in Johannesburg, bespeak the inadequacy of the African's diet and at the same time demonstrate that although an extraneous food supply might have been tapped by these people, it was still not sufficient to stave off the effects of chronic malnutrition."³⁹

Their opinion is that in the rural areas the situation is worse. Of pellagra, which is one of the commonest diseases associated with malnutrition in the Union, they say "not only is the disease widespread but its incidence is increasing at an alarming rate". Indeed the Union is, in its turn, about "to confront a stupendous human problem of chronic disease and malnutrition for the next two generations". The cause they attribute to widespread and abject poverty.

³⁶ Kark and Le Riche, *A study of South African Bantu School Children*.

³⁷ Quoted by M. Horrell in *Economic Developments in South Africa and the Contributions of the various Racial Groups*, published by the Institute of Race Relations, p. 44.

³⁸ J. and T. Gillman, *Perspectives in Human Malnutrition*, a contribution to the biology of disease from a clinical and pathological study of chronic malnutrition and pellagra in the African, New York, 1951.

³⁹ *Id.*, *Ibid.*, p. 43.

46. Particularly important is their assertion that as a result of this situation large numbers of adult Natives are unfit for the arduous unskilled work which they are expected to perform.⁴⁰ If this is true, and of its truth the writer has no doubt, it must be accepted that the existing economic system in the Union is in fact not even capable of developing fully the potential supply of unskilled labour.

47. In this situation the lack of adequate health services has played its part. It would seem, however, that the discrimination which exists has not arisen in the main out of any set purpose to deprive the Native population of something it so urgently requires. Rather has it been due to the sheer inability of the State to provide the funds which would be required to cope with the needs of the whole population, coupled with the tendency of a European government to give first priority to European needs. One is forced to the conclusion that it would be quite impossible to deal with the whole problem adequately when, as the National Health Services Commission pointed out "almost all of the non-Europeans were in grinding poverty" and when the national income amounted to a mere £40 per head.⁴¹ This statement was made in 1944, but there is still ample evidence to show that it would hold good today. A prerequisite, therefore, for any really successful attempt to deal with disease and ill health is the eradication of massive and persistent poverty. Nevertheless, the fact remains that the poorest and most disease-ridden section of the population is that which has been discriminated against by the system of racial priorities. It seems reasonable to suppose that this in itself has contributed to what the Smit Committee had in 1942 termed "social misery and economic wastage".⁴²

48. It should, however, be noted that in certain industries, and especially gold-mining, great attention is paid to health and nutrition and the bearing of these on productivity and morale is fully realized. The mines indeed recruit workers only after a careful medical examination, in the process of which it has been said that some 25 per cent are rejected as unsuitable.⁴³ But the effects of such measures cannot eradicate the consequences of chronic malnutrition in the community as a whole, nor can they eliminate its effect upon the particular individuals concerned. The results of chronic malnutrition in childhood and youth are carried into adult life and no dieting or medical attention at that stage can wholly remove them.

49. The school feeding schemes, which might appear to hold more promise of restoring the health of the population, are, as far as the Natives are concerned, wholly inadequate to deal with the mass of children of school age. A large number of Native children do not attend school and most of those who do, attend only for a short period. The feeding scheme has not even been extended so as to cover all the Native schools.⁴⁴

⁴⁰ *Id.*, *Ibid.*, p. 485.

⁴¹ See Report of the National Health Services Commission on the Provision of an Organized National Health Service for all Sections of the People of the Union of South Africa, 1942-1944. U.G. No. 30-1944, p. 25.

⁴² See Report of the Inter-Departmental Committee on the Social Health and Economic Conditions of Urban Natives, 1942, para. 88.

⁴³ See J. Burger, *The Black Man's Burden*, 1943, quoted by J. and T. Gillman, *op. cit.*, p. 486.

⁴⁴ The amount allocated in the year 1953/4 is £585,000, somewhat less than in the previous year. As this will not allow of expansion, the Government is to register no further schools under the scheme. It should, however, be noted that some municipalities have adopted schemes to try to deal with children of the pre-school age and those at schools which receive no grant.

50. In view of the above account of health problems it is not surprising that, as the Minister of Health stated on 7 April 1953 in a radio talk, although the European expectation of life in the Union was 66 years, one of the highest in the world, that of the non-European was between 35 and 40 years.⁴⁵ Thus what is occurring in the Union is a tremendous wastage of human resources in the form of untapped vitality and as yet unattained expectation of adult working life. The wider aspects of this

⁴⁵ *Survey of Race Relations, 1952-1953*, p. 87.

situation, the suffering that goes with disease and poverty, cannot be dealt with in a survey of this kind.

51. There are still other forms of disability in social and communal life which have obvious bearing on the productivity of the worker. Such are housing conditions and the amenities of communal life in the urban centres. These have been dealt with, tersely but clearly, in the first report of the Commission.⁴⁶ We refrain, therefore, from any further mention of these important factors.

⁴⁶ See A/2505, paragraph 739.

Chapter IV

SEGREGATION AND ECONOMIC DEVELOPMENT

In this chapter we shall review some of the facts relating to the size of the national income, the distribution of income between the various sectors of the population and also consider the pattern of production and the changes which have occurred recently in this pattern.

1. INDUSTRIAL PROGRESS SINCE THE UNION

52. The national income of the Union, as may be expected in a relatively new country with considerable natural resources both mineral and agricultural, has from the time of Union shown a tendency to expand. A comparison of the money value of the national income, which grew from some £130.9 million in 1912 to £1,244.8 million in 1951, tells us little, in view of the changes in the value of money which cannot be easily measured over such a long period of time by meaningful price indices. The figures of output, however, available for certain activities, give us some indication of how South Africa's resources have in the passage of time become more fully exploited. Thus the production of gold increased from 8.25 million ounces in 1911 to 11.5 million in 1951. During the recent war years it reached a peak of 14.4 million ounces. Coal production grew from 9.9 million tons in 1911 to 28.8 million in 1951. The production of iron ore, which had amounted to a few thousand tons at the earlier date, had risen to 1.6 million tons in 1951. Asbestos, of which just over a thousand tons were produced in 1911, was produced on the scale of 133.8 thousand tons annually by 1952. Manganese ore, which was almost untouched at the earlier date, gave rise to an output of 964,000 tons in 1952. The production of copper has almost doubled over the same period and in 1952 approached 39,000 tons. The course of this development, which we cannot trace in detail, still continues and is important in that mineral exports account for half, and gold exports alone for almost 40 per cent of the total exports of the Union. Yet in relation to the national income of the Union, mining was of greater relative importance in 1912 than today. The reason lies not in the developments which have taken place in agriculture, but in the growth of manufacturing activity. Thus in 1911-1912 manufacturing accounted for only 6.8 per cent of the national income; in 1919-1920, 10.5 per cent; 1929-1930, 15.2 per cent; in 1939-1940, 17.6 per cent and in 1950-1951, 22.2 per cent. The relative position of agriculture, though varying from year to year, was not very different in 1950-1951 from that in 1912 (17.6 per cent as compared with 16 per cent). The distributive trades only showed a slight increase in relative importance (14.5 per cent as

against 13.7 per cent). What has happened therefore is that (a) the national product has increased substantially in all spheres of activity, and (b) there has been a more than proportionate increase in manufacturing activities. Today there is a much more diversified economy than at the time of Union or even in pre-war days.

