

**UNITED**



**NATIONS**

UN LIBRARY  
1963 1915  
UNGA COLLECTION

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

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS : TENTH SESSION**

**SUPPLEMENT No. 14 (A/2953)**

**NEW YORK, 1955**

( 112 p. )



**UNITED NATIONS**

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



**GENERAL ASSEMBLY**

**OFFICIAL RECORDS : TENTH SESSION**

**SUPPLEMENT No. 14 (A/2953)**

*New York, 1955*

#### **NOTE**

**Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.**

## TABLE OF CONTENTS

	<i>Paragraph</i>	<i>Page</i>
LETTER OF TRANSMITTAL .....		vii
INTRODUCTION .....	1	1

### *Part I*

#### DISCUSSION OF THE QUESTION BY THE GENERAL ASSEMBLY AT ITS NINTH SESSION, AND WORK OF THE COMMISSION

##### *Section*

I. DISCUSSION BY THE GENERAL ASSEMBLY AT ITS NINTH SESSION		
A. Examination of the Commission's second report (A/2719).....	6	3
B. Attitude of the Government of the Union of South Africa during the discussions. ....	11	4
II. THE COMMISSION'S FIFTH AND SIXTH SESSIONS.....	12	4

### *Part II*

#### DEVELOPMENT OF THE SITUATION

(August 1954 to July 1955)

#### Chapter I. New legislation: analysis and review

##### *Section*

I. PRINCIPAL ENACTMENTS PROVIDING FOR DIFFERENCES IN THE TREATMENT OF THE VARIOUS GROUPS OR RELATING DIRECTLY TO THE POLICY OF <i>apartheid</i>	18	6
(a) Bantu Education Amendment Act, No. 44, 1954.....	19	6
(b) Group Areas Amendment Act, No. 6, 1955.....	20	6
(c) Exchequer and Audit Amendment Act, No. 7, 1955.....	24	8
(d) Native Administration Amendment Act, No. 13, 1955.....	27	9
(e) Natives (Urban Areas) Amendment Act, No. 16, 1955.....	30	11
(f) Motor Carrier Transportation Amendment Act, No. 44, 1955.....	34	13
(g) Native Labour (Settlement of Disputes) Amendment Act, No. 59, 1955 .....	37	14
(h) Group Areas (Further Amendment) Act, No. 68, 1955.....	40	15
(i) Group Areas Development Act, No. 69, 1955.....	44	17
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		
A. Comparison of the statutes reviewed with the obligations of the Union of South Africa under the provisions of the Charter relating to human rights .....	48	19
B. Comparison of the statutes reviewed with the provisions of the Universal Declaration of Human Rights		
(1) Comparison of the statutes reviewed with the provisions of the Declaration relating to particular rights.....	50	19
(2) How far do the statutes reviewed conform as a whole to certain articles of the Declaration which embody general principles?.....	66	21

## Chapter II. Important developments affecting the racial situation

### Section

I.	CHANGE OF GOVERNMENT; GENERAL STATEMENTS BY THE GOVERNMENT AND GENERAL DEBATE IN PARLIAMENT CONCERNING THE RACIAL PROBLEM	68	21
A.	Government statements		
	(1) Statements by members of the Malan Government.....	69	22
	(2) Government statements made after the formation of the new Government .....	70	22
B.	Debate in Parliament		
	(1) Opening of Parliament and Speech from the Throne, January 1955	75	23
	(2) Debate on a motion of no-confidence .....	76	23
	(3) Debate on a motion relating to the extension of Native representation .....	85	26
	(4) Debate in the Senate (4 to 18 March 1955) on the Government's <i>apartheid</i> policy .....	92	26
II.	MAIN FEATURES OF THE PROGRAMME OF THE UNITED PARTY ADOPTED AT THE BLOEMFONTEIN CONGRESS (NOVEMBER 1954).....	102	29
III.	QUESTION OF THE VOTING RIGHTS OF COLOURED PERSONS.....	106	30
IV.	DECISION OF THE TRANSKEIAN TERRITORIES GENERAL COUNCIL (BUNGA)	107	31
V.	EFFECTS OF THE IMPLEMENTATION OF CERTAIN EARLIER LEGISLATION.....	112	32
A.	Implementation of the Natives Resettlement Act, No. 19, 1954.....	113	32
	(1) Events preceding the first move.....	114	32
	(2) The first move .....	119	33
	(3) Subsequent moves .....	125	34
	(4) Reactions of South African opinion.....	127	34
B.	Implementation of the Group Areas Act, No. 41, 1950.....	138	36
C.	Implementation of the Native Trust and Land Amendment Act, No. 18, 1954 .....	150	40
VI.	PROBLEMS IN EDUCATION .....	153	40
A.	Implementation of the legislation relating to Bantu education.....	154	40
	(1) The situation before 1953 .....	156	41
	(2) New legislation .....	161	41
	(3) Initial measures of implementation .....	163	42
	(4) New lower primary school syllabuses.....	165	42
	(5) Rules of conduct for teachers.....	166	43
	(6) Reactions of South African opinion to the implementation of the Bantu Education Act .....	167	44
	(a) Reactions in Afrikaaner circles: booklet issued by the South African Bureau of Racial Affairs (SABRA).....	169	44
	(b) The churches and missions .....	170	46
	(c) Other English-speaking European groups: South African Institute of Race Relations .....	180	49
	(d) Non-European groups .....	185	50
	(7) Attempted boycott of mission schools transferred to the State....	188	51
B.	Closing of the University College of Fort Hare (May-June 1955).....	195	54
C.	Publication of the report of the Commission of Inquiry on Separate Training Facilities for Non-Europeans at Universities (1953-1954) (Holloway Report) .....	200	56
	(1) The present situation .....	201	56
	(2) Summary of the report .....	202	57
D.	Scholarships abroad for non-European students.....	206	58
VII.	SOME EFFECTS OF THE POLICY OF <i>apartheid</i> ON THE ECONOMIC AND SOCIAL LIFE OF THE UNION .....	207	59
A.	The industrial development of Boksburg (Transvaal).....	208	59
B.	The Native in the Western Province.....	230	64

<i>Section</i>	<i>Paragraph</i>	<i>Page</i>
C. "White spots" in the Transkei.....	245	70
D. Native residence and housing in urban areas.....	250	71
(1) Problems resulting from the implementation of the Native (Urban Areas) Amendment Act, No. 16, 1955.....	251	71
(2) Site and service schemes .....	253	72
(3) Implementation of the policy of ethnic grouping.....	258	73
E. Sports: the colour bar in the selection of athletes for Olympic Games....	265	74
<b>VIII. ACTIVITIES OF SCIENTIFIC INSTITUTIONS CONCERNED WITH RACIAL PROBLEM .....</b>	<b>267</b>	<b>75</b>
A. South African Bureau of Racial Affairs (SABRA).....	268	75
B. South African Institute of Race Relations.....	278	77
<b>IX. ATTITUDE OF THE CHURCHES .....</b>	<b>284</b>	<b>80</b>
A. The Methodist Church .....	285	80
B. The multi-racial conference at Johannesburg (December 1954).....	286	81
C. Opinions expressed by the Reverend William A. Landman.....	290	82
<b>X. ACTIVITIES OF THE AFRICAN NATIONAL CONGRESS ("CONGRESS OF THE PEOPLE", 25 AND 26 JUNE 1955).....</b>	<b>291</b>	<b>82</b>
<b>XI. INTERNATIONAL REPERCUSSIONS OF THE RACE PROBLEM.....</b>	<b>296</b>	<b>85</b>
A. The Conference of Asian and African Nations held at Bandung (Indonesia) from 18 to 24 April 1955.....	298	85
B. Second Assembly of the World Council of Churches, held at Evanston, Illinois (United States of America) in August 1954.....	299	86
C. Conference of Social Scientists on the Social Impact of Industrialization and Urban Conditions in Africa South of the Sahara, held at Abidjan (Ivory Coast) from 29 September to 7 October 1954.....	301	87
D. Conference on Race Relations in World Perspective, held at Honolulu (Hawaii) from 28 June to 23 July 1954.....	302	88
E. Resolution adopted by the Anglican Synod of the Diocese of Trinidad and Tobago on 11 May 1955.....	305	91

### CONCLUDING OBSERVATIONS

Concluding observations .....	306	92
1. Principal features of the Commission's first and second reports.....	307	92
2. Features of the present report.....	308	92
3. Interpretation of the year's events .....	309	93
4. Present thoughts on past suggestions:		
(a) Interracial contacts and the United Nations.....	311	96
(b) Technical assistance by the United Nations.....	312	96
(c) Technical assistance and human rights.....	313	97
5. The Union of South Africa and international solidarity.....	314	99

### ANNEXES

<b>I. CHRONOLOGY .....</b>	<b>100</b>
<b>II. LETTER SENT BY DR. D. F. MALAN, PRIME MINISTER, TO THE REVEREND JOHN PIERSMA, AND LETTER SENT TO THE PRIME MINISTER BY THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS IN REPLY TO HIS LETTER TO THE REVEREND JOHN PIERSMA .....</b>	<b>100</b>





## LETTER OF TRANSMITTAL

Geneva, 26 August 1955

Your Excellency,

In response to the General Assembly's request that the United Nations Commission on the Racial Situation in the Union of South Africa should report to it at its tenth 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 820 (IX) and which has been adopted 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 (Tenth Session),  
United Nations,  
New York



## INTRODUCTION

1. At the very outset of this third report, the Commission feels it should place on record what is its firm and deeply-rooted conviction. The General Assembly's approval,<sup>1</sup> by so large a majority, of the principal recommendations which the Commission had suggested should be submitted for the consideration of the Government of the Union of South Africa, was a source of sober satisfaction tinged with emotion. In making these draft recommendations, the Commission was confident that it was acting in fundamental agreement with the views of the great majority of the Member States and with the public opinion which had found powerful expression in the United Nations Charter and in the Universal Declaration of Human Rights. The Assembly's solid endorsement confirmed that the Commission had not been mistaken; it was most heartening for the Commission and constantly sustains and strengthens it in its efforts to discharge with dignity a task whose difficulties it knows, whose dangers it appreciates, but of whose significance it is well aware.

2. The Commission's third report, the document it is now submitting to the General Assembly, has a modest aim, that of giving a strictly impartial account of developments during the short period of one year. Its first report (A/2505 and Add.1)<sup>2</sup> set out to give a clinical picture and diagnosis, its second, (A/2719),<sup>3</sup> to make proposals for therapy and the present report, to draw up a progress chart.

Though seemingly more straightforward and certainly more limited in scope, it is doubtful whether this third task is any easier than its two predecessors. We were profoundly aware of the difficulties of this delicate ex-

<sup>1</sup> See General Assembly resolution 820 (IX) of 14 December 1954.

<sup>2</sup> *Official Records of the General Assembly, Eighth Session, Supplement No. 16.*

<sup>3</sup> *Ibid., Ninth Session, Supplement No. 16.*

amination undertaken at long range. It was necessarily based on documents, statements, debates at conferences and meetings and round-table discussions of which there were often no official records and which were known to the Commission only from extracts or press summaries. Valuable though they were to the Commission, such sources of information always contain a subjective element which is difficult to eliminate and which finds expression either in the choice of extracts or in the tone of the comments.

3. The Commission more than ever regrets its failure to secure the active co-operation of the Government of the Union of South Africa, such co-operation having once again been requested and once again refused. The Commission's desire for objectivity and for collaboration with the Union Government has been stated sufficiently often and in sufficiently unequivocal terms and has been recognized in most quarters; there is therefore no need to stress the point again today.

4. The Commission feels it should draw attention at this point to the decision taken by the Assembly at its last session to modify the procedure it had followed in 1952 and 1953 (when the Assembly simply authorized the Secretary-General to make appropriations from the Working Capital Fund) and to make appropriations subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. This decision resulted in serious difficulties for the Commission.

5. The Commission is deeply grateful for the assistance it received from the Secretariat officials placed at its disposal, who displayed exemplary devotion, impartiality and ability. In particular, it wishes to thank Mr. Jean A. Romanos, principal secretary, and Professor Franck L. Schoell, consultant, for their valuable contribution to the accomplishment of its task.



## Part I

# DISCUSSION OF THE QUESTION BY THE GENERAL ASSEMBLY AT ITS NINTH SESSION, AND WORK OF THE COMMISSION

### I. Discussion by the General Assembly at its ninth session

#### A. EXAMINATION OF THE COMMISSION'S SECOND REPORT (A/2719)

6. The question of race conflict in South Africa resulting from the policy of *apartheid* of the Government of the Union of South Africa was placed on the provisional agenda of the ninth session of the General Assembly under paragraph 6 of the operative part of resolution 721 (VIII).

7. On 24 September 1954, the General Assembly meeting in plenary session decided by a roll-call vote of 50 to 6, with 4 abstentions, to adopt the General Committee's recommendation that the question should be placed on the agenda; on 25 September 1954, the Assembly decided to refer the question to the *Ad Hoc* Political Committee for examination and report.

8. When the *Ad Hoc* Political Committee began to consider the question on 3 December 1954, it had before it the second report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2719), which the Commission had submitted to the President of the General Assembly on 26 August 1954.

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 taken to imply that the South African Government recognized the Commission, which it still considered unconstitutional.

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

9. On 6 December 1954, a draft resolution was introduced by the Indian representative on behalf of the following 20 delegations: Afghanistan, Bolivia, Burma, Chile, Costa Rica, Egypt, Ethiopia, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Yemen and Yugoslavia.

This draft resolution was the basis of the *Ad Hoc* Political Committee's discussions and was adopted with the amendments described below.

The draft resolution contained the following passages:

(a) The fifth paragraph of the preamble:

"Noting further the profound conviction of the Commission that the policy of *apartheid* constitutes a grave threat to the peaceful relations between ethnic groups in the world", and

(b) Paragraph 4 of the operative part:

"Invites the Government of the Union of South Africa to conform to its obligation under the United Nations Charter, taking into account the provisions of the Charter and in particular the second and fourth paragraphs of the preamble; paragraphs 2, 3 and 4 of Article 1; Article 2, paragraph 2; Article 13, paragraph 1 b; Article 55 c; Article 56; and Article 62, paragraph 2; and further taking into account the valuable experience of other multi-racial societies as set forth in Chapter VII of the Commission's report."

On 7 December 1954, the representatives of Argentina, Brazil and Cuba jointly submitted amendments proposing:

(1) The deletion of the fifth paragraph of the preamble; and

(2) The deletion of that part of paragraph 4 of the operative part which enumerated the relevant provisions of the Charter, and the substitution of a phrase referring in general terms to the "pledge of all Member States to respect human rights and fundamental freedoms without distinction as to race".

The first amendment was put to the vote and rejected by 28 votes to 21, with 8 abstentions and the original text was therefore retained.

On 8 December 1954, the Indian representative submitted on behalf of the sponsors a revised text of the joint draft resolution incorporating the second three-Power amendment.

10. At its 511th plenary meeting on 14 December 1954, the General Assembly adopted the draft resolution as a whole, as amended, by a roll-call vote of 40 votes to 10, with 10 abstentions.<sup>4</sup>

Resolution 820 (IX) reads as follows:

"The General Assembly,

"Having considered the second report of the United Nations Commission on the Racial Situation in the Union of South Africa,

"Recalling General Assembly resolution 103 (I), which states that it is in the higher interests of humanity to put an end to racial persecution and discrimination, and resolutions 395 (V) and 511 (VI),

<sup>4</sup> *In favour*: Ethiopia, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, Egypt, El Salvador.

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

*Abstaining*: Peru, Turkey, United States of America, Venezuela, Argentina, Brazil, China, Cuba, Denmark, Dominican Republic.

"Further recalling that the Commission, in its first report, had concluded that the racial policies of the Government of the Union of South Africa are contrary to the United Nations Charter and to the Universal Declaration of Human Rights.

"Noting with apprehension the adoption of new laws and regulations by the Union Government which in the Commission's view are also incompatible with the obligations of that Government under the Charter,

"Noting further the profound conviction of the Commission that the policy of *apartheid* constitutes a grave threat to the peaceful relations between ethnic groups in the world,

"1. Commends the United Nations Commission on the Racial Situation in the Union of South Africa for its constructive work;

"2. Notes with regret that the Government of the Union of South Africa again refused to co-operate with the Commission;

"3. Notes the Commission's suggestions for facilitating a peaceful settlement of the problem contained in paragraphs 368 to 384 of its report;

"4. Invites the Government of the Union of South Africa to reconsider its position in the light of the high principles expressed in the United Nations Charter, taking into account the pledge of all Member States to respect human rights and fundamental freedoms without distinction as to race; and further taking into account the valuable experience of other multi-racial societies as set forth in chapter VII of the Commission's report;

"5. Further invites the Government of the Union of South Africa to take into consideration the suggestions of the Commission for a peaceful settlement of the racial problem, namely, those detailed in paragraphs 370 to 383 of its report;

"6. Requests the Commission to keep under review the problem of race conflict in the Union of South Africa;

"7. Requests the Commission to report to the General Assembly at its tenth session;

"8. 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."

## B. 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 delegation of the Union of South Africa maintained the position it had taken at earlier sessions.

When the General Committee considered the provisional agenda for the session, the representative of the Union of South Africa placed on record his Government's protest against the inclusion of the item in the agenda; he contended that the question lay within the exclusive jurisdiction of the Government of the Union of South Africa and came within the scope of Article 2, paragraph 7, of the Charter, which debarred the United Nations from intervening in matters of that nature.<sup>5</sup>

Before the General Committee's recommendation was adopted in plenary session, the representative of the Union of South Africa reminded the Assembly of the arguments he had presented at the two previous sessions

<sup>5</sup> See *Official Records of the General Assembly, Ninth Session, General Committee*, 92nd meeting.

and opposed the inclusion of the item in the Assembly's agenda.<sup>6</sup>

During the debate in the *Ad Hoc* Political Committee, the representative of the Union of South Africa, reiterating his delegation's view that the inclusion of the item in the Assembly's agenda infringed the provisions of Article 2, paragraph 7 of the Charter, raised a number of points in connexion with the Commission's Second Report. He criticized its sources of information, which were mainly news items and statements obtained from circles opposed to the Government's policy. He deprecated the extensive use the Commission had made of memoranda submitted by the South African Indian Congress and the African National Congress and maintained that both organizations were Communist-dominated. He further criticized the interpretations the Commission had given of recent South African legislation, particularly the Native Trust and Land Amendment Act, the Natives Resettlement Act and the Bantu Education Act. In conclusion he said that the solution of the problem proposed by the Commission had been worked out from a superficial knowledge of the real situation based on unreliable information.<sup>7</sup>

The Chairman-Rapporteur of the Commission, answering the representative of the Union of South Africa, challenged the validity of the criticisms levelled against the Commission's methods of work and the reliability of the information it had used. He protested against the insinuations of partiality and gave examples to demonstrate the Commission's objectivity. He gave a detailed description of the method the Commission had followed, the only method open to it in consequence of the unco-operative attitude of the Union of South Africa, and also defended the reliability of the sources of information used by the Commission.<sup>8</sup>

## II. The Commission's fifth and sixth sessions

12. In fulfilling the terms of reference it had received from the General Assembly, the Commission held two sessions during 1955.

The Commission's fifth session was held at United Nations Headquarters, New York, from 4 to 14 February 1955. At this session, the Commission held five meetings. It re-elected Mr. Hernán Santa Cruz as Chairman and decided that he should also act as Rapporteur. It considered its terms of reference which, as stated in operative paragraphs 6 and 7 of resolution 820 (IX), required it to "keep under review the problem of race conflict in the Union of South Africa" and to "report to the General Assembly at its tenth session". During this session, the Commission organized its work and took various decisions concerning the information it considered should be collected.

In particular, in view of the observations made during the debate in the General Assembly by the representative of the Union of South Africa, the Commission redoubled its efforts to obtain material and to widen its sources of information. Accordingly, it decided as a first step to consult a large number of newspapers and periodicals published in South Africa which reflect the opinions of different political groups. The Commission's account of the development of the racial situation in the course of the year is largely based on the information so obtained

<sup>6</sup> *Ibid.*, *Plenary Meetings*, 476th meeting.

<sup>7</sup> *Ibid.*, *Ad Hoc Political Committee*, 42nd meeting.

<sup>8</sup> *Ibid.*, 43rd meeting.

and on the records of parliamentary debates on other publications of the South African Government and on those of organizations such as SABRA (South African Bureau of Racial Affairs) and the Institute of Race Relations.

13. Although it noted that General Assembly resolution 820 (IX) contained no provision inviting the Government of the Union of South Africa to co-operate with it, the Commission considered it its duty to inform that Government that it would welcome and attentively examine any information or observations it might wish to submit.

On 10 February 1955 the Chairman accordingly addressed the following letter to the Minister of External Affairs of the Union of South Africa:

"The United Nations Commission on the Racial Situation in the Union of South Africa has resumed work in order to discharge the duties entrusted to it for another year by the United Nations General Assembly.

"The Commission is of course aware of the attitude of the Government of the Union of South Africa. It sincerely and deeply regrets that attitude, which hampers considerably its plans for obtaining objective, impartial and exhaustive information.

"Nevertheless, the Commission is determined to do its utmost to remove all foundation, and all semblance of a foundation, for the criticism which has at times been levelled at it that its documentation was incomplete or one-sided. For this reason the members agreed that I should be asked to inform you that any information and any documentary material you might see fit to send would of course be welcome and would receive the fullest and most serious consideration by the Commission in the course of its discussions.

"I would ask you, therefore, to accept this expression of the Commission's unanimous feeling; I venture to hope that you may form the opinion that the mere transmission of papers and documents is not really inconsistent or incompatible with the definite stand taken by the Union Government."

On 11 April 1955, the Deputy Permanent Representative of the Union of South Africa to the United Nations replied to this letter in the following terms:

"I have the honour to refer to your letter of 10 February 1955 to the Honourable the Minister of External Affairs of the Union of South Africa and to inform you, by direction, that the Union Government have consistently regarded the United Nations as having exceeded its competence in discussing racial policies in the Union of South Africa. Furthermore, they regard the resolution of the General Assembly relating to this question as unconstitutional and their attitude towards the Commission, which was itself appointed as the 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."

14. In accordance with the decision taken, the Commission began its sixth session at the Palais des Nations, Geneva, on 7 July 1955. It held 13 meetings in the course of this session.

15. The Commission received a communication from the Government of India dated 27 July 1955 transmitting a memorandum "describing various legislative and administrative measures taken by the Government of the Union of South Africa during the last twelve months to give effect to the policy of *apartheid*". The Government of India also transmitted to it a memorandum prepared by the African National Congress and the South African Indian Congress on the position of the non-White peoples in the Union of South Africa, and a report by the African National Congress addressed to its 42nd annual conference at Durban in 1954.

The Commission appreciates the initiative taken by the Government of India in communicating with it and wishes to place its thanks on record. It decided to reproduce that Government's memorandum as an official document (A/AC.70/5).

16. All the Commission's meetings at both its fifth and sixth sessions were closed.

The Commission concluded its work on 26 August 1955. At its last meeting it unanimously and without reservations adopted the whole of the present report which it submits to the General Assembly at its tenth session in accordance with resolution 820 (IX).

## Part II

### DEVELOPMENT OF THE SITUATION

(August 1954 to July 1955)

17. In resolution 820 (IX) the General Assembly requested the Commission "to keep under review the problem of race conflict in the Union of South Africa".

In this part of the report, the Commission deals both

with new legislation providing for differences in the treatment of the various groups and with the most important developments affecting the racial situation which have come to its knowledge.

#### Chapter I

#### NEW LEGISLATION: ANALYSIS AND REVIEW

##### I. Principal enactments providing for differences in the treatment of the various groups or relating directly to the policy of *apartheid*

18. During the period covered by this report, a number of Acts providing for differences in the treatment of the various groups or relating directly to the Government's policy of *apartheid* were passed. Most of these new Acts amend or supplement the earlier legislation analysed in the Commission's first two reports. The Acts in question are:

- (a) The Bantu Education Amendment Act, No. 44, 1954;
- (b) The Group Areas Amendment Act, No. 6, 1955;
- (c) The Exchequer and Audit Amendment Act, No. 7, 1955;
- (d) The Native Administration Amendment Act, No. 13, 1955;
- (e) The Natives (Urban Areas) Amendment Act, No. 16, 1955;
- (f) The Motor Carrier Transportation Amendment Act, No. 44, 1955;
- (g) The Native Labour (Settlement of Disputes) Amendment Act, No. 59, 1955;
- (h) The Group Areas Further Amendment Act, No. 68, 1955;
- (i) The Group Areas Development Act, No. 69, 1955.

These measures will be considered in the order of their enactment.

##### (a) *Bantu Education Amendment Act, No. 44, 1954*

19. In paragraph 164 of its previous report (A/2719), the Commission stated that the Government had introduced a Bill to amend the Bantu Education Act analysed in paragraph 55 of that report. The Bill was enacted in 1954 as the Bantu Education Amendment Act, No. 44, 1954. This Act sets out in detail the new regulations governing Bantu State and community schools and the membership of the school committees responsible for their management and the new regulations applicable to public and private schools (including

those which missions may wish to maintain without a government subsidy).<sup>9</sup>

##### (b) *Group Areas Amendment Act, No. 6, 1955*

20. The Commission's first report contains a detailed analysis of Act No. 41 of 1950,<sup>10</sup> undoubtedly the most important measure enacted in accordance with the policy of *apartheid*.

Under Act No. 41 of 1950, the various measures which the Minister was empowered to take had to be preceded by the submission of a report by the Land Tenure Advisory Board; before submitting a report, the Board was under a duty to hear representations by persons having an interest in the inquiry instituted. A difficulty arose in connexion with the interpretation of the term "persons having an interest" and, in a judgment given in the Transvaal Provincial Division of the Supreme Court, *de Wet J.* held that the effect of the Group Areas Act was social as well as financial and that it would be wrong to limit the "interest" a person might have in the inquiry to a financial one only.

21. In introducing the Amendment Bill, the Minister of the Interior explained its object as follows:

"... Its object is really twofold. In the first place it is designed to prevent abuse of the process of public hearings under the existing Act. The experience of the past months particularly has been that the process of public hearings, which is not a necessary ingredient of the Act, has been abused and it has been abused by adopting delaying tactics, by what virtually amounts to obstruction of the smooth working of the Board and its activities.

This policy of using delaying tactics has largely emanated from the Indian Congress. They have employed all the means within their power within the limits of the law as it stands to try to delay any action under this Act, and they have done it particularly by trying to raise matters affecting the principle of the Act when the matter to be discussed was chiefly the merits of whether it should be applied in any particular area and the extent to which it should be applied. The Board thought that it could limit the appearance of those people who had made representa-

<sup>9</sup> See chap. II, sect. VI, A, below, for an account of the operation of the Bantu Education Act, No. 47 of 1953, as amended by the 1954 Act.

<sup>10</sup> See A/2505 and Add.1, paras. 555 *et seq.*



tions—in terms of the Act—representations are invited from all people who consider that they have anything to represent to the Board in writing . . . The Board was under the impression that they could limit the people who desired to make a personal appearance to those who had a real interest in the matter before the Board, but the court held in a recent judgment that a wider meaning had to be given to the interest which is required to give any party a *locus standi* at a public hearing before the Board. Unfortunately the meaning that the court has suggested is a meaning which is wide enough to permit agitation and propaganda against the principle of the Act instead of merely permitting representation, oral as well as written as the Act was clearly designed to do, in regard to the merits of a particular case . . . That was really the object of the Bill as originally drafted and that object has now been stultified to a large extent by the attitude adopted by certain parties who have appeared before the Board.

“ . . . The object of the first clause and the proposal which is now before the House, is to give the Board a discretion as to the appearance of persons who have made presentations. Anybody is still free to make any representations he likes. The court has ruled that anybody who has made representations has the right to appear personally. We say that there must be a discretion given to the Board to say who shall have the right to appear in person . . . ”

After mentioning an incident which had delayed the Board's work at Lydenburg, the Minister continued:

“Sub-clause 2 of clause 1 provides that the Bill shall be made retrospective to the twenty-ninth day of March 1954 (the date of the incident in question).”<sup>11</sup>

The Minister then went on to discuss the second object of the Bill, which was to facilitate the Board's work by granting sub-committees appointed by the Chairman of the Board powers vested in the Board under the Act.

22. Mr. Bloomberg (United Party) commented on the Minister's statement as follows:

“ . . . [The Minister] seeks to vest the Land Tenure Advisory Board with arbitrary discretionary powers unheard of in our legislation and certainly unheard of in our courts. He seeks to vest this statutory board with the power of determining at its sole discretion who shall be allowed to appear before it and in point of fact what representations, apart from written representations, they should be allowed to make; who shall be allowed to appear and make oral representations, and what type of oral representations they shall be allowed to make . . . The hon. Minister in this Bill seeks to present to this House almost a complete negation of those fundamental rights of natural justice.”

After reminding the House of the functions of the Board and emphasizing their importance, Mr. Bloomberg supported his arguments by quoting the remarks of de Wet J. in the case of Transvaal Indian Congress v. the Land Tenure Advisory Board, to the effect that:

“The court must have regard to the general principles of natural justice in deciding what the functions and the duties of the Board are.

“Applying that statement in the present case it seems to me that the present Statute indicates that a full enquiry should be held and that all persons affected by any report that the Board may make are entitled to be heard.

“It seems to me, therefore, that there is no question of the board having absolute discretion to hear such people as it wishes to hear and not to hear others; in my view it should, unless there are good reasons to the contrary,

hear all people who are affected by the enquiry and who are interested in the legal sense in the enquiry. It is a discretion vested in the Board, but it is my opinion a discretion which has to be exercised in accordance with the scope of the Act and not arbitrarily or without good reason.

“To refuse any representative of the applicant a hearing in the present case because of what had happened in the past seems to me not a proper exercise of this discretion. One might as well say that a Judge is entitled to refuse to hear counsel because on one or more previous occasions counsel has addressed frivolous or irrelevant arguments to the court. The Board has in its power to control the proceedings; if any person appearing travels outside what is relevant or wastes time, the Board can cope with the situation. It seems to me, therefore, that the Board has not exercised its discretion properly, or within its functions under the Act in refusing the applicant a hearing.”

Mr. Bloomberg continued:

“I submit that it is quite a mistake for the hon. the Minister to come forward with a Bill of this sort which not only will vest the Board with arbitrary powers, but which, if wrongly used, may inflict a great deal of injustice upon a very large section of our people . . . ”

With regard to the provision in the Act which gives the Board its extended powers retrospectively from March 1954, Mr. Bloomberg said:

“I think it is quite wrong that Parliament should now make this retrospective to deny these people rights which they lawfully had at the time when they brought these proceedings. In accordance with the fundamental principles of justice in this country, I say that they should have the right of appearing before the Board to make those representations and Parliament should not bar them by this retrospective legislation.”<sup>12</sup>

Mr. Lovell (Labour Party) said:

“When we criticized the original Bill when it first came up for debate, we said to the hon. Minister ‘You are taking powers which are too wide.’ And he said: ‘Do not be so critical. I shall not act unless there has been a proper investigation by a Board, and that, to some extent, will modify the arbitrariness of my powers.’ So he set up the Land Tenure Advisory Board which was to be an advisory board to advise him and in order that he should not act alone as the arbiter of person's destinies in regard to group areas. At the time I suspected that those hearings would be a farce as far as persons like the Indian group, the Coloured group and the non-European groups were concerned. They are not a farce as far as the European group is concerned, as far as the municipalities who instigate applications for group areas are concerned. They are the instrument whereby these group areas are set up. But when the hon. Minister told us that the moderating influence would be these boards, he meant and he intended to mean in so far as the non-European groups were concerned and in so far as any limited section of the European group was concerned whose rights to property and to occupation might be affected. And it is these rights that are now being dashed away in clause 1. Because it is not the Minister who gives a hearing to a person who is affected, it is his instrument, the Board. And only through the ear of the Board can he hear the grievances that any group may suffer as a result of proposals under the Group Areas Act.”<sup>13</sup>

Mr. Mitchell (United Party) reminded the House of the statement by the Minister at the time of the introduction of the original Bill, in which he had said:

“That (this matter of interested parties) is laid down in clause 27. This follows the provision under the existing

<sup>11</sup> *House of Assembly Debates* (Hansard), No. 2, 31 January to 4 February 1955, col. 383-387.

<sup>12</sup> *Ibid.*, col. 388-395.

<sup>13</sup> *Ibid.*, col. 402-407.

Act 28 of 1946 in regard to permit control. It is referred to the Board for a report, the Board reports to the Minister, the Minister either accepts or rejects that report. In fact the Board has allowed, under similar provisions, parties to appear before the Board, argue their case and to be represented by counsel, and it is not contemplated to make any change as far as that procedure is concerned under this Act."

"That is exactly the change that is being made today," Mr. Mitchell added.<sup>14</sup>

23. The effect of Act No. 6 of 1955 is that the Board at any enquiry need hear only those persons whom it wishes to hear, with the exception of persons appearing on behalf of the State or to whose application the enquiry relates.

A second provision of the Act gives the Board its extended powers retrospectively from March 1954, while a third authorizes the Board to grant certain powers to sub-committees appointed by its Chairman.

(c) *Exchequer and Audit Amendment Act, No. 7, 1955*

24. This Act is a corollary of the Bantu Education Act, No. 47 of 1953<sup>15</sup> where the financing of Bantu education is concerned.

Under the Bantu Education Act, the Government subsidizes, in certain circumstances, schools established by a Native council, tribe or community. It also maintains Bantu schools formerly established and maintained by the provinces and may give financial assistance to schools operated by various missionary societies. The Act does not, however, set any limit to the total sum that the Government may spend on Bantu education, nor does it specify the sources from which the appropriations for that purpose are to be drawn.

25. In introducing the Exchequer and Audit Amendment Bill, the Minister of Native Affairs explained its main features in these words:

"There will be an education account, and into this account money will be paid mainly from two sources, one being the contributions by the State which the Act provides will be £6,500,000 in accordance with the statement of the Minister of Finance in his Budget Speech last year; and secondly, the contributions derived from general Native taxation is already being spent on Bantu development, and it is now proposed that the whole of the remaining four-fifths will be clearly earmarked for Bantu education, the form of developmental work to which the Bantu attaches most value and in regard to which he will be glad to see the money used for this one specific purpose. For the rest the Bill contains only one other provision of importance, namely, that the money paid into the education account will remain available even though it is not all spent in the current year; in other words, if the four-fifths derived from the general taxation of Natives, added to the £6,500,000, exceeds the current expenditure in any one year, a portion of that four-fifths or of the contributions by the State will not be taken away from education, but will go to form a reserve to be spent in any one of the coming years in which it may be required . . .

"The Bill contains only one main principle, that principle being firstly that the Bantu is given co-responsibility for the financing of the education of his children and consequently a joint say in the matter, and for the rest that the State is prepared to set aside an amount, a very large amount, so large that it is three times as much as

the Natives' own contribution, for the specific object of financing Native education."<sup>16</sup>

26. The Bill was opposed in the House of Assembly and a number of members spoke in the debate which led to its enactment. A summary of the main arguments against the Bill is given below.

Dr. D. L. Smit (United Party) argued that:

1. The Bill created a separate statutory account outside the Consolidated Revenue Account;

2. It sought to limit the authority of Parliament in future to certain fixed sums for Bantu education; that was unconstitutional and contrary to sound financial practice;

3. The principle of determining by way of a block-grant the amount to be applied to any particular social service was also unsound.

His main objection to the Bill was, however, the limitation it imposed on the amount to be set aside each year for Bantu education. He stressed that it was for the Parliament to decide each year what sum was required for Bantu education and that it could not be bound by a statement of policy laid down by the Government in 1954.

He added:

" . . . Here you have a discrimination on racial grounds between the Natives and other races of South Africa in respect of the financing of their education. I want to say quite plainly that I think it is a sound policy that the Natives should contribute something towards their own education, but I also think that it would be a sound policy to extend it to other races and not select the Native and let him pay a tax whilst free education is given to the European, the Coloured man and the Indian. That is unfair. The hon. Minister has referred to the contribution which the Native makes to the Exchequer by way of taxation. I say that there is no possible estimate of the amount of the contribution of the Native by way of indirect taxation. But I do say that the whole of our industries and to a large extent our gold-mining industry, is carried upon the back of our Natives. For that reason I do not think it is fair to say that the amount we vote from year to year for Bantu education comes exclusively out of the European tax-payer's pockets."<sup>17</sup>

Mrs. Ballinger (Liberal Party, Natives' Representative) pointed out that the essence of the Bill was to impose upon the Native population the final responsibility for the expansion of their own educational services. She was entirely opposed to it. She considered that the principles contained in the Bill offended against all the canons of good government. Her contention was that the African population had made the most magnificent financial sacrifices for the extension of their educational services. They not only contributed in taxation all that they could afford to contribute to the common life of South Africa, but even contributed more than they could afford. She recalled the conclusions of Mr. Van Eck's Committee that the African population was not only taxed beyond its means, but was taxed on a racially discriminatory basis under which they paid more than any other section of the community, if their capacity to pay was taken as a basis. When the Natives came into the income tax level, they paid income tax, and incidentally that income tax went into the common revenue and was not counted in their favour. They also paid a number of other taxes, both direct and indirect, some of which did not fall on others.

<sup>16</sup> *House of Assembly Debates* (Hansard), No. 2, 31 January to 4 February 1955, col. 239-246.

<sup>17</sup> *Ibid.*, col. 246-249.

<sup>14</sup> *Ibid.*, col. 414.

<sup>15</sup> A/2719, paras. 55 to 63 and para. 165.

After referring to certain historical developments, Mrs. Ballinger stated that she did not accept the principle of earmarking certain revenue for certain purposes as a final basis of provision. In support of her point of view, she recalled the minority report of the Eiselen Commission in which it was stated that a policy which made the Bantus responsible for financing their own education would introduce the dangerous principle of differentiated taxation, and added that, where the Bantus were concerned, no form of differentiation would be right or fair because:

(a) The Bantus formed an integral part of the system producing the total national income of the country;

(b) The Bantus as a people did not yet directly control the profit-making instruments of production but were dependent on wages as an income, so that differentiated taxation in their case would come to class legislation;

(c) The increase in the Union income was by no means reflected in the income or wealth of the Bantus.

In conclusion, Mrs. Ballinger said that there was room for improvement in the whole of the Native educational system, but that legislation such as that presented to Parliament would undermine the whole foundation of White civilization in Africa.<sup>18</sup>

Mr. Lovell (Labour Party) also opposed the Bill. He quoted a pamphlet of the South African Bureau of Racial Affairs, according to which six out of ten Natives never went to school, 50 per cent of the Native children attending school were in the lower classes and only 0.05 per cent of the total number of Native children attending school ever reached matriculation stage.

In his opinion, the Bill before Parliament was class legislation; it would stultify Native education services and would also impede South Africa's progress.<sup>19</sup>

Dr. Jonker, (Conservative) expressed disapproval of the limit of £6,500,000 which the Bill fixed as the contribution to Native education from the Exchequer.

"It is true that it can be changed next year, but we cannot bring in another Act year after year."

After pointing out that so rigid a formula might give rise to misrepresentations abroad, he proposed an amendment to the effect that the Bill should not be proceeded with unless the Government undertook to change the basis on which the money would be made available to the Bantu Education Account from the Receivable Account.<sup>20</sup>

The United Party had moved another amendment proposing that the Bill should be considered six months later. As the Bill was approved in the form introduced by the Government, the amendments were dropped.<sup>21</sup>

(d) *Native Administration Amendment Act, No. 13, 1955*

27. This Act amends certain of the provisions of the Native Administration Act No. 38, 1927. The provisions of the 1927 Act concerning the duty of Natives to carry passes were discussed in the Commission's first report (A/2505 and Add.1, paragraphs 496-498).

Act No. 13 of 1955 empowers the Minister of Native Affairs to confer on chiefs or headmen jurisdiction to try

and punish certain offences committed by a Native. It increases the powers previously vested in them in that connexion and enables them, if necessary, to impose corporal punishment.

28. In introducing the Bill, the Minister of Native Affairs said:

"This Bill envisages the substitution of section 20 of the Native Administration Act of 1927 by a new section. For many years the Native chiefs have asked for greater powers. They complain particularly about the small fines they were able to impose, fines amounting to only about £5, and the fact that their traditional custom of imposing stock fines had been taken away from them. In this Bill we are attempting to meet their wishes to the utmost extent possible and we are also introducing the principle of allowing them to impose stock fines, which we find has a far greater deterrent effect than the imposition of cash fines . . .

"Hon. members will probably remember that a Native chief when imposing the punishment of a fine has not the right to impose an alternative sentence of imprisonment and therefore he only has a civil remedy to recover that fine. The position was reviewed in the amending Act, No. 54 of 1952, and the Native Commissioner may now, where the chief has furnished proof of his failure to recover the fine, and upon being satisfied that it was legally imposed, impose an alternative sentence of imprisonment on a sliding scale. The Native Commissioner may do so but the Native Commissioner's powers are still very limited, and the procedure does not work well in practice. Of course, what the Native chiefs really want is the power to impose terms of imprisonment themselves . . .

"Up to now, the Native Commissioner did not have sufficient power during an appeal to rectify any mistake which the chief might have made . . .

"A further difficulty as that the existing section 21 (a) provides that a Native chief can only try an offence specified by the Minister. No provision was made for original criminal jurisdiction to try offences committed under Native law and custom. This meant that all the possible offences which the Native chief could try, whether against common law, whether against Native law or custom, or whether under any statute, had to be specifically stated by the Minister. The point was frequently well taken on appeal that a particular offence had not been specified by the Minister . . .

"This amending Bill is therefore an attempt to rectify to some extent at least these difficulties and to place the whole matter on a proper basis . . .

"We cannot adopt the attitude that the Native must have ever-increasing authority in his territory—let us say on political lines—but that for the administration of justice he cannot have his old traditional authority restored. Thus it is quite clear that it is essential for us to accept that one definite aim . . .

"Because here we are dealing with a measure of positive *apartheid*. Here we are letting something grow from the communal life of the Native himself where he must co-operate, and which he will help to develop according to changing circumstances, and as the conditions of the Native community change and their authorities gain more experience, I shall inevitably have to legislate to keep pace with the growing system and the growth of their experience . . ."<sup>22</sup>

29. Dr. D. L. Smit (United Party) said:

"The United Party will not oppose the second reading of this Bill. We think it contains a number of good principles, but there are several very important points to which I wish to draw the attention of the House before the Bill is agreed to in its final form . . .

<sup>18</sup> *Ibid.*, col. 251-259.

<sup>19</sup> *Ibid.*, col. 264-271.

<sup>20</sup> *Ibid.*, col. 279-282.

<sup>21</sup> *Ibid.*, col. 314-316.

<sup>22</sup> *House of Assembly Debates* (Hansard), No. 3, 7 to 11 February 1955, col. 930, 951 and 954.

"The Bill introduces an important element that is not contained in the earlier legislation and it calls for some comment. I refer to the authority which the chief or headman will now have, as I read the clause, under Native law and custom, to impose corporal punishment, subject to serious harm not being inflicted, without any of the safeguards which are applied in the imposition and carrying out of such punishment in the ordinary courts of the country. We feel that this power to impose corporal punishment by a chief's court is too drastic and should be confined to punishment of male juveniles."<sup>23</sup>

Mrs. Ballinger (Liberal, Natives' Representative) said:

"We also feel strongly about the introduction into this measure of the powers of chiefs and headmen to impose corporal punishment as a penalty for offences and feel that that is a power which must be very carefully circumscribed before we can agree to it . . .

"Having said that I wish to say further that we do not find it quite so easy to accept the principle of this Bill as the Minister hoped we might do and as [Mr. D. L. Smit] and his colleagues apparently find it possible to do . . ."

After referring to certain sections of the Bill, Mrs. Ballinger quoted the following proviso:

"Provided that if any such offence has been committed by two or more persons any of whom is not a Native, or in relation to a person who is not a Native or property belonging to any person who is not a Native other than property, movable or immovable, belonging to the Trust or held in trust for a Native tribe or a community or aggregation of Natives or a Native, such offence may not be tried by a Native chief or headman."

and added:

"To me the important elements in this clause are the specification of the possibility of the Minister giving jurisdiction to Native chiefs or headmen in respect of common law offences or of statutory offences, and the fact that the power which he can confer on Native chiefs in that regard, excludes the possibility of the Native chief or headman having any jurisdiction over any person who is not a Native, except in respect of a property that is definitely tribal and is controlled by a tribal authority . . .

"The essence of the point that I wish to put to the House is this, that whatever the intention of the 1952 Act was, this measure specifically intends to confer upon Native chiefs and headmen power to exercise jurisdiction in offences which normally fall outside the range of Native law and custom, that is to say, offences which belong in effect to this western society and not to an original African society, that cover relationships and obligations which derive their whole authority and their purpose from the condition of western life. In that regard, I have two contentions to make. My first contention in that regard is this: I personally do not see how a House like this can agree to allow the Minister or anybody to confer jurisdiction over a field of that kind on the basis of procedures which assume that these relationships can be governed by Native law and custom . . . But in the second place I think the next point that our legislators must face is that the procedures which have been built up over centuries to guarantee the liberty of the subject, to try to establish a secure foundation of justice for the individual, are by our law only administered by people who are trained to understand and apply those principles, and I see no provision in this law to secure that Native chiefs and headmen will in fact be trained in that regard."<sup>24</sup>

Dr. D. L. Smit (United Party) moved a number of amendments, the object of which was:

<sup>23</sup> *Ibid.*, col. 931-934.

<sup>24</sup> *Ibid.*, col. 934-939.

"Firstly, to restrict the imposition of corporal punishment by a chief or headman or by a chief's deputy to young Native males under the age of 25 years, secondly to enable any chief or headman, when in doubt, to estimate the age of the offender in the same way as the ordinary courts of the land by appearance or other information that may be available; thirdly to give the Minister authority to prescribe wholesome regulations as to the method of infliction of the punishment, the instrument to be used, the number of strokes and such other matters as the Minister may consider desirable to prevent severity or brutality, and then lastly to provide that any chief who abuses the powers that are conferred upon him shall automatically be deprived of his criminal jurisdiction."<sup>25</sup>

The Minister of Native Affairs in his reply rejected all his amendments, saying:

"The first amendment proposed by the hon. member deals with corporal punishment. Native customs and law rules about the infliction of corporal punishment are very strict, and corporal punishment is almost invariably restricted to young unmarried males. Corporal punishment on females by the chiefs' courts is practically unknown. I do not want to restrict the chiefs unnecessarily by statute. I think we should allow them a fair amount of discretion. Some of them are already exercising the power, as has already been indicated, and there have never been any complaints. In fact, that does not only apply to Bechuanaland, but even in the Union some chiefs are exercising this power, without it being legal here, and even then we find that there has never been any complaint. This section will of course, within the framework of the Bantu's own customs and laws, make corporal punishment legal."<sup>26</sup>

Speaking on the powers to be vested in the Native chiefs, Col. O. L. Shearer (United Party) expressed the opinion:

"The vesting of this jurisdiction in the Native chiefs has certain dangers in view of the fact that the Bill does not provide for any safeguards. The Bill states specifically that in the infliction of corporal punishment no grievous bodily harm must be done. But without due safeguards it is conveyable, especially in the hands of these Native chiefs, that grievous bodily harm may be done when it is too late . . . When I use the term 'safeguard', naturally safeguards should be employed also to protect the Minister and his department . . . There is another potential danger. We have accepted the principle in our courts that where an individual must receive corporal punishment, he must be medically examined beforehand. Now if we accept that principle in our Western Civilization, in dealing with Europeans, how much more important is it to ensure that such a principle is embodied in the legislation when we give such jurisdiction to prescribe corporal punishment to the chiefs, many of whom are very primitive in outlook."<sup>27</sup>

The Minister of Native Affairs, in reply to the suggestions made by Col. Shearer, said:

"My reply to that is twofold. The first is that there are sufficient precautions inherent in the Native custom. There are many more precautionary measures contained in it than one realizes. Even when a Native chief, without a concomitant authority, applies punishment of this nature, it should be remembered that he does not stand there as a cold, impartial magistrate. He is acting really as the father of his tribe. It will depend on his good or bad maintenance of discipline whether he will continue to be accepted as the head of the tribe . . . The second is

<sup>25</sup> *House of Assembly Debates* (Hansard), No. 4, 14 to 18 February 1955, col. 1030-1033.

<sup>26</sup> *Ibid.*, col. 1035-1036.

<sup>27</sup> *House of Assembly Debates* (Hansard), No. 5, 21 to 25 February 1955, col. 1690-1691.

that we would not allow any chief, tried or untried, to impose corporal punishment. We shall be careful in deciding who may apply corporal punishment. Predominantly this criminal jurisdiction, including corporal punishment, will be given to the chiefs who have Bantu authorities available to them. In other words, chiefs-in-council and headmen-in-council will mainly be concerned with this administration of justice. The Bantu authority gives protection, just as the jury system, to a certain extent, was intended to be a brake on the administration of justice in the European courts . . .

"The one point I cannot concede—and I think that is what the hon. member referred to—is the compulsory presence of a medical practitioner, or the taking of this Native to the office of the Native Commissioner for the imposition of corporal punishment. I cannot concede to these two suggestions because it would undermine the object of awarding this form of authority to the Native chief or headman. If we impose those conditions, no corporal punishment would ever be applied. In practice this form of punishment would be eliminated, and the principle that the Bantu himself must learn to exercise authority *vis-à-vis* his own people would be undermined. It would be handing this authority over to the White man in practice. Ultimately, it would again be the White man who is held responsible, even though the supervision passes from the Commissioner to the doctor. That would destroy the inherent principle of this Bill, namely the award of authority and status to the Bantu chief."<sup>28</sup>

(e) *Natives (Urban Areas) Amendment Act, No. 16, 1955*

30. The purpose of this Act is to amend in certain respects the earlier legislation applicable to Natives in urban areas, in particular the Natives (Urban Areas) Consolidation Act, No. 25, of 1945.<sup>29</sup> In practice, the Government apparently meant the Act to apply to Natives who are employed as domestic servants by White persons and also live on the top floor of houses in the residential sections of the large towns, especially Johannesburg; hence, the Act is sometimes said to relate to "locations in the sky." The Act also vests in the Government certain powers previously reserved to the municipal authorities.

31. The Minister of Native Affairs, introducing the Bill, explained its provisions in these words:

"In the light of experience it has become clear that the Urban Areas Act of 1945 should be amended in a number of respects so that it will become more practicable, but at the moment I just want to explain a few of these amendments to the House . . .

"Clause 1 contains a new definition of the word 'accommodate' in that particular section of the Urban Areas Act. One of the greatest problems with which the department and South Africa as a whole are faced is the large number of squatters who have settled outside the cities but who work in the cities, accompanied by the large number of lodgers, even in Native locations under the control of such a city council, and also the large number of illegal lodgers in the back-yards of the residential areas of the Whites. It is the duty of the local authority to provide proper accommodation for these people, but although that is in fact their duty, and although under section 3 of the Urban Areas Act they can be forced to provide for these people, they often do not do so . . . In order to assist the city councils, I evolved two measures, one of which was passed in this House, *viz.*, to make money easily available for these services, and a further measure which I shall adopt with the assistance of the Government, namely to see that enough money will be made available for the purchase of the necessary ground

<sup>28</sup> *Ibid.*, col. 1694-1695.

<sup>29</sup> A/2505 and Add.1, paras. 502-506.

. . . This clause uses the word 'accommodate' with reference to just this one section of the Act, which will make it possible for a local authority to make improvements in the site and service scheme in the course of time, and to provide them with better houses. It will make it easy for a local authority to comply with the requirements of the Act as it has existed since 1945.

"Then clause 2 refers to the fact that the provisions of the various ordinances are not applicable to Native townships but to locations, although it certainly was not the intention that the locations should be subject to it . . .

"Then there is the third clause dealing with the removal, curtailment or abolition of any location, and although from time to time this has already been referred to as if it introduces an important principle, an automatic principle which will be unjust in its effect on the various township boards, I want to try and convince hon. members that this is not the case. All we are doing here is to institute machinery whereby the Minister of Native Affairs can ensure that a location or Native township or a Native hostel can be removed, curtailed or abolished, firstly on the recommendations of a local authority, and usually those of a neighbouring authority. If that is desired, I can give consent. Or else it can be done for health reasons or for reasons of safety, or because regional or town planning requires it . . .

"Clause 5 deals with permits to be in urban areas. . . . By means of our labour bureaux, we want to give the opportunity to such a person who does not want to become a domestic servant to go to other urban areas where there is still room for the kind of employment he wants to take. But if he wants to come to a particular city he should be limited to doing the kind of work for which there are still vacancies in that city. This is a reasonable provision which will be of great assistance, but the fear held by local authorities namely that we would specify very strictly what type of work the person could do, is not justified. We are not going to specify that he can do only certain types of work, work in the mines or work in factories, etc."<sup>30</sup>

32. Mr. Hepple, a member of the Labour Party, voiced his opposition by saying:

". . . There is an acute shortage of Native housing in most urban areas and particularly in the Johannesburg area, and the Government, instead of endeavouring to supply the houses which it is necessary to have for the Native people, is now beginning to uproot them . . . But there is another reason for these locations in the sky. The Labour Party warned the Government in 1949 when they introduced the amendment to the Rents Act that a grave situation would develop in the main urban areas. The majority of so-called luxury flats in Johannesburg which have quarters for Natives on the roofs have been built since the Government introduced this amendment to the Rents Act. They encouraged speculators to build luxury flats and did nothing to prevent the building of Native quarters on the roofs. Most of them are new buildings which the Government is endeavouring to deal with now. Our case against the Government is that it has tackled this problem from back to front. Instead of first providing homes for the homeless and then tackling the question of applying their policy of *apartheid*, the Government is displacing people who are now housed and in so doing it is aggravating the problem.

"But I want to come back to the Bill itself. It is provided in the new clause 3 *bis* that no owner of land shall permit more than five Natives to reside on his property, except that with the consent of the Minister or an officer acting under his authority a much larger number of Natives as may be determined will be allowed to be there. In other words, the definition we thought we had of a black spot, six Natives, is wiped out by the Minister's

<sup>30</sup> *House of Assembly Debates (Hansard)*, No. 2, 31 January to 4 February 1955, col. 518-524.

proviso that he can give exemption and allow such larger number of Natives on European premises as he may determine . . . The more we look at the Bill and examine the exemptions, the more we appreciate the fact that the Minister himself does not believe it will work. Another exemption is provided for in the new subsection (d) of the new clause 3 *bis*, which provides that when ordering the existing Natives off premises in these areas the Minister may exempt the landlord for a period of one year or such longer period as may be determined by him."<sup>31</sup>

Dr. D. L. Smit (United Party) criticized all the provisions of the Bill and in particular clause 6. He said:

"At the outset I wish to draw the attention of the House to the provisions of clause 6 and the Minister's remarkable statement that here he is only bringing the protectorate Natives into line with the Union reserve Natives. Of course he is doing nothing of the kind. All he has done is to some extent to mislead the House and the public and I do not think the Minister has been as candid as hon. members are entitled to expect. Under this clause there is a profound difference between the treatment meted out to the Natives from the reserves in the Union and the Natives from the Protectorates. During the Committee Stage I endeavoured to define the difference by comparing this clause with the provisions of the principal Act which this clause amends. But in view of the Minister's statement, the confusion in the mind of the public still exists. The essential difference is perfectly simple. It is twofold. First of all, it is that the Union reserve Native can enter any urban area and accept employment there by getting a permit from the local officer, on the spot, whereas the Protectorate Native, like other foreign Natives, requires a permit from the Secretary for Native Affairs which can only be granted with the concurrence of the local authority . . .

"Another series of clauses to which we object are clauses 1, 3 and 4, under which we feel that the Minister has arrogated to himself some of the most important functions of local authorities. In this way he has dealt another blow at the development of local self-government which is the very essence of our democracy. Each one of these clauses contains an encroachment on local autonomy. That is one of our main objections to this Bill. We also object on humanitarian grounds because these provisions are intended to pull out the roots of many thousands of urbanized Natives and are likely to cause unnecessary hardship to those who are already decently housed by their employers. Let me just recapitulate the provisions of these clauses and what they will mean in practice. Under section 9 of the principal Act the local authority may require any Native to reside in a Native location, a Native village or a Native hostel, provided they give him decent alternative accommodation, in the way of housing or lodging. Here the Minister does not come into the picture. It is a matter which the municipality arranges on its own responsibility. Under clause 1 of this Bill the removal may be to a site and service scheme approved by the Minister where neither housing nor lodging is provided for the Native who is to be removed. We say that this may well have serious consequences for Natives so removed, particularly in the case of single Natives and those who are too poor to build their own houses . . .

"It is, moreover, a clause, if effectively carried out, that will displace many thousands of Natives and aggravate our housing and transport problems which have already reached such alarming proportions. We say that the arbitrary powers contemplated in clauses 1, 3 and 4 are quite unnecessary and that in cases where the local authority neglects its duty, the Minister has ample power under Section 41 of the principal Act to intervene and to recover the cost from the municipality without the Minister being armed with any further legislation. The last point about which we feel concerned is contained in clause 5 which introduces the principle that a permit officer may insert

a condition in a Native's work permit defining the class of work in which the Native may accept employment. That is a most serious inroad into the right of every man, of whatever race or colour, to seek employment in the class of work for which he is best fitted and to sell his labour in the most profitable market that may be available. It constitutes not only an interference with the Native's freedom to obtain the best job available to him but it is an interference with the right of selection by the employer. It is just another case of the regimentation that is creeping into every sphere of South African life."<sup>32</sup>

Clause 5 was also criticized by Mr. Lee-Warden (Natives' Representative):

"I would like to direct a few remarks to clause 5 which lays down that an African who has been away from an urban area for less than a year may return provided he returns to the same employer and takes up the same class of work. This, to my mind, constitutes another barrier which is designed to shackle the African worker to his European employer. A free choice of employment is virtually denied to the African to-day. This clause goes even further than that. It also denies the African worker the choice of employer . . . I do not think that in any civilized country a hundred years ago such a situation would have been permitted . . . not only does this clause violate the very fundamental principles of human rights but it is another indication to the African that the Government intends to nip in the bud any ideas that he may have that he is a South African citizen and that he is entitled to the same conditions as other citizens."<sup>33</sup>

33. The main provisions of the Act are: under section 1 the definition of the term "to accommodate" ("to house or provide with lodging") under the 1945 Act was amended to include "to make available for occupation any land or premises provided with water, sanitary and other services approved by the Minister". Section 3 of the Act empowers the Minister to compel urban local authorities to remove, curtail or abolish a Native location on specified grounds, such as representation by an urban local authority to have a location outside its own area removed, or if the Minister considers that a location endangers health, or if the Minister considers removal necessary for town or regional planning purposes or in furtherance of the objects of any law.

Section 4 of the Act provides that not more than five Africans may be permitted to reside in a building in an urban area without the Minister's authorization. It further provides that owners of existing buildings may permit the same number of Africans lawfully resident when the Act comes into force to remain for one year or such longer period as the Minister may determine; one interesting feature of this section is that the onus is put on the accused to prove the contrary, if the Native is "at any time found in any building under circumstances giving rise to a reasonable suspicion that he resides in that building". He is considered to be guilty of the offence with which he is charged, until the contrary is proved by the accused.

This section further provides that an African returning to the same employer within 12 months will be entitled to a re-entry permit into town and that he must necessarily return to the same class of work. The local authorities are granted the power to restrict applicants for work to a particular category of work.

Under section 5 Africans born in Basutoland, the Bechuanaland Protectorate and Swaziland are to be

<sup>31</sup> *House of Assembly Debates* (Hansard), No. 3, 7 to 11 February 1955, col. 653-657.

<sup>32</sup> *House of Assembly Debates* (Hansard), No. 6, 28 February to 4 March 1955, col. 2005-2008.

<sup>33</sup> *Ibid.*, col. 2009-2010.

treated as "foreign Natives". They will not be permitted to enter an urban area without the written permission of the Secretary for Native Affairs.

The Act also provides that a Magistrate or Native Commissioner may order an African over 15 but under 19 years of age to be sent to an institution established by law if a duly conducted enquiry establishes that he is an idle or undesirable person. The principal Act defines an "idle" person as being one who "is habitually unemployed and has no sufficient honest means of livelihood".

(f) *Motor Carrier Transportation Amendment Act, No. 44, 1955*

34. In its previous reports the Commission referred to various measures enacted by Parliament with the object of introducing or strengthening *apartheid* in public services, particularly in transport.<sup>34</sup> Act No. 44 of 1955 is one of these measures.

The Act is based on the recommendations of the Page Commission appointed in 1945 to investigate motor transport. Certain provisions of the Act deal with matters connected with the racial question.

35. The Minister of Transport, introducing the Bill, outlined the main provisions relating to racial segregation in the following terms:

"The powers of the board, i.e., the National Transport Commission, and of local boards are extended in certain essential directions in order to promote efficiency. A large number of new provisions have been framed in order to obtain clarity and a large number of amendments are made which have become essential . . .

"Provision is made for the provision in buses of separate seating accommodation on the basis of colour, and in order to apply this principle consistently it is necessary that the main Act should also be made applicable to trams and trackless trams in so far only as concerns the provision of separate seating accommodation. Any such arrangement can only be made after consultation with the local authority, and the instruction of the board or local board is not peremptive. Then I would like to draw the attention of hon. members to clause 11, which amends section 13 of the main Act. Amongst the factors taken into consideration when issuing a certificate, the transport requirements of the public in the particular area or on the relevant route are now brought prominently to the fore, i.e., the public interest . . .

"In the Native Services Levy Act of 1952 provision has already been made for the payment of an amount not exceeding 6d. per week to a fund created for the purpose of providing transport services for Natives at a tariff which would be reasonable for those Natives. Provision is now made for the control and administration of the fund—which in the meantime has been changed to an account—by entrusting these duties and activities to the National Transport Commission. Then it is also necessary to clothe the commission with certain powers in order to enable it to perform its duties and activities in this regard efficiently. The Commission can, however, only exercise its powers subject to the approval of the Minister. Here I want to stress that the amount paid in in regard to a specific urban local authority cannot be used for a purpose related to a road transportation service within the area of jurisdiction of another urban local authority unless the proposed route and service also serves the area of jurisdiction of the former urban local authority. If money is not required for any purpose mentioned in sec. 17 *bis* it can be repaid to the relevant urban local authority. The auditing of the account is entrusted to the Controller and Auditor-General.

"The amendments I have just mentioned, which create the Native transport services account, also require the amendment of the Native Service Levy Act of 1952 which is contained in clause 20."<sup>35</sup>

36. Generally speaking, the United Party did not oppose the Bill.

Mr. H. E. Martins (National Party) further explained the provisions of the Bill with their logical consequences:

" . . . This Bill provides that in co-operation with local authorities and municipalities the National Transportation Commission and the Road Transportation Board may see in the first instance that *apartheid* is put into effect, that there are separate seats in buses in order to meet the requirements of the public interest or that there are separate buses. With the goodwill and the harmonious co-operation of the local authorities, *apartheid* can then be introduced in the cheapest way. But I want to hurry on to refer to another important matter. We have found in the past that there are taxis which frequently convey members of different races, and we want to ask the Minister seriously to lay down as his policy that when a transportation board issues a taxi licence, the holder of that taxi licence must decide specifically whether he wants to transport Europeans or non-Europeans, they should not be allowed to transport members of both races.

" . . . This Bill now gives us the opportunity to give taxi licences to Europeans to convey only Europeans and to non-Europeans to convey non-Europeans, if it is in the public interest . . . We want to put this serious request to the Minister. We believe it can be done and that arrangements can be made for *apartheid* to be introduced also on the buses and trolley buses in Cape Town and for separate bus services to be introduced if the public interest justifies it. Where the financial burden is too heavy for those people, they can allocate separate seating accommodation. We make this further appeal to these people that in connexion with taxis their councils should now make a final choice so that there can be no mixed traffic. The machinery is there to carry it out and I believe that it can be carried out."<sup>36</sup>

Mrs. Ballinger (Liberal, Natives' Representative) drew attention to the new definition of the term "class" with all its implications and criticized certain of the provisions of the Bill:

" . . . I am mainly interested in the new definition of 'class' which is now to be extended specifically to mean race as well. Based on that new definition there are, in this comparatively short measure, a considerable number of clauses which, in that context, become colour clauses, and inevitably it is on those that my interest is focussed and about which I would like some more information.

"The main clause with which I am concerned is clause 7. Clause 7 gives the board, about which I will ask for some more information in a moment, or a local board the power to specify the class or the classification of persons, or the class or classes of goods which may be conveyed under a motor carrier's certificate, and the amendment will enable the board to lay down specifications in that regard. The same clause goes on to provide the board with power to extend the controls over the classes which will be served by vehicles and to lay down that certain sections of a vehicle will be set aside for the conveyance of particular classes of persons. It is quite true, they will only be able to do this after consultation with the local authority, but that consultation does not necessarily involve concurring with the local authority. The same clause further gives the board or the local board the power to accept, or to lay down different scales of charges in respect of different classes of person. That is also a new provision in our law . . .

<sup>34</sup> See A/2505 and Add.1, paras. 621 *et seq.* and A/2719, paras. 69-72.

<sup>35</sup> *House of Assembly Debates* (Hansard), No. 6, 28 February to 4 March 1955, col. 2139-2140.

<sup>36</sup> *Ibid.*, No. 8, 14 to 18 March 1955, col. 2946-2948.

"Clause 11, also, contains implied colour features. It lays down that in future the board shall have the power, when granting licences, to take into consideration the majority of the persons to be served by the transport services for which a certificate is sought.

"Finally, clause 14 gives powers, contingent upon the earlier clauses, which establish the right of the board to define the sections of the bus which will be available for different races; the power to control the actions of people who get on the buses. It gives security to the bus conductors against the claim of any person to get on to a section of the bus for which he has apparently no legitimate claim. Then, clause 16 deals with the application of the Transport Services Account to the allocation of the Native Services Levy which was established under the Native Services Act . . .

"The point I make is this, that under this Separate Amenities Act<sup>37</sup> we passed two years ago any private enterprise like that which provides transport in Cape Town can provide this sort of separation if it wishes to do so, but under the terms of this Bill the Transportation Board can impose it upon the Cape Town Tramway Company. It is therefore that I wish to know whether that is the purpose of including this provision in this Bill, whether the Minister wishes to have that power for the Transportation Board to force the Cape Town Tramway Company to implement the policy of the Government."<sup>38</sup>

The Minister of Transport:

"That is quite obvious, otherwise I would not put it in the Bill."

Mr. R. B. Durrant (United Party) made the following points, in connexion with certain provisions of the Bill:

" . . . The boards at present grant licences only to public carriers for transportation services between, for example, point A and point B. The amendment now proposed also provides that the board may consider the route which shall be followed by any public carrier and that this should be done in consultation with the local authority. I think that that is a desirable amendment. I speak from personal experience in this case when I say that with the development in the greater urban centres of our country we find that existing routes carrying different classes of passengers are causing agitation in the minds of local residents.

"I have a case affecting my own constituency at the moment where a Native bus route has been going through the area for some twenty years but because of the development there is considerable agitation now on the part of my constituents that that route should be altered . . . Then there is another new principle and that is that portions of public vehicles may now be set aside for carrying a class or classes of persons. Clause 7 embodies this new principle. At present the position is that local boards may specify the class or classes of persons who may be carried in a public vehicle when a licence is applied for. Under this Bill local boards will be empowered in issuing carrier certificates for the conveyance of more than one class of person, to specify the portion of the vehicle to be set aside for one class of passenger and also to lay down the scale of charges that may be applied in respect of those portions, and to do that after consultation with the local authority. I think that is also an improvement in the Bill."<sup>39</sup>

(g) *Native Labour (Settlement of Disputes) Amendment Act, No. 59, 1955*

37. The object of this Act is to substitute a new section for section 18 of the Native Labour (Settlement

<sup>37</sup> See A/2719, paras. 69-72.

<sup>38</sup> *House of Assembly Debates* (Hansard), No. 9, 21 to 25 March 1955, col. 2966-2969.

<sup>39</sup> *Ibid.*, col. 2975-2980.

of Disputes) Act, No. 48, 1953, discussed in the Commission's second report (A/2719, paras. 64-68).

38. The Minister of Labour in introducing the Native Labour (Settlement of Disputes) Amendment Bill, explained the reasons for the Bill in the following words:

" . . . Section 18 of the [principal] Act contains the provisions in terms of which strikes and lock-outs are forbidden and the same meaning was attached to the expression 'strike' and 'lock-out' as in the Industrial Conciliation Act. The hiatus in the Act in question is due to the fact that the meanings of the words 'strike' and 'lock-out' are linked up with the definition of 'labour dispute' in section 1 of the Act as it now reads. In other words, there can only be a contravention of section 18 if the strike took place owing to a labour dispute as defined in section 1—only when a labour dispute arises. May I read out to hon. members the definition of 'strike', as embodied in section 18, sub-clause 5. I omit certain words in order to put the point more clearly:

" 'Strike' means the refusal or failure on the part of employees to continue to work . . . if that refusal or failure takes place in consequence of a labour dispute.

"I want to draw the attention of hon. members to the term 'labour disputes'. According to the definition of 'labour disputes', a labour dispute cannot exist while certain wage regulating measures are valid. The object of this is to ensure that there will be industrial peace for the duration of an order or of a wage agreement. But this also has another effect, an unexpected effect, namely that a refusal or failure to work is not regarded as a strike, because of the linking of the definitions of 'strike' and 'labour disputes'. In other words, a strike during a period when an order or other wage regulating measure is valid is not forbidden in the Act as it now reads, and Natives can go on strike during that period therefore. Just recently, . . . thirty-three Native labourers of the municipality of Walmer, Port Elizabeth, went on strike from 7 a.m. to 1 p.m. They went on strike because one Native had been dismissed because of impertinence and disobedience towards the Health Inspector. I as Minister of Labour could only have caused a prosecution to be instituted against him for striking if a matter of principle had been involved, as the Act now reads. The amendment which is now being made in section 18 is intended to make that possible. Hon. members will appreciate in what a hopeless position we may find ourselves. Fortunately those Natives resumed work at 1 p.m. because we were able to make use of other machinery at our disposal . . .

"In comparison with the definitions of 'strike' and 'lock-out' in the Industrial Conciliation Act, certain paragraphs have also been added to the definitions in this Bill with reference to a change in the conditions of employment by employers or the engagement or dismissal of any person. Strikes in connexion with such matters have been deemed in the past to be covered by the definitions in the Industrial Conciliation Act, and the reference thereto in the new definitions is only intended to remove any doubt in this connexion. I should add that these definitions agree with those in the Industrial Conciliation Bill which is being considered at the moment by a Select Committee . . .

"If the conditions of employment prescribe a certain amount of overtime and the employee refuses to perform it, he should act in accordance with the procedure prescribed in the Act and not by means of a refusal to perform the work . . .

" . . . Employees have believed in the past that where the employer has changed the conditions of employment, this gives them an opportunity to strike without contravening the Act. The intention of the original Act was that an attempt should be made to obtain satisfaction in a different way, not by striking. This left a loophole therefore. The amendments we are proposing are also applicable to the employers. As soon as there is a change in the



conditions of employment the employer himself is not allowed to 'lock-out' the employee, provided that the change which is made in the conditions of employment is always subject to the other machinery which is created in the Bill to determine the fairness and justice of it . . .

" . . . Employment, dismissal or suspension of an employee must be settled according to the provisions of the Act and not by means of a strike."<sup>40</sup>

39. Mrs. Ballinger (Liberal, Natives' Representative) expressed her opposition to the basis of the proposed Act as follows:

" . . . We were opposed to all machinery which deprives the African workers of the means of negotiating with their employers which is envisaged in our ordinary industrial legislation. I would remind the hon. Minister again that the Industrial Conciliation Act lays down that strikes of European workers are illegal in certain cases—that is in essential industries—but there is still machinery whereby the employees negotiate their own terms of employment with their employers. But the Native Labour (Settlement of Disputes) Bill introduced by the present Minister of Transport in 1953, was completely lacking in that sort of machinery. The hon. Minister said that he was opposed to the machinery of trade unions and that his intention was, if possible, to get the trade unions to bleed to death. The machinery which he provided was machinery by which negotiations in regard to conditions of work for Natives were really conducted by Europeans, with a faint connexion through labour committees. We were opposed to that then and we see no reason to change our opinion."

She pointed out that the Native Labour (Settlement of Disputes) Act had not achieved its purpose and quoted figures to show that strikes of non-European workers were more numerous than strikes of Europeans.

"I would say that, as reflecting the strike position [the figures quoted] would suggest that the machinery applicable to Europeans was far more effective than the machinery applied to non-Europeans."

She stated also that the White workers themselves were ahead of the Government in this field and encouraged the voluntary organization of African employees and the establishment of machinery for negotiation. An example was to be found in the copper mines where European workers themselves had agreed in recent months not only to countenance African organizations but to face the fact that that African organization would have to have an extended field of enterprise and that the workers themselves would have to be allowed the benefit of their increasing skill and knowledge. This measure, of course, is part of the general industrial scheme in this country, which is to try to keep the African workers and the European workers apart and to try to guarantee control in the industrial field in the interest of the White workers. However, the White workers themselves are increasingly coming round to the point of view that this artificial protection is of no use to them, and they are becoming less and less willing to accept that position.<sup>41</sup>

Mr. Hepple (Labour Party) stressed the heavy penalties provided under the Bill against those who take part in a strike, who go on strike, incite strikes or encourage other persons to go on strike. It was true that the same penalties were provided for employers who locked out their employees. However, it was obvious that a fine of £500 did not have the same meaning for a Native employee and his employer. He said:

"This amending Bill gives effect to the intention of the

<sup>40</sup> *House of Assembly Debates* (Hansard), No. 17, 30 May to 3 June 1955, col. 6726-6731.

<sup>41</sup> *Ibid.*, col. 6732-6735.

Government to make it absolutely impossible for Native workers to strike under any conditions whatsoever . . .

"It maintains another great injustice to the workers, and that is under section 3, which is applicable to employees and where the onus is placed on the accused to prove that he is not guilty of the crimes that are provided under this particular clause . . . It is quite unfair, it is quite unjust and immoral to throw the onus on the worker himself . . .

"This Bill which is before the House and which makes the penalties for striking much harsher, is only going to exacerbate race relations; it is only going to create greater hostility amongst the Native workers in South Africa."<sup>42</sup>

(h) *Group Areas (Further Amendment) Act, No. 68, 1955*

40. Earlier in this section the Commission discussed the Group Areas (Amendment) Act, No. 6 of 1955. Act No. 68 of 1955, passed at the close of the parliamentary session, introduced further amendments to Act No. 41 of 1950.<sup>43</sup>

41. In submitting the new Bill to Parliament, the Minister of Lands, speaking in behalf of the Minister of the Interior, said:

" . . . The main objects of this measure are to amend the Group Areas Act in order to improve the working of the Act, and to cure certain defects which have come to light in its application; secondly, to disentangle the Group Areas Act from certain provisions of the Gold Law and, finally, to repeal certain laws which were originally designed to achieve objects similar to those of the Group Areas Act but which, if left to stand over any longer, will complicate the legal position unnecessarily and will hamper the implementation of the Group Areas Act.

" . . . The first of those provisions is contained in clause 3 of the Bill and provides for the institution of buffer strips. It is becoming increasingly evident that it is necessary, for the successful application of the Act, to provide for buffer strips between contiguous group areas. These buffer strips can be proclaimed in the same way as group areas . . . In a buffer strip proper only a public authority or a person authorized by the Minister may own land or premises, and nobody may occupy such land or premises except for a purpose authorized by the Minister . . .

"The second amendment which I should explain is that contained in clause 5. As section 9 stands at the moment, a company is prohibited from continuing to hold immovable property if it becomes a company of another group, if any person acquires a controlling interest in such company and is a person belonging to a group which has not yet got a controlling interest in such company. But it does not include the case where a company changes its group character by reason of the fact that any person who has a controlling interest in the company gives up such an interest. Section 9 *bis* prohibits a person from continuing to hold immovable property if he or she changes his or her group character by reason of marriage or of co-habitation with a member of another group. What is happening in practice under this provision is, for example, that an Indian gives money to a Coloured woman to buy immovable property, and when she has purchased such property he marries her. Upon marriage the woman becomes an Indian and she then transfers the property to her husband without a permit, because the transaction is then one between members of the same group. In this way immovable property is changing hands in a manner which should be controlled. The proposed amendment overcomes this difficulty . . .

"Section 16 deals with the acquisition of immovable property by a company having bearer shares, and provides

<sup>42</sup> *Ibid.*, col. 6737-6744.

<sup>43</sup> See A/2505 and Add.1, paras. 555 *et seq.*

that no company which has issued bearer shares to an extent of more than one third of its share capital can acquire property without a permit. This provision is necessary because the group character of a company may be obscured to some extent by its bearer shares. It has been found that certain companies, almost invariably Asiatic-controlled companies, have bearer shares and hold immovable property illegally; because the identity of a company is partly veiled by a block of bearer shares proof of legal holding is very difficult indeed to obtain. Clause 12 accordingly proposes to put all companies having any bearer shares under the same obligation to get a permit to acquire or to hold immovable property . . .

"Clause 13 deals with the difficulty which is experienced under section 20 of the Act. If immovable property is illegally held in terms of the Group Areas Act or in terms of the laws in force prior to the Group Areas Act, the Minister may cause such property to be sold out of hand on terms and conditions agreed to by the person who holds the property in question, and if that fails, then by public auction. In practice this means that every sale out of hand can be, and is, frustrated by the illegal holder by the simple device of exercising his veto right as to terms and conditions of the sale. If a public auction is held, only the highest bid can be accepted and this is usually made by a person of the same group as that of the illegal holder or by a nominee of the illegal holder, and for that reason the bid is unacceptable. The amendment proposed in clause 13 does away with the veto right of the illegal holder as regards the terms and conditions of the sale. The Minister can, under the amendment, determine the terms and conditions without being subject to a right of veto by the owner, but he must consult the owner before he fixes the terms and conditions . . .

"Clause 19 contains an amendment which is designed to speed up the work under the Act. One of the difficulties experienced is that the public is constantly urging the Board and the Minister to announce policy in connexion with the establishment of group areas, and there is no doubt justification for such a request, because there should be certainty as to what will be the ultimate destination of certain areas, but there is also the danger that any policy announcement, short of an act of State, by means of a proclamation of a group area, may prejudice the impartial investigation of areas and endanger the fairness of the decisions come to. The problem is to find a way out of this difficulty, and the amendment contained in Clause 19 is thought to be the correct solution. The amendment provides for the calling for proposals as to group areas in any particular town, and for the consideration of any proposals received in response to such advertisement prior to advertising the areas involved in such proposals for full investigation. If the Board decides not to advertise a proposed area, because the proposal is fantastic, or merely obstructive, or not in keeping with the spirit of the Act, the decision of the Board may be considered by the Minister, and if the Minister agrees with the Board, then the proposal in question is turned down. In this way speedy decisions as to policy may be obtained by the elimination of areas and will serve as a short-cut to policy decisions by way of the proclamation of group areas.

"The second main object of the Bill is to disentangle the Group Areas Act from certain provisions of the Gold Law. As hon. members are aware, there are certain provisions in the Gold Law relating to the acquisition and occupation of immovable property in the areas in which the Gold Law is in force. These provisions, in fact, constitute legislation which achieves purposes similar to those intended to be achieved by the Group Areas Act, and the amendment contained in Clauses 23 to 26 intends to sweep away legislation for the continual existence of which there is no longer any good reason, and to clear the way for a more unfettered application of the Group Areas Act.

"The third and last object of the Bill is to repeal certain other prior legislation which were designed to achieve in the past the same objects which are today achieved in a

more direct and efficient manner by the Group Areas Act."<sup>44</sup>

42. Mr. A. Bloomberg (United Party) criticized the Government for not heeding the advice of the Opposition at the time of the passage of the principal Act.

"It is a great pity that the Government did not heed the suggestions made by the Opposition at the time when the Group Areas Act was originally introduced in 1950. I pointed out then, as I do again today, that the Act had and has most serious defects; that it had not received the careful consideration which an important measure of this nature requires and that it would be impracticable to give effect to the terms envisaged by the Act in its original form . . .

"The broad principle of the Act was that there should be a sifting of our mixed population in this country into neat and separate residential areas . . . It must be obvious to everyone that in the eventual sifting of these people into separate residential areas there would be involved primarily the shifting of the non-European races, because they would be the principal ones to suffer. The question immediately arises as to where they could be shifted to. Although the Act has been in operation for five years, that question is still unanswered . . . We have not been given any information on the fundamental and practical issue of how the Government intends to remove these unfortunate people to decent homes in areas reasonably near their work, where they can be kept in decent surroundings. We have been kept entirely in the dark as to how it is intended to give effect to this Utopian ideal of the Government without inflicting upon our people wholesale hardships.

"It is significant that no details are given in this clause as to the pattern these buffer strips will follow. The suggestion has been made, and has been regarded with a great deal of apprehension by the citizens of this country, that the Minister of the Interior is likely, in regard to these buffer strips, to follow the pattern laid down by his colleague, the Minister of Native Affairs. Briefly, the basis outlined by the Native Affairs Department in regard to these buffer strips is a buffer strip of 500 yards between a Native location and any area occupied by another group; 200 yards between a Native location area and all other external boundaries except where a national road forms that boundary, when the buffer will be 500 yards; and in the case of provincial roads, 300 yards, and in the case of all other roads, 200 yards.

"It has been suggested that it will be used in order to separate the races. The question immediately arises whether they will be used for any other purposes. People in the country have become alarmingly perturbed in recent weeks over rumours that have been current for some time about the purpose of these strips. It has been suggested that the people in occupation of these strips as well as the people living contiguous to those strips will be prohibited from planting any vegetation in those strips. It has been suggested that the area will have to be entirely cleared of all obstacles including vegetation and trees. It has been suggested by some people that these strips are being built so as to enable machine gun fire to be used in the strip at any time in case of need.

"Clause 3 of the Bill imposes many restrictions upon people whose land will fall under the proclaimed area of these buffer strips. The Minister is taking great powers unto himself. He can by proclamation define any area which is contiguous to the whole or any portion of the perimeter of any group area to be a buffer strip or to become a buffer strip. After such proclamation no person will be entitled without a permit to sell or otherwise dispose of any land or premises in this buffer strip to anyone other than the State or to the Provincial Administrations or to major municipalities acting on behalf of the Gov-

<sup>44</sup> *House of Assembly Debates* (Hansard), No. 19, 13 to 23 June 1955, col. 7738-7742.

ernment, nor will that person be allowed to occupy any of that land or premises in that strip, nor will he be allowed to use any of the land or premises unless he receives from the board a special permit entitling him to do so; nor will he be allowed to sub-divide the land or grant to any other person the right to use the land in any way whatsoever.

"It will be seen therefore that the Minister will have the most far-reaching control over this land, and the provisions of this clause will have far-reaching effects.

"I do hope that the Government will bear in mind that in giving effect to the important provisions set out in clause 3, a great number of innocent, law-abiding people will be affected if their properties are to be dealt with in the manner indicated in this Bill."<sup>45</sup>

Mr. R. B. Durrant (United Party) underlined the two basic principles of the Group Areas Act and showed how these principles are affected by the provisions of the Act under discussion:

"The two basic principles that were originally accepted were, firstly, that it was necessary to sift our present mixed population and that in the future development and planned settlement of our people in the various racial groups, the country should be able to develop according to the entrenched and traditional principle of residential and social segregation. If that is so, in regard to the sifting of the present mixed areas it was agreed and generally understood that the vested rights of the people who were bound to be affected, would be protected in giving effect to the provisions of the Act.

"I want to make the submission that there is certainly an attempt in this Bill to take away vested rights which are being enjoyed at present by a section of the population of the Transvaal in terms of the Gold Laws, which are now sought to be repealed.

"It has also been accepted that in the application of the Group Areas Act, those who would be affected by its provisions would suffer no financial loss, and would have the right to live in the homes that they have developed over a number of years, without any undue hardship.

"On the face of it this is bound to affect the non-European people of our country more than the Europeans. The Europeans will also be affected but to a lesser degree. In the meantime, while this uncertainty continues to exist, there has been financial loss, there has been hardship and there has been uncertainty in the exchange of a great many properties in this country. If subsection 2 (a) is strictly applied, it will mean the loss of thousands and thousands of pounds to private individuals and local authorities. The Government can use this power to force down the value of property within an urban area which it hopes to acquire in the execution of this Bill.

"I gathered that in the Bill, as it is now presented to the House, an effort was being made to peg the present position, that there would be no extension of the granting of the right of occupation to non-Coloured groups in an area which is normally in a European group. To that I have no objection. This Bill goes considerably further, in that it irrevocably removes the vested rights of land title of the present owners, and as I said at the beginning, that was never the intention of the Act when it was passed. It was time and again stated by the Minister of the Interior that these rights would be protected, that there was no attempt in the original Act to destroy these existing rights."<sup>46</sup>

Mr. Lovell (Labour Party) said:

"I think that the Group Areas Act is racialism gone mad, and when you read phrases like that in a Bill to set aside group areas, you come to the conclusion that we have perhaps taken leave of our senses. Fancy talking

about a person who is not a member of the same group as the group of which he was a member before he became a member of that other group! It is just complete nonsense.

". . . Then also the Act establishes what I may call human chameleons. Under this Bill if you are an Indian and you marry a Coloured male, you change your colour; you become Coloured. Under this Bill, if you are a Coloured person and you marry a Native, you become Black. I think there is some justification in my remark about human chameleons. There is no end to the tortuous administrative measures that we have to deal with when we try in a teutonic way to take a principle like residential segregation and give it logical effect."<sup>47</sup>

43. One of the main provisions of the Act is that in section 3 which authorizes the Governor-General to define by proclamation any area which is contiguous to the whole or any part of any group area defined under the Group Areas Act of 1950 and to declare that that area is a buffer strip or that it is intended to be declared as a buffer strip under the Act. After the proclamation of an area as a buffer strip, no person is authorized, except under the authority of a permit issued by the Minister, to sell or otherwise dispose of any land or buildings situated in the buffer strip except to the State. In addition, the owner of the land may not occupy or allow any person to occupy any land or buildings in the buffer strip, nor may he use the buffer strip for a purpose not authorized by a permit.

The Act amends or supplements earlier legislation in a number of respects, with the object of regulating certain specific cases such as those arising out of a change in the status of a woman owner of immovable property by reason of her marriage, a change in the ownership of the controlling interest in a company or in some cases a change resulting from the sale of immovable property.

Lastly, the Act contains amendments to the Precious and Base Metals Act, 1908, generally known as the Gold Law, certain provisions of which prohibited Coloured persons from acquiring rights to or occupying land in the areas covered by that Act. Under the amendments contained in the Bill, the provisions relative to *apartheid* are removed from the Gold Law, so that the Group Areas Act now becomes the only statute applicable to any area.

#### (i) *Group Areas Development Act, No. 69, 1955*

44. At its last session, in addition to the two Acts amending the Group Areas Act, No. 41, 1950, which are analysed above, Parliament enacted the Group Areas Development Act, No. 69, 1955, which is one of a series of measures taken by the Government in pursuance of its policy of segregating the various groups of the population.

45. The Minister of the Interior explained the object of the Act in the following words:

"In the first place it is to provide for the positive development of group areas, and on the other hand its object is as far as possible to eliminate speculation in property values which may arise as a result of the institution of group areas. The positive development of group areas has become essential as the result of certain factors which have arisen, the first being that the public not only insists on the speedy creation of group areas, but also demands that group areas should, as fast as possible, after they are proclaimed, be cleared of occupation by unauthorized persons. The unauthorized persons in a proclaimed area, on the other hand, are equally anxious to be housed in their own areas. There is thus therefore definite hurry to speed up the process of removal, which makes it possible to allow the process to proceed at the normal pace.

<sup>45</sup> *Ibid.*, col. 7744-7749.

<sup>46</sup> *Ibid.*, col. 7753-7760.

<sup>47</sup> *Ibid.*, col. 7776-7777.