53. Thus we find a great range of manufacturing activities in the Union of South Africa today; the metal industries and engineering, food and drinks, textiles, vehicles, chemicals, power and so on. With this development and that of mining has come the growth of great urban and industrial areas such as the Witwatersrand, which in 1911 had a population of less than half a million persons and now has more than trebled that number. The Native has been drawn into the industrial nexus. Of the five main industrial groups in the Union—mining, manufacturing, transport, construction and electricity, in which over one million persons are employed—Natives constitute about 67 per cent of the total workers, Europeans about 25 per cent, Coloureds 6.1 per cent and Asians 1.5 per cent. In mining, Natives constitute as much as 87.5 per cent and in transport, 41.9 per cent, the lowest proportion in the five groups of industries.

2. THE DISTRIBUTION OF INCOME AND ITS RELATION TO HUMAN NEEDS

54. There is another viewpoint from which we can examine whether this progress has been as satisfactory as might be thought at first sight, namely the effect of this economic achievement upon the standard of life of the population. Professor Herbert Frankel has stated that despite the fortunate opportunities which have opened themselves to the Union and despite the expansion which has taken place "the over-all picture which the Union's economy presents is still one of great poverty for the mass of its inhabitants. That poverty is difficult to express in statistical terms; it has, however, been the main aspect of its economic life to which various private observers and official commissions have drawn attention. What is most significant is that, while European income levels, taken separately, now reflect both an absolute level and a range in the various income categories, not very different from those in Australia, or even Canada, non-European incomes are very much lower than European incomes".⁴⁷ The fact—which we shall discuss later—that the gap between European and Native incomes may have narrowed since the war should not be allowed to overshadow the extent of the gap or the difficulties which

⁴⁷ S. Herbert Frankel, *The Economic Impact on Under-Developed Societies*, Oxford, 1954, p. 118.

the system of segregation and the colour bar place in the way of its progressive reduction.

55. Its size can be best illustrated by some isolated statistics and other data which are available. The following statistics are not wholly adequate for our purpose, but they cover important sectors of the economy and are sufficiently revealing for certain general conclusions to be derived from them.

Table I. Numbers and earnings of male employees in private manufacturing industry⁴⁸

	Numbers of employees	Total salaries and wages paid in thousands of pounds	Average salaries and wages per employee in pounds
Europeans.....	150,360	83,882	557
Natives.....	320,102	35,496	111
Asiatics.....	19,907	3,884	195
Other Coloured...	50,569	10,504	207

Table II. Numbers and earnings of female employees in private manufacturing industry⁴⁹

	Numbers of employees	Total salaries and wages paid in thousands of pounds	Average salaries and wages per employee in pounds
Europeans.....	40 857	10,940	267
Natives.....	5,502	610	111
Asiatic.....	1,642	242	147
Other Coloureds..	30,288	4,694	155

The figures for mines and allied concerns again show a position which is similar.

Table III. Mines and allied concerns (1951)⁵⁰

	Average number employed	Total salaries and wages in thousands of pounds	Average salaries and wages per employee
Europeans.....	53,766	45,792	851
Natives and other Coloured Persons (male)....	441,864	24,302	55

It should, however, be noted that the figure for European wages in the last table includes various allowances, whilst that for non-Europeans excludes the cost of food and other amenities which are provided in the mining industry for the Native workers. In addition to the above a general statement of the position has been given by W. E. Barker in a paper published by the State Information Office.⁵¹ According to this, the earnings of the fully trained European worker are about £400 per year whilst the Native earns in industry about £112, on the farms £37 in cash plus free housing and food which amount to about £100 a year, and in domestic services £42 in cash plus food and accommodation making about £100 a year. For income in the Reserves, he states that "no estimate is possible". Professor Frankel states that "rough calculations made in 1936 indicated an average 'income' of only some £3 per head per occupied person. It is probable that this figure had risen to about £6 or £8 by 1950."⁵²

56. The above data give a rough but clear indication of the existence of a substantial gap between Native and

European earnings and wage rates. There are, however, certain considerations which should be noted.

(a) The average earnings of the Native in industry have increased since pre-war days not merely because of wage increases but as a result of a shortage of skilled labour which has allowed him to secure a foothold in operations which are classed as semi-skilled, a point which will be discussed later. This, as mentioned elsewhere, has been facilitated by the sub-division of operations frequently associated with mechanization. However it is still true that the bulk of Natives in industry are performing work classed as unskilled and that, although there is some chance now of moving into better paid semi-skilled jobs, the opportunity of moving above this level is still, in fact, strictly limited. On the other hand, for the European the opportunity of promotion and moving into a higher income group is unlimited, given ability and good fortune. Thus the European has far greater scope for advancement; the non-European relatively little scope. Moreover, the existing distribution of Natives in semi-skilled and unskilled jobs still means that a considerable proportion must be getting wages below £112 in cash.

(b) The social services and amenities provided by the State and local authorities for the European population are much greater—in total and *per capita*—than those available to the non-European. The significance of this is that, by these means, the standard of living of a poorly paid European is raised to a much greater extent than that of the non-European.

(c) In most industries the conditions of work, apart from wages, are far less satisfactory for the non-European than for the European worker.

57. The extent to which the earnings of Native workers are adequate cannot be measured with any precision. One recent investigation by Miss Ethel Wix of the cost of living of Africans in Johannesburg, Pretoria and the Reef towns showed that, if a diet were to be purchased which met essential requirements, a Native family's monthly deficit would be £4 17s. 10d. in Johannesburg, £4 15s. 3d. in Pretoria and £3 11s. 9d. in the Reef towns. She also found that though family incomes had increased by 29.5 per cent during the years 1944-1950, the cost of what could be classed as essential minimum expenditure had risen 37 per cent.⁵³ Such investigations, however, merely serve to emphasize, and to some extent to assist in measuring, the poverty which writers like Alan Paton have observed and so well described.⁵⁴

58. In conclusion it appears that although the national income has increased it still remains so low as to be incapable of affording even minimum essential standards of life to the greater part of the population, this despite the great natural endowments of the country, a population of 12.5 million (including 2.5 million Europeans) and an ample fund of knowledge and experience of modern methods of production.

3. THE DISTRIBUTION OF INCOME AND THE INTERNAL MARKET

59. The income structure of the community must clearly shape the internal market, particularly for final consumer's goods and services. It has not therefore passed unnoticed that, for a considerable period, the largest section of the population, by reason of its poverty, has constituted a market which is disappointingly

⁵³ See *Survey of Race Relations, 1950-1951*, pp. 41 and 69. See also the *Survey for 1952-1953*.

⁵⁴ Alan Paton, *Cry the Beloved Country*, New York, 1948.

⁴⁷ Calculations based on the Industrial Census 1949/1951.

⁴⁸ Calculations based on the Industrial Census 1949/1950.

⁴⁹ Calculations based upon the Annual Report on Mining, including the Report of the Government Mining Engineer, etc., for the year ended 31 December 1951. U.G. No. 50-1952.