"The second reason for the development of group areas is that the buildings occupied by the departing groups are not always suitable for occupation by the incoming or existing groups, and consequently will not readily be purchased by members of such groups. On the other hand, members of the departing group or groups will experience difficulty in freeing the capital invested in those properties and buying ground and dwellings with it elsewhere. Members of the remaining or incoming groups, on the other hand, will buy the buildings vacated provided they are suitable for occupation by them. The need is therefore felt to have a method of freeing the capital of the departing groups so that they can buy new properties, and so that the buildings vacated by them can be made suitable for the incoming groups. It is to be appreciated that arising out of this state of affairs there will be great opportunities for speculating in property values, and we simply cannot allow such speculation to continue uncontrolled. It therefore becomes essential to take the necessary steps timously to prevent speculation in property values getting out of hand. It is also essential to ensure that ground on which group areas for non-Whites will be proclaimed does not appreciate in price too much, so that there will be no exploitation of these people—people who in any case cannot afford it. This Bill provides for the attainment of these two objectives by the institution of a board called the Group Areas Development Board, in clause 2. Under clause 12 this board is vested with the powers necessary to attain the aforementioned objectives. I may say that in general, in so far as the powers and functions of the board are concerned, the precedents of other similar boards which have been instituted were followed. The board will, however, function only in group areas to which the Development Act has been made applicable by proclamation; in other words, it is not applicable automatically; it must be made applicable specifically after the Minister has considered a report by the Group Areas Board. The last-mentioned board, the Group Areas Board, to which is entrusted the task of advising the Minister in regard to the institution of group areas, must therefore also make recommendations in regard to the areas to which the Development Act is to be made applicable.

"As soon as the Development Act is applied to a group area, the Development Board has power to deal with those properties affected by the application of the Group Areas Act, i.e. the properties which are defined in clause 1 as 'affected property'. The board will have a pre-emptive right in regard to such property (clause 16). The first task of the board in such area is to draw up a list of all affected properties (clause 15). As soon as possible after the framing of the list of affected properties, the basic value of the said properties is to be determined (clause 19). The basic value of a property is defined in clause 1 as the market value of the land plus the cost of erection of the buildings at the time of the valuation thereof, less depreciation (clause 1). In terms of clause 32, the market value of the land is determined without taking into consideration the fact that the area in which the land is situated is now proclaimed as a group area. The determination of the basic value is not made by the board itself, but by valuers appointed by the Administrator of the Province concerned."<sup>48</sup>

46. Mr. A. Bloomberg (United Party) pointed out the new principle which is introduced in the Act:

"This Bill is a most important piece of legislation and involves a very important principle, a new principle in this country—it virtually amounts to State control of the property market in South Africa . . .

"One of the principal objections which the Opposition had to the original Group Areas Act was that it made no provision for compensation of property owners in this

country who would be displaced as a consequence of giving effect to the terms of that Act. We on this side of the House pointed out at great length the serious defects of what we described then as an inadequately considered piece of legislation . . . I said then, some five years ago, that this measure was the first step to establishing in this country State control over our property market. Our attitude has been fully justified . . .

"My first criticism in regard to this measure is that the Government proposes to vest in a board, which will probably consist of civil servants, an enormous amount of powers, powers which if used without discretion and absolute fairness, may inflict irreparable harm and almost ruination on many citizens of this country."<sup>49</sup>

During the third reading of the Bill, Mr. Bloomberg summarized the objections to the Bill in the following terms:

"I still feel it was wrong of the Government to present to Parliament a complex measure like this in the last hour of the Session. This Bill is most intricate. It sets out the Minister's proposals for having separate residential areas and it indicates the Government's pattern for providing compensation for property owners who will be displaced in consequence of giving effect to the original Group Areas Act. I must say frankly that I am not enamoured of the proposals contained in this Bill. I still think that a Select Committee, where representations could have been received from all interested parties, would have produced a measure which would have made better provision for the compensation due to the people affected. . . . We can only hope that the Bill will now be implemented by the Minister and his Department with discretion and absolute fairness. We hope the Minister will do everything possible to implement the assurances given by him so frequently not only during the course of the passage of this Bill but also when dealing with other measures connected with the Group Areas Act, that it is his intention to ensure that the spirit of the Act will be carried out without inflicting any undue hardship upon anyone."

In reply, the Minister of the Interior said:

"I want to say that normally, if it had not been for the conference that was held with the local and provincial authorities in March this year, this would have been a matter which should have gone to a Select Committee. But I really feel that that was a major public commission on the matter, and that is why I did not consider it necessary to send the Bill to a Select Committee, I regret very much that the hon. member for Castle (Mr. Bloomberg) still does not feel enamoured of this Bill. I should have thought that his closer acquaintance with this Bill would have made him change his mind, but I am sure that he will find, as I have found, that this Bill is one of these things that grow upon one."<sup>50</sup>

47. The Act is intended to settle the question of the compensation payable to the owners of immovable property in a group area, who are not members of the ethnic group to whom the area has been assigned, in such a way as to eliminate both the risk of loss resulting from the proclamation of the area and an appreciation in the value of the property by reason solely of that event.

A special body, known as the Group Areas Development Board, is established under the Act, the members of which are all appointed by the Government. The Board has jurisdiction over questions relating to "affected property", which means, under the Act, any immovable property situated in any group area so declared under the Group Areas Act 1950 and occupied by a person who is not a member of the group specified in the Proclamation.

<sup>48</sup> *House of Assembly Debates* (Hansard), No. 19, 13 to 23 June 1955, col. 8202-8209.

<sup>49</sup> *Ibid.*, col. 8209.

<sup>50</sup> *Ibid.*, col. 8350-8352.

The Board is authorized to buy and sell immovable property, to establish "townships", to grant loans and to build houses. It may also delegate its powers to any local authority, with the consent of that authority.

## 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

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

48. The legislative measures analysed in section I of this chapter are part of the *apartheid* policy of the Government of the Union of South Africa. Some of these measures undoubtedly tend to increase and aggravate the discrimination which previously existed, in particular: the Exchequer and Audit Amendment Act, No. 7, 1955; the Native Administration Amendment Act, No. 13, 1955; the Native (Urban Areas) Amendment Act, No. 16, 1955; the Motor Carrier Transportation Amendment Act, No. 44, 1955; and the Native Labour (Settlement of Disputes) Amendment Act, No. 59, 1955.

Other measures enacted during the year, such as the Group Areas Amendment Act, No. 6, 1955, the Group Areas (Further Amendment) Act, No. 68, 1955 and the Group Areas Development Act, No. 69, 1955, do not strictly speaking aggravate the discrimination which previously existed and are solely intended to supplement or amend certain provisions of earlier legislation or to clarify certain obscurities in it; nevertheless, in its analysis of the earlier legislation in preceding reports the Commission indicated that the legislation in question undoubtedly conflicted with the provisions of the Charter relating to human rights.

Some statutes, for example the Bantu Education Amendment Act, No. 44, 1954, have even, to some extent, improved the conditions under which the Natives live, but they are all based on the separation of the different groups.

49. In these circumstances, the Commission can only repeat what it said in paragraph 869 of its first report (A/2505 and Add.1) and paragraph 102 of its second report (A/2719). By pursuing the policy of *apartheid*, particularly when the attendant measures aggravate the position of the non-White groups, the Government of the Union of South Africa has failed to fulfil the obligations it assumed under Article 56 of the Charter. These measures are also contrary to the purpose stated in Article 1, paragraph 3, of the Charter.

### B. COMPARISON OF THE STATUTES REVIEWED WITH THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

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

#### (a) *Group Areas Amendment Act, No. 6, 1955*

50. This Act amends the Group Areas Act, No. 41, 1950, in certain respects. Under the new Act the Land Tenure Advisory Board has discretion to decide whether a person who wishes to make oral representations in connexion with an inquiry instituted by the Board has a

real interest in the matter; these discretionary powers are retroactive to 29 March 1954. The 1955 Act also introduces certain other modifications in the procedure followed by the Land Tenure Advisory Board.

51. The Commission notes that, however serious these changes may be for citizens who wish to make representations to the Land Tenure Advisory Board, they apply to all inhabitants of the Union and do not therefore imply differential treatment of the various groups. Hence, the Commission is not called upon to give its views on these changes.

#### (b) *Exchequer and Audit Amendment Act, No. 7, 1955*

52. This Act is a corollary of the Bantu Education Act, No. 47, 1953. The Commission analysed and commented on the latter Act in its second report (A/2719, paras. 55 and 101). The new (1955) Act regulates a fundamental issue not dealt with in the 1953 Act, namely, the financing of a separate educational system for Bantu children. Under the new (1955) Act the finance will come from two separate sources: a fixed contribution of £6,500,000 per annum from the general budget of the State and a variable amount consisting of a percentage of the direct taxes paid by the Bantu group.

53. The new Act will probably slow down the development of education for Bantu children even within the special and relatively limited terms of reference of Act No. 47 of 1953, and this conflicts with some of the principles embodied in article 26, paragraph 1, of the Universal Declaration of Human Rights which says:

#### *"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."*

54. Act No. 7 of 1955 raises another question: it means that the development of educational facilities for a separate group will depend on the amount paid in direct taxes by the members of that group. True, the Declaration does not expressly specify how taxes shall be distributed or levied or the funds derived from such taxes used for public services. The Commission feels bound to say, however, that certain budgetary rules, for instance that the burden of taxation should be commensurate with the taxpayer's ability to pay and that the State's resources should be used for the benefit of all citizens without discrimination, would seem to have become general principles of law recognized by all civilized peoples. Moreover, the principle that the State's resources should be used for the benefit of all citizens without discrimination is thought by the Commission to be an inescapable corollary to the principle of equality in the enjoyment of such rights as the right to education in countries where there is a public educational system financed from public funds.

#### (c) *Native Administration Amendment Act, No. 13, 1955*

55. Under the Act, the Minister is empowered to confer upon any Native chief or headman jurisdiction to try and punish any Native who has committed in the area of his jurisdiction any offence at common law or Native law and customs, or any statutory offence other than certain serious offences like treason and murder, which are enumerated in a schedule to the Act. In the

exercise of this jurisdiction the chief has authority to impose corporal punishment on unmarried males below the apparent age of 30 years. The Act lays down the maximum fines that may be imposed and prohibits the infliction of penalties involving death, mutilation, grievous bodily harm or imprisonment. The chiefs are not empowered to try offences committed by persons other than Natives. The Native chiefs are also empowered to arrest and bring before the Native Commissioner any person who refuses to pay any fine imposed upon him by the chief. The Native Commissioner, after satisfying himself that the fine was properly imposed, may sentence him to imprisonment with or without compulsory labour for a period not exceeding three months in case such person fails to comply with the order to pay the fine. The Native Commissioner generally is the appellate authority in all cases of conviction by a Native chief, with powers to confirm, vary or set aside sentences imposed by the chief. The Minister of Native Affairs is authorized under the Act to make regulations as to the manner in which the powers conferred on the Native chiefs and on the Native Commissioners should be exercised.

56. Without expressing any opinion on the wisdom of a special system of criminal procedure and special penalties for a particular group of the population, the Commission notes that Act No. 13 of 1955 vests power to try and punish criminal offences, both a first instance and at the appellate level, in Native or European administrative authorities. Furthermore, the Act does not abolish corporal punishment but merely prohibits certain forms of it. In these circumstances, the Commission believes that the provisions of Act No. 13 of 1955 are irreconcilable with articles 5, 10 and 11, paragraph 1, of the Universal Declaration of Human Rights. These provisions state:

*"Article 5*

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

*"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."

*"Article 11*

"(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

(d) *Natives (Urban Areas) Amendment Act, No. 16, 1955*

57. This Act amends the Natives (Urban Areas) Consolidation Act, No. 25 of 1945 which was discussed in the Commission's first report (A/2505 and Add.1, paras. 502 to 506).

The new (1955) Act limits yet further the right of settlement of Natives in urban areas and restricts their freedom in the choice of employment. It also extends to young persons over 15 but under 19 years of age the provisions of Act No. 54 of 1952, reviewed in the Commission's first report (A/2505 and Add.1, paras. 532, 875 and 881), whereby any Native suspected of being "idle or undesirable" is liable to be sent to or detained in a farm colony, work colony or similar institution to perform thereat such labour as may be prescribed under the Act or the regulations made thereunder.

58. The Commission considers that these provisions of the 1955 Act are not consistent with the provisions of

article 13, paragraph 1, and article 23, paragraph 1, of the Declaration which read as follows:

*"Article 13*

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

*"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."

(e) *Motor Carrier Transportation Amendment Act, No. 44, 1955*

59. This Act extends the principle of segregation in public transport services to cover tramways and trolley bus services where it had not hitherto been compulsory for carriers to apply it. It also establishes a special fund for Native transport services into which is paid a percentage of the revenue derived from a special tax payable by Natives.

60. The Declaration contains no provisions specifically relating to equality in the use of public services; nevertheless, the Commission considers that the provisions of this Act offend against the principles of equality and non-discrimination embodied in articles 1, 2 and 7 of the Declaration.

(f) *Native Labour (Settlement of Disputes) Amendment Act, No. 59, 1955*

61. The object of this Act is to replace section 18 of the earlier Act and, more particularly, to redefine the term "strike". The new definition is much broader than the previous one: under the earlier Act Native workers were prohibited from striking in certain circumstances; this prohibition is now extended to any concerted stoppage of work. It is noteworthy in this connexion that the definition of the expression "labour dispute", which had previously applied equally to Native and non-Native workers, is now replaced, so far as Native workers are concerned, by a new definition which differs clearly in several respects from the definition applicable to other workers in the Union. Lastly, Native workers who violate the ban on strikes have now become liable to heavy penalties. Although the same penalties can admittedly be imposed on employers who "lock out" their Native workers, the great difference in the economic status of employees and employers obviously makes this equality before the law illusory.

62. The Commission is of the opinion that the provisions of Act No. 59 of 1955 aggravate yet further the earlier legislation's infringements of the trade union rights proclaimed in article 23, paragraph 4, of the Declaration. This paragraph says:

*"Article 23*

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

(g) *Group Areas (Further Amendment) Act, No. 68, 1955*

63. The buffer strips for which Act No. 68 provides do not modify the general principles embodied in Act No. 41 of 1950 and, apart from them, the new Act amends only points of detail in the earlier legislation and does not change its general nature.

The Commission can only refer, therefore, to the comments on the 1950 Act contained in its first report (A/2505 and Add.1, paras. 874 and 878).

64. The objects of this Act are to control the disposal and the acquisition of immovable property in group areas and other areas defined under the Group Areas Act, 1950, and to develop such areas under the supervision of a Board established for this purpose.

65. Since the provisions of the Act apply to all group areas, regardless of the ethnic group to which they are assigned, it does not *per se* imply differential treatment and consequently it is not the Commission's function to express an opinion on it.

(2) *How far do the statutes reviewed conform as a whole to certain articles of the Declaration which embody general principles?*

66. 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 terms of article 1, article 2 and article 7 of the Universal Declaration of Human Rights, which provide:

*"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."

## Chapter II

### IMPORTANT DEVELOPMENTS AFFECTING THE RACIAL SITUATION<sup>51</sup>

67. This chapter sets out the main events which have occurred since the completion of the Commission's last report, in so far as the Commission thinks they have a direct bearing on the racial problem. For the sake of clarity, the chapter is divided into sections. Section I deals with the change of Government in December 1954 and discusses the new Government's statements on the racial problem and the reactions of the Opposition and in the Press to those statements. Section II sets out the main points of the United Party's Native programme as adopted by the Party Congress at Bloemfontein in November 1954. Section III refers, in connexion with the franchise of Coloured persons, to the enactment by the 1955 session of Parliament of two Acts, one to reform the Supreme Court of the Union and the other to modify the composition of the Senate. Section IV reports a decision by the General Council of Transkei Territories (Bunga) accepting, in principle, the Bantu Authorities Act of 1951. Section V describes the various practical effects of certain legislative provisions involving differential treatment which were enacted in earlier years. Section VI studies Bantu education problems. Section VII discusses certain events connected with the Union's economic and social development; section VIII deals with the activities of scientific institutions concerned with racial problems; section IX sets forth the attitude of the churches in South Africa particularly with regard to certain broad problems; section X gives an account of

some activities of the African National Congress, including the meeting of the Congress of the People; and, lastly, section XI reports international repercussions of the racial problem, particularly in certain meetings held outside the Union.

#### I. Change of Government; general statements by the Government and general debate in Parliament concerning the racial problem

68. The major political event in the year which had elapsed since the Commission's second report was the resignation of Dr. Malan, Prime Minister of the Union (announced on 12 October 1954 with effect from 30 November) who was replaced by Mr. Strijdom, former Minister of Lands and of Irrigation (30 November 1954). The new Government formed by Mr. Strijdom on 2 December 1954 has almost exactly the same composition as Dr. Malan's Government. Senator Verwoerd remains Minister of Native Affairs although other portfolios have changed hands; Mr. Louw for example has replaced Mr. Havenga as Minister of Finance. This section will deal with the repercussions of this event on the Government's racial policy.

It consists of two subsections. Subsection A contains a series of statements made by various members of the Government outside Parliament, as they were reported by the Press. Some of these statements were made before and others after the formation of the new Government. Subsection B contains various statements on the racial problem made during three general debates in Parliament.

<sup>51</sup> This chapter is based mainly on the records of parliamentary debates, other official South African publications, the Afrikaans and English daily and weekly Press in the Union and certain other publications, notably by the South African Bureau of Racial Affairs and the South African Institute of Race Relations. The Commission has also used news items from certain international Press organs.

(1) *Statements by members of the Malan Government*

69. The period between August 1954 and the time when Mr. Strijdom's Government took office was both pre- and post-electoral owing to the provincial elections in August 1954, which gave a strong majority to the National Party in the Cape Province, the Orange Free State and the Transvaal. Some of the public statements on the Government's racial policy made at that time are therefore of interest. Several statements by Dr. Verwoerd, Minister of Native Affairs, which appeared in the Press at that time, are summarized below with an indication of the source.

In August 1954 Dr. Verwoerd said that the Bantu chiefs had increasing confidence in the policy of the Nationalist Government. He added that at that juncture no one could say when total *apartheid* would be achieved. In reply to a question he explained that the Minister of Defence was taking energetic steps to organize his Ministry to meet the danger of an "explosion" by the non-Whites. The "commandos" system which was part of the defence policy, would make it possible to repel a Mau Mau movement, if one developed.<sup>52</sup>

Dr. Verwoerd pointed out that the path of integration led to the predominance of the Natives and not to racial equality. The real choice lay between a separation which would ensure order and be advantageous to both Whites and non-Whites and the disappearance of the White race in a mongrel breed.<sup>53</sup>

After the election, Mr. Strijdom, then Minister of Lands in the Malan Government, made a number of statements the most important of which are summarized below.

At the opening of the National Party Conference at Pretoria on 14 September 1954, Mr. Strijdom said that the Party's third ideal 'after the Republic and the sovereignty of Parliament', was *apartheid*. While admitting that the ideal of total *apartheid* could not be achieved immediately he pointed out that the degree of *apartheid* attained so far was higher than under the system of segregation advocated by General Hertzog.<sup>54</sup>

The day after Mr. Strijdom had made these statements, *The Star* published an editorial part of which read as follows:

"... for one thing, Mr. Strijdom considered total *apartheid* quite impracticable in present conditions and in the foreseeable future. But even more important than that, he was convinced that any political party which came to the electorate with a programme of total *apartheid* would never be returned to power.

"So at last a breath of cold reason has begun to blow through the political fogs surrounding the *apartheid* question."<sup>55</sup>

(2) *Government statements made after the formation of the new Government*

70. In a speech at Nylstroom early in December, the Prime Minister said:

"... in the light of changing circumstances, and as the need arises, it might, in future, become necessary to accelerate and expand the application of *apartheid* in the

interest of good relations between Europeans and non-Europeans".<sup>56</sup>

A few days later at Bloemfontein, Mr. Strijdom said that when the non-Whites obtained political rights that would be the end of the Whites in South Africa and that is why we shall fight to the death. He added that the National Party believed in the need for maintaining the authority of the Whites in their sphere, but also in the principle of justice and equity towards the non-Whites, who should be allowed to develop in their own sphere, in their own way and according to their ability with any assistance that the Whites could give them.<sup>57</sup>

*Christmas message from Prime Minister Strijdom to the Bantu, December, 1954*

71. At Christmas, Mr. Strijdom, the Prime Minister, sent a message to the Bantu in which he assured them of the Government's support and said that it wished to encourage them and lead them towards independence. He outlined what remained to be done to that end, stating, *inter alia*:

"... you must yet learn to develop and reclaim your own areas so that your homeland can become prosperous. You must learn to govern yourselves in your areas. You must learn to become your own traders, builders, carpenters, doctors, welfare workers and so forth. This is a separate development and must be based on your own way of life. In all respects you must learn to make your own communities self-sufficient . . .

"... why should one strive after an impossible ideal in which one's nation would perish, instead of setting as an object the preservation of one's heritage and development on those lines?

"It is a difficult but just road that you will have to travel, that is, to preserve your racial identities and develop on your own. However, when the final goal is reached the prize will be worth while".<sup>58</sup>

*The Prime Minister's opinions on the possibilities of Native self-government*

72. In an interview with a *New York Times* correspondent on 24 February 1955, the Prime Minister, Mr. Strijdom, said that under the policy of segregation which was being energetically pursued the Native could not hope to obtain direct representation in the national Government. He held out the possibility of self-government for Natives in their own areas but said it was not a "problem for today's practical politicians. It will not crop up for generations and generations to come, if you look at the backward state of the Natives. We are dealing with the actual problem as it faces us today. They must remain under the trusteeship of the Whites, which is the dominant race. I am not philosophizing about what will happen a hundred years from now".<sup>59</sup> In the same interview Mr. Strijdom expressed the opinion that at least 90 per cent of the 3 million Whites in South Africa was in favour of the Government's segregation policy and he added that "the Natives as a whole are in favour".

*Statement by the Minister of Native Affairs on the apartheid policy*

73. According to a news report in *Die Burger*, Dr. H. F. Verwoerd said of *apartheid*: "We are following a difficult path; it must lead to separation and the final objective of total *apartheid* cannot be achieved in our

<sup>52</sup> *Die Transvaler*, 16 August 1954.

<sup>53</sup> *Ibid.*, 17 August 1954.

<sup>54</sup> *Ibid.*, 15 September 1954.

<sup>55</sup> *The Star*, 15 September 1954.

<sup>56</sup> *South Africa*, 18 December 1954.

<sup>57</sup> *Die Transvaler*, 13 December 1954.

<sup>58</sup> *South Africa*, 1 January 1955.

<sup>59</sup> *The New York Times*, 25 February 1955.



life-time." According to the same paper he said that there was some indication that the Natives wished to co-operate with the Government. He added that they were beginning to see that the agitators were deceiving them and that it was the Afrikaners who were honest. Since 1948 the Government had been trying to establish *apartheid* in every field, even in cases where the Natives were represented in areas inhabited by the Whites. If the Natives were allowed to settle in those areas by the year 2000 there would be approximately 12 million Natives in the vicinity of villages and towns inhabited by Whites. Agriculturally speaking, there would not be room for more than 3 million Natives on the Reserves and approximately 4 million on the agricultural settlements. Present action must therefore be determined by what would be best for the country in the future. The ideal solution would be for the 12 million Natives to live on the Reserves.<sup>60</sup>

*Statement by the Minister of the Interior on the Government's policy*

74. According to *Die Transvaler* of 18 April 1955, Dr. T. E. Donges, Minister of the Interior, told a National Party meeting at Mossel Bay that the Government's programme would continue to be based on the platform on which it had won the 1953 election.

The objectives mentioned by Dr. Donges include the consistent and systematic application of the policy of *apartheid*. The Minister explained that the Government would be just but persevering in seeking to achieve those objectives and that it would follow the path so clearly laid down by the previous Prime Minister.

## B. DEBATES IN PARLIAMENT

### (1) *Opening of Parliament and Speech from the Throne, January 1955*

75. In the Speech from the Throne<sup>61</sup> on 21 January 1955, Mr. Jansen, Governor-General, described the situation and outlined the Government's programme for the following few months. The following passages from his speech are concerned entirely with the racial question:

"The Government intend to proceed with the Industrial Conciliation Bill,<sup>62</sup> which, during the previous session of Parliament, was referred to a Select Committee after second reading in the House of Assembly.

"Consultations with Bantu chiefs who were accompanied by councillors from both Native areas and urban locations took place at special gatherings and this practice, which has the support of the Natives, will be further developed. The Government have noted with satisfaction the growing support among the Bantu of the policy of separate development.

"In terms of the Bantu Education Act arrangements are being made to re-organize Native education into a community service. In order to stimulate genuine interest among Natives in this regard, the total proceeds of direct Native taxation will in future be used exclusively for Native services. One-fifth of these funds already accrues to the Native Trust, and legislation will be introduced to ensure that the remaining four-fifths will be devoted to Bantu education.

"It has become evident that it is impossible, under the provisions of the Natives (Urban Areas) Act to prevent the concentration of disturbingly large numbers of Natives in the areas zoned for flats, and the law will there-

fore be amended to deal effectively with this undesirable state of affairs.

"The Native Trust and Land Act will be amended, to ensure that, in accordance with the policy of separate development, only the Bantu themselves, and the South African Native Trust on behalf of the Bantu, will acquire freehold rights in the Native Areas . . .

"Parliament will at the appropriate time be asked to give consideration to the separate representation of voters . . ."

Other legislative measures announced in the speech include the bills to amend the Group Areas Act, No. 41 of 1950. The rest of the speech deals with the country's general prosperity and more particularly with expansion in the field of industry and the improved external payments position, etc.

### (2) *Debate on a motion of no-confidence*<sup>63</sup>

76. On 25 January 1955, Mr. Strauss, leader of the United Party, moved in the Assembly a motion of no-confidence in the Government. This motion, which was not eventually adopted,<sup>64</sup> was debated from 25 to 28 January, and the Commission thought it useful to summarize the exchanges concerning the racial problem.

77. In moving his motion of no-confidence, Mr. Strauss (United Party) stated that the Government's legislative programme, as set out in the speech from the Throne, contained a number of threats to the peaceful development of South Africa. Among the most serious of those threats was the proposal to go on with the Industrial Conciliation Bill—a measure designed to restrict the useful employment of native labour—the Bill of the Minister of Native Affairs in regard to Bantu education, opposing and nullifying the work of the Christian missions, the proposed amendment of the Natives (Urban Areas) Act, which would, *inter alia*, remove large numbers of domestic servants from the towns in South Africa, and the proposal of the Minister of the Interior to control the departure of people from the Union. Most serious of all was the declaration that Parliament would at the appropriate time be asked to consider the separate representation of voters.

Referring to the question of the Coloured vote, and regarding the representation of the Native people in the House, he said his Party stood by the settlement reached under the 1936 legislation.

He then pointed out that the Minister of Native Affairs had given support to the idea that the Coloured people of the Cape had become an integral portion of the European Western Cape Province; which was an admission of the correctness of the views of the United Party as far as economic integration was concerned. That attitude of the United Party had been indirectly endorsed by the Chairman of SABRA (South African Bureau of Racial Affairs) at a recent meeting.

As regards Native affairs, economic integration was proceeding faster than ever, not only on a quantitative basis but also on a qualitative basis. The Natives were doing more and more semi-skilled work in South Africa. There was no single indication that the Government was doing what SABRA has asked them to do, i.e., honestly and squarely to face up to the question of "gebiedskeiding" (partitioning the territory). The Government was

<sup>60</sup> *Die Burger*, 5 March 1955.

<sup>61</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 3.

<sup>62</sup> This Bill was not passed during the session.

<sup>63</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 24, 74, 125 and 184.

<sup>64</sup> The motion of no-confidence moved by the United Party was defeated by 74 votes to 53.

not doing what it said it was proposing to do, namely to halt or to move away from economic integration. Whilst they were pretending that they were moving away from it, in practice, integration was proceeding faster and more rapidly than it had ever done before; they were failing to do what the United Party had done and would do again when it came into power, namely, to control and to regulate that economic integration in such a way that it took place to the best interests of all sections in South Africa.

While the Government had no Native policy, the United Party did have one, based on the report of the Fagan Commission, which was the traditional policy of segregation.<sup>65</sup>

A summary of the principal arguments advanced by the Opposition during the debate is given below, together with an indication of the questions to which they refer.

#### (a) Racial policy in general

78. Dr. Friedman (United Party) considered that the *baasskap* policy (policy of domination) was sowing the seeds of a black revolt and thus endangering white civilization in the country.<sup>66</sup>

Mr. Lee-Warden (Natives' Representative) said that he believed whole-heartedly in the United Nations Charter and in human rights. He was not prepared to compromise with his conscience and would therefore take the consequences. He realized that a person who held such views would find few, if any, friends in the House.

His first criticism concerned the indirect representation of the African people in Parliament. He said that there was a drift from such organizations as the African National Congress towards a more hostile anti-White bloc. The Africans knew that *apartheid* was no longer a mere word but that it had become an experiment — the greatest experiment the world had ever seen — and that they were the guinea-pigs. But there were few people who were prepared to voice the grievances of the Africans.

It was the Government's intention, he continued, to remove thousands of human beings from their homes. He would go so far as to say that that constituted a breach of the powers a Government should have. When the Secretary for Native Affairs had announced his policy of removing Africans from the Western Cape<sup>67</sup> indignation had swept through the country. People had asked what was going to happen to the labourers and the domestic servants. Mr. Lee-Warden considered that it was a sign of a very poor state of mind if no objection was raised to the principle of the removals but only to their consequences. Nobody asked what was going to happen to the Africans themselves or what provision had been made for them. Political observers would no doubt agree that the present trend of removing Africans was diametrically opposed to some of the earlier forms of native policy. Indeed, both the *Volksraad* and the Parliament had been instrumental in driving the African from the land into the towns. The insatiable demand for labour had placed the country in the position in which it now found itself. But it should never be forgotten that South Africa owed its prosperity to the sacrifices and to the sweat and blood of the African worker.

Thirty years ago it had been considered right and proper for the budding politician to make overtures to

the African voters. At that time the Africans had been on the common roll, they had had political status and political value. Today they had neither. They were almost voiceless and voiceless. None could stop the Government in its fanatical drive towards the *apartheid* State. It struck like a *torнадо* at homes and families and left in its wake a trail of misery. The quietness recently referred to by the Chief of Police struck him as ominous. The surface might appear tranquil but there was a subterranean rumbling which resembled a volcano about to erupt.<sup>68</sup>

#### (b) The Reserves

79. Mr. Stanford (Natives' Representative, Transkei) thought that racial policy should be a total policy and an economically possible policy; the Government's policy was neither. Only a little more than half the land promised under the 1936 Act had been purchased. Three million of the 9 million Natives were still living in the Reserves and found it impossible to make a living there. The recent study of the Keiskamashoek gave a sombre picture of declining productivity. Industrialization of the reserves would be extremely difficult, particularly since they had become isolated stagnant pools in the economic progress of the country. On the other hand, the Africans had played a great part in the economic development of the country and they could not be sent back to the reserves; they had been urbanized and tribalism itself was a dying thing. The real problem facing the country was the problem of an emerging society.<sup>69</sup>

#### (c) Native labour and the trade unions

80. Mr. Hepple (Labour Party) said that the Government had not lived up to the policy expounded by the Minister of Native Affairs. The Native urban population—the industrial workers and their families—at present numbered 2 million; the Minister of Native Affairs himself had said that in the year 2000 it would have grown to 12 or 13 million. The problem was what were to be the rights of those 12 million Natives.

Total *apartheid*, the division of South Africa into two areas, with the Whites in one area and the non-Europeans in the other, was not the pattern which was being developed. South Africa was proceeding to develop as a multi-racial society. The non-Europeans were increasing, demanding to know what future they and their descendants would have in that multi-racial society.

So far the Government had concentrated its efforts upon restrictive measures against the Native workers. It had taken every opportunity it could to restrict the freedom of association of Native workers. It had passed laws which made the recognition of Native trade unions impossible.<sup>70</sup>

#### (d) The Natives of the Western Province

81. Various members of the Opposition also attacked the Government's policy with regard to the proposed gradual withdrawal of Natives from the Western Province, with particular emphasis on labour problems. The question is dealt with in detail elsewhere in this report.<sup>71</sup>

82. Before giving the principal arguments put forward by members of the Government and other repre-

<sup>68</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 162-164.

<sup>69</sup> *Ibid.*, col. 54-58.

<sup>70</sup> *Ibid.*, col. 93-96.

<sup>71</sup> See chap. II, sect. VII, B, below.

<sup>65</sup> *Ibid.*, col. 24-41.

<sup>66</sup> *Ibid.*, col. 69-70.

<sup>67</sup> See chap. II, sect. VII, B, below.

representatives of the Nationalist Party in reply to Opposition criticisms, a short account should be given of the position taken up by representatives of the Conservative Party, who submitted an amendment to the motion tabled by the Leader of the United Party.

Mr. P. B. Bekker (Conservative Party) proposed an amendment to the United Party's motion, by which the House would not express lack of confidence in the Government but would express its opinion concerning certain constitutional points and in connexion with racial matters.

The amendment was to provide, *inter alia*, that:

(a) The Separate Representation of Coloured Voters should be resolved in the manner prescribed in the Entrenched Clauses and on the basis of the compromise proposed during the previous session; . . . and

(c) The traditional non-European policy of segregation and separate development, as opposed to multi-racial integration, should be reaffirmed.

Mr. Bekker said that under segregation the ideal and practical step was towards a national home for the Bantu; under integration he would get controlled freehold rights; his home, his fatherland would be near the industries in Johannesburg, Durban, Bloemfontein and Cape Town. His eyes would not turn to his own spiritual and political home but to the industries of the White man. Integration as a policy could only mean complete equality in European South Africa or the subjugation of a developing community.<sup>72</sup>

Mr. B. Coetzee (Conservative) said the Natives who were working in the country were working, as they had always done in the past, on a contractual basis. If they worked they were given housing and paid a decent wage. But they could have only very limited economic rights. They would never be placed in charge of Europeans. If, however, they were mature and if they preferred a different position in which they could obtain full political and economic rights, then they must look, not to the country which was the European's fatherland but to the Reserves and the Protectorates. If any criticism could be levelled against the Government it was that it was not proceeding rapidly enough to create that national home for the Natives, but it was senseless to ask when that was going to happen because that policy would take years and years to be applied in practice. After all, that was the way in which all big racial problems had been solved in the world. All the big racial problems in the world had been solved by what was known as partitioning.<sup>73</sup>

#### *The views of the National Party*

83. Replying to criticisms of the Government's policy, the majority of speakers belonging to the National Party attacked the United Party's racial policy as expounded at the Bloemfontein Congress.<sup>74</sup>

Dr. J. H. O. du Plessis (National Party) stated the question as follows.

The crux of the matter was that it had to be tackled and solved in a period of crisis, against the background of world events and the background of the tremendous state of flux existing at present on the continent of Africa.

He observed that the 2,750,000 Whites in South Africa today had to face attacks from outside led by the

<sup>72</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 133-135.

<sup>73</sup> *Ibid.*, col. 221-224.

<sup>74</sup> See chap. II, sect. II, below.

Asiatic Powers, China and India, with their populations of 600 and 400 million respectively, who were encouraging this so-called awakening of the almost 200 million Natives in Africa. International liberalism and international communism, under the leadership of the socialist sixth of the world, the awakening of the Natives in Africa under the leadership of local national congresses led by agitators throughout the continent, and the increase in the population of Africa during the last hundred years, must also be taken into consideration. He said that all those Powers had one object only, namely that the White man should eventually have to leave the continent of Africa as he had already had to abandon Asia. By the end of the twentieth century there would probably be in South Africa a population of 30 million of which only 5 million would be Europeans. In the midst of that turbulence, in the midst of that period of crisis, the United Party set out to publish a policy of economic integration, accompanied by political concessions to the non-Whites. Dr. du Plessis added that if economic integration were accepted, its inevitable result, political integration, and social integration must also be accepted. Then there would be equality in South Africa. The Whites in South Africa would be swamped by the non-Whites. That was the logical consequence of the policy of "dynamic economic" integration accepted by the United Party. The inevitable result of integration in South Africa would be complete equality and that would mean the doom of the White man in his fatherland. The Opposition said that integration was inevitable because economic forces dictated it, but the Nationalist Party and the Government expounded a policy which would make it possible for the coming generation to oppose those powers; they expounded a policy of *apartheid*, of the development of each population group in its own sphere, and of segregation. The Nationalist Party had a gradual policy which would increasingly bring about segregation, which took into account the economic forces of the country, but which would not render it impossible for future generations to bring about, when the time for it arrived, that measure of territorial segregation in South Africa which would be the only hope for the White man.<sup>75</sup>

The Minister of Native Affairs also spoke in the debate. He explained the Government's policy with regard to the Natives in the Western Province<sup>76</sup> and dealt at length with the problem of the Reserves.

#### *The Reserves*

84. The Minister of Native Affairs observed that it had been said that more development was needed and remarked that foundations were now being laid which would also make it possible to send the Native population back to the Reserves when they were no longer needed elsewhere. The returning Natives would not only be settled back in the towns within the Reserves but they would also be able to obtain better employment and would be able to live with their facilities in their own areas, under Bantu administration. The policy of placing European-controlled, European-administered and European-owned industries in the Native areas would lead to complete integration and eventually to domination through the weight of Native numbers. That policy would have the further result of claims arising for partnership in the administration of the Native Reserves (whereas the policy of *apartheid* allowed the Natives to exercise their

<sup>75</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 136-138.

<sup>76</sup> See statement by Dr. Eiselen and speech by the Minister of Native Affairs, chap. II, sect. VII, B, below.

full rights); the supporters of that policy were also prepared to give partnership and administration to the Natives in the White areas.

According to its policy, the Government was gradually removing the White spots from the Native areas and applying a system under which the Native was paramount in his own areas in all spheres.<sup>77</sup>

(3) *Debate on a motion relating to the extension of Native representation*<sup>78</sup>

85. The question of Natives' political rights was raised in Parliament when a motion was tabled by Mr. Hepple (Labour Party) to the effect that all Natives, and not only those in the Cape Province, should be entitled to elect members to the House.

*Labour Party Motion*

86. Mr. Hepple, speaking in the Assembly on 8 February 1955, pointed out that since 1936 Natives had been absorbed in the economy of the country in vast numbers. They were being detribalized and stabilized, transformed from migratory and unskilled labourers into stable skilled or semi-skilled workers. There were now 2 million Natives in urban areas; in 1936 there had been less than a quarter of that number. Economic development could not be separated from political advancement.

The Labour Party proposed that in addition to the three Native representatives from the Cape Province, there should be three Native representatives from the Transvaal, two from Natal and two from the Free State. Franchise should be exercised by the Natives on the basis of a literacy test and on a communal roll. With regard to the Senate, the four Senators should be abolished and eight Senators representing the Native people should all be elected. They should have the right to elect people of their own race to Parliament.<sup>79</sup>

*United Party Programme*

87. Mr. Strauss recalled that for the United Party the principles of Native policy were in economic affairs, integration; in political affairs, guidance and leadership; in social and residential affairs, separation and in all matters justice and fair dealing; he summed up as follows his Party's aims as far as Native representation was concerned.<sup>80</sup>

The number of Senators provided for in the 1936 Act should be increased from four to six.

Educated Natives should be given a greater say in the election of their own representatives to the Senate and should have a more direct and personal vote.

The Party also suggested that the powers of Location Boards, Tribal Committees and Native Reserve Boards should be extended.<sup>81</sup>

*Views of the Liberal Party*

88. Mrs. Ballinger proposed an amendment to the motion to the effect that the separate roll now existing for Africans in the Cape Province should be abolished

<sup>77</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 197-207.

<sup>78</sup> *Ibid.*, No. 3, 7 to 11 February 1955, col. 720; No. 5, 21 to 25 February 1955, col. 1522; No. 8, 14 to 18 March 1955, col. 2696.

<sup>79</sup> *Ibid.*, No. 3, col. 720-726.

<sup>80</sup> In this connexion see also chap. II, sect. II, below.

<sup>81</sup> *House of Assembly Debates* (Hansard), No. 3, col. 747-760.

and the registered Africans transferred to the common roll; that all Africans of 21 years and over whose educational attainments equalled those acquired by Europeans should be placed on the common roll; and that a policy of expanding educational opportunities for Africans should be initiated.<sup>82</sup>

*Views of the Conservative Party*

89. Mr. B. Coetzee, expounding the Conservatives' policy, stated that his Party was in favour of giving the Natives full political rights in the fatherland which the Europeans must create for them.<sup>83</sup>

*National Party Programme*

90. The National Party's policy, as set forth by the Prime Minister during the same debate, was opposed to any extension of Native representation in Parliament. The Party's policy was not to extend the franchise, not to extend representation, but it wanted justice done to the Native so that he could develop economically and politically in his own areas where he would be trained to exercise his political rights. *Apartheid* and separation must be gradually applied until the non-Europeans had so developed that they would be able to build up their own political institutions and local government.<sup>84</sup>

During the same debate Mr. J. H. O. du Plessis pointed out that a great success had been achieved by the Minister of Native Affairs in his conference with Natives; law-abiding Native masses were more and more subscribing to the standpoint of the Government.<sup>85</sup>

91. Lastly, Mr. Lee-Warden (Natives' Representative) submitted an amendment according to which full political rights should be extended forthwith to all South Africans on an equal basis, irrespective of race or colour. In his opinion the programme put forward by the Government under the name of *apartheid* was a mystical, undefined policy, leading people to a state of confusion. He recalled certain conclusions of the second part of the report of the United Nations Commission on the Racial Situation in South Africa (A/2505 and Add.1) and also the opinion expressed by the Rev. W. A. Landman,<sup>86</sup> which he also quoted.<sup>87</sup>

Since there were no seconders of Mr. Lee-Warden's amendment, it was not put to the vote.

(4) *Debate in the Senate (4 to 18 March 1955) on the Government's apartheid policy*<sup>88</sup>

*Motion by Senator Ballinger*

92. On 4 March 1955, Senator Ballinger (Natives' Representative) presented a motion on the policy of *apartheid* which gave rise to a debate, summarized below. The three main points raised in the motion were:

(a) That the policy of *apartheid* had been found impracticable and was only a check to the legitimate aspirations of the Natives;

(b) That the efforts of the Government to implement that policy continued to increase the state of tension; and

<sup>82</sup> *Ibid.*, No. 5, 21 to 25 February 1955, col. 1530-1539.

<sup>83</sup> *Ibid.*, col. 1540-1548.

<sup>84</sup> *Ibid.*, No. 3, 7 to 11 February 1955, col. 765-775.

<sup>85</sup> *Ibid.*, col. 776-777.

<sup>86</sup> See also chap. II, sect. IX, C, below.

<sup>87</sup> *House of Assembly Debates* (Hansard), No. 3, 7 to 11 February 1955, col. 2702-2707.

<sup>88</sup> *Senate Debates (Official Report)* No. 2, 2 to 4 March 1955, col. 113; No. 3, 7 to 11 March 1955, col. 250, 482; No. 4, 14 to 18 March 1955, col. 612, 828.

(c) That it was not in accordance with the wishes of an overwhelming majority of the people; therefore it was imperative that the future of the country should be planned on the basis of the "Four Freedoms" adopted by the United Nations for the development of backward nations.

In Senator Ballinger's view the question of keeping South Africa white had to be redefined in terms of democracy. It was impossible to apply *apartheid* strictly to Africans and non-European sections of the population; to do so would retard the economic development of the country and that policy was increasing the tension between the races. He opposed the Nationalists' claim that they had a mandate to bring *apartheid* into operation; neither from the European section nor from the non-White section had such a mandate been given.

He recalled certain instances such as the case of the Native workers of the Cape who were to be removed.<sup>89</sup>

It was recognized by its supporters that *apartheid* could not be brought into operation immediately and that it would take many years to do so.

Senator Ballinger then referred to the conclusions reached by the two economists of repute who had stressed that in the implementation of *apartheid* the first problem was that of finding the necessary land; the second, that of water; the third, that of labour; overshadowing the whole was the question of money. According to them, by the year 2000, £500 would be needed for each of the 4 million people who were to be placed in Reserves, for industrial and commercial development. That meant that £2,000 million would be required. Above that an additional £500 would be required for everyone employed in industry, which would mean that another £2,000 million would be required for the development of the industries. Such was the question of financing *apartheid* and financing the industries in the Reserves.

Lastly, Senator Ballinger asked the Senate to consider what South Africa was doing in regard to the implementation of the "Four Freedoms". It was obvious that South Africa could not carry them out. In his view, the country had now reached a point where it was compelled to give the African the right to be consulted before legislation was passed.<sup>90</sup>

93. During the debate Senator Campbell supported Senator Ballinger's motion and said that never in the history of South Africa had it been as important as it was today to know what the Africans were thinking and saying. However, the Native Representation Council had been abolished and nothing put in its place. In his view the attempt to keep Natives permanently in darkness would be the surest way to end in a bloody situation. There was only one sensible and workable way for South Africa to reap the benefits of her many blessings and that was to bring the Native to a position of dignity and opportunity in the economy of the country.<sup>91</sup>

94. Senator Steenkamp explained the United Party's policy and presented an amendment to Senator Ballinger's motion, according to which it would be stated that the policy of *apartheid* was impracticable, that it was creating a state of unrest among the population and retarding the economic development of the country and that it should be replaced by a policy including:

(a) Social and residential separation;

(b) Recognition of a properly controlled economic integration;

(c) Political development with emphasis on:

(i) Extending the system of Native bodies operating in their own areas under European guidance;

(ii) Maintaining the Compromise of 1936, the Compromise to be referred to a representative select committee for proper investigation and material amendments, to be subject to a large measure of agreement between all sections of the European community and applied only after consultation with the responsible Native leaders;

(d) Considering and augmenting the European population of South Africa.

With regard to the first point, the Senator said, social and residential separation was the policy of all sides of the House. The Europeans would remain white not as a result of legislation but because of their tradition, their religion and their pride as White men. With regard to the second point, economic integration was the traditional policy in South Africa; it had been going on for three hundred years and would continue. The United Party admitted that the vast majority of Natives outside the Reserves became permanent inhabitants of the area; they had become detribalized; they had become a necessity for the economic development of the country. Economic integration did not mean equality. It did not mean the abolition of the colour bar. It denoted the economic process of combining the four factors of production: land, capital, management and labour; when anything was produced each of them became economically integrated. The United Party accepted and would maintain the industrial colour bar as it had been traditionally exercised in the country. They were as little prepared as the Nationalists to liquidate the White man and White leadership in South Africa. Economic integration should be controlled, guided and regulated.

There were more Natives today in the country than at any time previously. There were more in the towns and in the industries and they were doing more skilled work. More than 60 per cent of the Natives were doing semi-skilled work. They would therefore make demands. The question was how those demands could be met. They could be ignored; but that would lead to a black revolution. They could be granted; that was the policy of the Liberal Party and the Federal Party, but not that of the United Party, for that party had stated that it would grant the Natives opportunities of developing politically in their own areas under the supervision of the white man. Under White leadership, in their Native townships, adjoining White municipalities, they would be given an opportunity of developing politically and in the Reserves their own local boards and councils would be developed under the leadership of the White man. With regard to the central Government, the United Party maintained the Compromise of 1936. Three Europeans would represent the Natives in the House and six in the Senate. The United Party recognized that there were weaknesses in the system of representation and therefore proposed that an impartial commission should study the problem. The proposals of that commission would be introduced only after consultation with the people concerned and the leaders amongst the Bantu. The United Party was against a Bantustan, which was foreign to the traditions of South Africa. The Native should be taught to be proud of the fact that he was an inhabitant of South Africa.

Lastly [he stated], in order to save the White man's way of life; to make certain that White leadership would

<sup>89</sup> In connexion with this question see chap. II, sect. VII, B, below.

<sup>90</sup> *Senate Debates (Official Report)* No. 2, 2 to 4 March 1955, col. 113-146.

<sup>91</sup> *Ibid.*, col. 146-158.

be maintained, it was necessary to open the doors of the country to selected immigrants.<sup>93</sup>

95. Senator Rubin compared *apartheid* to Proteus, who assumed new forms from time to time with little or no warning. *Apartheid* had taken three different forms. The first was separate States for Whites and non-Whites. The second was a separate development for White and non-White within the same State. The third was increased economic integration now and for an indefinite future period, with ultimate separate development within the same State. He dealt in detail with the question of the removal of the Natives from the Western Cape<sup>93</sup> and referred to the opposition the plan would arouse among the Coloured and in industrial circles.<sup>94</sup>

96. Senator Conradie, referring to the amendment submitted by the United Party, stated that nobody could deny that there was unrest in the country. The statements of the Government had contributed to that unrest; moreover he recalled the move of the Natives from the Western areas of Johannesburg, for which the Government had concentrated a force of 2,000 men armed with Sten guns. That action had certainly created unrest. In the same manner, the statement of the Minister of the Interior, made a few days earlier, that the farmers would have gradually to prepare themselves to do without Native labour had created unrest among the farming population. The statement of the Minister of Native Affairs that he would prohibit the establishment of any industry on the Witwatersrand had created unrest.

Speaking of the problems of *apartheid* as a whole, Senator Conradie asked whether the policy of the Government aimed at isolating the Native until the day came when he would state that he did not need the white man. Then what would happen to South Africa? A Bantu State would develop within the borders of the Union. What would be the position of the white man then? If the Government was aiming at a separate Bantustan there should be consultation between the parties. Perhaps they would be able to understand each other and reconcile themselves to the idea.<sup>95</sup>

97. Senator P. W. le R. Van Niekerk, expounding the National Party's policy, stated in reply to various questions raised by Mr. Ballinger's motion that, far from being impracticable, certain *apartheid* policies had already been put into practice — for instance the Immorality Act, the Separate Amenities Act and others — and that they worked smoothly and brought satisfaction to both the Europeans and the Natives. There was still a certain degree of barbarism in the country and the Europeans protected the Natives, who, in his opinion, had no lawful right to demand equality with the white man. The Europeans had given them land, but in the white man's area they were merely temporary guests.

The second point of the motion referred to an increase in the atmosphere of tension. In Senator Van Niekerk's opinion the relations between the European and the non-European races were more harmonious than ever. The country was going through a period of peace and tranquillity.

The third point of the motion was that the policy of *apartheid* was not in accordance with the wishes of the vast majority of the population. He did not agree with

that statement and considered that the wise Native had only one aim—to live in peace in his Reserve. He had observed a widespread tendency among the Natives to turn away from the policy of their own Representatives; they were going over to the side of the Government because they appreciated that the Nationalists were the people who looked after them.

With regard to the "Four Freedoms", he stated that freedom of speech and expression, freedom for everyone to worship God in his own way, and freedom from want were all accepted in South Africa. The fourth principle, relating to war and peace, did not apply to the policy of *apartheid*. He therefore suggested an amendment which would replace Mr. Ballinger's motion with the following ideas: (a) that the policy of *apartheid* was the only practical policy able to offer full contentment and opportunities to all races on the basis of development along their own lines; (b) that the decrease of tension already noticeable was due to the application of that policy; (c) that the policy enjoyed the support of virtually the entire European population and was also gaining the support of the Bantus. Uninformed interference from outside Africa was harmful to good relations both internally and externally.<sup>96</sup>

98. The Minister of Native Affairs made a brief speech criticizing the attitude of the Natives' Representatives. He said, in conclusion, that today there was a choice between two courses, the one that would make the Native master of the whole of South Africa, which would be the result of the United Party policy, and the one that would give the European control of the European area and under which the Native to an ever-increasing degree, with the guidance of the European, would progress and obtain control in his own area.<sup>97</sup>

99. In subsequent speeches a number of Senators<sup>98</sup> stressed that Senator Ballinger's motion and the Natives' Representatives general attitude were helping to create a state of tension among the population and to give a bad impression abroad.

Senator de Wet said that he would show how the country had progressed with the *apartheid* policy . . . Four specific Acts: the Native Administration Act, No. 83 of 1927; the Native Land and Trust Act, No. 18 of 1936; the Bantu Authorities Act, No. 68 of 1951; and the Bantu Education Act, No. 47 of 1953 had been passed specifically for the advancement of the Bantu. The Senator dealt especially with the situation in the Native Reserves of the Orange Free State, and particularly with the Reserve of Thaba 'Nchu, where 40,000 Natives were living.<sup>99</sup>

100. The Minister of Labour took the floor to deny various allegations made by members of the Opposition.

He next spoke on the question of labour referred to in the *apartheid* motion. He pointed out that there was a scarcity of labour in all countries which developed quickly. In South Africa there was a shortage especially of technical personnel and trade artisans. Many White school children left school before matriculation without receiving a proper education and swelled the ranks of semi-skilled and unskilled labourers. That was one of the

<sup>93</sup> *Ibid.*, No. 3, 7 to 11 March 1955, col. 260-274.

<sup>94</sup> In connexion with this question see chap. II, sect. VII, B, below.

<sup>95</sup> Senate Debates (*Official Report*) No. 3, 7 to 11 March 1955, col. 522-536.

<sup>96</sup> Senate Debates (*Official Report*) No. 4, 14 to 18 March 1955, col. 624-643.

<sup>97</sup> *Ibid.*, No. 2, 2 to 4 March 1955, col. 159-171.

<sup>98</sup> *Ibid.*, No. 3, 7 to 11 March 1955, col. 288-308.

<sup>99</sup> Mr. du Plessis, *ibid.*, 484-493. Mr. van Rensburg, *ibid.*, col. 502-522. Mr. Schoeman, *ibid.*, No. 4, 14-18 March 1955, col. 614-625. Mr. Le Roux, *ibid.*, col. 837-852. Mr. Swart, *ibid.*, col. 852-860.

<sup>100</sup> *Ibid.*, col. 643-649.

greatest problems, for the White could only retain his mastery if he could perform a trade. There were numbers of semi-skilled and unskilled European workers and at the same time there were Natives who did the same type of work. The biggest danger was there and a clash or racial conflict might occur.<sup>100</sup>

101. Senator Malan in his speech stressed the difference between the policy of the United Party and that of the National Party. The National Party regarded the Native who came into the country as a guest. The members of the United Party wanted to see him permanently established there; they offered him economic power equal to that of the Europeans; they said they were prepared to grant him the right of ownership in European areas on certain conditions; they wanted to give him a greater share in the administration of the country; they wanted to grant certain educated Natives a personal franchise; and yet they wanted the European to retain his leadership. If all those rights were granted to the Native, he would claim more. Senator Malan believed that the United Party was heading in a direction extremely dangerous to South Africa.<sup>101</sup>

## II. Main features of the programme of the United Party adopted at the Bloemfontein Congress (November 1954)<sup>102</sup>

102. In its second report, the Commission noted that in February 1954 the leader of the United Party, Mr. Strauss, had announced the forthcoming meeting of the Party Congress which would determine the policy of the Party on the basis of the reports of the Party committees set up in each of the four Provinces of the Union (A/2719, para. 281).

The Congress was held at Bloemfontein on 16, 17 and 18 November 1954 and approved the Native policy of the United Party, which has been published as a pamphlet.<sup>103</sup>

103. In the introduction to the pamphlet, Mr. Strauss, the leader of the Party, after indicating the sources on which the policy is based, added: "Against the background of our traditional policy I have included those necessary forward steps which changed circumstances demand . . .".

104. The policy statement itself begins with a section entitled "General principles", worded as follows:

"The United South African National Party, deeply conscious of its duty to South Africa and its responsibility to all its citizens, postulates the following fundamental considerations in its approach to the Native question:

"Firstly, the Party acknowledges the will and guidance

<sup>100</sup> *Ibid.*, col. 653-667.

<sup>101</sup> *Ibid.*, col. 667-692.

<sup>102</sup> In its previous reports, the Commission dealt with the attitude of the various parties—other than the National Party—towards the racial problem and outlined their policies (A/2505, paras. 424 *et seq.*, A/2719, paras. 255 *et seq.*). A section is devoted in the present report to an account of the Native Policy of the United Party because the Bloemfontein Congress, at which this policy was redefined, was held during the period covered by the report. So far as the Commission has been able to ascertain, the racial policies of the other parties have not changed during the year; furthermore, references to the opinions of representatives of those parties will be found *passim* in various sections of the report.

<sup>103</sup> *The Native policy of the United Party, as approved by the Union Congress of the Party, Bloemfontein, 16, 17, 18 November 1954.* Issued by the Division of Information of the United Party, Johannesburg.

of Providence in the destiny of all the peoples and races which have been brought together in this country.

"Secondly, the Party accepts that Western civilization in South Africa has largely been built up on the precepts of Christianity. Most of what is good, worth-while and abiding in race relationships has been inspired by and has resulted from the Christian concepts of life. The solution for present and future relationships can only be found in a pattern which will be in fundamental harmony with, and an expression of, the principles of this religious faith.

"Thirdly, Western civilization and the leadership of the White race, who are primarily the bearers of that civilization, can be maintained not on the basis of selfish fear and exclusiveness, but on sincere willingness and desire to share Western civilization in practice with all non-Whites who have developed the capacity for taking joint responsibility for our future well-being in this sub-continent.

"Fourthly, the Party believes that the Native cannot permanently be held suspended in an ideological vacuum. He has discarded tribalism and is faced with the choice of either Western civilization or Communism. It is in the interests of Western civilization and the White man that the Natives should gradually be given a more definite and secure place within the orbit of our Western way of life. Any policy which denies this to the Native will leave him no choice but to turn his back on Western civilization in a spirit of animosity and with the urge to fight and destroy it.

"Fifthly, the Party recognizes that the Native population greatly outnumbers the European population and that, while steady progress is being made towards the acquisition of Western civilization, the vast bulk of the Native population is still in a primitive stage of development. Nevertheless, the tribal organization of the Native peoples is rapidly breaking down and the whole question of White-Black relationship has changed in recent years as the result of rapid industrialization in which the Natives are playing an essential role. This had led to a large and permanently detribalized Native urban population becoming an integral part of the South African economy. From this it is inevitable that new situations will emerge from time to time, and provision will have to be made for the better co-ordination of European and Native interests in the social, economic and political life of the country."

The nature of the policy is then described as follows:

"In conforming to the above fundamental considerations the nature of the Party's policy will be as follows:

"Firstly, the Party recognizes that, to be successful, its Native policy must be such as to gain the support and understanding of the broad masses of Europeans and Natives.

"Secondly, it should be the aim of South African statesmanship, in the interests of both Europeans and non-Europeans, to maintain European leadership in South Africa. Co-operation will also be sought with other territories in Southern Africa in the formulation of accepted Native policies to establish European leadership throughout the sub-continent.

"Thirdly, the policy must hold out a clear and honest hope to the Native that, through his own sincere efforts and through proving that he is able to carry out the duties associated with increased responsibilities, he will be entitled to a corresponding advancement within the framework of the policy as set out below.

"Fourthly, the Party believes that everyone, Native as well as European, has the right to life and the security of person. This implies that everyone has the right to recognition as a person before the law, and to equal protection of the law.

"Fifthly, the policy should be to foster mutual respect between White and non-White and to strengthen their loyalty to South Africa in defence of the Western way of life against the menace of Communism and other disrupting ideologies.

"Sixthly, the Party stands for a positive approach to strengthening the position of the European. Restrictive laws can never be a final solution. Rather should the strengthening of the settled European population be sought through such positive measures as children's allowances, maternity grants, bigger income tax rebates for children and improved facilities for education.

"At the same time the European population should be strengthened by a policy of planned immigration, carried out boldly and energetically.

"Seventhly, the civilized standard of living of the European should be protected and enhanced by at the same time encouraging the progressive economic development of the country with consequent improved earnings for all races.

"Eighthly, the Party recognizes the danger of unique rigidity in Native policy and therefore states that its legislation with regard to the administration of Native affairs will be wide and elastic, leaving room for experimenting, and for trying out and developing new methods, and allowing consideration to be given within its framework to different stages of development of the Native and to circumstances that vary from place to place and from time to time."

105. In the section dealing with economic policy, the statement of the general principles on which the Party's economic policy is based includes the following principle: "The Party accepts economic integration not only as a fact, but also as a necessary dynamic process which will continue . . . The integration of Native labour in the South African economy simply means that Native labour is essential to that economy . . . The Party clearly realizes that uncontrolled economic integration would be dangerous . . . It must be regulated, guided and controlled."

So with regard to the control of Natives in urban areas, the Party "accepts the basic principles of urban control and influx control as laid down in its Native Urban Areas Act as being in the interests of both Europeans and Natives". The Party also accepts the principle of pass legislation, although it urges that "the pass laws must be simplified and applied with greater fairness and justice".

The Party approves "the system of labour bureaux for guiding and advising Natives seeking employment" but states that "such bureaux should, however, not be instruments for forcibly directing the flow of Native labour into arbitrary channels".

On the subject of the "colour bar", the Party states:

"While accepting the colour bar in industry as it has been traditionally exercised in meeting the economic needs of the country, the Party believes that the interests of workers, both European and non-European, will be best safeguarded by the continued acceptance of the principle of 'the rate for the job'."

It adds that "rigid legislative colour bars must be avoided".

The Party considers that it is "fundamental . . . not to force highly technical European institutions on untrained Natives" and consequently it does not propose "the statutory recognition of existing trade unions". It will nevertheless "watch with sympathy the success . . . of works' committees under existing laws, and foresees that from these, a type of workers' organization for Natives may eventually, under strict safeguards, evolve".

While recognizing that the employment of a certain amount of migrant labour is unavoidable under existing conditions, the Party favours the stabilization of industrial labour. It also expresses the view that Native commercial undertakings in the villages should be encouraged and states that the aim of the Party's policy is "that there should be an adequate and contented labour force on the Union's farms".

In the section on social policy, the Party supports social and residential segregation and strongly opposes "any form of racial miscegenation". It consequently supports the Mixed Marriages and Immorality Acts, and the Group Areas Act, although it considers that the latter will need substantial amendments.

The Party favours effective measures to provide adequate housing for Natives in urban centres. While accepting the principle of separate facilities in public transport, etc., the Party states that "separate amenities shall be of such a standard as shall have due regard to the numbers and standard of civilization of a reserved group".

In the section dealing with political rights<sup>104</sup> it is stated that:

"Claims for an extension of political rights are an inevitable historical corollary to an increase in economic power. The Party will, therefore, take certain steps in recognition of this fact while at the same time pointing out the fallacy of regarding political power as only dependent on the vote."

The Party accordingly proposes in the immediate future to grant the Native peoples greater responsibilities in their own areas, so that they can then acquire the necessary experience of democratic administration and responsibility.

At the national level, the Party proposes that the number of senators representing the Natives should be increased from four to six. The Party also favours the reconstitution of the Native Representative Council along the lines suggested by General Smuts in 1947.

At the local level, the Party favours the extension of the powers of the location boards, boards of management, tribal committees, local councils, district councils, Native Reserve boards and General Councils in the Native Reserves.

The Party also lays down a number of principles which it proposes to apply in such spheres as Native health and social welfare, Native education, law, crime and the administration of justice.

In the section on Native Reserves, the Party states that the Reserves are "part and parcel of the Union's economy" and favours positive measures to develop them agriculturally and industrially.

In conclusion, the Party's Native policy is summarized as follows:

"In economic affairs—integration, properly controlled; in political relations—guidance; in social and residential policies—separation; in all things—justice and fair dealing."

### III. Question of the voting rights of Coloured persons

106. It will be remembered that the Bills providing for the removal of Cape Coloured voters from the common roll and their registration on a separate roll could

<sup>104</sup> See also sect. I, B, 3, above.



not become operative because of the interpretation placed upon the "entrenched clauses" of the South Africa Act, 1909, by the Supreme Court of South Africa and the impossibility of securing a two-thirds majority of the two Houses of Parliament meeting in joint session. It will also be remembered that, in order to circumvent these constitutional difficulties, the Government contemplated reforms both of the Supreme Court and of the Senate of the Union.<sup>105</sup>

During the year, Parliament passed two important Bills, one reforming the Supreme Court<sup>106</sup> and the other the Senate.<sup>107</sup> The two Acts provide the Government with the legal instruments which it considered necessary to ensure the enactment of its electoral segregation proposals. The question of the voting rights of Coloured persons may therefore now enter a new phase and be settled in the manner desired by the Government.

These important reforms, of both the Supreme Court and the Senate, undoubtedly originated in the difficulties encountered by the Government in carrying its racial policy into effect and in its determination to overcome those difficulties. As, however, the Government has not yet used the new instruments at its disposal to establish its discriminatory electoral régime, and, as the significance of these reforms of the Supreme Court and Senate in the life of the Union of South Africa extends far beyond the sphere of racial problems, the Commission has not undertaken a detailed critical analysis of the two Acts, despite their fundamental interest.

#### IV. Decision of the Transkeian Territories General Council (Bunga)

107. In its earlier reports, the Commission has referred to the organization and some of the activities of the Transkeian Territories General Council or Bunga (the Native name).<sup>108</sup> The session of the Bunga held in April 1955 was marked by a series of events to which the Government has attached some importance. At the opening of the session, Mr. M. D. C. de Wet Nel, a member of the Native Affairs Commission, announced that the Bantu Authorities Act, 1951, and a number of related questions constituted the principal subject of 16 motions submitted by members of the General Council.<sup>109</sup>

108. On 20 April 1955, the General Council unanimously adopted a proposal accepting the principle of the Act in question and instructed its Chairman to appoint a committee to consider how best to integrate the Council system with the general arrangements established by the Bantu Authorities Act.<sup>110</sup>

The Bunga's decision was described by the Minister of Native Affairs in the House of Assembly on 20 April 1955 as "one of the greatest triumphs for the policy of *apartheid*".<sup>111</sup> *Die Transvaler* of 23 April 1955 described it as a "historic event" and pointed out that the Bantus were themselves asking for an organization based on their tribal group and their own customs.

<sup>105</sup> See A/2505 and Add.1, paras. 478-482; and A/2719, paras. 119-130.

<sup>106</sup> Appellate Division Quorum Act, No. 27, 1955.

<sup>107</sup> Senate Act, No. 53, 1955.

<sup>108</sup> A/2505 and Add.1, para. 308; A/2719, para. 183.

<sup>109</sup> *Bantu*, June 1955, p. 9.

<sup>110</sup> *Cape Times*, 21 April 1955.

<sup>111</sup> *House of Assembly Debates* (Hansard), 18 to 22 April, No. 11, col. 4261.

109. The *Cape Times* of 23 April 1955 made the following comments on the decision:

"To the extent that it means acceptance in the area concerned of the Bantu Authorities Act it is a victory for Dr. Verwoerd. It has nothing to do with the broader *apartheid* issues. Much work still requires to be done to implement the Bunga decision. In theory the replacement of the United Transkeian General Council by a territorial authority under the Bantu Authorities Act will be a retrograde step. With all its limitations . . . the Bunga is the nearest approach among the Native people in South Africa to a democratic system of self-government, for official intervention in the selection of members has been diminishing, and with the introduction of an executive committee in 1932 the Bunga developed in the direction of a cabinet system. Under the Bantu Authorities Act the appointment of chiefs, headmen and councillors of the tribal, regional and territorial authorities will be under firm control; and although they will be invited to get on with a great deal of self-help, their activities will similarly be under strict control . . . Subject to departmental supervision, the new territorial authority will be responsible for schools, soil conservation, control of stock diseases, afforestation, hospitals, roads and other matters determined by the Governor-General. It will therefore have enough work to get its teeth into; and the success of the system will depend partly on the competence of the Bantu squirearchy favoured under the Act, partly on the respect and obedience accorded them by the people, and partly on whether departmental supervision is wisely conceived and administered. It depends even more on one more thing: the energy with which the wider task of developing and conserving the natural resources of the Transkeian area is tackled. The practical physical proposals of the Tomlinson Commission, whatever they are, will probably be far more decisive in determining the future of the new authorities system than anything else. No system can continue to work in an environment of progressive impoverishment in natural resources."

110. In its editorial of 22 April 1955, the *Burger* commented on the news as follows:

The unanimous decision of the Transkei Bunga, under which the Bunga is dissolved and replaced by the organization provided for by the Bantu Authorities Act is a triumph for the policy of *apartheid* and a personal triumph for Dr. H. F. Verwoerd, the Minister of Native Affairs. When the Bill was introduced in 1951, the Minister included a provision abolishing the Native Representative Council because the Council was a Western appendage to the Bantu traditional governmental tradition and was virtually inoperative. Although he did not regard the system satisfactory, the Minister took no action with regard to the Transkei Bunga because it was based on a half-century-old tradition. However, he included in the Bill a provision permitting the Bunga to accept the new system. The Minister hopes that the Bunga will, when it sees how the Bantu Authorities Act works in practice, prefer the new system to the old. He persists in this hope despite the bitter hostility to the Act of the entire Opposition (including the Natives' representatives in the House of the Assembly), the African National Congress and other organizations claiming to represent Native opinion.

In these circumstances, the Bunga's unanimous decision constitutes an explicit vote of confidence in the National Government's Native policy. It is at the same time a devastating reply to those who refuse to listen to any arguments whatsoever in favour of the policy of *apartheid*.

111. The Commission will refrain from judging at a distance between those who, like the *Burger* leader-writer, firmly believe in the "triumph" achieved in the Transkei by the policy of the Bantu Authorities Act and those who, like the *Cape Times* leader-writer, have some doubts regarding the "progressive" nature of the measure

decided upon, or perhaps more accurately "accepted", by the Bunga.

It wonders, however, whether this "acceptance" of the principle of the integration of the Transkei within the tribal system established or re-established by the Bantu Authorities Act is the result of an entirely free choice. While not wishing to suggest that there was direct government pressure,<sup>112</sup> the Commission cannot ignore the following considerations.

In the first place, the Bunga is under the chairmanship of the chief magistrate of Transkei, and the 26 district magistrates (Europeans) have an influential, and sometimes decisive, voice in its decisions.

Moreover, the Transkei tribal chiefs are in one way or another dependent on the Government and know what they stand to gain or lose by not taking the line which the Government wishes them and the members of their tribes to take.<sup>113</sup>

The Commission also found food for thought in a newspaper report of the last meeting of the Bunga which should, it believes, be quoted:

"... Then came a surprise.

"The doyen of the Bunga, gray-haired Councillor C. K. Sakwe, of Idutywa, who nearly 30 years ago protested before the Bar of the House of Assembly against the removal of Native voters from the common roll, rose to intervene.

"He moved that while the council accepted the principle of the Bantu Authorities Act the Government should be asked to call a special meeting of councillors in the recess to consider how the Bunga could be merged with the Act, as various complications might arise.

"Councillor C. W. Monakai, of Butterworth, possibly the leading figure in the Bunga, rose to second him. He laid his finger on two retrogressive features of the Act—the stress on tribal units (which could split the Transkei) and the lack of popular election of councillors.

"The amendment in its final shape asked for a very strong committee (a quarter of the entire Bunga, including six magistrates) to consider during the year's recess how to integrate the Bunga and the system envisaged by the Act.

"This reprieve of a year for second thoughts was hailed with relief by councillors. For the time being at least, the unity of the Transkei and the integrity of the Bunga were safe."<sup>114</sup>

## V. Effects of the implementation of certain earlier legislation

112. In the present section, the Commission describes the effects on the population groups concerned of the implementation of Acts dealt with in its previous reports. The Acts in question are the Natives Resettlement Act, No. 19, 1954;<sup>115</sup> the Group Areas Act, No. 41, 1950;<sup>116</sup> and the Native Trust and Land Amendment Act, No. 19, 1954.<sup>117</sup> The most important effects during the period under review have, however, been produced

<sup>112</sup> Some members of the Opposition made references to such pressure during the debate in the House of Assembly on 20 April 1955. See *House of Assembly Debates* (Hansard), No. 11, 18 to 22 April 1955, col. 4259 *et seq.*

<sup>113</sup> See also, in this connexion, the observations made by the Commission in its first report (A/2505 and Add. 1, para. 309).

<sup>114</sup> *The Star*, 9 June 1955.

<sup>115</sup> See A/2719, paras. 82-90, 147-153.

<sup>116</sup> See A/2505 and Add.1, paras. 555-590, 874-879; A/2719, paras. 156-157.

<sup>117</sup> See A/2719, paras. 73-81, 155.

by the Bantu Education Act, No. 47, 1953.<sup>118</sup> The Act is therefore considered in a separate section.<sup>119</sup>

## A. IMPLEMENTATION OF THE NATIVES RESETTLEMENT ACT, No. 19, 1954

113. The first transfer of Native population under this Act, which was conceived in the spirit of the earlier Group Areas Act, began on 9 February 1955 when the first families were moved from Sophiatown, a suburb of Johannesburg, to Meadowlands, 11 miles away. Meadowlands is six miles further from the centre of Johannesburg than Sophiatown.

### (1) Events preceding the first move

114. In establishing Meadowlands, a Native town now in the course of construction to replace Sophiatown, Martindale, Newclare and Page View, which are slum areas although roughly 25 per cent of the dwellings are fairly well built and in reasonably good repair, the government authorities had two objectives which the Commission noted in its second report in its account of the debate which followed the introduction of the Bill in Parliament (A/2719, paras. 84 and 85). One consideration (that stressed in official statements) was of course the desire to put an end to the squalid living conditions of the great majority of families in the suburbs concerned. The other (that stressed by the Opposition) was the determination to extend to all areas where it was not already applied the principle of the total prohibition of the ownership of land by Natives in areas designated as "European", a similar prohibition being imposed upon Europeans in areas designated as "Native".

115. A total of 58,000 Natives occupying 1,885 stands on 440 acres of land are to be removed from this area in the next few years. It is estimated that not more than 350 to 600 of the stands were actually the property of Natives. The remainder were owned by Europeans and Indians.

According to an official survey made in 1951, 82 per cent of the residents of this slum area were tenants and 16 per cent sub-tenants. Only 2 per cent of the resident families owned their own homes.<sup>120</sup> The tenants are frequently exploited by the landlords. They often have to pay so-called goodwill merely for the right to rent somewhere to live. This payment ranges from 10 to 15 South African pounds and in some cases a further payment has to be made at the end of six months. The tenants are at the mercy of the landlords practically from month to month. It should, however, be added that the quarter of the stands in relatively good condition are in many cases owned by Natives who had invested their savings in them and were proud of their properties. Moreover, unlike almost all the other Native locations, Sophiatown was a real community with its own schools, churches, cinemas, shops, etc.

116. What did the Government offer Natives who owned properties in Sophiatown? It offered them a thirty-year lease at Meadowlands. In addition, it offered to buy their Sophiatown properties at the original purchase price, plus 6 per cent per annum, or at the municipal valuation plus 20 per cent. At the end of 1954, 147 properties had been purchased on these terms by the Resettlement Board. The owners of stands and houses

<sup>118</sup> See A/2719, paras. 55-63, 161-165.

<sup>119</sup> See chap. II, sect. VI, A.

<sup>120</sup> According to *Die Transvaler* of 21 February 1955, 352 families out of 17,698.

could also sell their properties directly to Europeans wishing to move into the area which was to cease to be a "black spot".

117. Citing a number of examples of purchases, Mr. Van Rooyen, a senior official of the Department of Native Affairs, mentioned the following cases in which the owners had been glad to sell and had accepted prices near to, if not equal to, the prices offered by the Resettlement Board.

At Sophiatown, the owner of stand No. 1,616 had asked an option price of £1,500. The municipal valuation was £1,255. He was paid £1,500. The owner of stand No. 164 had asked an option price of £3,000, although the municipal valuation was £950. He was paid £1,500.<sup>121</sup>

118. Nevertheless, it is obviously the owner who frequently gets the worst of the bargain and who, apart from any sentimental attachment he may have to his dwelling, feels most aggrieved, for in many cases the compensation paid will not enable him to find an equivalent elsewhere of what he has lost. On the other hands, the tenants, i.e., the great majority of the residents in the areas concerned, clearly gain by leaving Sophiatown and going to Meadowlands. It is true that their travelling expenses will increase by a few pence as they will be living further from their places of work, but they and their families will occupy properly built brick houses and will in some cases pay less rent than they paid for their wretched hovels. If they earn less than £15 a month, they will pay a minimum rent of £2 and in no circumstances more than £2 15s. If their wages are over £15 a month, they will pay 3 shillings more for every 10 shillings they earn in excess of £15, up to a maximum of £4 5s.<sup>122</sup>

## (2) *The first move*

119. At the beginning of February 1955, the Department of Native Affairs officially announced that the first 450 families would be moved from Johannesburg's "black spot" in three groups, at the rate of one group of 150 families a week: the first group would be moved on 12 February, the second on 19 February and the third on 26 February.

120. Some weeks earlier, the tenants of Sophiatown had received the following removal notice:

"You are hereby required in terms of the Natives Resettlement Act to vacate the premises on which you reside together with the members of your household and to remove all property belonging to you or any member of your household.

"In terms of the Natives Resettlement Act, a house or place of residence is hereby offered to you and the members of your household at Stand . . . Street . . . Meadowlands, Johannesburg.

"Should you alternatively elect to provide your own housing needs and that of your household, a right to occupy land, namely a demarcated land, in extent not less than 40 by 70 feet, on which you may provide for your own housing needs and that of your household, is hereby offered to you on portion .... of Diepkloof No. ...., Johannesburg, — Greetings."

The notice stated that the Resettlement Board would provide free transport for people and their belongings on specified dates, and that if the residents did not avail themselves of the transport they would have to provide their own.

<sup>121</sup> *The Star*, 1 February 1955.

<sup>122</sup> *South Africa*, 19 February 1955.

Attached to the removal notice was a letter addressed to the resident's employer, asking him to co-operate by allowing the Native employee to be absent from work, if necessary, on the removal day.

The letter added: "Rent to be paid for the new stand or house depends on your employee's income. Will you kindly indicate hereon what your employee's wages are."<sup>123</sup>

121. In view of the fact that the campaign of agitation and intimidation against the Bantus designated for removal had become somewhat violent, at any rate verbally, in the first few days of February 1955, and that the leaders of the "resistance" had announced a one-day protest strike and arranged meetings which might become disorderly, the police took precautions of three kinds to maintain order.

First, Colonel Grobler, the Deputy Commissioner of Police and officer commanding the Witwatersrand Division, gave the Bantus who were to be moved from the Western Areas to Meadowlands an assurance of the fullest possible police protection against intimidators who were doing everything in their power to provoke disorders in order to obstruct the move.<sup>124</sup>

122. Secondly, an official statement issued at Pretoria on 8 February gave the following reasons for an order banning for a period of 20 days all public gatherings of 12 or more persons for which specific authorization was not obtained.

"There is reason to apprehend that feelings of hostility would be engendered between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union, to wit the non-European section on the other hand, by the assembly of any public gathering for a period of 20 days, from and including February 8, in any public place or place to which the public has access anywhere in the magisterial districts of Johannesburg and Roodepoort . . .".<sup>125</sup>

This was a very strict measure and was the subject of energetic protest in many European circles as it applied even to religious gatherings.

The first two moves organized by the Department of Native Affairs having taken place without incident, the Minister of Justice, Mr. Swart, announced in the Assembly on 15 February that the ban on meetings in the two districts in question would be lifted that day. He added, however, that if it was necessary to reimpose the ban, he would not hesitate to do so.

123. As a third measure to avoid disturbance the Government unexpectedly<sup>126</sup> advanced by three days the date of the first move, which had been announced for Saturday, 12 February. The object was to forestall any organized opposition and to prevent a dangerous influx of "sight-seers".

This purpose was achieved, for, apart from the arrest of a number of youths who had taken it upon themselves to warn the leaders of the opposition and give the alarm in the usual way by banging the metal telegraph poles with iron bars, there was no clash with the police.<sup>127</sup>

The police had been deployed in force at all strategic points and all along the route the removal trucks were to take. Some 1,800 fully armed police were employed, the

<sup>123</sup> *Indian Opinion*, 14 January 1955.

<sup>124</sup> *The Star*, 7 February 1955.

<sup>125</sup> *Die Transvaler*, 9 February 1955.

<sup>126</sup> It would seem, however, that leaks had occurred a few weeks earlier. See para. 133.

<sup>127</sup> *The Star*, 12 February 1955.

European police being armed with rifles and sten guns and the Native police with assegais and sticks. The object of this imposing display of force was obviously to avoid having to use it.

124. At 6 a.m., on 19 February, the Native Resettlement Board began to move the first batch of 150 Bantu families in three-ton military trucks from the buffer strip in Sophiatown to their new government-built houses at Meadowlands. There was no violence of any kind and no resistance. During the night, however, a number of families who objected to the move had left their huts, taking their personal effects to the Saint Cyprian's Mission School. The furniture was stored in the corridors.

A number of the objectors said when they left at night that they intended to stay with friends in other parts of the western area.

Colonel Grobler stated in the clearest possible terms:

"We are here to see that order is maintained and that there is protection for those who want to move of their own free will.

"Nobody is being compelled to move who does not want to move."<sup>128</sup>

### (3) *Subsequent moves*

125. Since then, moves have been made regularly and without incident and the Press, including the opposition papers, has ceased to report them, even briefly.

There seems to be no doubt that the great majority of those moved are glad to have been able to exchange their slum dwellings for solid four-room houses.<sup>129</sup> The Afrikaans Press even reported that a number of Bantu bachelors living in the western areas married hurriedly in order to qualify for houses at Meadowlands.

The operation will be a long one and will take many years to complete. At present, the Native building workers have not completed many more than 2,000 houses in the new Bantu town, but it is expected that the rate of building will increase as new workers can be trained.

126. It is still too early to express any opinion regarding the results of the pilot experiment in the grouping of Native families by tribal and linguistic affinities now being conducted at Meadowlands in connexion with this population transfer. This arrangement will obviously simplify the work of the schools, and teachers will in future be able to teach Basutos in Sesuto, Zulus in Zulu, Xhosas in Ixosa, etc., and make themselves understood by all their pupils. This was not always the case in primary schools attended by Bantu children with different mother tongues.

This "ethnic grouping",<sup>130</sup> as it is called, is nevertheless vigorously opposed by educated Africans. They see in this fragmentation a kind of new *apartheid* within *apartheid* and a new means devised by the Whites to foment or perpetuate rivalries, and even clashes, between Natives of different origins, a new and cleverer means of oppression, in short, a new method of dividing in order to rule.

### (4) *Reactions of South African opinion*

127. The removal of population described above visibly stirred public opinion, for it was the biggest transfer of Native inhabitants which had ever been carried

out in the history of South Africa. The measure was sharply criticized in various quarters, not only in the English-language Press, the Bantu Press, the Indian Press, the weekly *New Age* and pamphlets prepared by the Transvaal Resist Apartheid Committee, but also at public meetings. Meetings were organized in particular by Dr. A. B. Xuma, former chairman of the African National Congress and chairman of the Sophiatown Anti-Expropriation League, himself the owner of a house in the area to be evacuated.

128. The arguments against the removal were generally the same as those which were advanced by the Opposition during the debate on the Bill at the 1954 session of Parliament and which were summarized by the Commission in its previous report (A/2719, paras. 85 and 86). Similarly, in replying to objections and defending the proposed action, the Afrikaans Press and the spokesmen of the Department of Native Affairs, particularly Mr. C. W. Prinsloo, the Department's chief information officer, and Mr. T. S. van Rooyen, took up and developed the arguments of the Minister of Native Affairs which the Commission studied last year and summarized in paragraphs 87 and 88 of its previous report.

An attempt has been made in the following pages to give as accurate a sample as possible of the arguments and emotions which the Afrikaans and English language Press reported, during and after the first removal.

129. Since it is the Natives who are directly concerned, their views are particularly important.

The opposition of the African National Congress has been vigorous. Below we reproduce an article, with its title and sub-title which appeared on the first page of the weekly *New Age* of 13 January 1955:

"Nats creating explosive situation"

"Refusal to move on February 12 not an offence" says Congress

"Events in the Western Areas have moved to a sharp crisis with the issue of the first removal notices and the fixing of February 12 as the deadline by which families in the buffer zone 'must move out'.

"The African National Congress warns in a statement that if the removal scheme is pushed through by the Nationalists an extremely dangerous and explosive situation will arise. The Congress reiterates once again its uncompromising opposition to removal.

"Through its chief information officer, Mr. C. W. Prinsloo, the Native Affairs Department has launched a blast of propaganda threatening Western Areas residents that refusal to move is an offence punishable by a fine of £50 or six months' imprisonment.

"But this campaign to intimidate the people into moving plays down section 26 of the Resettlement Act, which gives all occupants certain rights to make representations to a magistrate.

"Refusal to move on the date fixed in the notice is not an offence, a Congress spokesman stressed to *New Age*, as section 26 lays down that if a tenant does not move, the Board must place an affidavit before a magistrate, and occupants have the right to state their case and can only be forced to move on the issue of a magistrate's order.

"The N.A.D. states that thus far 450 removal notices have been issued. Removal dates are either February 12, the 19th or the 26th—all Saturdays. Tenants are told they must vacate their houses before 1 p.m. on the removal day . . .

"But against this wicked scheme, says the African National Congress, it has decided to mobilize the country to

<sup>128</sup> *The Star*, 9 February 1955.

<sup>129</sup> *Ibid.*, 9 February 1955.

<sup>130</sup> On this question, see chap. II, sect. VII, D, 3.

ceaseless and uncompromising struggle regardless of consequence. We hope that men and women are not wanting to face this ordeal with courage and determination."

130. The following are the essential parts of an article which appeared in *The Bantu World* of 22 January 1955, i.e., a few weeks before the beginning of the removal operations. It reflected fairly accurately the extreme confusion that prevailed in certain Native quarters in Johannesburg.

"As the day of Big Move draws near, there is big political activity in Johannesburg's western townships.

"Political groups meet night after night to discuss the Western Areas Removal Scheme.

"Some meetings have gone on right through the night until the dawn.

"What is to be done? That is the question which is endlessly discussed.

"But all this activity is secret. The plans of Congress and other groups are veiled in mystery.

"Congress people tell us 'our plans will be disclosed on February 12th.' Our reporters have pointed out that the first move of 60 families will be over by then. They were told 'wait and see'.

"Last Sunday morning, the Anti-Expropriation and Proper Housing Committee met in the Mathabe Hall, Sophiatown. This is the group of stand-owners led by Dr. A. B. Xuma. Mr. Ben Mabuza was in the chair. People in the meeting pleaded with him to disclose the committee's plans. 'Please tell us what we should do', they said. But Mr. Mabuza was very mysterious. He said: 'We have our plans already. But there are press reporters present, and detectives. So I must refuse to disclose them now.'

"On 'Freedom Square' a big crowd was attending a meeting of prayer on the question of removal. At this meeting, Mr. P. Q. Vundla dropped a hint that resistance will take a legal form. He said:

"According to the resettlement act, those who refuse to move will be brought before the magistrates. Congress will engage legal representatives to defend them.'

"Mr. Vundla also gave the assurance: 'This matter is receiving the attention of the very highest quarters in Congress.'

"The Rev. Mr. Ngcepu led the first prayer. 'Now let us pray for our people, who are facing very hard times. We are like the birds of the air, and the beasts of the field, who have no place to lay their heads'.

"The Rev. Ngcepu wore a black gown. It was edged with Congress colours. There was a golden map of Afrika on the chest. He is a Minister of the Bantu Methodist Church.

"Ministers of other denominations also led the prayers. Several leading Congressmen took part in the service. European detectives circulated in the crowd.

"During the prayers men bared their heads. Even passers-by stopped and took off their hats.

"As the meeting closed there were shouts from the crowd: 'We will not move'.

"*The Bantu World* understands that Mr. P. Q. Vundla and the Orlando 'Mayor', Mr. Xorile are to meet in secret soon. They have not disclosed the purpose of the meeting.

"Meanwhile, the feeling among sub-tenants is strongly in favour of removal. Why? Because they see a chance of escaping from overcrowding and getting their own houses. They are streaming to the resettlement office in Sophiatown to beg for houses.

"People are also going there from other townships. But they are being turned away. At present the office is only dealing with Sophiatown."

131. The following are the views of Mr. Robert Resha, the leader of the non-violent resistance movement planned by the African National Congress, as reported in *The Bantu World* of 12 February 1955.<sup>131</sup>

"Let me start off by analysing the sugary words of the Government. They say that the Western Areas are black spots in a white area. The truth is that the Western Areas were set aside for the Africans but later on they were encircled by European dwellings. And because the Europeans have come nearer the Africans, it is the Africans who must move. The Government says that the removal is a slum clearance scheme. But Moroka Emergency Camp and Orlando Shelters are major slums. Why are they not removed? . . .