⁵¹ W. E. Barker, *What South Africans Earn, European and Non-European Incomes Compared*, State Information Office, Pretoria, August 1953.

⁵² See S. Herbert Frankel, *op. cit.*, p. 119.

poor in the eye of the industrialist. The fact that this had retarded the development of industry was seen in pre-war days and this was observed to be one of the end results of occupational and social discrimination. The Board of Trade and Industries in its Report No. 282, although it refrained from relating the market situation to the various discriminatory factors, stated that:

"The relatively small and widely dispersed European population of the Union and the very low purchasing power of the great majority of the non-Europeans must have had a retarding effect on the growth of industries in which production can only be undertaken efficiently on a comparatively large scale or in respect of which external economies are important."⁵⁵

The much quoted Third Interim Report of the Industrial and Agricultural Requirements Commission was more outspoken:

"The Commission considers that the low-income groups at present receive an inequitable share of the

⁵⁵ Board of Trade and Industries Report No. 282, *Investigation into Manufacturing Industries in the Union of South Africa*, 1945, p. 84.

national income and that this both limits the local market for industrial and agricultural products and is the cause of serious degeneration through malnutrition. This is a consequence of the present labour policies regarding wages and employment."⁵⁶

These views are strengthened by the studies of conditions in the Reserves, in particular those of trading in a Ciskei Native Reserve by Messrs. Hobart Houghton, Fosdick and Philcox, which indicate how poor a market are these rural areas. The picture these writers give us is of distressed areas, not even self-sufficient, with nothing much to export except human labour.⁵⁷ Within these poverty stricken territories there is no possibility of secondary industry finding any extensive market for its products, apart from the bare necessities of life.

60. There is, thus, strong evidence for the belief that discrimination has hampered and impeded the natural development of a large internal market.

⁵⁶ See U.G. No. 40-1941, p. 82.

⁵⁷ D. Hobart Houghton and B. Fosdick, *Trade in a Ciskei Reserve*, and Hobart Houghton and D. Philcox, *Income and Expenditure in a Ciskei Native Reserve*, *South African Journal of Economics*, Vol. XVIII, 1950.

Chapter V

SEGREGATION POLICIES AND THE NEW INDUSTRIAL REVOLUTION

1. FACTORS IN POST-WAR DEVELOPMENT: CAPITAL AND NATURAL RESOURCES

61. Despite obvious barriers to the development of the economy, there has nevertheless been marked and rapid expansion since pre-war years. This progress has, in fact, been spoken of as a new industrial revolution. Expansion, moreover, has taken place not merely in the development of mining and activities closely related to mining, but also in the secondary and tertiary industries. The reasons need not be dealt with in detail but some of the important factors must be mentioned. Thus the stimulus of war gave rise not simply to the manufacture of some armaments but to the production of goods which could no longer be obtained from overseas. There was, for example, an expansion in the iron and steel industry, a growth in the manufacture of boots and shoes, food and drink, and the development of new activities such as the production of machine tools, farm implements and woollen goods. Moreover the shortages of imported goods continued after the war for a considerable period, giving sufficient time for most of these industries to become firmly established. Further, the process of opening up and developing the new gold fields on the West Rand and in the Free State began shortly after the war and these great projects, consequent upon most fortunate discoveries, were not merely a source of attraction to overseas capital but an additional stimulus to innumerable other forms of activity such as building, the provision of water and power, engineering and so on. As Dr. Holloway has said "the sudden creation of so large a market had a vastly stimulating effect on local industry".^{57a} Moreover, the expansion of industry in the Union was not hampered by any shortage of capital, for the relatively settled conditions in the Union after the war, compared with the uncertainties and dubious prospects in overseas countries, led to a great influx espe-

cially in the immediate post-war years. According to one estimate, in the years 1947-1951 some 52 per cent of the net investment programmes was financed by net overseas borrowing and the realization of foreign assets.⁵⁸ By these means the Union was able to support a much higher rate of investment than would have otherwise been possible and also a rate of interest which was relatively low.

62. Nevertheless the years of the phenomenal inflow of capital were those immediately after the war, 1947-1948. Since that date the flow of overseas capital to the Union, though still substantial, has shrunk considerably. The reasons are complex. In the first place, there is today no force impelling capital to seek refuge in the Union. In fact, in a very real sense the position has been reversed. The Capetown correspondent of *The New York Times* stated recently:

"Taken straight, without reference to politics, the new facts and figures make the repugnance of foreign investors for South African investment completely incomprehensible . . . The constant plea of the business community is for the Government to ease off its *apartheid* campaign and cease tormenting Natives with new laws at least long enough to permit the raising of new foreign loans."⁵⁹

The *Johannesburg Star* has also expressed the view that an anti-South African attitude is widespread in the United Kingdom and elsewhere and is keeping back capital.⁶⁰ In the writer's view, what has affected the flow of capital is not unfriendliness towards South Africa and its people, but a lack of confidence in present and prospective Union policies, coupled with a realization of the economic difficulties which the Union is fac-

⁵⁸ L. H. Samuels, *South African Journal of Economics*, June 1953, p. 93.

⁵⁹ *The New York Times*, 19 December 1953.

⁶⁰ See *Johannesburg Star*, 7 August 1953.

^{57a} *An Economic Survey of South Africa*, 1954, London, p. 11.

ing or is about to face. Thus the potential investor is aware of a serious shortage of skilled labour and there are no signs that this will be met by large-scale immigration; he is informed of power and transport shortages and a need for more adequate supplies of water required for certain types of development; he discovers a lack of sufficiently detailed statistical and other information relating to what is happening.⁶¹ To these deterrent factors must be added the uncertainties created by the policy of *apartheid* which threatens to control more closely the access of the industrialist to supplies of non-European labour and which proposes to modify the location of industry in ways as yet ill-defined, and this not for economic but for political and social motives. Not only is the future of labour relations uncertain but the whole political and social environment in which industry will have to operate. Thus to the immediate and foreseeable difficulties are added the uncertainties of the shape of things to come.

63. On the other hand it must be noted that economic activity within the Union is still at a high level and the new gold fields and uranium workings are only on the verge of yielding the fruits of past capital investment. When in full production, it is calculated that South Africa's existing foreign income from gold sales will be almost doubled and will wipe out the unfavourable balance of trade, thus making possible an increase of the country's purchasing power abroad. The production of uranium will make the position still more favourable. At the same time recessions in trade outside the Union would cheapen the cost of imported material and equipment, reduce the cost of living and stimulate rather than discourage the gold-mining activity on which so much of the Union's economy depends. It is also thought in certain quarters that the price of gold will sooner or later be increased. Thus many people are still hopeful that a sufficient flow of overseas capital will be made available to the Union in the future. In view of the great number of factors and issues involved, it is hardly possible to determine the extent to which any one, considered in isolation, has affected the total inflow. Nevertheless it seems reasonable to believe that the economic difficulties which the country faces and the uncertainties regarding the future have played some substantial part in diminishing the flow and that these, as will be shown later in more detail, are closely related to segregation and *apartheid* policies.⁶²

2. FACTORS IN POST-WAR DEVELOPMENT: LABOUR AND LABOUR SHORTAGES

64. The shortage of capital should not, however, be permitted to distract our attention from that of other co-operant factors, notably the shortage of certain types of labour. Thus the producing gold mines are at the moment operating substantially below capacity because of a shortage both of skilled labour and of the unskilled

⁶¹ *Johannesburg Star*, 18 November 1953. See the statement by G. Rissick of the South African Reserve Bank.