"No amount of sweet words from Mr. Prinsloo, Chief Information Officer of the Native Affairs Department, no amount of threats from the Minister of Native Affairs, Dr. Verwoerd, and no 'protection' by Brigadier Rademeyer, Commissioner of the S.A. Police will conceal the fact that the removal of the people of Western Areas of Johannesburg means the shameless and brutal robbery of the African's inherent right to buy and own land and have property rights.

"It means rendering the Africans homeless in the land of their birth.

"It means the breaking down of family life and the driving of the Africans into cheap labour camps, such as Meadowlands, where it will be easy for the Government to distribute African labour freely to infamous Bethal and Rustenburg, and to the mines, where the Africans will for all time remain unskilled workers and migratory labourers.

"Under this immoral and evil removal scheme, which has been condemned by all right-thinking people of all groups both in our country and abroad, the African people of the Western Areas are called upon by the Minister of Native Affairs and his Department to pay economic<sup>132</sup> rentals when they are living far below the breadline . . .

"In Meadowlands our people are called upon to accept ethnic grouping, whose sole purpose is to divide the African people into tribes and thus prepare the ground for faction fights between them . . .

"It marks the beginning of a major clash between the forces of freedom and democracy on the one hand, and the forces of oppression and Fascism on the other.

"Thus, the removal of the Western Areas, in the words of Chief Albert J. Luthuli, President General of the African National Congress will 'either be a Waterloo for Dr. Verwoerd or for the liberatory movement'."

132. The following statement by Mr. P. Q. Vundla, Chairman of the Western Areas region of the African National Congress was reported in the same issue of *The Bantu World*:

"Africans uphold the principle of land ownership. They are entitled to all human rights—to build homes anywhere and live in these homes as long as they like. Their removal deprives the African people of these rights. When they are moved, the Government intends that they will be afforded accommodation in Meadowlands according to ethnic groups. We know this is intended to enable the Government to oppress them for all times. Other difficulties which will definitely confront the inhabitants of Sophiatown will be transport, for which the Government at present has made no arrangement at all.

"The people who are to be removed from Sophiatown will not get fair compensation for their homes, because

<sup>131</sup> The Commission did not fail to note, and readers of this report will observe; the great freedom of expression enjoyed and employed by the non-European Press of the Union of South Africa.

<sup>132</sup> In the sense of "yielding a normal return on the capital invested in building".

the price is to be fixed by the authorities themselves at what they deem a suitable price. Security of tenure is a right which will be taken away for ever. The Government has openly said so."

133. The most active of the Europeans, opponents of the removals has undoubtedly been Father Trevor Huddleston. The following report of one of his statements appeared in the *New Age* of 27 January 1955:

"Despite press announcements of the date of the first Western Areas removals, and the issue to people in the buffer zone of removal notices fixing the date at February 12, 19 or 26, it seems that the Government is not anxious for the exact removal dates to be known.

"Meanwhile, the Reverend Trevor Huddleston, chairman of the Western Areas Protest Committee, which has led this city's protest movement among voters against the removal scheme, issued a statement, exclusive to *New Age*, in which he said that the onus for any trouble that might break out in the area would rest squarely upon the Government.

"As D-Day grows near, said Father Huddleston, there is a growing uneasiness about the possibility of incidents in the Western areas.

"I, as chairman of the Western Areas Protest Committee, would like to state categorically that if such should occur the only party which can be blamed is the Government, which has carried through this removal scheme without consultation with those affected, and which has persistently assumed an attitude of direction rather than of consultation."

"Father Huddleston said that he thought the more Europeans on the spot when the removals were carried out, the better. Their presence, he said, would act as a deterrent to any show of force."

134. On the whole, the great English-language newspapers adopted the moderate tone of the South African Institute of Race Relations, which, apart from its objection in principle to a measure which deprived a number of non-Europeans of their right of ownership, made only the following criticisms:

"Africans who are removed from townships like Sophiatown and Lady Selborne to proclaimed locations will suffer from other disadvantages besides the loss of freehold rights. They are at present subject only to municipal by-laws which apply also to Europeans, their friends from other townships can visit them freely without special permits, and tenants, if behind with their rent, are liable only to civil action. But in proclaimed locations, owners of houses (built on leasehold stands) may not sell or bond their property except with official permission, and if they no longer qualify to remain in the urban area or infringe location regulations they may be evicted. Tenants may be evicted for similar reasons; and those who are even one month in arrears with rent are liable to imprisonment or eviction. Visitors from other townships require permits from the Location Superintendent."<sup>133</sup>

135. The Afrikaans Press naturally approved the measure and compared the well-built, hygienic new homes with the squalid hovels (*pondekkies*) which had been enthusiastically abandoned by their occupants.

136. The Minister of Native Affairs made a statement along similar lines in the House of Assembly on 15 February. He said that thanks to the co-operation of all concerned, the resettlement had taken place smoothly and expeditiously. Everything was quiet and the prevailing spirit among those transferred was excellent. There was general rejoicing among the Natives, and sev-

ral had requested that their thanks should be conveyed to Parliament.<sup>134</sup>

137. The following two quotations, which will be the last, require no comment. The first is taken from *The Bantu World* and the second from *The Star*, which is usually prompt to join issue with the Nationalist newspapers.

"... Since removal day last week, many people have gone to Meadowlands to see for themselves. Sophiatown families who live in single rooms in squalor having trouble with sharing the water and other amenities, are desperately keen to be moved to houses with taps and lavatories and fresh air.

"This shift in popular feeling has caught both Congress and the property-owners by surprise. So far Congress has produced no new line to meet the new circumstances. Property owners have nothing to say to the Press. But they take too grim a view of things. They still have popular support for their struggle to defend their freehold titles. 'Freehold for freehold' is still the attitude of the majority...

"The new Meadowlands school opened this week. The principal is Mr. Ntombella, formerly principal of the Methodist school at Krugersdorp. Mr. Ntombella did not want to be interviewed, but he was prepared to agree that the school is very well equipped."<sup>135</sup>

"At 5 a.m. today, an hour before the fifth removal of Natives from the Western Areas began, a large number of families had their furniture and other household goods packed on the pavements outside their homes ready for transfer to Meadowlands...

"When a fleet of army trucks arrived to move their possession to their new homes, the Natives chatted and sang excitedly as they helped to pile their goods into the trucks..."<sup>136</sup>

## B. IMPLEMENTATION OF THE GROUP AREAS ACT, No. 41, 1950

138. The authorities continued during the year to take steps to implement the Group Areas Act. The measures came under two headings, legislative and administrative. Under the first heading, three Bills were introduced by the Government and passed by Parliament becoming Act No. 6 of 1955 and No. 68 of 1955, both amending Act No. 41 of 1950, and the Group Areas Development Act, No. 69, 1955. The three Acts are analysed in chapter I of this report.

Under the second heading, various administrative measures were taken with a view to the proclamation of group areas. Only the administrative measures will be examined in this section.

Both the Act itself and the administrative measures for its implementation have been the subject of criticism.

139. *The Star* of 9 November 1954, after observing that the Act had become "bogged down" and alluding to the Government's proposals for its amendment, gave the following account of the views of lawyers:

"Lawyers and advocates who have been involved in some of the inquiries (of the Land Tenure Advisory Board) say that some parts of the Act are impossible of interpretation without further clarification. It is, for instance, not known whether group areas will be proclaimed on a regional basis or whether each town will have its separate areas for the various race groups.

<sup>134</sup> *House of Assembly Debates* (Hansard), No. 4, 14 to 18 February 1955, col. 1159.

<sup>135</sup> *The Bantu World*, 19 February 1955.

<sup>136</sup> *The Star*, 21 April 1955.

<sup>133</sup> *A Survey of Race Relations in South Africa, 1953-1954*, p. 68.

"The term 'occupation' is also vague and, in the absence of any proclamation of group areas, it is not known whether it means that a distinction can be made between business occupation and residential occupation.

"There is a school of thought that the present procedure of public hearings is too unwieldy and that it is totally unnecessary to grant the right of a hearing to all the race groups involved.

"In towns where inquiries have been held there has been a marked increase in racial tension, particularly between the Whites and the Indian traders. This has disturbed the peace that has reigned in most of the communities."

The article also states that the Act "is, in increasing measure, becoming the target of criticism by the Nationalists themselves".

140. It was reported, for instance, in *Die Transvaler* of 17 September 1954, that representatives to the National Party Congress in Pretoria made enquiries concerning the application of the Group Areas Act to Indians. Complaint was made about the lack of progress and figures were quoted proving the tremendous increase in Indian population in Transvaal. Municipalities themselves would never be able to deal with the problem if it were left to them, and it would be necessary to establish a regional plan for the entire territory of Witwatersrand.

In reply, the report stated, Minister Donges pointed out that the Group Areas Act was easy to criticize but that one should realize the practical problems involved in the application of the Act. The Advisory Council was doing good work but needed time to obtain results.

141. An editorial in *Die Transvaler* of 10 November 1954 recommended co-ordination between the various local governments in the area of Witwatersrand, especially with regard to the designation of areas for White and non-White persons. The way in which the Group Areas Act was being applied showed the extent to which co-operation between the various municipal councils was lacking. The editorial recommended the study of regional planning systems abroad. The Witwatersrand area would in the future have a greater population, and this would increase the difficulties unless the entire area, which is a natural geographical unit, was treated as such. The editorial did not want to deprive the municipal councils of their authority; all that was necessary was better co-operation between the Councils and the establishment of a generally-accepted policy on particular problems.

142. The following statement was made by Mr. E. A. Wollaston, a former member of the Land Tenure Advisory Board:

"Although the Group Areas Act has been in force for nearly four years not a single group area has yet been promulgated.

"This uncertainty as to the future group structure of the Union is having a serious detrimental effect on sales of immovable property, as the various racial groups are not in a position to know where immovable property can be acquired or occupied.

"The work of the Board is colossal and it is quite impossible to administer the provisions of the Act as the Board is at present constituted.

"The procedure followed by committees in holding enquiries has become so cumbersome as to become unworkable.

"It is most desirable that the Union, with its multi-racial structure, should have social and residential *apartheid*

but when an attempt is made to practice *apartheid* in commerce and industry the position becomes unpracticable."<sup>137</sup>

143. The material cited above is mainly concerned with the general difficulties encountered in implementing the Group Areas Act. The practical implications of these measures for the individuals and groups concerned are illustrated in a number of extracts cited below. Before quoting them, however, the Commission wishes to describe the new measures taken by the Government to speed up implementation of the Act.

144. In February 1955, the Minister of the Interior announced a conference on the application of the Group Areas Act, to which representatives of the larger city councils would be invited. As was stated in *The Star* of 22 February 1955, the Government was on the brink of a new phase in the application of the Act, the proclaiming of the group areas for the various racial elements.

This conference was held at Cape Town towards the end of March and the following report on it was published in *Die Transvaler* of 24 March 1955.

In his opening address, Dr. T. E. Donges, Minister of the Interior, said that the Government had reached the stage in its implementation of the Group Areas Act where it was about to proclaim the first group areas. A steady stream of proclamations would follow during the next twelve months. With a few exceptions, local authorities throughout the Union welcomed the Act and were collaborating in its implementation. Experience over the last three years had shown certain amendments to be necessary (the need to institute buffer strips, for instance). Despite unavoidable delays due to sabotage, shortcomings and teething troubles, satisfactory progress had in fact been made. He stressed the importance of the task which was of concern to the entire country. It was also a difficult task, for the slightest error might create difficulties greater than those which it was intended to solve.

145. A number of extracts illustrating the difficulties of implementation and the hardships caused to the individuals and groups affected follow.

Special committees of the Land Tenure Advisory Board held hearings at various places during the year: from August to November in Johannesburg, Nelspruit, White River, etc.; again at Johannesburg from March to June; from April to May in the Cape Town area, at Maitland, Bellville, Kuiles River, Goodwood, etc., and in other parts of the country. What happened at these hearings?

*The Star* of 9 August 1954 gives the following account of the work of the Johannesburg committee:

"It seems as if the whole of the Johannesburg Bar and more than half the Side-Bar are here", an advocate said when a committee of the Land Tenure Advisory Board started hearings in the city today of proposals for group areas for the city.

"Seventy-five advocates and attorneys are appearing for proposers and objectors.

"The board has received about 3,600 objections to the original proposals, including 3,000 from individual Indians who object to the creation of Group Areas on principle.

"Among the proposals received are the creation of a Coloured area embracing the Witwatersrand University's experimental station, Frankenwald, and Indian areas embracing, among others, the area Vrededorp, Pageview, Burghersdorp and Newtown.

<sup>137</sup> *The Star*, 21 January 1955.

"An area in Marshalls Town, parts of the farm Water-val 34, between Johannesburg and Pretoria, and part of the farm Langlaagte are also proposed as Indian areas.

"Natives areas proposed include those at present occupied by Natives south-west of the city.

"As White areas are proposed generally the whole of the city north of the east-west railway line and the existing European areas south of the railway line."

146. The following are some extracts from the comments on the work of the Land Tenure Advisory Board for Johannesburg published in *Race Relations News* of July 1955 by the Chairman of the South African Institute of Race Relations:

"During the past month I have been attending the hearings of the Land Tenure Advisory Committee. The sittings of the Committee in Johannesburg commenced on 9 May and ended on 17 June: six weeks of proposals and counter-proposals and objections to proposals, of addresses by counsel, and evidence, and cross-examination of witnesses, six weeks, above all, of maps and more maps, maps with lines on them and little areas hatched in bright colours. One became so engrossed in these maps that one's awareness of the crucial meaning behind the lines gradually dimmed.

"...

"Even before the hearings ended, the Press had made a neat calculation and had announced, 'Million Words of Evidence at Group Areas Inquiry'. And throughout these lengthy proceedings, always the room was fringed by Indians, quiet, attentive, immobile. To them each line drawn on the maps was a living reality in terms of the quality of their lives. It meant to each Indian the right to continue living in his home or having to leave it, to continue owning property or having to sell it, the right to carry on his trade or having to look for a new form of livelihood.

"I highlight the Indians, because in Johannesburg the application of the Group Areas Act is primarily the 'problem' of finding a place where the Indians can live and trade. Johannesburg is over 80 square miles in extent. Of a total population of close on 900,000, the Indians, including those living contiguous to the City, number at most 25,000. To this 'problem'—finding room for 2.8 per cent, one thirty-sixth of the City's total population—the major part of the Committee's time was given."

After outlining the City Council's proposals, Mrs. Hellmann continues:

"The Indians, not unnaturally, did not like these proposals. Their representatives pointed out that on this theoretical basis of 'vertical' expansion, the Indian area would be intolerably congested. Where was the £30 million estimated as the cost of building this 'flatland' to come from? How, in any case, were the prospective tenants to pay the £22-£25 rent for such flats? On the Council's own showing, only some 40 per cent of Indians could pay economic rents. The insecurity of the permit system was stressed, as was the gross disparity in threatened displacement: 695 Europeans, some 15,000 Indians.

"The mines also objected. They objected to Mooifontein because the Kimberley Reef runs across it and they need the area for mining operations. In fact, new shafts have recently been sunk right in the middle of the proposed Indian area. The mines do not object to Diepkloof.

"...

"The City Council also objects to Diepkloof, which it wants as a controlled area for institutions.

"And so the argument proceeds. The maps are pinned up, and the proposals are disputed. The Council says not Diepkloof, but Mooifontein; the mines say not Mooifontein, but Diepkloof. And the great danger is that the

Indian community may be left with only Lenasia, 19 miles out, where the minimum price for stands is £350.

"...

"Do you wonder that, at those hearings, one grew ever more sick at heart and in mind?

"Nor was my spirit raised when, in response to an invitation, I attended a meeting at Pretoria's Lady Selborne. The Land Tenure Advisory Committee is soon to hold hearings in Pretoria, and the African stand-owners are fearful that the Group Areas Act will be used to take Lady Selborne, established as a freehold township for Africans in 1905, away from them and wrest from them their cherished freehold rights. They took me to the boundaries of the township and pointed out how European township had spread towards Lady Selborne. They showed me their homes. They showed me their schools. The signs of development in the form of decent houses impressed me. Their attachment to their homes moved me.

"Later, in the hall, I heard them, 200 of them, perhaps 300, chiefly men, chiefly stand-owners, tell of their fervent desire to be allowed to keep their homes and stay in the township they had built up. Before me lay the Group Areas Act, which provides that the Board must submit recommendations to the Minister of Native Affairs in regard to group areas for Africans. And they knew, as I knew, that the Minister has set his face against freehold rights for Africans in towns.

"And as I drove home through the dark, the question 'Why? Why?' asked itself, as on a nightmare screen, over and over again. Why cannot we let people be? Why must this evil be perpetrated? For this Act, which is represented as giving security to people and a place where they can belong, but which, together with other Acts, threatens people with uprooting and dispossession and undermines an already precarious security, is assuredly evil."

147. The case of the Indian communities is—as was recognized in an editorial in *Indian Opinion* of 11 February 1955, which published the letter *in extenso*—stated in a letter which Mr. C. W. M. Gell addressed on 4 February 1955 to the secretary of the Land Tenure Advisory Board in connexion with the review of the Rustenburg problem.

After examining the historical background of the problem of the Indians in South Africa, Mr. Gell dealt in particular with problems in Rustenburg, concluding that the only scheme which recommended itself was that of a slightly modified but stabilized *status quo*.

Mr. Gell made the following points in his letter:

"Before coming to our own proposals for an Indian Group Area, I must explain the several grounds on which we oppose the Town Council's proposals, since these must be taken to represent the official opinion of the European citizens of the municipality expressed through a majority of their elected representatives. Our grounds of opposition fall under two main heads—that the Council's plans are unjust and extravagant.

"The charge of injustice is implicit in the history of the Indians in this town. Here is a group of people who have been legitimately settled in the town for many years, have acquired property, built a school and a mosque, established businesses which are an asset to people of all race groups but (judging from their clientele) especially to Europeans, and who have lived here usefully and peacefully. It is now proposed to uproot them and transplant them entirely to a new site on the eastern outskirts of the town beyond the railway line, a mile or more from the centre of the town—not because they wish it, not even because they have been troublesome where they are, but solely because Europeans desire to live in greater residential segregation and conceivably because some Europeans



hope to remove or damage trade rivals. Even if full compensation were offered—and nothing in the Act makes it obligatory to pay any compensation—this would still be an unjust action.

"But it seems very clear that full compensation is not intended—that is, the compensation which an impartial tribunal would allot for compulsory removal from home and established business sites, for any loss that may occur owing to compulsory sale of property within a fixed time limit, for loss of school and mosque, and, perhaps most of all, for loss of business profits in a much less favourable commercial locality. I do not need to remind you, Sir, that the courts are excluded by the Act from functioning as appeal tribunals in matters of compensation. I do not see how evicted persons under the Act can reasonably be assured that the 'adequate compensation' offered by executive authorities, of which there has been mention in regard to the Western Areas expropriation scheme, will anywhere near approximate to the 'full compensation' which might be claimed in an impartial court of law."

After recalling the statement by Mr. Hiemstra at Nylstroom that 'there are going to be losses, substantial losses, and no one can deny it. But that is a result of the Act and it will have to be faced', Mr. Gell continued:

"It is the very negation of all western ideals of civilization and justice, which is an essential ingredient of any (particularly Christian) civilization, that one race group should be forcibly moved about because that is the wish of another race group, and yet be made to bear the 'substantial losses' which such a move entails."

He did not think that it required much thought to establish the improbability of Indians being able to recover the true value of their property when they had to sell within a fixed time limit or the lifetime of one generation. They would have to construct new houses and shops on a virtually barren area at prices far in excess of those prevailing when they built or bought their present premises. There were, of course, also the European owners of the new sites to be compensated. A fair and just, full compensation for this scheme would cost the Council one or two hundred-thousand pounds. Were either of the schemes considered by the Board to be chosen, there were three other grounds of compensation which would have to be met by the Council. The Indians would suffer loss under the Council's schemes, first on account of the fact that for some six months during which the actual move of any shop would take place no business would be possible; a claim would arise for loss of profits or for locking-up of capital. He calculated that the claim for those six months for transition or total stoppage of profits would be around £45,000. Secondly, the Indians would suffer an annual loss of trading profits, owing to the new areas being less central and accessible to customers than the previous one occupied by them. It is true that slowly trade would be resumed. He therefore calculated that loss as not less than 50 per cent for the first three years and 33½ per cent thereafter, that is to say £45,000 for each of the first three years and £30,000 for every year thereafter. Thirdly, there was the question of the £109,000-worth of property at present rented by Indians from Europeans, less than £8,000-worth leased by the former to Europeans: a total of £100,000-worth of property. Precisely how the loss of these lease amenities could be compensated, he was not prepared to state.

148. Following on the conference called by the Minister of the Interior, on 23 March 1955, to which reference has already been made, Mr. Gell returned to the attack in a series of articles in *Forum*, in which he recalled the Minister's own admission that few practical

measures had been taken to set up group areas and cited the following cases:

"In Durban the non-Nationalist City Council proposes to exchange 3,000 Europeans<sup>138</sup> for 80,000 Africans, 63,000 Indians and some 8,000 Coloureds—i.e. one-fiftieth of the city's white population is to be exchanged for one half of its non-whites. £9 millions worth of Indian property will be expropriated, but less than £900,000 worth of European owned property. Since the Group Areas Act and the mentality which produced it have always been aimed particularly at our Indian community and since the European electorate (Nat. and non-Nat.) is predominantly and hysterically anti-Indian, these figures have lost the power to shock us, as indeed they do shock outsiders profoundly. Nor does it escape their notice that everywhere Indians are being offered the least convenient, most secluded and undeveloped sites in which, quite evidently, the Indian merchant minority will be ruined. When facts like these are published together with the glib and only superficially plausible reasons with which we try to defend them, it does not require 'slander' to reduce further our already deplorable prestige overseas. Or is it 'slander' to publish such facts at all? . . .

"[My second example] comes from Rustenburg, whose plans are neither the worst nor the least one-sided of the Transvaal country towns. The Town Council proposes to remove the entire Indian community (120 families comprising 700 persons) from their present valuable, though overcrowded, central premises to the eastern fringe of the town. Property worth £270,000 will be exchanged for a new area worth some £30,000 (including the value of some 30 small European buildings, the rest of the area being a few demarcated erven and otherwise bare veld). At no stage has the Town Council given any explanation of its proposal, the cost in compensation (if any is intended) or how it thinks the 50 Indian shops, on which the community depends for its livelihood, will maintain their present trade (averaging some £90,000 gross profits annually) on this new and quite unsuitable site."<sup>139</sup>

In the last article of the series, Mr. Gell reviewed the situation arising out of the statement by Mr. Prinsloo, head of the Information Service of the Department of Native Affairs, on the "white patches" in the Transkei:<sup>140</sup>

"Damaging as the consequences are for the 18,000 whites of the Transkei, they have been assured that they do not face expropriation or forced removal. The expansion of their interests and businesses will be discouraged; they will, in fact, be left to 'wither away'. But they will not be turned out. Non-Whites all over the Union are faced with the imminent prospects of expropriation and eviction, involving (if they are Africans) the complete and uncompensated extinction of their freehold rights and their permanent incarceration in locations, on farms or in the reserves; or (if they are Indians and, to a slightly less extent, Chinese) their compulsory removal to small isolated townships far from the business areas on which many have depended for their living; and in almost all cases (whether they are African, Indian or Coloured) their removal from developed areas, where many have long lived, to undeveloped ones which the new Development Board is empowered (but not obliged) to develop. Is it then to be wondered that, to these non-Whites and their friends, it has seemed positively indecent that there should be such an uproar in the Press and parliament over the eventual fate of these 18,000 Whites while so little has been said by so few Whites about the far more immediate, numerous and grievous injuries which so many more non-Whites are likely to suffer under the Group Areas Act? Would not, I have been asked

<sup>138</sup> It was originally 15,000 but an outcry among these enfranchised voters soon changed that. (Mr. Gell's own note.)

<sup>139</sup> Extract from *Forum*, May 1955.

<sup>140</sup> See, on this question, chap. II, sect. VII, C, below.

by Indians and Africans, the case of the Transkei traders be much stronger and more convincing today, if they had first raised their voices against the proposed fate of Sophiatown, Cato Manor, Maitland, South End? These are questions which admit of only one answer."

He also cites the case of the little hamlet of Haarlem, "the most trivial and yet, in a sense, the most revealing":

"Representatives of the Group Areas Board visited the little hamlet of Haarlem in the apple-growing Longkloof valley of the Eastern Cape. They told the villagers that, since Haarlem could not be divided between the races, it must be zoned either for Europeans or for Coloureds. While no decision as to which group will be 'axed' has been announced the 100 Europeans living among 1,000 Coloureds have drawn their own conclusions.

"Now it may seem—it is—fantastic that our segregation ideologists should bother to disturb a village worth perhaps £50,000 all told, containing an amicable little community. But the general feeling among the Europeans is that they do not mind too much, provided they got 'a reasonable market price' for their properties. In interviews with the Press some said they did not yet know where they would go; others had plans to move to relatives in Cape Town or elsewhere.

"This little episode and the Transkei affair stress how greatly even in adversity, the White man has the advantage over the non-White. At the first whiff of danger in the Transkei, there is an uproar which may or may not achieve its main objective, but which will certainly ensure that the process of removal and compensation will as nearly give 'justice and fair play' as is possible in matters of this sort. And no doubt something will be done on the same lines for the White residents of all the country's Haarlems. But there is very much less confidence that equal consideration will be given to non-White claims for the 'justice and fair play' promised them by Dr. Donges."<sup>141</sup>

### C. IMPLEMENTATION OF THE NATIVE TRUST AND LAND AMENDMENT ACT, No. 19, 1954

150. The provisions of the Native Trust and Land Amendment Act, No. 18, 1954, are analysed in the Commission's second report (A/2719, paras. 73 to 81).

During the year, the authorities took various steps to implement the Act.

151. The *South African Report* stated on 16 September 1954 that steps would soon be taken in the Department of Native Affairs to clear vagrant Natives from the rural areas and regularize the distribution of Native farm labour. The control of vagrants in urban areas has been successfully established by various measures. To achieve a similar result in the rural areas, a survey will be made from farm to farm, and district to district, to determine the number of Natives present on farms and their labour obligations to farm owners.

152. In November, the Department of Native Affairs sent a circular to all Native commissioners and magistrates instructing them to take a census of Native farm workers in their districts, dividing them into Native servants regularly employed by the land-owner under contract for a cash wage, labour tenants occupying land in consideration of a contract to work at least part-time for the land-owner, and squatters, i.e., Natives who are neither servants nor labour tenants but pay rent for the right to live on the farm.<sup>142</sup>

This registration of farm labourers was to be carried out in co-operation with the farmers, who were required

to complete forms giving full particulars of Natives employed on their land.

The returns were to be submitted by mid-February and were to be examined by Labour Tenant Boards, each consisting of the Native Commissioner and farmers' representatives.

As the Commission pointed out in its second report (A/2719, paras. 73 to 80), the Department of Native Affairs plans to restrict as far as possible both the number of labour tenants—not more than five families being allowed per farm except in cases where the Labour Tenant Board permits a larger number—and the number of squatters, by gradually raising to a prohibitive level the fees payable by farmers for the re-registration of squatters on their land. The object is to employ the greatest number of Africans as farm servants, the form of labour favoured by the Department. In this, incidentally, the Department merely follows the general trend in the modern world towards the elimination of the last traces of the agrarian feudal system and the introduction of the European system of farm labour under free contract.

## VI. Problems in education

153. In this section, the Commission considers a number of developments in regard to the education of non-Europeans which took place in the course of the year.

The greater part of the section deals with the first steps in the implementation of the Bantu Education Act, No. 47, 1953, in which various difficulties have been encountered.

In the remainder of the chapter, the Commission considers the incidents which occurred in May 1955 at the non-European University College of Fort Hare (Cape Province). It also considers the report of the three-member Commission recently appointed by the Government of the Union to investigate the practicability of strengthening *apartheid* in South African universities.

### A. IMPLEMENTATION OF THE LEGISLATION RELATING TO BANTU EDUCATION

154. In its second report, the Commission analysed the provisions of the Bantu Education Act, No. 47, 1953 (A/2719, paras. 55 to 68). The analysis included a detailed summary of the parliamentary debates on the Act (paras. 57 and 58) with the principal statements made by members of the Government and opposition members. The Commission summarized the principal provisions of the Act; and in paragraphs 110 to 113, it considered the provisions of the Act in the light of the obligations devolving upon the Union of South Africa under the provisions of the Charter relating to human rights and the provisions of the Universal Declaration of Human Rights. Its conclusions on this point were unequivocal: they were that the Act was not in conformity with certain principles of the United Nations Charter and with the provisions of certain articles of the Universal Declaration of Human Rights. Lastly, in paragraphs 161 to 169, the Commission considered the reactions to the Bill before it was enacted and reproduced a number of opinions which it considered important.

In the following paragraphs, the Commission considers the reactions to the Act after its enactment and reactions to the Bantu Education Amendment Act, No.

<sup>141</sup> Extract from *Forum*, June 1955.

<sup>142</sup> *The Star*, 5 November 1954.

44, 1954 and the Exchequer and Audit Amendment Act, No. 7, 1955 both of which supplement the provisions of the Bantu Education Act.

155. During the period covered by this report the implementation of this legislation has aroused strong feeling among all sections of South African opinion. The Act also has a very important place in the total structure of the system of *apartheid* which the Nationalist Government is assiduously erecting. Moreover, during the debate in the *Ad Hoc* Political Committee of the General Assembly last year, the representative of the Union of South Africa accused the Commission of having dealt with the Act superficially and of having cited unfavourable opinions only.<sup>143</sup> The Commission feels bound to give special attention to this question. The Commission will accordingly refer first to certain developments before the Act was promulgated. It will then carefully note the reasons advanced by the Government for undertaking the reform of Bantu education, and the opinions—both of supporters of the Act and of those who have attacked it—which have come to the Commission's knowledge. Lastly, it will examine the effects of the implementation of the Act.

### (1) *The situation before 1953*

156. In South Africa in the nineteenth century, the minister or missionary and the teacher were frequently the same person. The schools were mission schools, and the children of Native converts learned the three R's in the same way as European children.

157. After the Union in 1910 of the two former Boer Republics and the two former British colonies, which became provinces of the new Union, the provincial authorities gradually came to play an increasingly important part in Bantu education. The process was the same as that which had already occurred in Great Britain and the United States (and also, so far as White education was concerned, in South Africa), where education had gradually been handed over by the churches to the State. A similar process is taking place in the Belgian Congo.

The intervention of the provincial authorities was mainly in administrative matters. The greater part of the financial burden, originally borne completely by the mission churches, with the assistance of funds collected by European and North American churches, was assumed by the provinces.<sup>144</sup>

At the same time, the four provincial administrations assumed fuller control of Bantu education, laying down the syllabuses to be followed, paying out the subsidies and even renting the church-owned school buildings.

158. Meanwhile, the number of children of school-age was rapidly increasing and the public funds available were increasingly inadequate. The Native Education Finance Act, 1945, completely reorganized the financing of Native education. In future, the financing of Native education was to be the responsibility of the Union Government. The funds to be made available to the provincial administrations under the Union's annual budget were drawn directly from the Consolidated Revenue Fund.

159. It was generally agreed by South Africans of all shades of political opinion who were acquainted with the situation that the system of Native education was

<sup>143</sup> See *Official Records of the General Assembly, Ninth Session, Ad Hoc Political Committee*, 42nd meeting.

<sup>144</sup> Eighty-eight per cent in 1950, according to Leo Marquard. See *Peoples and Policies of South Africa*, 1952, p. 186.

out-of-date and inadequate and should be reformed. There was therefore virtually no opposition when Dr. Malan's Government appointed a Commission on Native Education in 1949. This Commission, whose members were eminent citizens and educationists selected for their special knowledge met under the chairmanship of Dr. W. W. M. Eiselen and presented its report (U.G. No. 53/1951) on 18 April 1951.

The 1953 Act is largely based on that Commission's report. Those who drafted the Act took into account the observations in paragraphs 752 and 753 of the report, which the United Nations Commission feels should be quoted. They read as follows:

"752. Your Commission considers that the four most important criticisms of the present system are:

"(a) Bantu education is not an integral part of a plan of socio-economic development;

"(b) Bantu education in itself has no organic unity; it is split into a bewildering number of different agencies and is not planned;

"(c) Bantu education is conducted without the active participation of the Bantu as a people, either locally or on a wider basis;

"(d) Bantu education is financed in such a way that it achieves a minimum of educational effect on the Bantu community and planning is made virtually impossible.

"753. The following important points of criticism are also mentioned:

"(a) The inadequacy of the present system of inspection and supervision;

"(b) The failure to couple vocational education with economic development;

"(c) The inadequacy of the measures taken to combat the problem of early elimination from school;

"(d) The inadequate functioning of teachers in schemes of Bantu development."

160. It should be mentioned at this point that a number of prominent opponents of the Act, churchmen and others, have insistently maintained that its main object is to retard Bantu education and, through the bias of new teaching methods, completely to achieve the aims of the policy of *apartheid* by giving the Natives an education planned in accordance with the subordinate status assigned to them.

### (2) *New legislation*

161. From the purely administrative point of view, the reforms introduced by the Bantu Education Act and the two Acts which supplement it consist essentially of five fundamental changes:

(a) Under the new legislation the local control of Bantu schools will be transferred from the missions and given to the Bantu communities whose children attend the schools. In cases where the communities are not ripe to take over such control, the schools will become State schools, and parent-teacher committees will be set up to enable the Bantu to take a personal and direct interest in their schools.

(b) The central administrative control of Bantu education is transferred from the four provincial administrations to the Union Government.

(c) The direction of Bantu education is placed under the newly-created Bantu Education Division of the Department of Native Affairs. As this Department is already caring for Bantu community affairs in practically every other sphere, it was felt essential that Bantu education too should also be integrated in the pattern of all-round

development of a progressive Bantu society. A revised and up-to-date school syllabus will be prepared in accordance with these principles.

(d) In the case of churches wishing to retain administrative control of their schools, a reduced and decreasing State subsidy will be provided.

(e) Bantu education will be financed by an appropriation of 6,500,000 South African pounds under the general budget, and a proportion of the special taxes paid by the Bantu.

162. In part, these administrative reforms undoubtedly answered a need which had long been felt. The replacement of the unco-ordinated education provided by the missions by a State-administered system is, for example, undoubtedly a step forward.

The Commission is, however, also struck by the spirit of the Act and the "reforms" of a quite different character which have been simultaneously introduced in connexion with this reorganization.

At this point, the Commission can only repeat, with reference to the implementation of the Act, what it said last year in its first study of the Act (A/2719, para. 110), namely, that there is "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'."<sup>145</sup>

### (3) Initial measures of implementation

163. Owing to the scope of the reorganization decided upon, it was more than a year before the new school authorities could bring into operation, with a minimum of friction, the machinery for the transfer of responsibilities and for applying the Bantu Education Act as amended.

164. On 2 August 1954 circulars<sup>146</sup> announcing the first steps to be taken to implement the Act were sent by the Secretary for Native Affairs (a) to all grantees, superintendents or managers of State-aided Bantu schools; (b) to all grantees, superintendents or managers of State-aided native teachers' training schools.

Only the most important paragraphs will be quoted.

#### Circular No. 1:

"2. It should be emphasized that the transfer of control from the mission to Bantu communities is part of a wider scheme of social development, designed to assist in the progress of the native people in the form of self-sufficient and responsible communities in all directions. The purpose is not therefore the removal of religious influence from the life of the Bantu—an influence which the Department realizes has been and will continue to be a most valuable contribution to Bantu development—but the enlistment of the energies of the Bantu in the development of a healthy social and economic life of their own.

"3. It is the intention of the Department to offer reasonable compensation where necessary to the churches or missionary bodies from whom school buildings are taken over . . .

"4. Grantees, superintendents, or managers of all state-aided schools are requested, after due consultation with

<sup>145</sup> The effects of these administrative measures on the position of the Bantus from the point of view of *apartheid* are indicated *passim* in the present section, and also (so far as the financing of Bantu education is concerned) in chapter I, section I (c), above.

<sup>146</sup> Reproduced in full in *The South African Outlook* of 1 September 1954.

their own church authorities, to inform the Secretary for Native Affairs, . . . Pretoria, as soon as possible (but in any case not later than 31st December 1954) in the case of every state-aided school under their care . . . whether they wish—

"(a) To retain control of existing state-aided schools and hostels either as private unaided institutions, or as aided institutions with the subsidy for teachers' salaries fixed at seventy-five per cent of both the salary scale and cost of living allowance applicable to each teacher employed with the approval of the Department . . . or

(b) To relinquish control of these schools and hostels to Bantu community organizations . . .

"6. If, after the 1st April 1955, the Department decides that it is desirable that the control of a school which has remained under the superintendency of a church or missionary body, either at the request of that body or of the Department, should be transferred to a Bantu community organization, notice of at least two school quarters will be given of the intention of the Department so that teachers may be informed and staffing arrangements made without prejudice to the school or its teachers . . .

#### "9. School Committees

"In constituting school committees care will be taken that at least one Bantu member will be appointed to represent church interests . . .

#### "11. Religious Education

"The curricula of all schools under the control of the Department including those under Bantu community organizations, will provide religious instruction. Churches recognized by the Department will be allowed to provide special religious instruction for the children of their adherents at set times, provided such instruction is given in the mother tongue. Where churches do not exercise this privilege the Department syllabus will be taught by class teachers. The inspectorate will be instructed to see that religious instruction is thoroughly taught and that the time set aside for this purpose is not used for so-called examination subjects . . ."

#### Circular No. 2:

"2. It is the policy of the Department that the training of all teachers for state or state-aided schools should be conducted in Departmental teacher training schools only.

“ . . .

"12. The Department is desirous that Christian influences should be strongly felt in Departmental training schools and calls upon the churches to assist by:

"(a) Retaining control of hostels wherever possible; and

"(b) Making arrangements at Departmental teacher training schools for pastoral work among adherents not only on Sundays but also during the week when at set times the adherents of each church will be available to its pastor for religious instruction.

"It may be added that all teacher training curricula will contain biblical instruction and religious exercises of a non-sectarian nature."

#### (4) New lower primary school syllabuses

165. The second important step in the implementation of the Bantu Education Act was the publication on 26 November 1954 of draft syllabuses for the lower Native primary school.

The Department of Native Affairs considered the publication of the syllabuses sufficiently important to justify the calling of a special Press conference at Pretoria. The following is the text of the official statement issued to the Press:

"The Department of Native Affairs has great pleasure in issuing its Bantu Education Journal No. 2, containing

the draft syllabuses for the lower primary school—that is, Sub-Standards A and B and Standards I and II.

“For the first time in the history of Bantu education these syllabuses are issued accompanied by an invitation to professional education officers, supervisors, all Bantu teachers and other interested parties to submit their comments, criticisms and suggestions.

“It should be noted that despite the fact that these draft syllabuses are only issued today and that these syllabuses will not be introduced before 1956, a large number of ‘experts’ have had Press interviews and have made public statements condemning Bantu education as being ‘inferior’—a ‘thing’ with which they do not want to be associated.

“A comparative analysis will prove beyond doubt that in addition to the incorporation of the best elements contained in the syllabuses of the four Provincial Administrations, the outstanding improvement in the new draft syllabus is the time allocated to mother-tongue instruction and to both official languages (not, as in the past, the exclusion of Afrikaans and its grouping together with a second Bantu language).

“Furthermore, history, geography and civics, are grouped together under the subject ‘Environment Studies’, an improvement in the syllabus based on an idea gleaned from the Cape syllabus published in 1952.

“It is important to note that the Secretary for Native Affairs on numerous occasions during the last two years has appealed to universities, teachers, training colleges and teachers to include a similar subject in the syllabuses of European schools with a view to acquainting the European child at an early age with the Bantu in his environment.

“The Director of Education for the Transvaal has recently asked lecturers at the Pretoria Normal College to study the subject and to submit a memorandum.

“From the point of view of the improvement of race relations no better subject could be included in the syllabuses of both European and Bantu schools.

“This may entail spending less time on the history of ancient Rome and Greece, making children remember dates of the Napoleonic wars or telling about the Eskimos.

“There is a vital need for all sections of the community in South Africa to know their own human environment. Consequently, Bantu education is taking a progressive step in this regard.

“We have heard, since the beginning of this year, an almost continuous ‘song’ about Bantu education being inferior and being a thing with which no worthy educationist should be associated.

“What are the facts?

“In this draft syllabus 170 minutes a week will be devoted to religious instruction, 20 minutes more than in the syllabuses of the Provinces.

“A most notable improvement is the time allocated for instruction in Afrikaans; in the sub-standards 100 minutes a week, in Standards I and II 200 minutes a week.

“The identical time is allocated for instruction in English.

“What happened previously?

“English was allocated 300 and 240 minutes respectively in the Cape and none to Afrikaans. In the Transvaal both official languages were allocated 90 and 65 minutes respectively. In Natal 255 and 360 to English and no time to Afrikaans. In the Orange Free State both official languages were allocated 75 and 160 respectively.

“The time allocated for the vernacular, arithmetic, writing, singing and handicrafts is on the average slightly above, or, in other cases, slightly below that of the Provinces, because Afrikaans had to be accommodated in all the Provinces.

“The vernacular is allocated 180 and 210 minutes, which in the first case is 60 minutes lower in the second,

45 higher than in the Transvaal, arithmetic is allocated 140 and 200 minutes, which in the first case is 10 minutes lower and in the second 20 minutes higher than in Natal.

“Handicrafts, needlework and gardening receive 240 minutes, which is 40 minutes higher than in the Cape, 30 minutes higher than in Natal and equivalent to the time in the Orange Free State.

“If this syllabus is adopted and introduced, in what respect will it be inferior? As indicated, this new syllabus has taken the best out of the syllabuses of the four provinces and has for the first time brought to the notice of all the Bantu children and all the Bantu parents that there are two official languages in South Africa.

“Furthermore, it makes the acquisition of education much easier than previously, simply because the basic medium of instruction will be the mother tongue.”<sup>147</sup>

#### (5) Rules of conduct for teachers

166. The regulations governing the approval of State-aided Native schools and the conditions under which grants-in-aid may be made, published in the *Government Gazette* of 21 January 1955, are of some interest. Among other things the regulations standardize the given conditions of service of Native teachers. The most striking provisions are as follows:

“. . . 4. The payment of a grant-in-aid in respect of any teacher's salary and allowances shall be subject to the following conditions:

“ . . .

“(4) Any teacher employed in any State-aided mission school for whom any grant-in-aid is received shall carry out all the instructions of the Secretary in respect of school hours, holidays, syllabuses, examinations, medium of instruction, admission of pupils, and all other matters concerning the work within the school.

“ . . .

“(6) Any State-aided mission school shall be open at all times for inspection by officers of the Secretary and the manager shall render all such returns and shall keep such records as the Secretary may from time to time require;

“(7) Any teacher in any State-aided mission school in respect of whom a grant-in-aid is received shall be employed under conditions of service to be drawn up by the manager and approved by the Secretary, and containing *inter alia* certain conditions of service substantially as set out in Appendix B . . .”

Appendix B contains, *inter alia*, the following provisions:

“Any teacher who—

“(a) Disobeys, disregards or makes wilful default in carrying out a lawful order in connexion with his school duties given to him by anybody or person having authority to give the same, or by word or conduct displays insubordination; or . . .

“(c) Conducts himself in a disgraceful, improper or unbecoming manner while on duty or treats with gross discourtesy a member of the public or an official of the Department of Native Affairs; or . . .

“(e) Commits any offence against good morals or habitually uses to excess any intoxicant or drug, or during school hours or when otherwise on duty shows signs of having used an intoxicant or drug to such a degree as to be likely to cause offence; or . . .

“(g) Encourages through his acts or behaviour disobedience or resistance to the laws of the State; or

“(h) Identifies himself actively with a political party, or body, or actively participates in political affairs or in the nomination or election of members of a school board, or any Bantu Authority, or governing body, or school committee or Native Local or Advisory Council, if such

<sup>147</sup> *The South African Outlook*, 1 September 1954.

teacher has not obtained the approval of the Secretary for Native Affairs to be nominated for election to a Native Advisory Board or other local authority; or . . .

“(k) Contributes to the press by interview or in any other manner, or otherwise publishes a letter or an article criticizing his superior officers or the policy of the Department of Native Affairs;

is guilty of misconduct and action shall be taken against him by the manager.”

Being included in the contract which must be signed by every Native teacher, these disciplinary clauses which seek essentially to prevent teachers from taking part in any political activities, have some chance of being observed, not only because of the threat of disciplinary action, but also because, as anthropologists and many employers of Native labour attest, the Natives have a firm grasp of what a contract implies and a high respect for contractual obligations.

(6) *Reactions of South African opinion to the implementation of the Bantu Education Act*

167. The implementation of the Bantu Education Act has, as will be seen, not been plain sailing. It has been the subject of violent Press campaigns and, both in Parliament and at public meetings, has been the target of persistent attacks which have themselves provoked heated rejoinders by representatives of the majority.

However, the arguments used by opponents and supporters of the Act in the recent controversies in connexion with its detailed implementation are, as might be expected, not substantially different from those advanced when the Act was passed in 1953 and which were extensively quoted by the Commission in its second report (A/2719), paras. 161 to 165). In this chapter therefore only a brief summary of some typical reactions will be given.

168. It is proposed first to examine the views of the South African Bureau of Racial Affairs (SABRA), which supported the Act. The Bureau's views are representative of average opinion in Afrikaaner circles and have served as a guide to the Afrikaans Press.

The report will next consider the attitude of the Churches and missions, which have taken a keen interest in the matter, having been traditionally responsible for Native primary education until April 1955. They then owned most of the school sites and buildings in the Union. The Churches have made a more thorough analysis of the problem as a whole than other opponents of the Act and have played a very important part in the campaign against its provisions. Generally speaking, the remainder of the opposition has repeated the arguments of the Churches. The Commission will also examine in some detail opinions based on the views of the South African Institute of Race Relations, which has also severely criticized the Act, in its studies and publications. Its criticisms, are, however, somewhat different in emphasis from those of the Churches. The Commission will then give some idea of reactions to the implementation of this legislation in non-European circles (Coloured, Indian and Bantu).

(a) *Reactions in Afrikaaner circles: booklet issued by the South African Bureau of Racial Affairs (SABRA)*

169. The Government's views on Native education are clearly stated both in the speech by the Minister of Native Affairs in the Senate on 7 June 1954 and, more

fully and systematically, in a booklet, *Bantu Education — Oppression or Opportunity*, published by the South African Bureau of Racial Affairs (SABRA) early in 1955. So far as the Commission has been able to ascertain, every argument used by Nationalist Afrikaaner speakers, leader-writers in *Die Transvaler* and the writers of letters to the editor of *Die Burger*, is to be found in this fifty-page booklet.<sup>148</sup>

Extensive passages from the concluding pages of the booklet, which recapitulates the arguments advanced in reply to opponents of the Act, are reproduced below:

“. . . It would appear that the main criticisms levelled against the Bantu Education Act amount to the following:

“(a) It is wrong in principle for the State to assume control of Bantu education, and full control should be exercised by the Churches.

“(b) In the new system of education there will be less emphasis on religious (Christian) aspects.

“(c) Bantu education as such will be inferior.

“(d) It is the aim of the Government, in conformity with its policy of separate development, to assign the Bantu of South Africa, by means of this inferior type of education, a place of permanent inferiority within the country; it thus violates the principles of true education because it visualizes training for a station in life.

*“State Control of Bantu Education:*

“. . .

“As early as October 1924 the African National Congress, a Bantu political group which is at the moment loudest in its condemnation of the new policy, petitioned the Secretary for Native Affairs: ‘in the humble opinion of the Congress the time has arrived when Bantu education should be placed under the direct control of the Union (Government); also that a system of Bantu education is desirable, one which would be better adapted to the peculiar and practical needs of the Bantu people . . .’

“. . .

“Between the African National Congress petition in 1924 and the ultimate achievement of the idea of bantu education thirty years later, various official investigations were held into the matter. These investigations have the support of men like the late General Smuts and the brilliant educationist, the late Hon. J. H. Hofmeyr, a Minister of Education in the former United Party cabinet and a noted liberalist thinker.

“. . .

“After considering the arguments for and against the maintenance of provincial control over Bantu education, the Commission on Native Education 1949-1951 came to the conclusion ‘that the major defects of the role of the Provincial Administrations in the present system of divided control are the following:

“(a) The harmful and frustrating severance of the schools from the other agencies set up by the State, under the control of the Central Government, to develop the economic and social life of the Bantu.

“(b) The inability, through lack of legislative authority, of the Provincial Administrations to finance and control education as an integral part of all social services under a system in which the active participation of the Bantu as a people is secured.

<sup>148</sup> The booklet owes its importance to the authority and standing of its authors: Mr. G. H. Franz, Regional Director of Bantu Education (Transvaal), a noted authority and author on Bantu life, lore and customs; Dr. T. S. van Rooyen, an authority on Bantu administration; Dr. E. F. Potgieter, head of the Department of Social Anthropology, University of South Africa; Mr. B. S. van As, head of the Department of Native Administration, University of South Africa; and Mr. W. E. Barker, a member of the Executive Committee of the South African Bureau of Racial Affairs.

"(c) The inability, through lack of legislative authority, of the Provincial Administrations to design and execute a plan of general development of the Bantu with which an educational scheme could be integrated."

After quoting the passages from the Eiselen Committee report to which the Commission has referred above,<sup>149</sup> the booklet concludes:

"It becomes obvious, therefore, that the present outcry cannot be primarily against the transfer of control over the schools; and no serious objection can be raised against the principle that the time has now come that church and missionary organizations, whose excellent work in many spheres of Bantu education in the past merits appreciation and gratitude, should be relieved of this responsibility. It is a well-known fact that few of these organizations (with the exception of the Roman Catholic Church) would support a policy aimed at a reversal to the old system of church and missionary control in respect of European schools.

#### "The 'secularization' of Bantu education

"... It has become generally accepted, however, that the teaching in schools of the principles of Christianity can and has to be accomplished, even if it is not done to the complete satisfaction of the Church, within the ordinary school syllabus ...

"When it is considered that in the existing missionary schools only a minority of the children attending are the children of members of the particular church or missionary institution, it becomes evident that it would be an injustice to the majority of these children and their parents if they were compelled to submit themselves to the indoctrination of a particular church of which they may not even be members or to whose dogma they may even be violently opposed.

"The principles of equity would therefore appear to be met if, in the implementation of the Bantu Education Act, sufficient provision is made for religious instruction in the curriculum (as in that for white children), and if the churches have an opportunity to participate in such religious instruction, in respect of the children whose parents belong to the particular church or churches. Alternatively, if a church should feel that such a system provided inadequate training in Christianity or in its dogma, it should be prepared (as apparently the Roman Catholic Church is) to finance, either in whole or in part, its own educational institutions.

#### "Is Bantu education to be inferior?"

"To an intelligent observer it is difficult to see what justification there is for the accusation that the Bantu Education Act envisages an inferior type of education for Bantu children ... The form in which this accusation has been worded and the almost complete absence of motivation makes it difficult to discover the grounds for this criticism, and consequently of replying to it.

"Such criticism would be justified if the philosophic basis for Bantu education is contrary to generally accepted educational philosophy; or if the school syllabuses are such that inferiority either in the teaching subjects prescribed or in the contents of these subjects is evident; or if provision is made for education only up to a specified standard or grade, in other words, if opportunities for secondary and higher education are denied.

"As regards the first point, viz. that of the educational philosophy underlying the Bantu Education Act, we could do no better than quote from the Report of the Native Education Commission 1949-51 ...

"...

"764. It is evident, therefore, that Bantu development and Bantu education must be largely synonymous terms. Education is more than a matter of schooling; indeed, in

<sup>149</sup> See para. 159 above.

the education of a society to make a tremendous cultural leap such as the South African Bantu are called upon to make, the schooling of children, though of the utmost importance, must be regarded as only part of a larger process. School education, if it is to be co-ordinated and in harmony with social development, must be seen as one of the many educational agencies and processes which lead the Bantu to better and fuller living.

"...

"766. ...

"(g) Schools must be linked as closely as possible with existing Bantu social institutions, and a friendly though not necessarily uncritical attitude maintained between the school and these institutions;

"(h) The mother-tongue should be used as the medium of instruction for at least the duration of the primary school. As the literary treasure of the Bantu languages are developed and their importance as means of communication increases, they should in increasing measures be recognized as media of instruction ...

"(i) Bantu personnel should be used to the maximum to make the schools as Bantu in spirit as possible, as well as to provide employment;

"(j) Bantu parents should as far as is practicable have a share in the control and life of the schools. It is only in this way that children will realize that their parents and the schools are not competitors but that they are complementary. Similarly the schools will educate the parents in certain social values;

"(k) The schools should provide for the maximum development of the Bantu individual, mentally, morally and spiritually.

"...

"773. The now universally accepted principle of leading the child in his education from the known and familiar to the unknown and unfamiliar has to be applied equally in the case of the Bantu child as with children of any other social group. But educational practice must recognize that it has to deal with a Bantu child, i.e. a child trained and conditioned in Bantu culture, endowed with a knowledge of a Bantu language and imbued with values, interests and behaviour patterns learned at the knee of a Bantu mother. These facts must dictate to a very large extent the contents and methods of his early education.<sup>150</sup>

"...

"An examination of the second point, namely that of school syllabuses, reveals some interesting facets. The accusation that an inferior type of education was visualized, has been made in increasing measure since the beginning of 1953.

"And yet it was not until near the end of 1954—almost two years later—that the syllabuses for this so-called inferior education were drawn up and published; even then only the elementary syllabuses up to standard 2 (grade IV) have appeared, further syllabuses still being in the course of preparation. One could therefore have expected that the publication of these syllabuses would have given ample proof of the 'inferiority' envisaged and would have raised a storm of protest.

"But there was a significant silence on the part of almost all the critics; while the *Cape Argus*, in an editorial on 29/11/1954, frankly admitted: 'the syllabus, which covers only the education given up to and including standard 2,

<sup>150</sup> It was apparently to this educational principle that Dr. W. W. M. Eiselen, the Secretary for Native Affairs, referred on 1 July 1955 when he observed at Pretoria that the aims of the new Bantu education policy were completely in harmony with the aims set by UNESCO for education in the "under-developed" countries. He added that it seemed to him "strange that aims which elsewhere, and in many countries, had already, thanks to UNESCO missions, become a matter of practice should here, in South Africa, be stigmatized as 'contrary to the will of God'" (*Die Transvaler*, 2 July 1955).

offers no ground for the supposition that this school is to be of an inferior type . . . .

“ . . .

“In connexion with the third point, namely the possibility that educational facilities may be curtailed to prevent the full development of the Bantu individual, we need no more than point out that in all public declarations made concerning the application of the Act, it was emphasized that . . . as the need develops, an increase in the existing facilities for secondary and higher education will be effected.

“*A preconceived place of permanent inferiority?*”

“ . . . This criticism is apparently based on the fact that the Government is committed to a policy of separate development of the White and the Bantu groups.

“ . . .

“The general supposition appears to be (a) that the policy of separate development has as one of its main aims the keeping of the Bantu in a state of inferiority and the curtailment of his development; and (b) that through education it would be possible so to indoctrinate the Bantu that they would be satisfied with the position of inferiority assigned to them, and would accept, without demur, the limitations placed on their development.

“ . . .

“The policy of separate development in essence visualizes the full and unfettered development of the Bantu individual and the Bantu communities, in all spheres of life; basic to the policy is the assumption (which is based on actual fact) that the opportunities for the full development of the Bantu in an integrated society will of necessity be severely limited, because the White population will not be prepared to relinquish its right of political self-determination;

“ . . .

“It is our firm conviction that a policy of separate development, if its fulfilment is sought in honesty and truthfulness and its implications fully accepted, may provide a way out of the grave dilemma South Africa is facing.

“Separate development demands certain fundamental postulates—for example, that the Bantu should be enabled to fill an ever-increasing role as leaders in their own social, economic and political society, that they should be able to occupy ever more of the semi-skilled, skilled and professional posts necessary to such a fully developed Bantu society. Again, separate development requires the progressive and intensive economic growth of the Bantu territories, where a diversified agricultural-plus-industrial economy will offer a steadily rising standard of living.

“ . . .

“The second supposition, namely that through educational indoctrination the Bantu may be brought to an acceptance of a status of perpetual inferiority and subjection, does not merit serious discussion—in the first instance because the policy of separate development aims at achieving exactly the opposite, and in the second instance, since there is no proof that through education a people may come to accept willingly what it fundamentally knows amounts to a complete negation of its very existence and growth.”<sup>151</sup>

## (b) *The churches and missions*

### *The Afrikaans-speaking reformed churches*

170. The Afrikaaner churches, the Dutch Reformed Church (Nederduitse Hervormde of Gereformeerde Kerk) which is by far the largest, the Gereformeerde Kerk, and the Nederduitse Hervormde Kerk, have ex-

<sup>151</sup> *Bantu Education – Oppression or Opportunity?* Stellenbosch, 1955, pp. 39-47.

pressed their approval of the Bantu Education Act and transferred their mission schools to the State without demur.

### *Other churches*

171. The other churches, most of whose “European” members belong to the English-speaking population, have as a general rule voiced serious objections, but their position has in some cases varied from diocese to diocese, and in others it has changed somewhat during the course of the year.

The following is a survey, necessarily incomplete, of the attitude of these Churches or groups of Churches and of some of their representatives:

#### *The Christian Council of South Africa*

172. A meeting of representatives of many Churches, convened by the Christian Council of South Africa (in Pretoria), on 1 September, revealed unabated repugnance to certain provisions of the Act and to the speed at which these are being implemented.<sup>152</sup>

#### *The Anglican Church*

173. On 23 October 1954, the Synod of the Anglican Diocese of Johannesburg passed a resolution strongly deploring the type of school education which will be provided for Native children under the Bantu Education Act.

The resolution said that the Synod regarded the Act as contrary to the will of God, as it was based on *apartheid*, attacked the natural rights and dignity of men, made in the image of God, and was designed to ensure perpetual domination of one racial group by the intellectual starvation of another.

The resolution called on all Christians to demand and work for the repeal of the Bantu Education Act.<sup>153</sup>

Among Anglican prelates, the two most vigorous opponents of the Act appear to have been the Bishop of Johannesburg, the Rt. Rev. R. Ambrose Reeves and the Archbishop of Cape Town, the Most Rev. G. H. Clayton.

The former ordered all African mission schools in the Southern Transvaal belonging to the Anglican Church to close because the Church “cannot be a party to the Bantu Education Act in any shape or form”. He added that the Church would not sell or rent its schools because it would have no part in a system of education with objects contrary to the principles it believed should be the foundation of all education.<sup>154</sup>

Dr. Clayton said on 25 November 1954 at the Synod of the diocese of Cape Town that the Church would not take any part in giving what he called “this fantastic Bantu education”. If it did so it would have to follow a syllabus and a time-table of which it could not approve.

Commenting on the distinction made by the Minister of Native Affairs between “education for Natives” and “Bantu education”, he said:

“In the phrase ‘education for Natives,’ it is presumed that education means what it would mean for any other group of people, namely, the development of the personality of the individual in accordance with his aptitude and abilities.

<sup>152</sup> *The South African Outlook*, 1 October 1954.

<sup>153</sup> *The Star*, 23 October 1954.

<sup>154</sup> *South Africa*, 27 November 1954.



“Bantu education’ apparently means something different . . .

“Bantu education implies that he is a member of a group for which limited opportunities are provided by members of another group, and that he is educated not as a person, but as a member of the group.

“I have no doubt that the effect of the Act will be to retard the education of the Bantu, but I do not believe that it can or will do more than retard it. I do not believe it will prevent it. The policy is so fantastic that it cannot succeed. But for a time it may appear to succeed.”<sup>155</sup>

Reference should also be made to the outspoken opposition expressed by Father Trevor Huddleston on numerous occasions. At a protest meeting held at Johannesburg on 18 October 1954 in connexion with the closing of the St. Peter’s mission school, he said:

“So now the school must close. St. Peter’s has stood for a conception of education which must now be destroyed.

“We recognise the real hardship that the closure entails for the African people. But we believe that a stand on principle is, in the long run, the greatest service we can render . . .

“I believe that *apartheid*, both in its conception and its application is an evil thing. Not just a mistake, but an evil; not just a political catchword, but an evil.

“Education, he held, should never be governed by considerations of race: its whole purpose was to put at the disposal of the individual the cultural heritage of mankind.

“I’m not interested in Dr. Verwoerd’s opinions; not interested in the opinion of European employers; or farmers or M.P.’s—fundamentally I am interested in the future of the African race, as such. And because this Act affects their future so greatly and so disastrously, I oppose it with all my strength.

“It is because of these principles that St. Peter’s has existed; for these principles that my community has now decided to close the school.”<sup>156</sup>

### *The Methodist Church*

174. At its annual Conference held at Queenstown on 22 October 1954, the Methodist Church of South Africa, whose schools were attended by more than 200,000 Bantu children, expressed its “emphatic opposition” to the Bantu Education Act:

“A policy which, in effect, aims at conditioning the African people to a predetermined position of subordination in the State is incompatible with the Christian principles for which the Church stands.

“Nevertheless, in order to provide for the immediate educational needs of the African people, the Church feels compelled to relinquish control of its schools to the State and to continue to exercise a Christian influence upon education wherever possible.

“The Church must safeguard itself by limiting its agreements with the State to an experimental period.”<sup>157</sup>

Subsequently, after studying all aspects of the development of the school situation created by the application of the Act, and weighing the prospects for the future, many leading Methodists appear to have modified their hostility, without, however, altering their stand on the question of principle.

In this connexion, the Commission regards as characteristic the statement made on 23 April 1955, when the school boycott was in full swing, by the Rev. J. B.

<sup>155</sup> *The Star*, 25 November 1954.

<sup>156</sup> *South Africa*, 23 October 1954.

<sup>157</sup> *The Star*, 22 October 1954.

Webb, president of the Methodist Conference, and reported as follows by the *Star* of the same date:

“The Rev. J. B. Webb, president of the Methodist Conference, said here today that the Bantu Education Act be given a fair trial. As far as his church is concerned, he says, it is finding ‘that many of the fears which we at first anticipated are not being realized.’

“In an interview Dr. Webb, who is in Durban to officiate at a stonelaying ceremony, said: ‘The Act is a serious attempt by the Government to rationalize Native education and to seek to overcome many of the anomalies which existed under the old order under provincial education.

“‘The co-operation of our own Church has been sincerely sought by those in charge of the operation of the Act. We shall continue to co-operate as far as we possibly can.

“‘In the meantime, we are reserving our own initial convictions, which were made clear to the Government at the time of the promulgation of the Act.

“‘We believe that there is only one type of education and that it cannot be branded according to those who are taught. We cannot accept the idea of European education, Bantu education, etc. It is just education.

“‘But we have got to see how the thing works. In any case, we could not have thrown out of school some 200,000 Native children who were in our mission schools, or have caused unemployment, for the time being at least, of nearly 5,000 teachers.’”<sup>158</sup>

The following month, speaking at a private meeting of Methodist ministers and laymen in London on 19 May 1955, he reiterated this view:

“The Bantu Education Act is not quite the drastic kind of legislation it has been represented to be. It really follows the general trend of educational policies in all countries, which is towards a greater resumption of responsibility by the State. Though it means that the State generally takes over the Church schools, invitations have been given to the churches for representatives to serve on the boards of management and governing bodies of the schools and there appears to be a real anxiety that these invitations should be accepted.

“Equally, the Churches are to be permitted to give religious instruction to children of their own denominations in the State schools.

“The Churches will, if they so desire, retain control of their hostels which will help to assure a continued influence on those responsible for teaching the young.

“It is not true to state, as has been represented, that African children will be denied all education after the age of between 10 and 12. Further education will be available to those who indicate by examination that they are likely to benefit by it.

“Those who do not reach the examination standard will be directed to vocational training to which great importance is to be attached.”<sup>159</sup>

### *Presbyterian Church*

175. The Foreign Mission Committee of the Church of Scotland, “as the heir of a succession of Scottish Presbyterian agencies which for more than a century have directed efforts for the evangelisation of the Bantu of South Africa”, issued a statement on 4 January 1955 in the form of a communication to the Government of South Africa. The statement says, *inter alia*:

“We recognise that it is in accordance with the practice of civilised states that the Government of South

<sup>158</sup> *The Star*, 23 April 1955.

<sup>159</sup> *The Star*, 20 May 1955.

Africa should accept responsibility for the education of all its citizens, and we therefore approve the principle of responsibility underlying the Act.

"We also recognise with appreciation that in recent years, the State has borne a large share of the cost of the education that has been given through the Missions . . .

"The education that has been given in our mission schools and institutions has produced a very great number of men and women who have not only been able to assimilate the instruction, but in their intellectual ability . . . have displayed gifts comparable to those manifested (generally under more favourable economic and social conditions) by people of other races . . .

"We regret, however, that the transition from the present system of cooperation between the Central Government, the Provincial Administration, the Church and the Community is being unduly hastened . . .

"Our main objection to the Act, however, is a matter of principle and touches the racial policy on which the Act is based. We hold that, as God has made of one blood all nations, a man's worth in God's sight does not depend on his race or colour. We hold that, because the economic life of South Africa is dependent on the cooperation of the Bantu, the time is now past when they can justly be treated as a completely separate community. We believe that a Christian educational policy must seek to prepare the members of every social group to assume their full share of adult responsibility in the service of the country.

"We cannot therefore assent to a proposition which seems to underlie the Act, namely that the Bantu have no part or lot in the country of their birth outside the reserves, nor any voice in determining major issues of policy, the consequences of which must ultimately be felt by the humblest member of every group. Nor can we agree to the consequent educational policy whereby the Bantu are to be trained for life in the reserves, no place being found for them in the European community above the level of certain forms of labour."<sup>160</sup>

#### *The Congregational Union*

176. The Annual Assembly of the Congregational Union of South Africa decided, *inter alia*, as follows:

"1. That education is the development of the whole man and never merely a training for a vocation.

"2. That, while social and economic differences will always exist in an imperfect society which may limit opportunity, the possibilities of the development of man as a child of God are limitless.

"3. Because education is always a means of grace as well as a means of fitting man for his present position in society, the Christian Church can never agree that it be used chiefly to fit man for a preconceived place in society.

"4. Because we believe the above to be in accordance with the Will of God in this situation, we deeply regret that we are unable to support the Government in the theory underlying the Bantu Education Act and its present application to African education."<sup>161</sup>

#### *American Board Mission*

177. The American Board Mission, the oldest mission in Natal, with 109 schools and 20,000 African pupils, adopted the following resolution, which it communicated to the Minister of Native Affairs:

" . . . The educational policy of the Native Affairs Department is at variance with our own educational policy.

<sup>160</sup> *The South African Outlook*, 1 April 1955.

<sup>161</sup> *Bantu Education—Oppression or Opportunity?* Stellenbosch, 1955, pp. 36 and 37.

"Faced with the demands of the department, either to (1) relinquish all control of the schools, or (2) continue to operate them at a greatly reduced subsidy, the Mission have been unable to accept either of the alternatives.

"They have not the resources to continue their many primary schools without adequate government subsidy.

"They will not obstruct the Government, however, in its unilateral action."<sup>162</sup>

#### *The Seventh Day Adventist Church*

178. The Seventh Day Adventist Church decided not to hand over its schools, but it has never asked for a subsidy and is therefore unaffected by the transfer clauses.<sup>163</sup>

#### *The Roman Catholic Church*

179. A plenary session of the Southern African Bishops Conference, held at Pretoria on 29 and 30 September 1954, adopted the following:

"Whereas the Catholic Church has a right to possess and conduct its own schools;

"And whereas such schools are an essential part of the Church's apostolate, indispensable in the true and proper education of its children;

"And whereas we gravely fear that any Catholic institution entering the community school system cannot retain its Catholic character nor provide the kind of education that accords with our principles;

"And whereas it is incumbent upon us to strive by all means in our power to provide Catholic schools for our Bantu children even if this demands exceptional sacrifices of our devoted laity, religious and clergy;

"We, the Southern African Catholic Bishops Conference assembled in special Plenary Session at Pretoria, resolve as follows;

"Firstly: That we retain our Catholic schools buildings for our own purposes;

"Secondly: That we embark upon a vigorous and concentrated campaign to provide whatever education we can for our children by means of our own type of school;

"Thirdly: That, in virtue of our conviction that parents have a right to a share in the benefits of public revenue so as to provide school facilities for their children and payment of the teachers, we apply for subsidies in terms of section 8 of Act 47 of 1953;

"Fourthly: That we permit our Catholic institutions to make available their premises as departmental training colleges, provided that the Church has a satisfactory measure of control in the academic department as well as over the hostel."<sup>164</sup>

Two months later, the Roman Catholic Archbishop of Durban, Monsignor Hurley, made the following moving statement on the subject of the Bantu Education Act:

"We are asked to stand aside from the field of education while the future of South Africa is hewn out with massive *apartheid* measures, that fall like hammer blows on the soul of the black man and the conscience of the white. The African can put up with a lot patiently and cheerfully—poverty, under-nourishment, disease, low wages, separation from wife and family—but there is one thing he cannot abide forever. It is the insult he sees in every law and regulation of *apartheid*. The black man refuses to admit that these restrictions are good for him simply because there is in him as in every other man the instinct of freedom, justice, human dignity and self-respect."<sup>165</sup>

<sup>162</sup> *The Bantu World*, 13 November 1954.

<sup>163</sup> *The Star*, 1 April 1955.

<sup>164</sup> *Bantu Education—Oppression or Opportunity?* Stellenbosch, 1955, p. 38.

<sup>165</sup> *The Star*, 20 November 1954.

(c) *Other English-speaking European groups: South African Institute of Race Relations*

180. In its second report (A/2719, para. 143), the Commission quoted the Institute of Race Relations' succinct objection to one of the main clauses of the Bantu Education Act:

"The transfer of African education to the Department of Native Affairs under the Bantu Education Act is unsound in principle and undesirable in practice."

As, however, it is the Institute's policy to exert the maximum possible influence on the drafting of legislation with a view to drawing attention to any weaknesses, omissions or dangers, but not systematically to obstruct the implementation of legislation which has been enacted, the Institute did not give special attention to educational policy in 1954-1955.

181. However, the November 1954 issue of *Race Relations News* contained an article entitled "The Churches face the Bantu Education Act", from which the following passages are quoted:

"The idea that the Department of Native Affairs should control Bantu education is not new. It was mooted as far back as 1936. It was only in 1949, however, that the idea began to take a definite form with the appointment of the Commission on Native Education in South Africa, and it was crystallized out in the Eiselen Report of 1951.

"It must be remembered that the report was not entirely unanimous, for Prof. A. H. Murray made dissentient remarks. These remarks, and those of the Commission, point to a moral dilemma to be faced. He said: 'The conception that education has a "social purpose" and that its function is to preserve and propagate the group's "culture" conflicts with the Christian standpoint that man is an end in himself and his social institutions merely means to aid him to a better life'. The Commission said: 'Education must be co-ordinated with a definite and carefully planned policy for the development of Bantu societies . . . Schools must be linked as closely as possible with existing Bantu social institutions . . . The schools should provide for the maximum development of the Bantu individual, mentally, morally and spiritually'. Therefore, according to Prof. Murray, the Christian standpoint emphasizes the value of the individual as such, while the Commission emphasizes the Bantu individual in a Bantu society. While Christian action is carried out after moral judgements by individual churches, the Commission's ideas are carried out by the Government, and are formulated in the Bantu Education Act, which provides for 'the transfer of the administration and control of Native education from the several provincial administrations to the Government of the Union, and for matters incidental thereto'."

182. Moreover, in her presidential address at the annual meeting of the Council of the Institute of Race Relations early in 1955, Mrs. Ellen Hellmann made the following references to the 1953 Act in her re-statement of the Institute's position:

" . . . The transference of Native education to the Bantu Education Division of the Native Affairs Department has already taken place. The pattern of the new Native educational system is forming before our eyes. I have not the time to discuss the implications of the contemplated changes in the structure and content of Native education and it is premature at this stage to attempt to assess results. That there was a number of grave defects in the existing educational system, that there will be certain advantages in the new unified system, that the men appointed to direct the Division are educationists of proven ability, are common cause. But were the advantages much more material than is at all likely, they would not start to offset the fear and deep dismay and distrust that the

passage of this Act has generated among the African people. I am convinced that no single action of the present Government has so gravely undermined African confidence in the good faith of the European as the passage of the Bantu Education Act. 'Education' has been to Africans and is to them still the open sesame to the western world of knowledge and skill, of achievement and power. To have their own education separated out from that of all other groups has been taken to have only one meaning: that their education which will be different, will also be inferior and is designed to perpetuate their present inferior status."<sup>166</sup>

183. The Institute has also closely followed development in regard to the progressive application of the Bantu Education Act. In January 1955 it published a report prepared by Mr. A. W. Hoernle on the working of the Act.

The following criticisms on some points of detail are quoted by way of example:

"African sub-inspectors are to be appointed as well as secretaries of the school boards. This means that there will be removals from the teaching staffs of the schools, probably of some of the best teachers. In addition, it is intended from 1956 that schools will be organized on an ethnic basis and each school (presumably primary schools?) will teach in one only of the seven African languages which are to be used in the schools. There will then be much dislocation, especially in the larger urban areas, where at present classes in two or more of the African languages are conducted in parallel classes in one and the same school . . .

"Reports on the double sessions vary. Children in the first session are said to advance more rapidly than those in the second session. The teachers are tired and bored with the repetition during the second session. Also the children are tired since most of them come during the first session and play around the school creating a disturbance for those in school. The problem of these young children hanging around either before their school session or after it is a very serious one which will need close watching at any rate in the urban areas . . .

"It would most certainly appear that the whole emphasis has been placed on the small rural schools, so far as the lower primary schools are concerned, and I have often wondered how far the officials have grasped the special circumstances of the urban school children, more particularly in the intense urban life of an area such as the Witwatersrand."<sup>167</sup>

184. Some months later, the Institute stated its views on the draft syllabus for Bantu lower primary schools published by the new school authorities in December 1954.<sup>168</sup> It said that, though containing much that was experimental, the syllabus was educationally sound, and the Institute wished the Division of Bantu Education every success in applying it. However, the Institute made a number of comments and suggestions, a few examples of which are quoted below:

" . . . Success will depend upon the thoroughness of the training given to teachers and on the quality of the guidance given by supervisors and inspectors, and suggests that teachers be given refresher courses. It recommends that attractive salary increments should follow satisfactory completion of such courses . . .

"The Institute recommends that the official language predominant in the area be taught in sub-standard A, the other official language being introduced in sub-standard B.

<sup>166</sup> Ellen Hellmann, *Racial Laws versus Economic and Social Forces*, p. 22.

<sup>167</sup> Mr. A. W. Hoernle, *Report on the Working of the Bantu Education Act*. South African Institute of Race Relations, 1955.

<sup>168</sup> See subsection 4 above.

The introduction of the other official language should be postponed because the simultaneous introduction of the two new languages is likely to confuse the child . . .

"More time should be allotted to health and hygiene."<sup>169</sup>

#### (d) *Non-European groups*

##### *Cape Coloured*

185. The attitude of the Cape Coloured towards the new Bantu Education Act seems to be entirely negative, judging by their chief periodical publication, *The Sun*.

The following passages from the editorial in *The Sun* of 26 November 1954 reflect this attitude:

"When the Native franchise laws were revised to make provision for separate representation many years ago, the Coloured people were given the assurance that their franchise rights would be protected, and that their economic development would continue in line with that of the Europeans. Today the position is entirely different. What happened to the Native, is about to happen to the Coloured people. The Government is intent on removing them from the common roll . . .

"The Coloured people cannot therefore be blamed if they view the Bantu Education Act with grave suspicion. The Government has already intimated that Coloured education may in the near future be taken over by the Central Government, since the Provincial authorities are finding difficulty in meeting the ever-increasing expenditure necessary for the successful implementation of Coloured education . . .

"It is almost certain that the syllabus will be changed to suit—as the Nationalists put it—the needs of the Coloured child. The Coloured child we have been told does not require academic education, since this leads eventually to frustration. He must be trained to fit in with the type of work that will be available to him. In other words, his education is to be as practical as possible so as to fit him for his rightful place in South African society . . .

"The majority of Coloured schools in the Cape Province are church schools, and what will prevent the Government from introducing a Coloured Education Act—one similar to the Bantu Education Act—once Coloured education is taken over by the Central Government? . . .

"The time to protest is now . . .

"The Coloured people should make the Government understand that the education of the Coloured child must go hand in hand with that of the European child. To depart from the present system would be a retrogressive step, and one which will detrimentally affect the whole economy of the country."

##### *South Africans of Indian origin*

186. The Commission's main sources of information regarding the attitude of the Indians has been the weekly, *Indian Opinion*,<sup>170</sup> founded by Mahatma Gandhi. This attitude is one of open hostility to the Bantu Education Act, as can be seen for example, from the 5 November 1954 issue. The author of a long article refers to the famous policy statement made in the Senate by Dr. Verwoerd, Minister of Native Affairs, on 7 June 1954 and reprinted under the title *Bantu Education — Policy for the Immediate Future*.

According to the author of the article:

"One thing that emerges from this statement is that the primary purpose of the Bantu Education Act is not educational but political. For instance, the Minister condemns the present system of Bantu Education because there is 'no co-ordination between the education given in the

schools and the broad national policy'. He stresses that the schools were 'unsympathetic to the country's policy', while what was needed was a 'uniform education policy consistent with the general policy of the country'. He also said that 'there is no place for him (the African) in the European community above the level of certain forms of labour'. Further sentences of a similar nature are to be found in the statement. All of which go to show that the purpose of the Government's policy is not to advance the cause of Bantu Education, but the cause of *apartheid*. Indeed, the Bantu Education Act is but the last of a series of legislative enactments—take the Group Areas Act, the Mixed Marriages Act, the Immorality Act, the Separate Representation of Voters Act, etc.—designed expressly to entrench and promote the doctrine of *apartheid*.

". . . Two circulars from the Secretary for Native Affairs, both dated 20 August, 1954, concerning 'The Transfer of Mission and Church Schools . . .' are perfect examples of acts of aggression. Briefly, the Missions are informed that they will have to hand over their educational work. Their Training Colleges they must surrender to the Government, and their other educational work they must hand over to Bantu Education Boards . . .

"In face of such acts of aggression, what can the Missions do? Humanly speaking, they can do very little, save what they are bidden to do.

"Christian education is being swamped. Christian National Education is in the ascendant. These are the first fruits of the Bantu Education Act."<sup>171</sup>

##### *The Bantu*

187. The Commission has no doubt that all educated Bantu look with disfavour upon the Bantu Education Act, which they feel may delay the social advancement of the more progressive elements even if, in the immediate future, it satisfies the scholastic requirements of the more primitive and ignorant mass of the population better than the old system.

In this connexion, we may quote the following two resolutions passed by the General Assembly of the Bantu Presbyterian Church of South Africa which met at Zwelitsha, King William's Town, from 23 to 29 September 1954.

"1. The General Assembly place on record its regret that the Government has embarked on a scheme of education which seems to place emphasis on preparing pupils for a subordinate role in the country's life rather than in giving them the common culture of the Christian West.

"2. The General Assembly, while welcoming the more active participation of the African people in the control of Bantu Education, believes this could have been accomplished without displacing missionary management of existing schools, particularly as only one-third of Bantu children are in school. The General Assembly feels that Government should have concentrated its attention on making provisions for those not in school, under a parallel system of Government and Mission schools . . ."<sup>172</sup>

The following leading article from the *Bantu World* of 9 April 1955 pays a tribute to the attitude adopted by Bishop Reeves, one of the Act's most determined opponents:

"The new system of African education provides for the transfer of mission schools from the churches to the Native Affairs Department. The authorities were determined to bring about this transfer with or without the consent of the churches concerned . . .

"Those Anglican parents and teachers who stood by Bishop Reeves when he suggested closing down his

<sup>171</sup> *Indian Opinion*, 5 November 1954.

<sup>172</sup> *Bantu Education — Oppression or Opportunity?* Stellenbosch, 1955, p. 36.

<sup>169</sup> *Indian Opinion*, 15 April 1955.

<sup>170</sup> Printed and published at Phoenix (Natal).

schools, but became panicky and forgetful of their avowed co-operation, when the suggestion was translated into a reality, should have been better informed of the Minister's intention.

"In spite of all the inconvenience and panic inseparable from the passing of Anglican mission schools, children and teachers, from the hands of the church to those of the Bantu community, Bishop Reeves will go down in history as a man who had principles to which he was determined to stick through thick and thin.

"The Bishop's faithfulness to his principles and all the hullabaloo caused by the people who dislike the Bantu Education Act may yet be productive of a certain measure of good.

"The Diocese of Johannesburg must be thanked for all it has done for the African people and their education.

The Commission was particularly impressed by the pertinent criticisms made by Mr. W. B. Ngyakane, a Native teacher, in the comments appended to the report by Mr. Hoernle to which reference was made above.<sup>173</sup> His criticisms relate to the teaching of English and Afrikaans and to the "environment studies" referred to in the new lower primary school syllabus. The Commission feels the following passages should be quoted:

"The introduction of English and Afrikaans at this stage is a handicap to the children rather than an advantage. It is overloading their syllabus unduly: these subjects should be introduced much later unless it is the belief that at Std. II the child is equipped for life and old enough to go and seek employment, in which case there may be justification for the mental confusion that can be expected to result . . .

"It will be noticed here that the vision, experience and learning of the African child is to be limited to its district . . . while the white child has an environment extending in space to Europe and in time to Hannibal, Julius Caesar, Saint Paul, and learns that civilization is the joint-product of centuries of development and contributions by many races and peoples. The environment of the white child is the world occupied by man and that of the African child does not extend beyond its magisterial district. Apparently the lizards and birds and meerkats<sup>174</sup> which constitute the African child's environment do not form part of the environment of the white child."<sup>175</sup>

Lastly, the Commission thinks its study of South African opinion regarding the Bantu Education Act would be incomplete if it did not quote one or two of the most hostile critics. The latter are non-Europeans and in most cases active members of the African National Congress. The main channel for the expression of their views is *New Age*, a Cape Town weekly, two extracts from which are given below:

#### *"Another Blow against Slave Education"*

"When African parents at Bethlehem were called to elect a school committee to work the Slave Education Act they recorded a big victory against the Act.

"The meeting was very noisy and afterwards many parents left the hall in protest . . .

"By now Verwoerd should know that the Africans do not want slave education. They want true education. The departmental presiding officer was questioned about the Slave Education Act, and did not come out very well.

"The audience shouted 'Afrika!' and clapped their hands . . .

"We shall not accept anything that is done for us without consultation. Education is our right and we have

<sup>173</sup> See para. 183 above.

<sup>174</sup> South African civet.

<sup>175</sup> A. W. Hoernle, *Report on the Working of the Bantu Education Act*, Comments by W. B. Ngyakane.

the right to good education. We are not flinching; we are not moving an inch from this contention.

"I wish to advise my friends who have nominated and elected that they have been bluffed into believing that they have the right of electing their representatives on this committee. I also wish to remind those who have accepted nomination that there is no such thing as election; the Nationalists are merely bluffing them and the world.

"It has always been the habit of the Nats. to bluff. They have tried to make our Africans believe they (the Africans) are children of Ham and that it is by God's design that they should be slaves for the White man.

"They have tried to make the Africans believe that they are boys and that the Nats. are the baases.

Rev. E. G. MOKUENA  
A.N.C., Bethlehem, O.F.S."<sup>176</sup>

#### *"Langa Slave Education 'Election' Defeated"*

Cape Town

"We will not give poison to our children by electing school committees', parents at Langa last week-end told the Divisional Visiting Teacher, Mr. Msengana, who had been sent by the Native Affairs Department to arrange for the election of school committees in terms of the Bantu Education Act.

"Mr. Msengana called two meetings of parents at Langa last Saturday—one for the D.R.C. school and the other for the Methodist school there.

"Both meetings turned out to be flops for the N.A.D. The parents refused to elect school committees. At the D.R.C. school meeting, only 6 parents voted in favour of electing a committee, while 39 voted against. At the Methodist school meeting, the voting was 19 in favour, and 41 against . . .

"Previously, the African National Congress had held meetings in the township protesting against the Bantu Education Act, and had distributed leaflets calling on the people 'not to allow themselves to be the crucifiers of their own children' . . .

"The people of Langa are to be commended for their stand on this matter', Mr. Johnson Ngwevela, veteran leader, told *New Age*.

"If all the people stand together and fight the Bantu Education, we will succeed. We want education which is good for everybody."<sup>177</sup>

#### *7. Attempted boycott of mission schools transferred to the State*

188. As has been seen above, it was announced on 2 August 1954 that control of the Bantu schools would be transferred from the Christian missions to the new school authorities on 1 April 1955. The active opponents of the Bantu Education Act thus had eight months in which to organize resistance if they decided to do so.

It was, however, only in December 1954 that an effort was made in this direction. At its forty-second annual conference,<sup>178</sup> held in December 1954 at Durban, the African National Congress decided that in order to fight the Bantu Education Act it would "organize the people in a determination not to send their children to school on 1 April 1955".

Dr. H. F. Verwoerd, the Minister of Native Affairs, immediately accepted the challenge. He publicly stated, at Cape Town, in early January 1955, "that he wished to warn Native parents who kept their children from

<sup>176</sup> *New Age*, 24 March 1955.

<sup>177</sup> *Ibid.*

<sup>178</sup> On this conference, see also section X below.

school as a result of the decision [that their children] would run the danger of not being placed in the school again. Their places would be filled by other children. The Government would not be harmed by such action. The Government would take a serious view of the matter . . ."<sup>179</sup>

In the second half of March 1955, the Executive Committee of the African National Congress decided to defer action in implementation of the resolution concerning the withdrawal of African children from primary schools on 1 April 1955. In reaching this new decision the Executive was guided by the following considerations:

1. The fact that the date previously fixed for the commencement of this campaign fell within the period of the Easter school holidays for African schools;
2. The new syllabuses for African schools would only be brought into operation in January, 1956.
3. Urgent and earnest appeals had been made by supporters of Congress resolution for more time to be allowed for the necessary preparations for this momentous campaign.
4. The expressed wish of the President General of the African National Congress, Chief A. J. Luthuli, now recuperating in Durban hospital, that the commencement of the campaign be deferred in order to make possible further consultations with parent organizations, church bodies and other associations opposed to the aims and principles of the Bantu Education Act.

The Executive Committee added:

"The objective of the African National Congress struggle against the Bantu Education Act still remains the ultimate withdrawal of African children from school and non-co-operation with the Government in the working of this Act. The new date for the commencement of the campaign will be fixed by the National Executive and announced by the President-General on the basis of reports to be called for from all Congress Branches in regard to their state of preparedness in their respective areas.

"In the meantime the African National Congress calls upon the African people not to participate in the election of, nor to serve in, the school committees, school boards now in the process of being established by the Bantu Education Division of the Department of Native Affairs.

"Further, the African National Congress has decided to set up immediately a national Education Committee to draw up plans for alternative educational and cultural activities for African children to be set in motion as and when the withdrawal from the schools is effected."<sup>180</sup>

189. Schools which the mission authorities had decided to transfer to the Department of Native Affairs were, as has already been stated, to be taken over by the new school authorities on 1 April 1955. In a number of cases, this date proved to be somewhat theoretical, as the managers of a good many mission schools, especially in Cape Province, were asked to remain in office until the Bantu Education Division was in a position to take charge of the schools and new arrangements could be made.

According to figures given by the Minister of Native Affairs,<sup>181</sup> a total of 4,827 State-aided schools<sup>182</sup> were affected by the Act.

<sup>179</sup> According to Sapa, the official agency. *Indian Opinion*, 7 January 1955.

<sup>180</sup> *Indian Opinion*, 25 May 1955.

<sup>181</sup> *House of Assembly Debates* (Hansard), 23 February 1954, col. 1007.

<sup>182</sup> 1953 figure. The figures for 1954 and 1955 are not yet available.