⁶² In some quarters it is held that private investment has been allowed to proceed too rapidly, to the relative neglect of investment in the public sector. The country needs a breathing space in which the back-log of public utility and other development may be made good. The world shortage of capital will, it is hoped, make this possible by curbing over-rapid expansion in the private sector. It has been suggested, too, that when the import controls introduced to redress the unfavourable balance of trade are no longer necessary and are removed, certain "mushroom industries" will be eliminated by the force of competition. It is likely that a great many industries will be compelled to pay more attention to their cost-structures than in the immediate post-war years.

migratory Native labour, this despite prolonged efforts to secure recruits by improving conditions of employment and wage increases. It is true that the well-organized European workers have been able to secure concessions more readily than the non-Europeans; the latter have been voluntarily granted increases by the mines in the hope that a greater supply of labour would be forthcoming. The shortage still continues and with the opening of the new mines will become still more acute. Recently a correspondent of *The New York Times* portrayed the great mining houses as being in a state of "frantic frustration" through their inability to bring the mines into full production, as sufficient white workers are not available and the Native is finding more congenial work in manufacturing industry or even in the country, whence so many of them came in the past.⁶³ The mines, therefore, are likely to be faced with a scramble for labour. But if we add to the demands of the gold mines those which will emerge from the new uranium industry, the overcoming of the back-log in power resources, water-supply and transport, the multitudinous demands associated with the growth of new urban centres related to mining development and the requirements of certain *apartheid* measures such as the Group Areas Act, it is patent that the labour shortage will be a problem of the first magnitude.

65. The present shortage of labour is one not of mere numbers, but of specific types of labour. There is thus a general and acute shortage of skilled labour, not because the population is small but because the colour bar precludes it from emerging in larger quantities. There is a shortage of migratory labour for the mines because in other industries which are more adaptable greater scope has been given to the Native in semi-skilled and clerical work, which affords amongst other things the prospect of greater advancement and higher earnings.

66. This last phenomenon deserves closer examination as it might be taken to indicate a weakening of the colour bar under the stress of economic pressures. Thus the *Johannesburg Star* has recently spoken of growing "cracks" in the colour bar in Natal and has given as an example that in ten companies examined there were 78 Europeans employed as plant supervisors but also 2 Coloureds, 58 Indians and 8 Natives. In the Transvaal this work was still the exclusive preserve of the European. Six companies in Natal employed as laboratory assistants 17 Europeans, 6 Natives and 4 Indians.⁶⁴ In the Public Service, Natives were being used as messenger boys in a number of Departments and Native clerks are being used in the Pretoria Native Commissioner's Office. Of these latter the Commissioner reported:

"They had proved themselves able to do the work competently and he had not a single complaint against them. The chance to make use of his education was greatly appreciated by the educated Native and he usually put his best into his work."⁶⁵

The Commissioner explained that Natives had been used as second-rate clerks as it had been so difficult to obtain European clerks. There is, therefore, evidence of a tendency wherever a shortage of European labour occurs for the non-European to be used in order to fill the gap but generally at the lower end of the scale. In certain industries this has been accomplished by the

⁶³ See *The New York Times*, 4 January 1954.

⁶⁴ See *Johannesburg Star*, 14 November 1953.

⁶⁵ See *Johannesburg Star*, 6 April 1953.

multiplication of grades of work, thereby permitting the Native to enter certain sectors of the semi-skilled field without seriously threatening the existence of the colour bar. Further evidence of this movement is given in the report of the Industrial Legislation Commission.⁶⁶

The figures relating to industries in respect of which wage determination had been made in the period 1937-1948 show that of the skilled jobs 83.8 per cent were performed by Europeans, 5.8 per cent by Natives, 5.6 per cent by Asiatics and 4.8 per cent by Coloureds. Of the unskilled workers, 80.8 per cent were Bantus, 13.2 per cent Coloureds, 4.5 per cent Asiatics and only 1.5 per cent Europeans. In semi-skilled labour, 34.2 per cent were Natives, 33.8 per cent Europeans and 32 per cent Coloureds and Asiatics.⁶⁷ Summing up evidence on this point the Commission states:

"It has now been indicated that the unskilled labour market is virtually the preserve of non-Europeans, particularly Natives, and that non-Europeans largely dominate the semi-skilled market and have already penetrated the sphere of skilled labour to a not inconsiderable extent."⁶⁸

67. This entry of the Native into the semi-skilled field is indicative of a more careful use by the employer of the labour available to him. It normally involves selection and some training of the workers. There is indeed considerable evidence that the more progressive firms are now paying careful attention to methods which improve the efficiency of labour of all kinds, skilled, semi-skilled and unskilled. But the limits imposed by occupational discrimination—which to a very large extent determine the composition of the labour force—cannot readily be overcome. These limits operate and hamper productivity in innumerable ways some of which are not generally realized. Thus one business man has stated:

"Perhaps the most obvious, and certainly one of the most serious obstacles to our industrial progress is the difficulty of recruiting for the more important tasks in industry. In any American or European factory promotion is possible from the bottom upwards. Any employee sufficiently capable and industrious can rise from being a labourer, through the various grades until he becomes a manager, and the experience gained in the lower grades is invaluable in the performance of more important functions."⁶⁹

If this is true, not only does the colour bar prevent the non-European with ability from using his experience in posts in which it might be of great value to industry but at the same time it militates against the efficiency of the European by barring him from that type of experience

⁶⁶ See U.G. No. 62-1951, pp. 22-23.

⁶⁷ It should be noted that the classification of jobs into skilled, semi-skilled and unskilled raises considerable difficulties and cannot be considered wholly satisfactory. The semi-skilled group includes such occupations as liftmen, housekeepers, tar boilers, boiler attendants, Grade II employees in furniture (e.g. sand-papery, packing furniture, staining backs and interiors of furniture, etc.) and so on. The classification of skilled workers includes those for whom a long period of training is prescribed or of whom a fairly high degree of efficiency is expected. It includes mechanics, drivers of motor vehicles, cooks, waiters, clerical workers and so on. The Commission points out that it might be argued that not all classes regarded by the Wage Board as "skilled" are in fact properly to be regarded as skilled. They give the case of waiters as a possible example. But the Commission considers that such qualifications do not upset the general conclusions to be derived from these figures.

⁶⁸ See U.G. No. 62-1951, para. 134.

⁶⁹ See G. E. Williamson, *Multi-Racial Problems and the Development of Manufacturing Industry in South Africa, Race Relations*, Vol. XV, 1948, Nos. 1 and 2, p. 19.

which has produced so many of the best workers and successful industrialists in other countries. Equally serious are the protective factors which place the European worker in a privileged and relatively secure position and which prevent his powers being tested by the full force of competition. It is only by opening the field to the unimpeded force of competition amongst all workers and by recognizing ability wherever that ability resides, irrespective of race, that the productive power of the people can be fully mobilized.⁷⁰ As it is, the colour bar makes it difficult for the Native to rise, no matter what his ability, and on the other hand helps to prevent the European from falling, even when his ability is not particularly great. The incentives to greater productivity and effort, so important in any progressive community, are thus impeded.

68. It is also clear that the "need" for segregation within a factory not only confronts management with problems which do not exist in European countries but frequently imposes upon the concern additional costs. Thus more accommodation has to be provided where it is desired to keep the racial groups to some degree segregated both in work and in the use of other amenities. On the other hand, these latter costs may be to some extent counterbalanced by the provision of more rudimentary amenities for the non-European. It may perhaps seem surprising that relatively little time has been devoted to the study of these problems in the Union, but the reason is probably that management in the Union must take the limitations imposed by the social and institutional framework as given and adjust its methods accordingly. Industry is not therefore as free as in a homogeneous society to utilize the best and most efficient methods of production and for this reason both capital and labour of all kinds will tend to be less effectively used than in European or American factories.

Other factors which have an effect on the productivity of the non-European worker, such as living conditions, have been dealt with elsewhere and need no further emphasis.

69. If these impediments to the efficient use of the labour resources of the country could in some way be diminished not only would it allow of more rapid economic expansion but in particular improve the standard of living of the Native population. In this process the opportunities open to the European worker need not be diminished. He would have a less protected market in which to compete but a wider one offering a greater range of opportunities for the use of whatever ability he might possess. For a considerable time the advantages conferred on the European by superior education and his longer and more intimate acquaintance with industrial life would persist. Such a movement would not therefore suddenly disrupt South African society as is often suggested; it would gradually lead to a state of affairs in which racial distinctions played a less significant part in economic life.

70. It is not easy to analyse from the available statistics the impact of recent trends in economic development upon the geographic distribution of the population. Nev-

⁷⁰ The Industrial Legislation Commission (1951) *op. cit.*, para. 1124 (see para. 66 above), quotes with approval from an earlier report: "the policy of encouraging the expansion of industry and employment and therefore of the national income . . . requires that everybody be employed in that capacity where he or she is as productive as possible. The full application of such a policy therefore runs counter to the idea of 'colour bars' and 'colour bar legislation' as well as uneconomic white labour policies."

ertheless it is clear that the proportion of Africans in urban areas has increased substantially and would normally continue to grow. Thus in 1936 some 17.3 per cent were in urban areas, in 1946 some 23.0 per cent and in 1951 some 23.6 per cent. The townward drift of Natives has been less pronounced than that of Europeans during this period, for very obvious reasons. Shortages of housing and the limits which occupational segregation places upon their opportunity to rise very far in industry or commerce are two of the important factors. Nevertheless the drift has been substantial. The Native Laws Commission pointed out that this was an economic phenomenon occurring in all countries, regardless of their population:

"It can be guided and regulated, but it is impossible to prevent it or to turn it in the opposite direction. We, therefore, have to accept the fact that there is a permanent urban Native population."⁷¹

The exact proportion, however, that is genuinely urbanized with families in the towns and not in the Native Areas is difficult to discover, yet it is undoubtedly large and would in all probability have been considerably greater if discrimination in employment and living conditions had not somewhat weakened the attraction of the towns as places for family settlement.

71. If indeed more attention, or more resources, had been devoted to providing the means for rapid yet orderly urbanization, this might at one and the same time have relieved the congestion of the Native Areas, created a more marked drift from the rural areas and led to more rapid mechanization and improved methods in agriculture. As it is there have, no doubt, been some such changes in agriculture and in the Reserves but there is no reason to believe that these are substantial.

72. Urbanization is not merely indicative of a more productive distribution of the labour force of the coun-

⁷¹ See U. G. No. 28-1948, p. 49.

try; at the same time it acquaints the Native both with modern methods of production and with the requirements and possibilities of the ways of life sustained by industrial production. The Native becomes and feels part of a closely integrated machine even though he is the subject of discriminatory treatment. The European population of the urban centres on its part tends to consider the Native as indispensable to the economic life of these areas. There are innumerable examples which could be cited of steps which local authorities have taken in order to make life more endurable for the Native population. The progress which has been made has, however, only sufficed to make the position a little less unsatisfactory. If, for example, we consider housing, it was estimated officially that in 1952 the shortage of housing for Natives amounted to 167,000 dwellings and that a further 186,000 would be required over the next ten years. This necessitated building some 35,000 each year; in 1952, only 8,375 were built, of which about one-third were sub-economic dwellings constructed by local authorities. The cost of dealing with a problem of this magnitude is of course increased by the fact, as recent surveys still indicate, that a large proportion of the Native population cannot afford to pay an economic rent even for the small houses and the bare amenities which are considered to be the minimum necessary for the urban Native.⁷² The real core of any adequate solution must lie in raising the earning power of the Native and the raising of the efficiency of industry so that it can support the expenses of a satisfactory condition of urbanization.

⁷² See *A Survey of Race Relations in South Africa, 1951-1952*, p. 39, for an account of the survey made at Springs by the Municipality and the National Building Research Institute. It was found that 40 per cent of the families could afford to pay an economic rent, 13 per cent of the families could afford some rent whilst 47 per cent "if they were to cover other essential expenses without resorting to illegal practices, could afford no rent whatsoever".

Chapter VI

APARTHEID AND ITS ECONOMIC IMPLICATIONS

1. THE COSTS OF *Apartheid*

73. *Apartheid* does not aim at increasing either industrial or agricultural expansion. Its object according to its protagonists is to "solve" the racial problem. This must be taken as a firm statement. It has been contemplated that considerable costs may be involved, sacrifices which the community must bear. The problem before us therefore is to try to assess these costs and see how they will be shared amongst the various sections of the community.

74. There appear to be two alternative approaches to the problem of assessing costs. The first is to consider the costs of achieving ideal *apartheid* or complete geographic segregation. The second to deal with the cost of measures which can be observed or readily visualized. Both methods have serious limitations.

75. In the following paragraphs some observations are made on the former approach. In the first place, the statements regarding the shape that future *apartheid* policies will take are couched in vague terms unrelated to any time-schedule. Some talk of pursuing policies

"energetically", others speak of "hastening slowly"; the Prime Minister states that the achievement of *apartheid* may take "many years". We do not know therefore how the costs will be spread over time. Moreover it is quite possible that events may occur which may make such costs more bearable. These we cannot be expected to foresee. However if the Union were to have windfalls in the future comparable to those of the past it may more easily bear the burden of *apartheid*. Such a burden will, it seems, be more easily accepted if it involves foregoing opportunities of improved standards of living rather than actual retrenchment. We doubt whether Europeans would tolerate lower living standards even for the sake of *apartheid*. Such reduction in standards would in fact tend to discourage immigration and promote emigration and this most Europeans wish to avoid.

Moreover, even if it be argued that a purpose of *apartheid* is to allow the Native to develop his own ways of living, there is no evidence from past history that Europeans would be willing to make any substantial sacrifice to attain this objective. Thus it seems that the tempo of progress towards *apartheid* is likely to be de-

terminated by the resources which can be spared for the purpose when European standards are maintained.