In general, thanks to careful preparatory work, the transfer arrangements worked well. However, despite the decision of the African National Congress to postpone the school boycott, there were a number of disturbances which attracted considerable attention in various parts of the country, although the boycott affected less than 1 per cent of the approximately 900,000 Native school-children.

The disturbances were confined to the Rand, particularly the East Rand.

190. According to the reports published in the Afrikaans and English language newspapers and the Native weekly, *Bantu World*, which were substantially in agreement, the course of events was as follows.

The first schools to be partly or completely boycotted were a Methodist mission school in the township of Alexandra (where 231 out of 517 children were absent on the morning of 12 April 1955), and the ten schools in the Benoni location.

On the morning of 13 April, according to newspaper reports, Germiston, Brakpan and Natalspruit were also affected. In some cases, the children had gone to school as usual, but had been forced to leave the classrooms by groups of men or women. In other cases, pickets were at the school doors and stopped the children from entering. Elsewhere children on their way to school were stopped by pickets before they reached the school and were turned back.

Apart from these acts of intimidation, in the course of which some children were roughly treated, the disturbance were confined to a few windows broken by stones. Slogans such as "Away with Eiselen", or "We don't want Bantu Education Act" had been chalked or painted during the night on walls and pavements.

It was also reported that many parents were refusing to set up the school committees provided for by the Act. For some weeks, this movement even affected the Cape Town area.

On 15 April, the authorities estimated that 4,679 schoolchildren had been withdrawn from the ten Benoni schools affected by the protest movement.

191. The same day, i.e., three days after the movement and begun, the Minister of Native Affairs, Dr. Verwoerd, took vigorous action. He gave the following instructions to the new school authorities, which were responsible to him:

"(1) Where children are kept away or wilfully stay away from the schools they usually attend after 25 April they will not be admitted to these or any other schools.

"(2) Money which has been earmarked for educational facilities in these centres will be used for this purpose elsewhere, particularly in the Native areas. The object of this step is to maintain school attendance of Native school children throughout the Union at its present high level.

"(3) Where schools are empty or enrolment declines the redundant teaching posts will be abolished from 30 April 1955, after 30 days' notice. Teachers will not be paid out of State funds or from contributions of the Native communities when their services are not being used.

"(4) Children who up to now have been unable to attend Native community schools in these areas because of the lack of accommodation will be enrolled immediately on application until the maximum enrolment is made up."<sup>183</sup>

<sup>183</sup> *Cape Times*, 15 April 1955.

Commenting on these instructions, Dr. Verwoerd added that the local authorities and all responsible parents should realize that in the area of Benoni, Brakpan, Germiston and the township of Alexandra, it was to their personal interest to see that all children returned to the schools by 25 April.

On Thursday, 21 April 1955, a proclamation was issued at the joint request of the police, the Benoni Non-European Affairs Department, and the Native Commissioner banning all public meetings in the Benoni locations until the evening of Sunday, 24 April. This order was part of a programme to end the boycott of Native schools in the locations.

School principals were instructed by the Bantu education authorities to list the children who attended school on Monday. Those who were absent were to be debarred from future schooling.

It was reported that part of the programme would be to register all male pupils of 16 years of age or over who did not attend school by Monday with the Labour Bureau. They were to be given 72 hours in which to register; and if they did not do so they might be arrested, charged as "loafers" and sent to labour camps.

192. On 29 April, the working committee of the African National Congress intervened and issued an order calling for the withdrawal of all pupils:

"The statement released by Dr. H. Verwoerd relating to the withdrawal of African children from schools in Brakpan, Benoni, Germiston and Alexandra Township, has been considered by the working committee of the African National Congress.

"The African people have consistently and emphatically declared their rejection of the Bantu Education, despite the Native Affairs Department's intensive propaganda to persuade and even intimidate the people into accepting Bantu Education, and Dr. Verwoerd's frantic personal efforts in this respect.

"When Dr. Verwoerd alleges that thousands of Bantu parents, heads of tribes and other responsible persons have agreed to serve on school Committees and boards, he pretends to be ignorant of the fact that various areas throughout the Union are boycotting these boards.

"Dr. Verwoerd's threats to teachers are clearly intended to intimidate them so that they become active evangelists of Bantu education . . .

"The working committee of the African National Congress has called upon all Congress branches, as a direct reply to Dr. Verwoerd's threats, to intensify the campaign against Bantu Education in their respective areas.

"It again calls upon branches to stage the withdrawal of children from school, on Monday the 25th of April in areas which have not yet done so but are in a position to do so.

"This protest is a prelude to the permanent withdrawal of children from school, which is the ultimate objective of the A.N.C.

"The working committee wish to compliment the areas which have already boycotted. Their magnificent role is an inspiration to others."<sup>184</sup>

On 25 April, more than 7,000 children were still being kept from school, either by pickets or by their parents, although in some cases, notably at Benoni, parents, armed with sticks or staves, escorted their children to school to ensure that they were not molested on the way.

193. The instructions of the Department of Native Affairs were strictly observed (children reported absent

<sup>184</sup> *Bantu World*, 30 April 1955.

on 25 April were removed from the school registers even if they presented themselves on 26 April and the following days, many teachers (116, to be precise) whose classes were empty, became redundant and were dismissed before the end of April with one month's salary as compensation. They could, however, apply for other vacant teaching posts wherever vacancies existed. In fact, 106 of the 116 teachers affected have since obtained other posts.

It became clear at the beginning of May that the boycott movement was weakening. Several delegations of parents went to Pretoria to beg the Minister not to penalize children who had yielded to compulsion.

Towards the end of the month the situation had almost returned to normal. The boycott leaders, however, still continued their efforts, particularly in the Port Elizabeth area.

194. The Minister of Native Affairs has recently pardoned the young boycotters who could not, he realized, be regarded as responsible (10 July 1955); but he did so with reservations, conditionally and in batches. He seems to have feared that, if he wiped the slate too soon, his clemency would be interpreted as a sign of weakness and encourage the propaganda of the African National Congress.<sup>185</sup>

The following report of the Minister's statement appeared on the first page of *Die Transvaler* on 11 July 1955:

"A delegation of chairmen and members of Bantu school committees in the part of the Witwatersrand most affected by the school boycott—Brakpan, Germiston, Natalspruit and the Western Areas of Johannesburg—was received on Friday by Dr. H. F. Verwoerd, Minister of Native Affairs.

"Besides the school committees, they represented a large number of the parents of the 7,000 children who have forfeited the privilege of schooling because of their participation in the boycott.

"On behalf of the parents, the delegation asked pardon for what is admitted to have been an ill-advised act and gave an assurance that if pardon was granted the parents would not allow themselves to be led astray again. The delegation presented a large number of petitions, each bearing the signatures of parents. The parents not only undertake that their children will not again be withdrawn from school in the case of further incitements to boycott, but state that they will oppose any persons or organizations who engage in such incitements and will report any clandestine attempts to undermine the Bantu Education Act which come to their knowledge.

"In answer to these pleas, the Minister pointed out that his warnings and the measures which had followed had been necessary to prevent an even greater number of Bantu children from being involved in the same misfortune. He also pointed out that 7,000 other children could be admitted to schools in other areas in the place of those who had refused to return to school. In answer to the request that these 7,000 children should be given another chance to receive schooling, he referred to his statement in Parliament to the effect that his previous decision could be revoked only if the Bantu community

<sup>185</sup> Similarly, on 1 July 1955, according to Sapa, the official news agency, Dr. W. W. Eiselen, Secretary for Native Affairs, said, in answer to a question at the end of a speech at the annual meeting of the Suid-Afrikaanse Akademie viz Wetenskap en Kuns at Victoria, that about 7,000 native children, who had taken part in the school boycott recently organized by the African National Congress, would not be taken back immediately, as that would be to encourage the designs of the African National Congress.

gave proof that all these boycotts were really at an end and that normal school work could be resumed. The assurance given in the petition was a valuable indication that those parents at least had the necessary good will . . .

"The Minister was aware that agitators were again attempting to mislead the parents and incite them to a further boycott at the start of the new term; he repeated the warning he had given at Port Elizabeth that any child who did not attend school as the result of a boycott movement would be removed from the register the very first day. Written assurances were not enough. Proof must be furnished that order and peace had been restored over a sufficiently long period and that the school boycott movement was really at an end throughout the country.

"Continuing his statement, the Minister said that in view of the undertakings and assurances given in the petitions presented by the important delegation representing the official Bantu school committees—committees which he regarded as good shepherds as opposed to the bad shepherds—he was prepared to make a promise: if, during the rest of the present school year and the beginning of the coming school year, no large-scale school boycott was organized . . . the 7,000 children concerned would be given a second chance next year.

"A committee of members of the Bantu school committees would be set up at the beginning of next year to consider, in conjunction with the Department, all the cases of parents concerned who had submitted applications and assumed those undertakings, and to single out the bona fide cases.

"Up to 3,000 of their children would then be re-admitted to the schools. If the return of these first 3,000 children took place without incident and order was maintained in those schools and elsewhere, the same committee would see that a further considerable group of children was re-admitted at the beginning of the second term, and so on. During 1956, the 7,000 children concerned could thus return to the schools, provided their parents showed the necessary sense of responsibility and they themselves displayed a desire to return to school in an orderly manner.

"The Minister then emphasized that the Bantu community (and not only the parents concerned, in those few areas) would have to deserve the measure of clemency by ceasing to obstruct the orderly application of the Bantu Education provisions. If agitators and hostile organizations received support for further large-scale boycott movements, they and those who supported them would have to bear full responsibility for the consequences, that is to say for the fact that it would be impossible to display clemency requested in the case of those 7,000 Bantu children and in the cases of any other children who might take part in similar boycotts in future.

"The Bantu delegation was composed of the following members of school committees:

"Western Areas—S. M. Mamabole (chairman), the Reverend Letanka (vice-chairman), Mr. A. M. Phehle (member) and Mr. H. Nkadimeng (member); Brakpan—Mr. Zulu (vice-chairman) and Mr. L. J. Rabutapi (member); Germiston School Committee—Mr. P. J. Ngema (chairman), Mr. M. K. Matphanga (member); and Natalpruit—Mr. G. M. Tshongweni (chairman)."

## B. CLOSING OF THE UNIVERSITY COLLEGE OF FORT HARE

(May-June 1955)

195. Founded in 1916, the University College of Fort Hare (Alice, Cape Province)<sup>186</sup> is the only university institution in the Union of South Africa for non-Europeans only. In May 1955, there were 360 students, 50 of whom were women. Some of the staff are Euro-

peans and some non-Europeans. An increase was recently made in the grant to the College, which is very well known in South African circles interested in higher education and is almost entirely financed by the State. New buildings were being constructed and there were fairly ambitious plans for the strengthening of some of the existing departments in the various faculties and the introduction of new subjects.

There was therefore some surprise when the South African evening papers reported on 4 May 1955 that the College had been closed that day and all the students expelled and sent home.

196. The following day, Mr. Viljoen, the Minister of Education, Arts and Science, made the following statement in the House of Assembly:

"Honourable members have no doubt seen from the Press that the University College for Natives at Fort Hare has been closed by the college authorities.

"As this is a matter of public concern, I consider it necessary to . . . make a statement to the House about the matter.

"I have been advised by the Chairman of the Executive Committee of the College Council, which is an autonomous body, and in which the control of the College is vested, that at a meeting of the Executive Committee the following resolution<sup>187</sup> was taken:

"There has developed unmistakable evidence of the existence within the student body of the College of a secret authority sometimes referred to as the Caucus whose instructions are obeyed by students often through fear of physical violence and other forms of intimidation rather than the instructions of the constituted authorities of the College. The result has been that under the influence of the Caucus the students have resolved to irregular methods such as boycotts, threats and even violence with a view to the acceptance of their will by the College authorities. This has resulted in the development of a situation within the College which is destructive of freedom of opinion. Action within the student body has become intolerable. In consequence the Students' Representative Council has found it necessary to resign.

"The boycott of the graduation ceremony carried out under instruction emanating from an unauthorized meeting is another example of the influence of this Caucus upon student action and was deliberately designed to embarrass the College authorities and to bring discredit on the College. Further evidence has come to light of the intention to continue what has been described as the struggle.

"In view of this whole situation and after considering a report from the College Senate, the Executive Committee of the Council has decided unanimously that it is impossible to continue the work of the College under present conditions. The Executive Committee has therefore decided to suspend all activities of the College for the present and to consider the readmission of individual students in due course."

"I can give hon. members the assurance that the College will resume its activities at the earliest possible date after the necessary steps have been taken to restore order."<sup>188</sup>

<sup>187</sup> The first paragraph of the resolution, which was not read out by the Minister, is as follows: "The constitution of the College provides proper channels of communication between students and the recognized authorities, as is usual in university institutions, for any representations that students wish to make either as individuals or as the student body through their properly elected representatives. Such representations have always received the serious consideration of the proper authorities." The full text of the resolution was published by *The South African Outlook* of 1 June 1955.

<sup>188</sup> *House of Assembly Debates* (Hansard), No. 13, 2 to 6 May 1955, col. 5065-5066.

<sup>186</sup> In this connexion see A/2505 and Add.1, para. 706.



197. On 12 May, the Governing Council, after meeting to discuss the events which had led to the students being expelled, published a statement in which it said it had resolved:

1. To confirm the action of the Executive Committee, which suspended all activities of the College.

2. To approve a notice to be sent to parents informing them that, "It is the intention of the Governing Council to reopen the College as soon as possible and it is felt that this should be possible by 1 July."

All "reasonable measures" would be taken to discover the names of the students responsible for the subversion and intimidation and to exclude them from readmission when the College reopened. Students wishing to return were asked to co-operate by completing a form giving full and confidential information about the events of the past few weeks.

3. To appoint a two- or three-man commission to look into conditions of life and work at the College, and to make any recommendations for their improvement. The members of this commission would not be members of the College or the College Council.<sup>189</sup>

Two months later, on 4 July, the College did in fact reopen its gates to the dismissed students. In the meantime, each individual case had been carefully considered by the commission mentioned, so that the ringleaders were not readmitted.

At the time of writing its report, the number of students refused readmission was not known to the commission.

198. According to the weekly *South Africa*, the reasons which had led the Executive Committee to take this drastic and unusual step were as follows:

"In September, 1950, when the Governor-General, the Rt. Hon. G. Brand van Zyl, visited the College, about one-fourth only of the 400 students attended the assembly convened in his honour. This was attributed to political feeling, as the policies of the recently-elected Malan Government were taking shape . . .

"The year of the Defiance Campaign (1952) was a difficult year at the College . . .

"It was a cinema show this year that helped to bring matters to a head. A notable film of African wild animals was being shown by a well-known traveller. A great number of Alice citizens wanted to see it, and with the consent of the Principal of Fort Hare it was arranged that the show in Alice on the Friday evening should be for Europeans only. Even so, many Europeans were turned away. A special show in the Fort Hare Assembly Hall was arranged for the Saturday evening. Friday's 'Europeans only' arrangement evidently incensed the secret body which has been controlling student affairs, and a boycott of the Fort Hare showing was ordered. The show went on, however, and was attended by some 150 students. When the performance was half-way through, a stone came hurtling through a window, smashed the projector, and injured a woman student, who had to be taken to hospital. All attempts to find the perpetrators were unavailing . . .

"The next venue of struggle was the women's hostel. Here about fifty women students are housed. For some time men students have been taking possession of the common room there, so much so that, as one woman student stated, the residents had lost interest in their own common room. The Senate, with the approval of the College Council, revised the regulations, laying it down that men students were not to occupy the common room

nor go upstairs to the women's bedrooms, but they could see individuals in two waiting-rooms downstairs. The announcement of these regulations, following morning prayers, when made by the Principal, was received with cat-calling and booing.

"Action against the students might have been taken earlier by the authorities, but this was prevented by several causes. The staff (many of whom have advanced and liberal views), having devoted their lives to African advancement, felt the need of patience in a racial situation that was becoming more and more tense. Another difficulty was that students did not come out into the open. Frequently the spirit of regulations was broken but not the letter. At last, however, an incident occurred that brought patience to the breaking-point.

"The annual graduation ceremony was due on Friday, April 29. It was to be presided over by Dr. T. Alty, the vice-chancellor of Rhodes University with which Fort Hare is affiliated, and the address was to be given by the Hon. E. H. Brookes. On the Thursday afternoon an unauthorized and secret meeting was held and from it the word passed to boycott the graduation. As a result, apart from the graduands, only some 20 students attended. It was afterwards reported by individuals that as they approached the hall with the purpose of entering, they were told by fellow-students that to do so would mean danger to life and limb.

"The Senate, at a special meeting, felt it could no longer delay, and decided, with only two dissentients out of an attendance of nearly 30, that drastic action must be taken. As a result the executive of the College Council next day resolved unanimously that it was impossible to continue the work of the College under existing conditions and therefore decided 'to suspend all activities of the College for the present and to consider the readmission of students in due course'.<sup>190</sup>

199. The temporary closing of the University College of Fort Hare does not seem to have excited much interest among non-Europeans. The commission reproduces below a few references from the *The Bantu World*.

On 14 May, *The Bantu World* reported that the working committee of the African National Congress Youth League had issued a statement demanding the readmission of all students to Fort Hare, and calling for a proper investigation.

*The Bantu World* of 21 May published an interview with an Orlando business man, Mr. Paul Mosaka, who expressed the following opinion:

"The Governing Council of Fort Hare should not have closed the College in the manner it did. It should first have tried to discover the names of the students said to be responsible for the trouble at the College. Then innocent students would not have been penalized. Both parents and students would have been spared hardship.

". . .

"The College authorities have placed the cart before the horse. They have closed the College before finding out the real cause of the trouble."

Finally, on 11 June, the same paper published, without comment, the main points of the circular letter which the Principal of the College sent to every student, and of the circular he sent to their parents. At the end of the letter, Professor Clifford O. D. Dent, Principal, gave an assurance that students whose obedience to the boycott instructions had been their only offence would be taken back.

The European Press for the most part merely reported the facts and any comments made were very moderate

<sup>189</sup> *The Star*, 13 May 1955.

<sup>190</sup> *South Africa*, 21 May 1955.

in tone. The commission will quote only the conclusion drawn in a leading article in *The Star* of 5 May 1955 on this rather obscure incident:

"What has happened at Fort Hare challenges more sharply than ever the wisdom of establishing entirely separate non-European universities. In the mixed university the non-European, normally in a minority, has the opportunity to learn and practise the arts of civilized conduct which are as important as the acquisition of knowledge and degrees."

### C. PUBLICATION OF THE REPORT OF THE COMMISSION OF INQUIRY ON SEPARATE TRAINING FACILITIES FOR NON-EUROPEANS AT UNIVERSITIES (1953-1954)<sup>101</sup> (HOLLOWAY REPORT)

200. The publication of this report is an event of some importance from the point of view of the possible extension of *apartheid* to sectors of South African life where, it has up to the present not been systematically, uniformly, or fully applied, i.e., to the universities.

The Commission has therefore studied the report in great detail.

The South African Commission which submitted the report was appointed by the Government on 14 November 1954. It was composed of Dr. J. E. Holloway, a former Secretary of the Treasury, now Ambassador of the Union of South Africa in Washington, Dr. R. W. Wilcocks, a former Rector of Stellenbosch University, and Dr. E. G. Malherbe, Principal of Natal University.

Under its terms of reference, the Commission was appointed "to investigate and report on the practicability and financial implications of providing separate training facilities for non-Europeans at universities".

#### 1. *The present situation*

201. Before giving a brief analysis of the report, necessarily based on the existing situation in South African universities, the Commission must, if its comments are to be fully intelligible, give some details regarding the present situation.<sup>102</sup>

The Union of South Africa has nine universities.

(a) At the Universities of Stellenbosch (Cape Province), Pretoria, the Orange Free State (Bloemfontein) and the Potchefstroom (Transvaal) University for Christian Higher Education (Potchefstroomse Universiteit vir christelike Hoeronderwys), non-European students are not admitted. This is also the case at Rhodes University (Grahamstown, Cape Province), except that non-Europeans are admitted there to certain post-graduate courses. Only in a few isolated instances, however, have non-Europeans availed themselves of this facility.

(b) At two universities, namely, those of Cape Town and the Witwatersrand (Johannesburg), non-European students are admitted, and, generally speaking, in so far as attendance of lectures is concerned, the principle of non-segregation is applied.

In spite of the exceptions to this rule mentioned below, they may be called "open" universities.

<sup>101</sup> *Report of the Commission of Inquiry on Separate Training Facilities for Non-Europeans at Universities, 1953-1954*, The Government Printer, Pretoria.

<sup>102</sup> In this connexion, see also A/2505 and Add.1, paras. 705 and 706.

These exceptions are as follows: in consequence of the regulations of the various provinces in regard to the use of provincial hospitals, the principle of segregation is followed in the clinical training of non-European students in medicine. Furthermore, Bantu are for the same reason not admitted as students in medicine at the University of Cape Town.

At the University of the Witwatersrand, where instruction in dentistry is given, non-Europeans are as yet not trained as dental surgeons. The University of the Witwatersrand finds that the number of non-Europeans who have up to the present applied for enrolment as students in dental surgery is not sufficient to warrant the establishment of separate clinical facilities in dentistry.

At the University of Cape Town, no university residences are available for non-Europeans, and at the University of the Witwatersrand there is one separate residence for non-Europeans.

In the "open" universities, segregation in regard to sporting activities is maintained in principle, either as a matter of definite university policy, or at any rate in actual practice.

In the two "open" universities, there is segregation in so far as membership of student debating, literary and scientific societies is concerned. The extent to which students can participate in the activities of such societies is in practice greatly restricted by the fact that at both "open" universities, situated as they are in large cities, students (European as well as non-Europeans) to a great extent live at too great a distance from the institutions concerned.

At the University of the Witwatersrand non-European students are allowed to take part in dramatic productions in the Great Hall of the University, but only if all the participants are non-Europeans.

At both the "open" universities meals and refreshments are served in communal cafes or restaurants within the precincts of the university to Europeans and non-Europeans, but on the other hand, non-Europeans are not admitted to the university dances or balls.

(c) Non-Europeans are admitted at the University of Natal in Durban. Here, however, the policy of segregation is pursued; that is, European and non-European students do not attend lectures together, except in the case of certain post-graduate courses. Segregation is therefore effected through the duplication of lectures, the duplicated courses being given by the same staff.

(d) The University College of Fort Hare is for all practical purposes attended only by non-European students, although a few exceptions can be made.

(e) The instructional facilities offered by the University of South Africa (Pretoria) are conducted essentially through the medium of correspondence courses for both European and non-European students. This method of instruction is, in fact, a form of segregation, since there is no mixed attendance at lectures.

During 1954, the number of non-European students enrolled was as follows:<sup>103</sup>

<sup>103</sup> *Report of the Commission of Inquiry on Separate Training Facilities for Non-Europeans at Universities, 1953-1954*, The Government Printer, Pretoria, paras. 12 and 13.

University of Cape Town .....	271
University of the Witwatersrand .....	214
University of Natal .....	327
University College of Fort Hare .....	370
University of South Africa .....	1,145

Total for the Union 2,327

The ethnic distribution of non-European students at the first four of the above-mentioned institutions was as follows.<sup>104</sup>

	Bantu	Coloured	Asiatics
University of Cape Town .....	27	163	81
University of the Witwatersrand..	74	13	127
University of Natal .....	101	13	213
University College of Fort Hare....	314	36	30
	516	225	451

## 2. Summary of the report

202. In a brief introduction, the Holloway Commission first considers the statutory powers of universities in connexion with the admission of students and notes, *inter alia* (para. 23), that neither the University of Cape Town nor the University of the Witwatersrand has the power under the existing Acts and Statutes to refuse admission to non-European students as such. It points out however (para. 24) that, in its evidence the University of Cape Town expressed the opinion that the State, acting through Parliament, has the legal right to impose segregation, but whether it would be advisable to do so is quite a different matter.

In Part II, the Holloway Commission considers the objections of a general nature which have been or may be made against academic segregation.

In Part III, it considers the proposals submitted to it in regard to segregation, and their practicability.

Among these proposals may be mentioned the establishment of two or more additional university institutions for non-Europeans, and the establishment *de novo* of a single large university for non-Europeans.

However, the proposal which the Holloway Commission considered, after due reflection, to be most feasible was the concentration of all non-European students in Durban and at Fort Hare. If, at the same time, the existing facilities for non-separate training at the Universities of Cape Town and the Witwatersrand were abolished, full *apartheid* would be achieved. In that case Durban and Fort Hare would have to absorb the non-European students from the "open" universities. However, Fort Hare and the non-European section in Durban of the University of Natal are at present not in a position to absorb the majority of the non-European students of the "open" universities, even if these students were to be divided between them.

At Fort Hare (para. 93), there is practically no other accommodation for students than that provided in the residences attached to the College. At present, all the vacancies in the hostels are filled, so that, at the outside, only a few additional students could be absorbed at Fort Hare.

The Holloway Commission's conclusions are very detailed. The following extracts give the essential points:

"95. Your Commission holds that, the desirability in general of segregation being assumed, the following scheme is the most feasible, taking financial considerations

into account. That it also has its disadvantages cannot be denied. Briefly, the scheme is as follows:

"a. The concentration of non-European students in Durban and at Fort Hare . . . ,

"b. The authorization of exceptions to the segregation thus effected in [certain] cases . . .

"96. If non-European students should no longer be allowed to study at the 'open' universities but be compelled to proceed to Durban or Fort Hare for their training, the question arises whether financial assistance should be afforded to them to compensate for the additional costs which, despite lower boarding and tuition fees, they might possibly have to incur. Your Commission is of the opinion that, in view of the markedly weaker financial position of the non-European, such provision will have to be substantial unless the State should be content to make university study financially impossible for many non-Europeans who can at present enjoy it. Such financial assistance would obviously increase the cost of segregation . . .

"97. At universities both European and non-European students for the most part follow curricula which prepare them for subsequent careers in which there are specific prospects of a livelihood. Your Commission is of the opinion that there is reason for this tendency to occur in general among non-Europeans to a more pronounced extent than among Europeans, that is, to choose lines of study according to 'bread and butter' considerations. The non-European's weaker financial position makes it imperative.

". . . A very great need exists for non-European teachers, and the non-European who qualifies in this direction at the university or elsewhere generally experiences no difficulty in earning a reasonable income as a teacher. The result is that at Durban and Fort Hare, for example, a substantial majority (60 to 70 per cent) of the non-European university students are at present qualifying as teachers . . . The number of non-Europeans who are studying medicine at the Universities of Cape Town, the Witwatersrand and Natal, is also relatively large, especially, as it would seem, because the expectation of a livelihood in this career is good. The number of non-Europeans taking law and commerce is much more restricted, this fact no doubt being closely connected with the limited prospects, except (particularly in commerce) for Indians. The fact that only a very small number of non-Europeans are taking engineering at the Universities of Cape Town and the Witwatersrand, where training in this subject is available for them, is undoubtedly to a large extent a reflection of the meagre prospects of a livelihood for non-Europeans in this profession . . .

"103. As has been mentioned above, there are a number of *main lines of study* which, under the present circumstances, are followed by only a few non-Europeans. The creation of separate internal university training facilities for non-Europeans in such main lines of study would involve high, and in some cases such as engineering, very high costs . . . If non-Europeans are not to be deprived of instructional facilities in a number of main fields of study, it will be necessary to grant them admission to non-segregated training in these directions at universities which do provide the necessary facilities and which are prepared to admit them.

"104. The number of post-graduate non-Europeans at the universities is very small. For 1954 the Universities of Cape Town, the Witwatersrand and Natal, Rhodes University and the University College for Fort Hare report that there are few non-European students . . . who are devoting themselves to advanced post-graduate study. Although there are admittedly post-graduate studies in respect of which provision for them does not entail substantial costs, the cost of establishing adequate facilities for advanced post-graduate study and research in some particular direction or other is as a rule so high that the creation of separate internal advanced post-graduate facilities at places where they do not as yet exist cannot for

<sup>104</sup> *Ibid.*, para. 16.

financial reasons be regarded as feasible . . . If non-European students are not to be deprived of post-graduate study . . . it will often be necessary to grant them admission to non-separate post-graduate study at universities which have the facilities and suitable staff for that purpose and which are prepared to admit them.

" . . . Your Commission is of the opinion that, unless many Coloureds are to lose the opportunity of acquiring a university education, the Coloureds should be allowed as at present to continue their non-separate studies at the universities, especially at the University of Cape Town, which is prepared to admit them.

" . . . The incomes of university institutions in the Union of South Africa consist mainly of (1) tuition fees payable by students; (2) donations made by the public; and (3) the State subsidy. The financial position of the non-European is on the average weaker than that of the European and, consequently, also his ability to pay tuition fees at universities. If this is taken into account, as is done in the case of the non-European section of the University of Natal and at Fort Hare, by keeping the tuition fees of the non-Europeans at a low level, an institution's total income derived from tuition fees payable by non-Europeans would other things being equal, also become lower . . .

"107. Members of the European public have up to the present shown a pronounced tendency to give preference to European or mainly European institutions in making donations and it is to be expected that this will continue to be the case in the future.

"108. The non-European public is for the reason mentioned above, except in isolated cases, on the average less able per individual than the European to make contributions by way of donations towards the finances of a university, for example, a separate university for non-Europeans. For the rest, it can be expected that, due to the low average level of the income of non-Europeans, they will not be in a position to make any considerable contribution in some other way towards the cost of separate university facilities. Hence, the State will have to subsidize university institutions for non-Europeans on a more liberal and, indeed, a much more liberal scale than is at present the case with European or mainly European universities, that is, if such non-European university institutions are to be able to provide training facilities which are substantially equivalent to those at European or mainly European universities . . ."

203. As we have seen, the Holloway Commission's terms of reference did not require it to consider the desirability of introducing a system of segregation applicable to all the country's universities; but it nevertheless found itself obliged to consider the question when it tried to foresee the practical effect of segregation on the provision of equal university facilities for Europeans and non-Europeans. And although it has expressed itself in very cautious terms, it seems clear that the Holloway Commission was afraid of the threat to academic freedom as it exists in South Africa inherent in even the formulation of a proposal to force the universities to close their doors to students of certain races.

When the report is read as a whole, the impression it gives is that the Holloway Commission is on the whole opposed to the repeated demands recently made in Afrikaner circles that complete *apartheid* should be introduced in all the universities of the country.

204. Mr. Viljoen, the Minister of Education, certainly interpreted it in this way when he said in answer to a question in the Senate a few months after the submission of the report on separate facilities at universities that the report was "being studied", but that "it was

possible that the Government would not accept all the recommendations of the Commission".<sup>105</sup>

In reply to another question at the same meeting of the Senate, the Minister stated that the universities were autonomous institutions and the Government had not interfered with that autonomy. However, it was well known that the declared policy of the Government was to institute *apartheid* at the universities also. He added:

"When that is carried into practice, I can assure Senators that the Government will not do it until such time as provision has been made to accommodate the Native and Coloured students in institutions that may be established at the time."<sup>106</sup>

On the following day the Minister made similar statements in the House of Assembly,<sup>107</sup> where various National Party members opposed the Holloway report and expressed the hope that the Government would reject it.

205. The National Union of South African Students (NUSAS), the officially recognized students' organization of the two "open" universities of Cape Town and the Witwatersrand, took a definite stand on the question and opposed any attempt to introduce *apartheid* into universities where it was not already practised. On 12 May, it published a statement of which the following is an extract:

"The Commission consisted of one of South Africa's most eminent economists, a principal and a former rector of two segregated universities.

"After hearing evidence from the most qualified sources in the country it came to the carefully-considered conclusion that university *apartheid* was a financially disastrous proposition.

"The Commission was not allowed to consider even more important factors. One was the danger to university independence of party-political interference in their internal affairs. The other was the marked contrast between the healthy race relations at the Universities of the Witwatersrand and Cape Town and the atmosphere at a segregated institution such as Fort Hare.

"Academic circles throughout the world have been shocked by the Government's disrespect for university freedom . . .

"The over-all educational superiority of university non-segregation has been proved. No one has yet shown what is so wrong with it as to justify such drastic steps, except that it conflicts with the dogma of the Nationalist Party."<sup>108</sup>

#### D. SCHOLARSHIPS ABROAD FOR NON-EUROPEAN STUDENTS

206. If young non-Europeans, who are usually obliged to earn their living at a very early age, can attend a university in their own country only with difficulty, it is even more difficult for them to study at foreign universities.

However, scholarships are occasionally offered by countries in the northern hemisphere to non-European students from South Africa of exceptional ability.

In view of the shortage of young men qualified by adequate professional training to render useful service

<sup>105</sup> *Senate Debates, Official Report*, No. 10, 9 to 13 May 1955, col. 2450.

<sup>106</sup> *Ibid.*, col. 2457.

<sup>107</sup> *House of Assembly Debates (Hansard)*, No. 14, 9 to 13 May 1955, col. 5593 *et seq.*

<sup>108</sup> *Cape Times*, 13 May 1955.

to their community, it might be thought that the South African Government would be anxious to see chosen students take advantage of such opportunities.

This, however, is not always the case. The Commission learned through the Press of several cases in which passports had been refused to young non-European students from South Africa who had accepted scholarships at a university in India.

A similar case occurred quite recently, to which the Commission is regretfully obliged to call the General Assembly's attention, as an example. Furthermore, some representatives must already know of it, as several papers, both British and American, have reported it.<sup>199</sup>

The case in question is that of Stephen Ramasodi, a 16-year-old Native, the son of the headmaster of an elementary school who was offered a scholarship at the Kent (Connecticut) Episcopal School in the United States through the intervention of Mr. Alan Paton, the author.

The following report of the incident appeared in *Time* (1 August 1955):

"After waiting more than three months for a passport, Stephen Ramasodi, the 16-year-old South African Negro to whom Kent School in Connecticut had offered a scholarship, learned that his hopes for getting away from the land of *apartheid* were dashed. Said the Ministry of the Interior in a blunt telegram to Stephen's headmaster: 'Application for passport refused'. The philosophy behind the refusal according to one Government official: 'Frankly, Stephen Ramasodi would be taught things he could never use when he came back to South Africa. Why should we let the boy be frustrated by being led to hope for things he could never have in this country?'"

## VII. Some effects of the policy of apartheid on the economic and social life of the Union<sup>200</sup>

207. The Commission's second report contained a chapter giving detailed consideration to the economic development of the Union of South Africa from 1910 to 1954 (A/2719, chap. V), and, as an annex, a survey of the effects of the segregation policy on economic development and stability in the Union of South Africa, by Mr. Paul H. G. Guénault, of the Department of Economics and Political Science, University College of Wales (annex I).

<sup>199</sup> Among others, the *Daily Telegraph* of 16 July 1955.

<sup>200</sup> The Commission thinks it may be useful to mention here the publication by the United Nations in May 1955, of a report entitled *Review of Economic Activity in Africa 1950-1954* (E/2738 - United Nations Publications, Sales No.: 1955.II.C.3). The following comments on this report appeared in *The Star* of 6 July 1955.

"Most parts of Africa had experienced an increase in economic activity during the past five years, with notable advances in the value of exports and of productive investment, according to a United Nations report just issued in New York.

"The report, headed 'Review of Economic Activity in Africa 1950-54', stated that the rate of expansion in the volume of agricultural production in Africa since 1950 had increased by more than 10 per cent. This was about the same as for the world as a whole. But the food production in Africa had increased at a slightly slower rate.

"It noted that expansion and diversification of agricultural production continued to be among the main objectives of development planning. The food and agricultural organization estimated that total agricultural production in Africa by 1956-57 might exceed pre-war production by 50 per cent.

"Africa produces food for domestic consumption and agricultural products for export. More than half the world sisal production and two-thirds of the cocoa production came from Africa, the review said.

During the year covered by the present report, several events had repercussions on the economic and social life of the Union of South Africa. In this section, the Commission discusses three which it believes to be typical examples illustrating the ideas which the Commission tried to bring out in its last report.

The results of the implementation of the Group Areas Act,<sup>201</sup> the most important measure enacted in accordance with the policy of *apartheid* afford a further and even clearer example of the economic and social repercussions of that policy; they are discussed elsewhere in this report.

### A. THE INDUSTRIAL DEVELOPMENT OF BOKSBURG (TRANSVAAL)

208. Following a request submitted by the Boksburg Town Council with a view to further industrial development, the Minister of Native Affairs made a statement on 29 September 1954 opposing the Town Council's plan; he took the opportunity to elaborate on the question from a more general point of view. The following report of the Minister's statement appeared in *The Star* of 29 September:

"Dr. Verwoerd said: From Boksburg comes the cry that 'Boksburg will languish' because I, as Minister of Native Affairs, oppose the inclusion of a new industrial area of about 1,600 morgen with that already in existence. The truth is that the present approved area is 800 morgen, of which scarcely half is developed. The remainder is available before Boksburg will languish or stand still. The de-

#### "Mineral production

"Mineral production in Africa also made a considerable contribution to total world output—more than half of the world production of gold, about 19 per cent of the diamond output, four fifths of cobalt and more than one-third of the chrome and manganese.

"The Union, South-West Africa, the Belgian Congo, Northern Rhodesia and Southern Rhodesia are the major producing areas for the bulk of Africa's mineral output. French North Africa and British West Africa are important producers of minerals such as phosphate rock and manganese respectively.

"Referring to the fuel power and secondary industries, the review said that Africa was, in general, deficient in developed energy resources and in local supplies of fuel, especially oil.

"Extensive coal deposits were known to exist in many parts of the continent, but production was comparatively small. The Union, with an output of about 28 million tons annually, and Southern Rhodesia, with an output of about 3,000,000 tons, between them produced more than 90 per cent of the total output.

"The only African territory which at present produced petroleum in any quantity was Morocco, where an annual production in 1953 was 120,000 metric tons compared with less than 40,000 tons in 1950.

#### "Steel

"The Union of South Africa was also the major producer of steel in Africa with an annual capacity of more than 1,200,000 tons, compared with about 800,000 tons in 1950. Southern Rhodesia with 25,000 tons was a much less important producer.

"Copper exported from Africa in 1953 exceeded £143 million, oil seeds £160 million and coffee, cocoa and cotton £1½ million each.

"On the question of labour, the review stressed that for most African territories statistics relating to labour and employment were so incomplete that it was impossible to obtain from them anything more than a fragmentary picture of employment trends, wages and standards of living during the five-year period.

"In tropical Africa the number of wage earners in mining had shown no tendency to increase, except in Northern Rhodesia where new mining development had been considerable.

"In the Union there had been a continuous increase in the number of wage earners. Most of this was accounted for by a drift of the African working population away from farming into other occupations, especially manufacturing."

<sup>201</sup> In this connexion see chap. II, sect. V, B, above.

velopment of the above-mentioned half has already created almost insuperable obstacles for Boksburg.

"It has already a Native population of 33,000. The only location, Stirtonville, is overpopulated. There is an urgent need for about 2,500 houses. As the industrial development of the remaining 400 *morgen* takes place, it means that the Native population of Boksburg will increase from 33,000 to 66,000. The so-called serious problem of housing the present Native population will, in other words, be doubled. Not content with this enormous burden, . . . the . . . Council now wishes to set aside a further 1,600 *morgen* for industry. Every *morgen* of industrial land, if fully developed, demands, on the basis of estimates and experience, 14 married and 6 unmarried Native men, and at the maximum 28 married and 12 single. In addition, every two Natives in industry draw one into commerce and other services. In other words, every *morgen* of industrial land can attract up to 60 Natives to the neighbourhood concerned. Thus if the 2,400 *morgen* are developed to the full, they will draw about 145,000 working Natives, of whom about 100,000 will be married and the remainder single. For these Boksburg must provide accommodation.

"Then Boksburg's Native population will increase from the present 33,000 to about a quarter of a million. Do the White inhabitants consider that in their interests?

"I must also take into consideration that if the unthoughtful town councillors of Boksburg expand their industrial area to this extent, the other Rand towns might also make similar demands.

"If the size of their demands are in relation to the size of their respective White populations, then it will mean, on the basis of this Boksburg proposal, that the industrial land which must be granted to the Rand will, if fully developed, draw no fewer than 5½ million Natives.

"The location land for all these people will be so great that it will encircle the Rand.

"I refuse to be jointly responsible for such a wrong development at one place, with all its dangerous consequences.

"Only speculators in land will benefit. Boksburg's inhabitants' interests will not be advanced by such half-baked and impracticable schemes."

209. The Boksburg Town Council decided to send a deputation to the Minister of Native Affairs. He then made a second statement, which was reported in *The Star* as follows:

"Dr. Verwoerd said: From Boksburg comes the cry that 'Boksburg will languish' because I, as Minister of Native Affairs, oppose the inclusion of a new industrial area of about 1,600 *morgen* with that already in existence.

"The truth is that the present approved area is 800 *morgen*, of which scarcely half is developed.

"The remainder is available before Boksburg will languish or stand still."<sup>202</sup>

210. The Minister's statement was the subject of comment both in Parliament and among the public.

At Boksburg itself, it was regarded as a threat to the economic development of the town and the whole area of the Witwatersrand.

"This is the biggest blow that could be given Boksburg, said Mr. P. T. de Vries, at a Town Council meeting last night, which, without dissent, agreed to a motion requesting the Minister of Native Affairs to receive a deputation about his opposition to any further industrial or residential development in the municipality so long as Native housing was inadequate and industrial sites in other urban areas were not taken up.

"Mr. P. A. Venter said the Minister's directive meant that Boksburg's industrial and residential expansion would remain static.

"If we do not fight back it is the death knell of Boksburg, said Mr. de Vries."<sup>203</sup>

211. The following comments appeared in an editorial in *The Star* of 30 September 1955:

"We sympathize with the view, whether applied to Boksburg or elsewhere, that it is not in the public interest to allow industries to develop right and left unless proper accommodation can be assured for the Native and other employees. But Dr. Verwoerd's argument, as elaborated in his reply to Boksburg, goes well beyond that.

"He has widened its scope by launching an attack against the very conception of any extensive industrial development in the great economic complex of the Witwatersrand as a whole.

"We are not against the principle of planned development to keep pace with the social and human needs of all who are affected. Rational control of this kind should, however, be an act of supreme Governmental policy, well understood by those concerned and operated through the appropriate machinery of State.

"It should not be at the mercy of a Minister whose far-reaching decisions are a by-product of the fortuitous fact that he can do what he likes with the human material placed under his temporary care."

212. The newspaper *Die Transvaler* which had published a leading article on 1 October supporting the Minister of Native Affairs' view and criticizing the Boksburg Town Council for "its short-sightedness in stressing temporary economic interests", published the following news item on 5 October 1954:

The Council of Municipalities of Witwatersrand, on 4 October 1954, called a special emergency meeting in Germiston to discuss the Government's policy in connexion with the establishment of new industrial areas. The direct cause for this discussion was the problem of Boksburg where permission for the establishment of a new industrial area was withheld until sufficient housing could be made available for the native workers now living within the municipal area.

The meeting produced no positive result, but it was decided finally to send a deputation to the Council of Transvaal Municipalities which in turn will have to send a deputation to the Minister to obtain a clear statement on future policy. The crux of the problem is that the Government is not willing to admit impractical industrial expansion without adequate provision for Native housing.

213. The following statement, expressing the views of government circles, was reported in *The Star* of 6 October 1954:

"An official of the Department of Native Affairs said in Pretoria yesterday that the policy of the Minister of Native Affairs was to meet the Native labour needs of industries on a regional basis.

"He was commenting on fears expressed at a special meeting of the Council of Reef Municipalities that a decision by the Minister of Native Affairs on the further establishment of industrial areas would spell the doom of industrial development. The haphazard development of Native urban settlements could only lead to major problems such as those facing Johannesburg.

"He emphasized that the Minister was concerned only with the orderly development of industry and the provision of adequate housing and other services, and added that the Minister's aim was to place industrial development on a rational basis in relation to available manpower and Native housing possibilities."

<sup>202</sup> *The Star*, 29 September 1954.

<sup>203</sup> *The Star*, 28 September 1954.

214. The incident caused by the Minister's statements on the development of Boksburg was also referred to in Parliament during the debate on the Part Appropriation Bill.<sup>204</sup> The question at issue was whether the development of new industries should be encouraged in existing industrial centres, such as Boksburg, or on the perimeter of the Native Reserves.