76. So far it has not been contemplated that the non-European section could be expected to bear part of the cost of *apartheid*. It might well be thought that the living standards of the Native, for example, are so low that no further reduction could be visualized with equanimity by those in control of policy. This appears to be an unwarranted assumption. The history of the Union does not reveal the existence of any widespread sense of responsibility for situations such as the Gillmans have described. (See paragraphs 45 and 46 above). Whilst poverty in the European sector gave rise to "civilised labour" policies, its widespread existence amongst the Native people has been more or less calmly accepted. This being so, it is quite possible that part of the burden of *apartheid* would be placed on the Native population. Indeed it may be argued by some that the Natives would be given the privilege of developing along their own lines and would be thereby compensated for the loss of certain economic advantages.

In the above, something has been said relating to the possible "tempo" of progress towards ideal *apartheid* and the probable lines along which the burden will be shared. Beyond reflections of this nature we cannot proceed without making bold assumptions regarding the content of the programme, the course of economic events in the world outside and many other factors. We shall therefore abstain from an attempt to estimate the burden of any full policy of *apartheid*.

77. The second approach is to consider the cost of burden of the *apartheid* measures which have already been put into effect or are contemplated. Here again it is impossible to give firm or precise answers. The impact of further restrictions upon mobility of labour cannot, for example, be described in quantitative terms. The effect of such legislation as that concerned with the employment of Natives in building could only be assessed when it is clear how far expressed intentions are to be translated into action. Other projects, like that for developing the Reserves, which is one of the essential steps in *apartheid* policy, show no signs of being formulated in concrete terms.

78. One must be content therefore with the more modest objective of assessing whether the *apartheid* measures are likely to operate to the detriment of various sections of the population and to impede economic progress. It can be taken for granted that movement in the direction of *apartheid* means that there must be some reversal of the economic tendencies which are taking place and that such movement must be away from the ideal of a non-discriminatory economy which would allow of maximum economic development. This being so it would seem reasonable to expect that those in control of policy would strive to minimize the disturbance to the economy and the other costs that *apartheid* entails. Where, therefore, a release of productive resources does not conflict with the aims of *apartheid*, as in the case of using Native skill for building Native urban housing or in establishing labour exchanges in order to make more economic use of the Native labour available, we should expect these opportunities to be seized and energetically pursued. It appears, however, from a consideration of what has been done that the scope for measures of this kind is not great and that in some cases, as in using Native skilled building workers on any scale, substantial *initial costs* might be involved (e.g., those of training workers). On the whole, therefore, *apartheid* policies are likely to impose very considerable burdens

on the economy. The effects will vary not only according to the speed with which such policies are pursued but also, if there seems to be no clear plan of future action, the confidence that the various sections of the population have in the wisdom and skill of those conducting the experiment.

In view of these considerations, we shall only attempt to make a brief classification of the various types of measures which have been introduced and suggested.

2. *Apartheid*: MEASURES AND PROJECTS

(a) *Control of Native urbanization*

79. A system of labour bureaux has been established and placed on a statutory basis since November 1952.⁷³ Each male Native in search of work must register at the nearest bureau and is permitted to choose which of the available posts he prefers. Natives in the Reserves who wish to enter urban areas are notified of the centres in which vacancies exist and may be prevented from proceeding to towns where there is a surplus of labour. At present Natives who have been born in an urban area, or have worked there for no less than ten years, may continue to live there. Others may reside whilst there is employment for them, otherwise they may be removed or "endorsed" out of the area. The freedom of "illegal" Native immigrants who have come from areas outside the Union and Protectorates and who have for long constituted a considerable part of the urban labour supply, to remain in urban areas and to choose their employment, is being dealt with on a stricter basis, for as the Minister has said his concern is to protect the interests of the Union and the Protectorate Native.⁷⁴ These measures are more than mere attempts to avoid the growth of casual labour; they involve control and direction and would merit much closer study than it has been possible to devote to them here. Nevertheless, it is clear that basic machinery has now been established which can be used to further the aims of *apartheid* by curbing the drift of Natives to the towns and restricting their rights of permanent residence and, if the need arises, to allocate available supplies of labour amongst competing users in accordance with the requirements of national policy.

80. Other measures concerned with urbanization have related to Native juveniles in the absence of schools and compulsory education and very often in slum environments there has been a growth of juvenile unemployment and delinquency. In order to encourage the employment of juveniles it has been made possible for wages to be modified so as to discount the lack of experience of juveniles and in many large towns the labour bureaux and employers have actively collaborated in placing juvenile Natives in industry. In addition work camps are to be established for the purpose of rehabilitation, where this is necessary.

(b) *The provision of separate machinery for the settlement of industrial disputes*

81. This we have dealt with in detail previously.⁷⁵ Again it is in accord with the principles of *apartheid*, for it prevents the Native from participating in the process of wage determination alongside the European. It also discourages the emergence of Native trade unionism and the acquisition of bargaining power. These have been held to be "politically disastrous" and to endanger the aims of *apartheid*.

⁷³ For details, see *Industry and Labour*, 15 May 1953.

⁷⁴ See *Johannesburg Star*, 11 February 1954. The Minister for Native Affairs stated that he was primarily concerned with looking after South African-born Natives.

⁷⁵ See paragraphs 32 to 34 above.

(c) *The division of industry on racial lines*

82. This again has been dealt with previously in connexion with legislation relating to the building industry.⁷⁶ The suggestion has also been made that the Minister, wherever he deems it expedient, in order to safeguard the economic welfare of employees of any race, may determine that in any undertaking the work must be performed exclusively by the race he would specify.

(d) *The geographical segregation of racial groups*

83. The Group Areas Act of 1950 provided for the separation of racial groups in particular group areas, for business as well as residential purposes. This Act and its amendment have been analysed in detail in the Commission's first Report.⁷⁷ It would be of great interest to be able to give some indication of the total costs which will be involved in implementing the Act. This, unfortunately, is not possible. The Native Land Tenure Advisory Board set up under the Act has been considering suggestions for zoning a number of towns in the Union. A great deal of preparatory work has been done but as far as we are aware no final decisions have been reached and no move has yet been made to dispossess and reallocate the residential areas. One particular project, that for the removal and housing of some 70,000 Natives living at present in the Johannesburg Western Areas townships of Sophiatown, Newclare and other districts, has already been commenced and the removal of Natives will proceed *pari passu* with building progress.

84. There is little doubt that schemes of this magnitude will have important repercussions not only on the economy as a whole but upon particular industrial and urban centres. Not only is there a growing demand for labour, but there is a most urgent need for a net expansion in the supply of urban dwellings for Natives. Thus a well qualified observer, Father Trevor Huddleston, points out that in Johannesburg some 50,000 houses are needed at once to house the town's Native population and at the same time some 90,000 Natives are living in slum conditions far worse than those of the Western Areas which are to be cleared.⁷⁸ "Yet," he comments, "The Minister chooses this moment to remove an entire community from its home and to divert the energies, the manpower, the machinery from its proper uses in order to carry out this scheme." Thus the requirements of *apartheid* may conflict, and possibly seriously, with the demands of industrial, and what is generally taken to be social, progress. There are, too, many other factors involved in an appraisal of such a scheme as the above, apart from the economic waste involved in transfer. These, however, cannot be discussed in this survey.⁷⁹

(e) *The development of the Reserves*

85. The Government has announced its intention of developing the Reserves as a fundamental part of its *apartheid* policy. The development contemplated is both agricultural and industrial, for only by such means can the capacity of these areas to hold a large settled population be maintained. Thus the Industrial Legislation Commission suggested that "at least 50 per cent of those

⁷⁶ See paragraph 36 above.

⁷⁷ See A/2505, paragraphs 448, 449, 530, 555 *et seq.*

⁷⁸ See *The Observer*, 2 May 1954. Father Trevor Huddleston does not deny, nor does the writer deny, that the new township may be a model Native settlement in many respects.

⁷⁹ One of the most important is that the Western Areas is the only part of Johannesburg where Natives could hold property freehold. In the new township leases of up to 30 years will be allowed. It is an integral part of the new policy that Natives should not be given permanent ownership rights in what are classed as "White areas", just as "White are forbidden by law to own property in Bantu areas." (Digest of South African Affairs, April 1954).

still resident (requires) . . . to be moved away from the land before suitable rehabilitative measures could be applied and before the remainder could, to some extent, become self-supporting from agricultural production".⁸⁰ The Commission says that "if mining and other industries could be developed on a sufficiently large scale the problem might be solved, but mining depends on the presence of minerals in the soil and industries on certain economic desiderata. Investigations made so far do not appear to hold much hope of large scale industrial development in the Reserves". Here the matter rests pending the report of a Government inquiry. It would, however, be surprising to find that, at this stage in the Union's history, the Reserves were discovered to hold undreamed of industrial opportunities.

86. The Minister of Native Affairs has, however, foreshadowed certain steps which will be taken to rehabilitate the Reserves. One of the first will be the development of banks in which the Native could be encouraged to place his savings instead of investing them in cattle which overburden the soil.⁸¹ A bolder proposal is that a corporation should be established to deal with rehabilitation and development, but as yet there is no indication that this will be done nor has the writer any information of the scale on which this corporation will be expected to operate. Whether such a suggestion will give rise to bold and determined measures it is not possible to say. However, a scheme of great magnitude could hardly be carried through successfully without technical and other assistance from outside and this is unlikely to be forthcoming unless the aims of the plan are acceptable to others than the Union Government. In the absence of outside help, the scale of operation of any such corporation is likely to be modest. As the statement issued by the Information Office warns readers "unfortunately all such measures require both money and time. The Union's finances available . . . and a limited supply of trained staff cannot allow schemes to be carried out very quickly . . ."⁸²

87. Other ideas have been proposed. The Government, for example, hopes to encourage industrialists to establish new industries on the borders of the Native Reserves and thus, presumably, use labour that could come from nearby. This the Government considers more satisfactory than bringing labour into the towns. Up to the present this scheme has met with no success. Water, power and transport facilities are not generally available in these areas.

(f) *The provision of separate educational facilities for the racial groups*

88. These measures have been commented upon previously in paragraphs 39 and 40. The Government believes that the development of Native life and culture requires a type of education which is different from that provided for the European. Thus a break with the past system of Native education is required and the Government has therefore entrusted the function of providing Native education to the Department of Native Affairs instead of leaving it in the hands of the previous authorities. One may expect therefore a qualitative change in the type of education provided, although it is too early to discover what this may be. At the moment there is no indication that the Government contemplates any immediate expansion of Native educational facilities, at least as far as basic education is concerned.

⁸⁰ See U.G. No. 62-1951, paragraph 1606.

⁸¹ See *South African Press Digest*, 5 March 1953.

⁸² See *Industrial Revolution in South Africa, Impact on European and Native Life*, Pretoria, December 1952, p. 8.

APARTHEID AND RACIAL TENSIONS

89. The Minister of Native Affairs has spoken of a future in which the Native would occupy roughly one half of the territory of Southern Africa.⁸³ This does not imply any great extension of the Native areas if it is understood that the British Protectorates were intended to be included in this statement. Even so, we have no reason to believe that these dispersed areas, many of which are badly eroded and poor in fertility and other resources, would provide sufficient scope to satisfy the Native for the loss of those opportunities which *apartheid* will place out of his reach. To think in terms of a strong and virile "Bantustan", as some writers have called this as yet imaginary State, would be unwarranted in the light of present knowledge of these areas.

90. The argument has been put by some proponents of *apartheid* that a clear and straightforward policy of segregation would, in the long run, create less friction than a continuation of preceding policies. These last, so it is asserted, raised false hopes in the Native mind, for despite the growing opportunities offered by industry and the pretensions of liberal-minded individuals, the colour bar would never in fact be relinquished by the European population. Accordingly Native aspirations would continue to be frustrated. The danger of this argument, which asks us to approve the ultimate objective of complete segregation, is that it seems to imply that we can neglect a consideration of the means by which the end must be achieved. The true balance is not to be struck simply by visualising alternative ultimate objectives but by considering also the paths which must be taken to reach them. The first steps toward *apartheid* have already been taken and the road appears likely to be long. The process of disentangling the sections of the population cannot be expected to be rapid as long as industry depends upon Native labour. During this period one must assume that the Native will continue to widen and deepen his experience and understanding of the privileges of the European population and at the same time feel frustrated by the shrinking opportunities

⁸³ See the *New York Times*, 1 March 1954.

for him to share in the main stream of economic progress. It should be remembered that the Native has already had prolonged contact with industrial and technical development and has seen its possibilities, although his share in the fruit of such progress has been meagre. To assume that he would be satisfied to exchange the *chances* of participating in this development for a remote visionary Native homeland which may or may not materialize, seems too naive to be seriously considered. Thus over a long period it is likely that the Native will be subjected to measures which are irksome and which place growing restrictions on his economic and social freedom. The fact that the multiplication of restrictions involves an increasing element of compulsion in social and economic life is a matter of serious consideration. Where the restrictions, as in the Union, are imposed without the consent of the group affected and where they are intended to limit freedoms and privileges which have been enjoyed by that group in the past, then the policies which inspire them can be easily taken for ones of oppression.

On these grounds it is reasonable to suppose that the effect of the measures taken already and the announcements of further steps are likely to add seriously to those tensions which were already mounting before the Nationalist Government attained power.

91. It appears to the writer that for racial tensions to be diminished there must, amongst other factors, be some definite prospect of advantage to the Native inherent in whatever policies are proposed. Further, the Native population must be aware of this prospect of advancement in its economic and social welfare and consider it as acceptable. None of these conditions appears to be fulfilled at the present time. The very vagueness and uncertainty which characterise the policy of *apartheid*, the fact that on a balance the measures put into effect are restrictive and threaten freedoms to which the Native was attached, the fact that the impact of the new measures falls of intent on the Native and not on the European population, these considerations are not likely to inspire the trust in European leadership which would immeasurably assist in reducing racial tensions.

Chapter VIII

SUMMARY OF CONCLUSIONS

(1) The Native Reserve system, in conjunction with restricted opportunities for normal settlement outside the Reserve, has perpetuated a system of migratory labour of considerable magnitude. Certain important industries, such as gold-mining, are organized to use this type of labour on a large scale. In general this labour tends to be unskilled, casual and not highly productive. The economy of the Reserves is also affected by reason of the large number of male absentees who are working in the outside areas in order to supplement family incomes. (Paragraphs 12 to 18.)

(2) The occupational disabilities to which the Native is subjected arise from a complex of factors rather than specific pieces of legislation and affect adversely not only his productivity as a worker but his earning capacity. (Paragraphs 19 to 26.)

(3) The Native has for long been excluded from any effective participation in collective bargaining; the recent legislation does not alter this position. Native trade unions are discouraged; mixed unions are made impossible. Thus the Native is in a weak position to secure advances in wages or improvements in conditions of work, which are the normal objectives of employees. Wage rates in general can be said to be determined *for* the Natives. In this process the concept of "needs" is important. There has been a distinction made between the needs of "civilized" labour and those of the Native. The "civilized labour" policy was designed to protect the standards of living and employment opportunities of the European and this policy has operated to the detriment of Native interests. (Paragraphs 27 to 36.)

(4) The lack of educational facilities has weakened

the capacity of the Native to compete in skilled employment and left the great mass of the labour power of the nation undeveloped. (Paragraphs 39 to 43.)

(5) Discrimination in the provision of health services together with the prevalence of great poverty has weakened the physique of the Native and his ability to perform even unskilled work satisfactorily. (Paragraphs 44 to 51.)

(6) Though economic activity has greatly increased since the Union was formed, the over-all picture is still one of poverty for the bulk of the population. This is seen from an examination of data relating to earnings in manufacturing industry and mining, and conditions in the Reserves. (Paragraphs 52 to 58.)

(7) The mass of the population thus constitutes a poor and restricted market for goods and the development of secondary industry has been impeded. (Paragraphs 59 to 60.)

(8) There has, however, been a phase of rapid industrial expansion since pre-war days. This has been due to the stimulus of war, the discovery of new mineral deposits, notably gold and uranium, and the influx of capital in the years immediately succeeding the war when world conditions outside were unsettled. Uncertainties regarding the ultimate effects and nature of *apartheid*, as well as policies now pursued, have adversely affected the supply of capital forthcoming from overseas sources. (Paragraphs 61 to 63.)

(9) There is an acute shortage of skilled European labour and, in the mining industry, of both European and Native (migratory) labour. The Native is now en-

tering into the field of semi-skilled work. This, however, does not imply that the colour bar is being broken down, merely that its position is being allowed to shift. Its existence not only hampers the industrialist in his utilisation of labour but also weakens the incentives of the workers, both Native and European. (Paragraphs 64 to 69.)

(10) The drift of Natives into the towns has been marked, but family settlement in urban areas has been impeded by the lack of satisfactory housing conditions and amenities. The task of providing such amenities and housing is particularly great as the mass of urban Natives cannot afford to pay economic rents and other charges. This situation can only be satisfactorily solved by allowing the productive power of the Native and his earning capacity to be used and developed. (Paragraphs 70 to 72.)

(11) The costs of achieving *apartheid* are impossible to determine with any degree of accuracy. There are reasons to believe that it would be a lengthy as well as costly process and that a real burden would be borne by the Native as well as by the European population. (Paragraphs 73 to 77.)

(12) The net effect of present *apartheid* policies would appear to involve very considerable burdens on the economy and entail placing considerable restraints upon the freedom of the Native in the field of economic activity. Some of the major policies and projects are discussed briefly. (Paragraphs 78 to 88.)

(13) Various reasons are given for believing that the pursuit of the aim of *apartheid* is likely to increase racial tensions. (Paragraphs 89 to 91.)

Appendix

A NOTE ON "EQUAL PAY FOR EQUAL WORK"

Recently the problem has been raised as to whether or not the pay of the Native should be the same as that of his European counterpart. In some urban centres it has been suggested that non-European bus drivers should be employed on non-European buses at lower rates than are paid to European workers. Trade unions have opposed this on the grounds that it would result in undermining the position of the European skilled worker. A comment of the Institute of Race Relations reads as follows:

"European workers have attempted to guard against this danger to their interests by insisting on the 'equal pay for equal work' principle which is embodied in the Industrial Conciliation and Wage Acts. This, they say, prevents employers from playing off workers of one race against those of another. But it is a two-edged weapon and may affect Europeans detrimentally if the rate is fixed at a relatively low level, when the job becomes unattractive to Europeans but attractive to non-Europeans and the latter tend to replace the former. This has already occurred in several of the skilled occupations. If the rate is fixed at a high level the tendency is the opposite; and through industrial councils European workers have wherever possible ensured that wages, particularly in skilled trades, are maintained at high rates."⁸⁴

⁸⁴ M. Horrell, *Economic Developments in South Africa and the Contributions by the Various Racial Groups*, 1953, p. 62.

"Equal pay for equal work" has thus in South Africa a bearing upon the degree of protection which certain racial groups enjoy.

The Industrial Legislation Commission, 1951, considered this problem under one of its terms of reference, namely "whether or not the existing wage regulating legislation operates as an adequate protection for all races and, if not, the steps to be taken to ensure the desired protection." It listed some of the suggestions which had been proposed. These were (1) reservation of work on a racial basis, (2) a quota system to which employers should conform and (3) *apartheid*. These various methods, the Commission concluded, fail because they do not ensure the maximum use of available labour resources. This, the Commission said, is conditional upon free access of all races to opportunities to acquire skill. The conclusion at which the Commission arrived appears to have been tempered by political necessity. Thus it was suggested that there was no justification for excluding non-Europeans, especially Natives, from opportunities of becoming skilled workers "particularly to serve their own people".

The Commission noted that in certain limited spheres this principle of permitting Natives to serve their own people and for lower wages to be paid in these operations had been allowed in the printing of literature for the Native market and in the Durban meat trade where Natives were supplied with meat. These were significant

departures from the principle of equal pay for equal work. We have already mentioned the case of the building industry and Native bus drivers serving the Native population.⁸⁵ Under existing circumstances there appears to be no reasonable objection to an extension of this principle for it seems unfair and uneconomic to impose a highly discriminatory wage structure which results in

⁸⁵ See paragraph 36 above on the building industry.

high costs, where low costs are essential.

The economic effects of relaxations of the colour bar in these occupations must in some degree be beneficial, even though the field is limited. This has been the view of many of those interested in Native welfare. Such relaxations not merely mean the freeing of certain sectors of industry for Native initiative and skill, but release the pressure upon European labour which is urgently required elsewhere.

ANNEX II

List of sources used by the Commission

- I. SOURCES CONCERNING THE UNION OF SOUTH AFRICA
- A. Official documents of the Union of South Africa
- B. Documents issued by South African organizations
- (a) Bodies concerned with inter-racial relations
- (i) South African Institute of Race Relations
- (ii) South African Bureau of Racial Affairs (SABRA)
- (b) Other bodies or groups
- C. Books and pamphlets
- D. Articles in reviews
- E. Periodicals

II. GENERAL SOURCES

- A. United Nations documents
- B. Documents of inter-governmental organizations
- (a) United Nations Educational, Scientific and Cultural Organization
- (b) Other inter-governmental organizations
- (c) Inter-American Indian Institute
- C. Other sources
- (a) Books and pamphlets
- (b) Articles in reviews

I. SOURCES CONCERNING THE UNION OF SOUTH AFRICA

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