In his statement, Mr. Oppenheimer (United Party) said that:

The Nationalist Party had done a great deal for secondary industry but the policy of the Minister of Native Affairs pointed in an entirely different direction. The Minister was anxious that industrial development should take place in the Native reserves or on their borders. But until then he stood for industries in the urban areas carrying on with migrant labour.

The Minister of Finance had taken the line that it was particularly important to encourage the growth of secondary industry so that the country would not be too dependent on the mining industry, which was a wasting asset. That was a reasonably true view and it was a matter which had to be taken into consideration now. Even a new mine could not count on a life of more than 30 or 40 years.

It was well known that the golden age of the Witwatersrand and the Free State would certainly come to an end. The question was whether the Minister still stuck to established policy—to encourage the growth of secondary industry to take the place of the mining industry.

The Minister of Native Affairs was deliberately setting out to slow down industrial expansion on the Witwatersrand and finally bring it to an end.

About 1,000,000 people on the Witwatersrand and some hundreds of thousands in the Free State had to be told that when the mines came to an end all would be well because there would be secondary industries operating in the Native Reserves.

Did it remain the policy of the Government that the remaining years of mining prosperity were going to be used to build up—not just in reserves but also on the Witwatersrand—secondary industry to take the place of the mines? Were people to know that they could continue with the homes they had established and that the huge industrial equipment of the Witwatersrand would still be used to maintain industry?

Were they to know that the huge sums of the people's savings invested in real estate were not going to be destroyed by the policy of the Minister of Native Affairs?<sup>205</sup>

215. Answering Mr. Oppenheimer, Mr. M. D. C. de Wet Nel (National Party) explained his party's policy in connexion with the development of border territories in which lay unlimited possibilities of industrial development for South Africa. While the industries would be in the European areas, the Natives would develop in their own territory when they would organize their national life and have the opportunity of expressing themselves and expanding. In his view, too much importance was attached to Native labour; in no country in the world was as much manpower squandered as in South Africa. He considered that of all countries South Africa had the most expensive labour. The Nationalist Party in its sound policy wanted to build up industries, but at the same time wanted to create opportunities for the Natives to achieve their own nation.<sup>206</sup>

216. Dr. Friedman (United Party) felt that the economy of South Africa was advancing towards maturity. It had become more and more diversified. Its most striking feature was the growth of the manufacturing industries due to the fact that there was in the Native population a vast reserve of industrial wealth. Large-scale industry had brought about a close integration of Native labour in the economic structure of the country.

Native operatives were being employed on an increasing scale. They were remarkably well suited by temperament for the simple and monotonous repetition jobs which had been developed by modern industry. The close integration of Native labour in the economy had brought about a great increase of the national income and had led to a higher standard of living for all, irrespective of race and colour. The speaker stressed, however, that the Minister of Native Affairs planned to defeat industrial development in order to ensure the success of his *apartheid* plans. Did the Minister really believe that he could set up industries near the borders of the reserves on such a scale as to stem the flow of Native labour to other areas? All parts of the Union, however remote from the reserves would insist on developing their resources on a maximum scale. They would continue to demand Native labour. Would the Minister of Native Affairs dare to deny them their share of Native labour? It was economically impossible to do so, and what was economically impossible was politically impossible.

Dr. Friedman saw no solution on those lines. The Minister's grandiose scheme would not work. He considered that economic progress was an essential factor in maintaining White civilization. Only an expanding economy could afford such necessities as education, culture, art, scientific and technical progress, everything that gave White civilization its distinctive value, and made it worth preserving.<sup>207</sup>

217. Mr. S. J. M. Steyn (United Party) said that under Dr. Malan the policy was to utilize to the full the labour of non-Europeans. The talk was *apartheid* but the fact was integration.

The Minister of Native Affairs was now being allowed to go ahead in the direction of total *apartheid* but the prosperity of South Africa was due to the enterprise, imagination and work of the Europeans, combined with the labour resources which the Native people offered. That was economic integration.

The Minister of Economic Affairs had said the Government would not allow the industries of the Witwatersrand to be destroyed but how did he reconcile that with the policy of the Minister of Native Affairs who intended to stem the flow of Native labour to industries on the Witwatersrand?<sup>208</sup>

218. The Minister of Native Affairs, replying to the Opposition attacks on government policy, said that there was no danger whatsoever to South Africa in the economic sphere in the policy of the Nationalist Party. The policy advocated by the Nationalist Party since 1948 had been to bring about separation between Whites and non-Whites, even in the areas where Whites and non-Whites lived together, and at the same time to develop the reserves so as to create a political home for the Natives. There was no danger that all the Natives would suddenly be moved out of the European areas, resulting in eco-

<sup>204</sup> *House of Assembly Debates* (Hansard), No. 4, 14 to 18 February 1955, col. 1161-1347.

<sup>205</sup> *Ibid.*, col. 1183-1191.

<sup>206</sup> *Ibid.*, col. 1213-1221.

<sup>207</sup> *Ibid.*, col. 1221-1226.

<sup>208</sup> *Ibid.*, col. 1301-1313.

nomie disruption. Ways and means would be found of bringing about separation between the races in the European areas without disrupting economic development and without the danger of the Europeans being overrun by the Natives.<sup>200</sup>

219. On 12 March 1955, the Minister of Native Affairs made a further statement, this time at Boksburg itself, at a meeting of the National Party. The following report of the portion of his speech dealing with the problem of Boksburg and of the Witwatersrand as a whole appeared in *Die Transvaler* of 14 March:

The Minister said that according to statistical estimates there would be 19,000,000 Natives in the year 2000 and with the maximum possible immigration 5 or 6,000,000 Whites. If industrial development in the cities continued to draw Natives, the Rand would be surrounded by a thick girdle . . . The Minister declared himself against the opening up of bigger industrial areas in the Rand since the interest of the entire country should be taken into account. The areas already 'proclaimed' would attract large numbers of Natives. The United Party claimed that the speaker wanted to locate a Bantustan. If, however, the policy of the United Party was applied, the whole country would become one Bantustan!

220. *Die Burger* of 14 March 1955 published the following report of this portion of the Minister's statement:

Dr. H. F. Verwoerd, Minister of Native Affairs, said at Boksburg on Saturday, at a meeting of the National Party, that he would oppose the establishment of new industrial areas in the Witwatersrand. He said that he would oppose the establishment of such areas despite the opposition of local authorities, because it was a necessary step in carrying out the *apartheid* policy. During the next ten years the establishment of industries on the borders of Native areas would be encouraged. There would necessarily be a transition stage because extensive regions in villages and cities had already been designated as industrial areas, and a great number of new industries would be established in the next ten to fifteen years. Many more Natives would still be tempted to go to the cities. That was a movement which had to be stopped.

The Natives must be given the opportunity to develop their own areas. The country could not afford any longer to set aside more land for the reserves. The productivity of the reserves should be increased and industries should be established near the Native areas in order to keep the Natives out of the White areas.

221. The question was again raised in Parliament but this time from a different angle. During the debate on the Railways and Harbours Appropriation Act, Mr. Pocock (United Party) asked the Minister of Transport "whether he had taken into account the proposals to shift industry away from the cities and towns to the borders of the Reserves".<sup>210</sup>

The Minister of Transport replied that nothing had yet taken place. He added:

" . . . it is not only the question of transport that has to be taken into consideration; that is the question of the position of water, the question in regard to competition between those industries and other industries; wages and a number of other matters. With this in view a committee was set up some two years ago under the chairmanship of Professor Viljoen to go into all these aspects of the matter. That committee has already submitted an interim report, but the final report has not yet been submitted".<sup>211</sup>

<sup>200</sup> *Ibid.*, col. 1313-1324.

<sup>210</sup> *House of Assembly Debates* (Hansard), No. 8, 14 to 18 March 1955, col. 2906.

<sup>211</sup> *Ibid.*, col. 2935.

222. On 19 March 1955, at a meeting of the United Party at Worcester, Mr. Strauss, the Party leader, made a speech in which he said, *inter alia*, that:

"A private feud between the Minister of Native Affairs, Dr. Verwoerd, and the Boksburg Municipality about adding 1,600 morgen to the town's industrial sites had caused the renewal of a large-scale threat to the whole of the Rand. The threat was not confined to the Rand; it extended to all industrial areas at any distance from the Native reserves. Any town in the Union, which contemplated zoning new industrial townships, might fall under the ministerial ban . . .

"The great gold mines could not last for ever. Some of the most important would be declining seriously within a decade.

"Far-sighted mining undertakings, in co-operation with other enterprises, had been planning to develop their properties into industrial townships—to cushion the shock of declining mining activities for their workers, their share-holders and the public . . .

"The Minister had said he would graciously consider modifying his decision on industrial townships in ten years. But economic planning had to be done many years ahead. For ten years private enterprise would be completely in the dark about the Minister's intention . . .

"Industries were increasing in the Union at the rate of about 600 a year, so, if the Minister wanted even to peg the number of Natives in the neighbourhood of European cities, he must find power, transport, land and labour for 6,000 new industries in ten years on the borders of the reserves . . ."<sup>212</sup>

223. There was another detailed discussion of the question raised in the Minister of Native Affairs' statement during the parliamentary debate on the budget, between 24 March and 4 April 1955.

One of the Opposition speakers, Mr. Oppenheimer (United Party) said that, in speaking at Boksburg, the Minister of Native Affairs had confirmed that there were going to be no more industrial townships in the Witwatersrand and that industrial development would be transferred in due course to the neighbourhood of the Native reserves. At the same time, he had said that the public should not worry unduly because there was already enough industrial ground open on the Rand to be sufficient for all possible requirements for more than ten years. Mr. Oppenheimer considered that it really meant that the Ministry of Native Affairs' policy would allow everything to go on just as it was going on at present. But that was evidently not what the Minister of Native Affairs really meant. Mr. Oppenheimer contended that neither the Minister of Native Affairs nor his Department were in any way competent in matters of industrial development around Johannesburg. It was perfectly plain that what the policy of the Minister of Native Affairs envisaged was the immediate slowing down of industrialization on the Witwatersrand and finally a stopping of that activity altogether, in some fifteen years' time. It was also clear that the Minister of Native Affairs envisaged the industries near the Reserves as being European industries. He had mentioned a number of clearly European-controlled industries which he considered could suitably be situated near Native reserves. Mr. Oppenheimer, therefore, did not see how it was intended to give greater chance of advancement to the Native people than in the existing industrial centres. He regretted that the Minister of Finance had not touched on any of these points.<sup>213</sup>

<sup>212</sup> *Cape Times*, 21 March 1955.

<sup>213</sup> *House of Assembly Debates* (Hansard), 28 March to 5 April 1955, col. 3375-3377.



224. Mr. Mitchell (United Party) attacked the Government's policy.

He said that in fact the Minister had come to the House and said that there could be no more development in Boksburg or the Rand because in any case there would be no land on which to put the necessary housing for the Native workers. That was just impossible. In his view, it was a clear admission by the Minister that the Government was incapable of handling the industrial expansion of the Rand. Mr. Mitchell recalled that what industries needed were markets, water, raw material, power, transport and labour. The Minister of Native Affairs took to himself the right to determine where industries were to go in the future, although he had no right to interfere in the question of the siting of industries. (The Minister replied that it was his duty to provide for the industrial townships). Mr. Mitchell continued that labour, transport, raw materials, power, did not fall under the Minister's Department. He touched on the question of labour and stressed that he could not think of anything which, in the long run, would do more harm to South Africa than the perpetuation of the migratory labour system. The grievous and manifold evils of that system were already showing themselves throughout the country.<sup>214</sup>

225. Various members of the National Party also spoke in the debate.

Dr. Diedericks (National Party) replied to Mr. Oppenheimer's criticisms.

He wondered whether the members of the Opposition were not particularly interested in the industrial sites they wanted to sell; the mines were beginning to become exhausted, and he thought they might want, therefore, to lay out large industrial areas in the region. He stressed that the members of the Opposition shut their eyes to the tremendous social implications of the crowding together of a large population in one small area, and asked whether they did not see that the Government was compelled to do something about the racial problem. It was dangerous to have such a great concentration of population surrounded by a black cordon. There was every reason — ideological, financial, economic, strategic and social — for the Government to consider cautiously the expansion of industrial sites on the Rand. The policy of the National Party should be flexible enough to be applied to the requirements of the time.<sup>215</sup>

226. Dr. H. G. Luttig (National Party) also spoke. He queried the statement by Mr. Oppenheimer that the Minister of Native Affairs proposed to move industries to the Reserves, and stressed that that was not a new policy; it had been set out in great detail by the Minister in his speech in the Senate on 30 May 1952. The Minister's statement at Boksburg had been described as a new policy. It had, however, been announced in the Senate in 1952 and repeated before the Chamber of Commerce in Cape Town a year ago. The important aspect was that the Minister of Native Affairs had made it clear that only by co-operation and by "attraction" could such a development take place. There was no suggestion of a "transfer" or of moving the industries. In his opinion the United Party stood for the settling of the Natives and the granting of land to them. The result would be that in 50 years' time there would be some 12 million Natives around the cities, detribalized and settled in

European areas. Who would then be able to oppose their aspirations for freehold and political rights.<sup>216</sup>

227. Mr. J. J. Fouché (National Party), examining the Government's policy of establishing industries on the borders of the Reserves, explained that it was a question of decentralization, which was necessary in many countries. It would be ridiculous to concentrate all the industries in a single area of South Africa. He fully supported the Government's policy on this point.<sup>217</sup>

228. Mr. Mentz (National Party) considered that the Government was following a policy of proper and careful planning and control on the basis of justice and equity. On the other hand, the Opposition had no Native policy. After referring to various statements of members to prove his point, Mr. Mentz turned to the Government's policy in the Witwatersrand where the Minister had said that there was sufficient proclaimed land for the next 10 to 12 years. He considered that the municipalities should take note of the fact that the Government would not allow further industrial land to be purchased; that further approval would not be given for development unless the municipalities concerned were prepared to give a guarantee that all nations living illegally in the area would first be accommodated in locations. Turning to the water problem, he recalled a report of the Natural Resources Development Council which stated that the water supply was completely insufficient for the future requirements of the Rand. The National Party would continue on the road on which they had set out, because if they continued on the road of the United Party, it would be the end of the White man in South Africa.<sup>218</sup>

229. Finally, the Minister of Native Affairs himself explained his ideas on industrial development in the neighbourhood of towns.

He had already explained several times what the policy of "removing" the industries from the White areas meant. He had never said that industries whose capital investment had already been made should be taken away from their present site. In the Boksburg speech, he had summarized in a few sentences what he had already exposed in detail in consultations with the Executive Committee of the Chamber of Industry in Cape Town and the Chamber of Commerce in Johannesburg.

Recalling the figures he had quoted in his previous statements<sup>219</sup> he added that

In the city of Johannesburg, 2,200 *morgen* of industrial area had already been approved. Of these, only 1,400 *morgen* were used by industry at the moment; 800 were still vacant. For the approved industrial area of 2,200 *morgen*, 6,600 *morgen* of location area was required. If this 2,200 *morgen* of approved industrial ground was fully utilized, the Native population to be taken into account was approximately 1,000,000. What service would be rendered to Johannesburg and the neighbouring cities if the United Party policy of allowing many more Natives to be attracted were put in force? One could not allow more ground to be approved for industrial purposes, because according to the officials of the Natural Resources Development Board, the ground already approved would be enough until the year 2000. His accusation against the United Party was that its policy in this regard would mean the doom of White South Africa, because if the heart of the country should become a Native residential area for 5,250,000 Natives and 500,000 other non-Whites against

<sup>216</sup> *Ibid.*, col. 3437-3444.

<sup>217</sup> *Ibid.*, col. 3614.

<sup>218</sup> *Ibid.*, col. 3776-3785.

<sup>219</sup> See paras. 207 and 218 above.

<sup>214</sup> *Ibid.*, col. 3767-3775.

<sup>215</sup> *Ibid.*, col. 3400-3404.

some two or three million Whites, in 45 years' time South Africa would be lost to the Whites economically, politically and socially."<sup>220</sup>

## B. THE NATIVE IN THE WESTERN PROVINCE<sup>221</sup>

230. At the annual meeting of the South African Dr. W. W. M. Eiselen, Secretary for Native Affairs, made a statement which is summarized below.

During the past few decades, he said, an important change had taken place in the conditions of the Coloured people, owing to the influx of Natives into their home country. He defined the problems which arose from those developments and indicated how the Department of Native Affairs proposed to deal with them, within the framework of the *apartheid* policy and in accordance with ministerial decisions. Due regard must also be paid to regional interests and the co-operation of local authorities would be sought.

Contacts between Coloureds and Natives were, of course, not limited to the Western Province, but while elsewhere there was an infiltration of small numbers of Coloureds among a large non-Coloured population, in the Western Province there was a large-scale flow of Natives advancing upon the Coloureds. The results of such contacts in the northern industrial areas were, by the nature of the case, slight and could be dealt with locally, but in the south-western portion of the country the problem was of such magnitude as to demand the attention of the general public and the Government.

There had been a considerable increase in the number of Natives in the Western Province, which had risen from 30,000 in 1921 to 48,000 in 1936 and now amounted to 178,000. The majority of those Natives were migrant labourers from the Transkei and Ciskei.

One economically important result of the entry of the Natives into the Western Province was the competition in the labour field between the two groups. The Coloureds saw that they were being squeezed out of certain categories of labour by the Natives. In the early stages pick and shovel work, in particular, was taken from them in this way. Because the Native was physically stronger than the Coloured, employers as a rule gave him preference in certain types of unskilled work. With his higher endurance and lower living requirements, the Native was rapidly pushing the Coloured out of the lower fields of manual labour.

The Native was regarded by many employers as a better worker than the Coloured, because he was usually physically stronger, was not so addicted to liquor and had not yet learned town ways. That was why the influx of Natives was welcomed and encouraged by employers in general and particularly by industrialists, whose production depended upon regular working habits. The Native himself, was, of course, attracted in the first place by the higher wages paid to non-European workers in the Western Province; secondly, life in that area was attractive to him because in many respects he was treated on an equality with the Coloureds and because his sym-

biosis with the Coloureds brought with it a slackening of the protective control measures which were looked upon by most Natives as tiresome limitations. For the Coloured community, that integration with the Natives in the economic and social fields constituted a serious danger.

Industrial expansion which demanded additional man-power should therefore be scrupulously controlled, for the further increase of Natives in the Western Province carried with it the seeds of danger to a greater extent than in any other industrial area. On that account planning was necessary in order to guarantee that temporary industrial prosperity in the Western Province would not lead to far greater disadvantages of a permanent nature in the economic and social fields.

The policy in regard to Native immigration into the Western Province was briefly as follows:

(a) All foreign Natives were gradually to leave the Western Province and no more of them to be permitted in that region;

(b) The influx of Natives was to be strictly controlled;

(c) The Union Natives already in the region were being screened with a view to repatriating the more recently arrived families;

(d) The legally admitted remainder were to be housed in good rented quarters for families and single workers;

(e) Where additional Native man-power was absolutely necessary, it should be obtained in the form of migrant labour, which could easily return home when its services were no longer required in the Western Province.

Through the application of that policy the Department of Native Affairs was endeavouring to put the flow of Native families into reverse, so that no large Native population would settle side by side with the Coloured community. If additional Native man-power was absolutely indispensable, it must come in the form of migrant labourers, to whom no kind of permanent residence was offered in the Western Province.

The Government's Native policy regarding the Western Province aimed at ultimate elimination of the Natives from that region. It should take place gradually, so as not to lead to harmful dislocation of industry. It was a long-term policy which made provision for the following stages:

(a) Removal of foreign Natives and freezing of the present situation as far as Native families were concerned, coupled with limited importation of single migrant workers to meet the most urgent needs;

(b) Removal of Protectorate Natives and reduction of the number of Native families, with gradual replacement of migrant labourers who return to the reserves, not by new migrants but by Coloured workers;

(c) Screening of the Native population and their classification in two groups:

(i) Natives who had remained Bantu and who in time could be moved back to the Reserves where they could play an important role in the building up of an urban economy;

(ii) Natives who had established relationships with Coloured women and who in all but colour belonged to the Coloured community, as also persons born of marriages or other unions between Natives and Coloured. That category should, in Dr. Eiselen's opinion, obtain

<sup>220</sup> *House of Assembly Debates* (Hansard), No. 10, 28 March to 5 April 1955, col. 3758-3768.

<sup>221</sup> As Dr. Eiselen explained in his statement, the term "Western Province" implies the area south of the Orange River and west of the magisterial districts of Gordonia, Hopetown, De Aar, Hanover, Richmond, Murraysburg, Aberdeen, Willowmore, Uniondale and Knysna.

<sup>222</sup> See sect. VIII A, below.

citizenship within the Coloured community, provided race admixture ended there.

Lastly, Dr. Eiselen summed up the main points of his statement in these terms:

1. In the Western Province, the traditional home of the Coloured, Natives had been, until relatively recently, a rarity;

2. Recent industrial development had led to a rapid and large-scale influx of Natives;

3. That influx was regarded as necessary by industrialists because, as they alleged:

(a) Expansion of industry was essential to the Cape Peninsula and environs;

(b) Many of the Coloureds were not suitable workers; and

(c) There were, in any case, insufficient potential Coloured work seekers.

4. The right of industries to exist and expand in the Western Province was accepted and it was considered that the Western Province could in due course supply its man-power requirements from its indigenous Coloured population;

5. If Coloureds were less suited than Natives to certain types of work, they were not so by nature but as the result of social maladjustment and that form of unsuitability could be cured by means of training;

6. The Coloured population was growing very fast and should therefore be able to meet the labour demands of present industry as well as of its future expansion, especially in view of the new techniques of mechanization that would become available;

7. The Coloureds, as the local population, had the moral right to demand that their field of employment should be protected from the Natives. The Western Province was not the natural *lebensraum* of the Natives, but of the Coloureds, and the former should therefore be gradually and systematically withdrawn;

8. Early termination of the symbiosis of Native and Coloured was advisable, because it had a demoralizing effect on both races;

9. The Europeans, as guardians of the non-Europeans, could not be allowed to create a Native-Coloured problem in the region for the sake of their own short-term advantage;

10. It was right that the influx into and settling of Natives in the Western Province should be opposed by government authority and that in that manner the road to the *status quo*, to the setting aside of separate zones of interest for the Coloureds and Natives respectively, should be kept open;

11. For the Native, moving to and settling in the Western Province held only temporary advantages, for as he adapted himself to his Coloured environment, so in turn was he replaced by streams of unspoilt, newly-arrived compatriots;

12. The process by which Natives became detribalized and detrimentally urbanized, only to be turned away from the labour market thereafter, while fresh human material was drawn into the same cycle, had already had serious results in the northern industrial areas.

It would therefore be shortsighted and irresponsible to travel the same road in the Western Province, with its multi-racial complex, at the cost of the Coloured

people in particular, but also to the lasting detriment of South African society as a whole.<sup>223</sup>

231. Dr. Eiselen's statement created serious misgivings among industrial circles in Cape Province. On 20 January 1955, the Cape Town Chamber of Industries published a statement commenting on the policy laid down by Dr. Eiselen:

"The Chamber said it thought that attempts to implement the objective of eliminating Natives from the Western Cape must cause grave disruption.

"It also considers that the stated existence of such a policy will give rise to harmful uncertainty in the wide and important industrial and agricultural area to which it is supposed to apply.

"As late as November 25, 1954, the Urban Areas Commissioner, Cape Western Areas, reiterated in writing the following assurances:

"1. That any system of influx control will ensure that a reasonable pool of labour is available locally from which employers may draw; and

"2. That, where any Native leaves the service of a firm to return to the Reserves, there will be no difficulty in the employer concerned obtaining readmission of the Native when this is required.

"No less than £500,000 has already been contributed by employers in the Western Cape under the Native Services Levy Act for the provision of services to Native locations. If it is really the policy to end all Native employment in the Western Cape, the exaction of huge sums such as this to assist the housing of Natives could not legitimately be continued.

"The Chamber recalls, however, that the Minister of Native Affairs just recently expressed himself as extremely anxious that the Langa-Nyanga project should be expedited.

"That there should be reasonable influx control has never been disputed by the Chamber, but a policy of removing all Native workers from domestic occupations, from the farms and from commerce and industry is so drastic, impracticable and likely to be disruptive in its attempts at implementation, that it is likely to find little public support when the full implications are realized.

"Against such an objective the Chamber must voice the strongest protest.

"Strong adverse reaction against this objective has been forthcoming from industrialists, particularly in major country centres of industry to which Coloured labour is less available than in Cape Town and adjacent areas.

"The effect on agricultural production, on which the operation of various local industries depends, will also be serious. Even now the Chamber is concerned about the reports of acute scarcity of agricultural labour in the Western Cape.

"The failure of the policy stated by Dr. Eiselen was certain, and the necessity for an adequate labour force of Natives remaining at the Cape would in the end have to be recognized," said the Chamber.<sup>224</sup>

232. The question was also raised in Parliament.

On 25 January 1955, Dr. D. L. Smit (United Party) in written questions asked whether the Government contemplated the ultimate removal of all Natives from the Western Province and, if so, (a) what steps would be taken to give effect to such a scheme; and (b) what arrangements would be made to provide labour to meet

<sup>223</sup> *The Native in the Western Cape*, paper read by W. W. M. Eiselen, Secretary for Native Affairs, at the Sixth Annual Congress of the South African Bureau of Racial Affairs, published by SABRA, Stellenbosch, January 1955.

<sup>224</sup> *Cape Times*, 21 January 1955.

the existing and future requirements of industry and agriculture in the area; he also asked whether industrialists and other employers of labour had been consulted in the matter. The Minister of Native Affairs merely referred Dr. Smit with regard to the first question to his speech in the House on 2 June 1954,<sup>225</sup> and with regard to the second to his address before the Executive Committee of the Federated Chambers of Industry in Cape Town on 26 May 1954.<sup>226</sup>

233. The question was also repeatedly mentioned in debate in the House of Assembly and the Senate.

During the debate on a motion of no confidence<sup>227</sup> Sir de Villiers Graaff (United Party) recalled that according to a statement by the Minister of Native Affairs, there was to be a gradual withdrawal of Natives from the Western Province over a period of time and on one side of the so-called "Eiselen Line" only Coloured labour would be employed. There were 178,000 Natives in that area, of whom 110,000 were workers (6,000 worked for the Government and other public bodies). Sir de Villiers Graaff wondered what the housewives of the Western Province who were looking for domestic servants felt in regard to the matter. The industrialists had already made their position clear; they regarded that statement of policy as impossible to be carried out. Steps were being taken to provide housing for Native labourers; he wondered whether they would all be removed in due course and what would happen to the farmers of the Western Province. He gave some specific examples, of which he had personal knowledge, showing the shortage of labour. In the face of all that, the Minister of Native Affairs had stated that the ultimate policy of his Department was the removal of the Natives from the area.<sup>228</sup>

234. During the same debate Maj. van der Byl (United Party) stated that, according to the announced policy of the Government, the Natives would be driven out of the Province, where only Coloureds would be allowed to remain besides the Whites.

He pointed out that the Natives had originally been imported by the Government into the Western Province to do the hard work, particularly at the docks. Later more and more had come in; as a consequence the position of the Coloured worker had been raised – he did the more skilled jobs, while the Native continued to do the unskilled. The Government's present policy, far from making the Western Province a sheltered haven for the Coloured man, would bring the Coloured alone to provide the unskilled labour, thus reducing their standard; at the same time the European would be handicapped and his activities reduced in the Western Province, both in industry and in the countryside.

He examined the problems that would arise in the transitional stage, particularly with regard to housing. On the one hand the Minister instructed the local bodies to build houses for the Natives and, on the other, decided

<sup>225</sup> In his speech the Minister for Native Affairs had said: "... it should be taken into account when planning Native housing in Cape Town that it must be done in regard to the future of the Coloureds. The Natives, in the Minister's opinion, presented a transitional problem and not a long-term problem; it was desirable that in the Cape Province at least use should be made of unmarried labourers as much as possible". (*House of Assembly Debates* (Hansard), No. 17, 31 May to 4 June 1954, col. 6135 *et seq.*)

<sup>226</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 22.

<sup>227</sup> See chap. II, sect. I, above.

<sup>228</sup> *House of Assembly Debates* (Hansard), No. 1, 21 to 28 January 1955, col. 119-121.

to move them [the Natives] away. The speaker also dealt with miscegenation between Natives and Coloured, which in his view was fostered by the fact that most of the Native workers were considered migrant and were not allowed to bring their wives. He referred as well to the recent use of convict labour on the farms, which in his view was a proof that Native help was needed. He remarked that the decision was a political manoeuvre, based on expediency, to get the good will of the Coloureds and to placate SABRA. He asked why the Minister of Native Affairs had suddenly become so conscious of the interest of the Coloured man.<sup>229</sup>

235. On 28 January 1955, the Minister of Native Affairs made a long statement before the House of Assembly concerning the position of the Natives in the Western Province.

He expressed the opinion that the Liberals in the United Party were exaggerating the situation in the Western Province because they realized that that was the area where the application, in its preliminary stages, of the policy of *apartheid* in regard to the Bantu was the easiest. They wished to provoke a dispute because certain steps could be taken there, and taken speedily, which would show what the Government's aims were.

He added that the United Party was trying to launch its main attacks in regard to the Western Province. It was addressing a plea to the housewife, to the industrialist, to farmers and to local authorities, to arouse fears of inconvenience or damage and if possible hostility to the Government's policy.

There was a second fact that should be considered: the Western Province was also the area that was in the greatest danger of being dominated by the black stream which the United Party wanted to admit. In the Western Province the Coloured population was already enormous and would augment still further; the United Party pleaded that the influx of new Natives with their families, and the influx of the families of all the single Natives who were already there, should not only be allowed to continue undisturbed but should be assisted. They used words like "strict control", but they pleaded for the influx of those families and for the permanence of those families in the Province. The United Party would inevitably be responsible for the intermingling of the Bantu with the Coloured. It should not be forgotten that one of the reasons why Natives came to the Western Province was that they could have a share in social life (for example the use of public conveyances) as if they were Coloureds. They shared all privileges with the Coloureds and therefore very soon became integrated with them. The United Party would therefore be responsible for their increase in numbers to such an extent that the European of the Western Cape would have no hope of being able to maintain his position. That was also the object of the Liberal Party.

He warned the White people of the Cape, whether farmers, housewives, industrialists or ordinary citizens, that the United Party was digging the grave of White civilization in the Western Province more quickly than in any other part of the country as a result of the policy it had adopted.

He then expounded the Government's policy. In his view its long-term policy must be known in order that short-term decisions could be made. The attitude he adopted was that there had been and there would still

<sup>229</sup> *Ibid.*, col. 212-215.

be a need for Native labour but that the Native could not be allowed to become a permanent inhabitant of the Western Province. He appealed to the industrialists to rationalize their industries and to realize that it was in their own interests, in the interests of the economy of the country and in the interest of the structure of society to use the minimum of labour. He added that when labour was required for the development of new industries the influx of temporary Native labour would not be stopped, but it should be realized that that was merely part of a curve which was still steadily rising but which would have to fall in due course until eventually there were no longer any Natives in the Western Province or until they were no longer required. He recalled a former statement in which he had said that Native labour would be required for the transition period and that there were therefore two problems: how to provide that labour in such a way that it did not become permanently entrenched, and how to house it in such a way that that too would not lead to permanent entrenchment; in other words without leading to monetary losses or the unnecessary expenditure of capital. The solution found had been that provision would be made for housing those families which had been in the Province for a long time, and whose transfer from the territory could not be contemplated for a considerable time, in a segregated area like Nyanga, but that Langa, which was adjacent to the industrial area, would be used for the migrant labourer. It should be remembered that that migrant labour was not unstable labour. Some members confused that issue; a migrant labourer might continually come back to the same undertaking, whereas a labourer living there might be less stable because he continually accepted other employment. Those who were going to be established at Langa would, however, be established in a system of hostels and not in big buildings. Such housing in hostels had a dual object. In the first place, it would house the Bantu worker near the industrial area during the transitional period. In the second place, the hostels would be of such a nature that as the number of Natives was reduced it would be possible at small cost to convert the hostels into tenements for Coloured families. Without monetary loss one form of housing for one form of labour could be converted into another form of housing for another form of labour. That was an example of planning for the future when the direction that should be taken was known. That method of gradual transition did not only apply to Cape Town; it had been used elsewhere, for example at Stellenbosch, Worcester and Paarl.

The Minister further remarked that, as long as the industrialists needed the Native, it was in their interest that he should be properly housed and it was therefore worth their while to pay the levy unless they could obtain another form of labour for which no levy was necessary. Moreover, if an industrialist did not wish to pay the levy the way was open to him to ensure, through rationalization, that he required 200, 300 or 400 fewer Natives. Then he would have to pay so many fewer half-crowns per week. Families whose breadwinners could be housed in hostels when they themselves remained or returned to the Reserves, and those whom it was difficult to classify, should be brought together temporarily in evacuation camps of some kind. The single Bantu should ultimately be housed in cottage hostels. The flow of Bantu to industry in the Western Province should be very carefully controlled, because it not only created a Bantu problem and a Bantu housing problem, but also caused social problems of major consequences to another portion of the population in the area, namely the Coloured

population. Thus the Bantu themselves, as well as the Coloured population, would benefit in some ways from the policy of gradually reducing their numbers in the Western Province and in the meantime not allowing them to take root there.<sup>230</sup>

236. On the same date (28 January 1955) Professor J. L. Sadie, on behalf of the Executive Committee of SABRA (South African Bureau of Racial Affairs), published a commentary on Dr. Eiselen's statement; the *Cape Times* of that day summarized his commentary in the following terms:

"Referring to the protests made by a section of the Press and economically interested groups, the statement said it was only natural for individuals and groups to criticize policies which they thought would be to their disadvantage. But, at the time, it could not be expected that the Government of a nation should regard the interests of one particular group as of the greatest importance.

"The attainment of a high standard of social well-being, the aim of any Government, was the product of several factors and the maximum material advantage was only one of these factors.

"This does not imply that the importance of material welfare is assessed lightly. What is meant is only that striving after economic progress must be linked with wider social considerations, just as it can be expected that the striving for such wide aims should go with a minimum of economic disadvantage if such disadvantage is unavoidable.

"The declared policy of Dr. Eiselen is based on the broad social considerations named above. That he was well aware of the economic implications of it, must be accepted as obvious, as indeed is clearly shown by his lecture . . .

"There are times and circumstances in the life of a nation when it can be expected of the individual members that they will look ahead farther than the immediate future. We are now in such times and circumstances."

237. The *Cape Times* replied as follows to that statement by SABRA in an editorial of 2 February 1955:

"The long SABRA statement on the Eiselen line issued last week does not really take the argument much farther. The project must stand or fall on its economic feasibility. None of the SABRA arguments has convinced us that the Western Cape can manage without scores of thousands of Native labourers, whether the thinning-out process takes a year or a generation. SABRA argues that if the Natives are reduced over a period of, say, 15 years at the rate of 8,000 a year, industry in the Western Cape will be able to adjust itself by more mechanization and rationalization, by engaging the 8,500 Coloured workers who come into the labour market annually . . .

"The argument is neat. But it rests on the assumption that industry, commerce and agriculture in the Western Cape will be static. Do any of us want the economy of the Western Cape to remain static while the economy of the rest of the country expands? . . . An expanding economy means that there is an increase not only in the production of existing factories, but an increase in the number of factories. And that increase demands an increase in the total number of employed persons . . .

"There is another vitally important point. The Minister has made it clear that we shall continue at least for a long time to enjoy the services of migrant workers. SABRA, like ourselves and the Liberals, ardently desires that the Native Reserves be developed. That development will demand labour. It will demand good labour. It will also demand money; much money. If, as the migrant labour system demands, most of the able-bodied and enterprising

<sup>230</sup> *Ibid.*, col. 197-207.

Natives are absent from the Reserves during the greater part of their active life, the Reserves will have to be developed by the women and the aged and infirm. The Keiskamashoek reports show the sort of thing that happens. If, on the other hand, labour is diverted on too large a scale from the European areas to development work in the Reserves, our economy will be throttled, and Mr. Louw will be puzzled to find the money to pay for development in the reserves. This indeed is the crucial point. We cannot do our simple duty of reclaiming the reserves—we believe the Tomlinson Commission will hear us out if its report is ever published—without spending vast sums of money. That money can come only from the general taxpayer. The general taxpayer can pay a higher aggregate of taxes only if mining, industry and agriculture remain prosperous. They cannot remain prosperous without labour. That is the real difficulty. Total *apartheid* will not involve merely the bearable though heavy sacrifices envisaged by SABRA. It will mean stagnation, hunger, and hardship; leading to the inevitable end of integration, but probably through dreadful events instead of under control.”

238. Professor Sadie and Professor Olivier in their turn issued a reply to this editorial, in the name of the SABRA Executive Committee, which was published by the *Cape Times* on 10 February 1955:

“Let us stress once more that the problem of whether the Bantu should eventually be eliminated from the Western Cape cannot be solved simply by finding an answer to the question: ‘Is such a project economically convenient or not?’

“Much more important issues are at stake. The electorate must decide whether they are prepared to countenance the socio-political consequences which do, of necessity, arise out of the utilization of Bantu labourers and their residence in ever-increasing numbers in non-Native areas.

“If they are prepared to accept that the powers of Government will eventually be in the hands of the Bantu—this must be the ultimate outcome of the economic integration, long though it may take—Native policy will become a very simple matter, and there will be no need for discussions on economic feasibility. If they will not acquiesce in this outcome, they have to devise ways and means whereby possible detrimental economic effects of a policy of separate development—or whatever one wishes to call it—can be reduced to a minimum.

“This is the choice. To repeat, the project does not stand or fall on the question of its economic convenience or inconvenience. It would obviously fall if it were economically impossible, but such we believe is not the case . . .

“You maintain that the arguments in the SABRA statement ‘rest on the assumption that industry, commerce and agriculture in the Western Cape will be static’. Your inference appears to us to be wrong. Nobody will dispute the fact that expansion requires more labour, but it is certainly not true that economic development requires as of necessity more Bantu labourers and more individuals. Labour can also be White and Coloured—these population groups are growing in number—and better quality of labour and better utilization thereof can be equivalent to more labour . . .

“We do not desire a ‘static’ economy in the Western Cape, and, although we cannot agree with your motivation, we are as optimistic as you are in believing that even if we tried to keep the economy static we should fail to do so. We have pleaded for the restraint of only one of the many factors conditioning economic development.

“This leaves many other variables which can be manipulated and changed. Some of these are: many jobs at present held by Bantu need not be filled when their numbers are decreased; rationalization of the use of labour without any expenditure on new machinery; mechaniza-

tion; better training facilities for labourers; the entry of White workers into the labour market as a result of natural growth; the annual increment in Coloured workers; seasonal Bantu labour; immigration of Whites; making advice available to business men, industrialists and farmers on scientific management and on the better utilization of their labour . . .

“We trust you do not expect your readers to take your concluding remarks very seriously. ‘Total *apartheid*’, you write ‘. . . will mean stagnation, hunger and hardship . . .’ We would like to submit that stagnation, hunger and hardship do not follow in the wake of economic development, of investment, of the employment of idle resources, of a better utilization of available labour. We cannot appreciate how the economy can be crippled if employment, purchasing power and the national income increase. These would be the results of an ambitious programme of developing the Native reserves.

“We had always believed that you had, among others, the interests of our Bantu population at heart. Here you have an opportunity of demonstrating your interest in their welfare, because the Native Reserves are the only areas where the Bantu population will, under existing circumstances, have scope for full development where their promotion will not be hampered by institutional barriers, etc. Of course, the development of the Native Reserves will cost time and money. So has the productive apparatus which to-day is responsible for the level of our national income . . .

“May we point out in conclusion that it is entirely wrong to speak of the ‘removal’ of the Natives from the Western Province; this term could only be applied in connexion with those Native families who have already settled in the Western Cape. The majority of our Native labourers in the Western Cape are migrant labourers, and a reduction of their numbers could easily be effected by the application of the existing labour bureau and influx control machinery.”

239. Other opinions were favourable to the policy expounded by the Minister of Native Affairs. On 1 February 1955, the Cape Town Council unanimously adopted a motion, submitted by Professor F. Smuts, congratulating the Minister on his recent statement on the problem of the Natives in the Western Province. The Council also expressed its fullest support for the steps contemplated by the Department of Native Affairs in that respect.<sup>231</sup>

240. On 4 March 1955, speaking at a meeting of the Cape National Party, Dr. Verwoerd [The Minister] reverted to the question and amplified his previous remarks.

The *Cape Times* of 5 March 1955 reported his speech in the following terms:

“He said that in the sphere of race relations no part of South Africa was in such danger as the Western Province.

“If the colour policy of the United Party was followed, the Western Cape would become the first part of a black South Africa.

“The Government’s Native policy for the Western Province was for its protection and in the interest of the Bantu and South Africa.

“A reasonable and gradual process was envisaged by which, when the Native was not needed, he would not remain to be a burden or a danger. The interests of everybody had been reckoned with.”

241. According to the *Johannesburg Star* of 11 March 1955, the Minister of Native Affairs also wrote a letter to the Cape Town Chamber of Industries stating

<sup>231</sup> *Cape Times*, 2 February 1955.

categorically "that there is no intention to curtail the manpower actually required in the Western Cape".

The same newspaper published the comments of the Chamber of Industries, which stated:

"The Minister's affirmation was regarded [by the Chamber] as satisfactory if it was related to the factual situation.

"Native workers were needed in industrial, agricultural, commercial and domestic activities which were essential to the Western Cape. This need was of a continuing nature, and there was no apparent likelihood of its being supplanted by other forms of labour in certain occupational categories.

"The Chamber agreed that a fully rational use of Coloured manpower should be made, and it was prepared to encourage this use of Coloured labour on the understanding that it raised White workers to more productive, useful and gainful occupations.

"The use of Native labour had not displaced but had promoted Coloured labour.

"The Chamber agreed that a family flood of Natives was not desirable and that reasonable influx control was necessary. A certain proportion of non-migratory Natives was essential to meet manpower requirements.

"Provided the labour requirements of employers could be met, it would be in the interests of everyone if the socio-economic conditions of the Western Province were not allowed to become too involved. This objective could be achieved without unduly limiting the Native labour necessary for existing and potential industries."<sup>232</sup>

242. The Commission particularly wishes to mention the protest made by the Cape Town Branch of the National Council of Women of South Africa, which includes the following passage:

"Few people have protested on moral and social grounds . . .

"We feel very strongly that the voice of women—wives and mothers—should be added to these protests. Family life is a precious thing, and invaluable to any nation.

"These new measures seem to us to be striking at a very defenceless group of families. The moral and social implications of the removal of all Africans from the Western Province are equally as grave as the economic ones. One has only to think of the situation in terms of the misery and suffering such a policy will entail on the Africans themselves, to realize that no South African of any colour or creed can allow it to be carried out unless he or she is completely without conscience and blind to decent human values.

"Africans are human beings, not units to be shifted around the country like so many cattle. They long for security in living and working, for they, too, value the homes which they have struggled to set up, however humble these may be, and like every one else, they enjoy the social amenities of being members of a community. To deny them these elementary human rights is a brutal measure."<sup>233</sup>

243. Subsequently, in the Senate, Senator Ballinger while introducing a motion<sup>234</sup> on the policy of *apartheid* and examining the economic aspects of that policy, recalled the case of the Native workers of the Cape who were to be removed. According to the Government that removal would be spread over a long period, but the problem was left in a state of suspense, as everybody realized that the Cape Province could not do without African labour. The reply was that migrant labour would

increase. Such an increase would, however, be contrary to the conclusions of the Native Mine Wage Commission of 1943, which had been in favour of progressive elimination of migrant labour; moreover, in 1939, the International Labour Organisation had framed a Convention for the abolition of migratory labour in all its forms. Opposition to migrant labour was particularly due to the fact that it broke down family life.<sup>235</sup>

244. During the same debate Senator Rubin dealt in detail with the problem of the Natives in the Western Province. He said that the whole question had begun with a statement by Dr. Eiselen at a meeting of SABRA to the effect that the tendency of expansion of the Western Province would be to open wide the doors to a further influx of Natives, which would create a real danger. The Europeans as guardians of both the Coloured people and the Natives had the obligation to act. He [Dr. Eiselen] had expounded a long-term policy to be carried out in stages: (1) the removal of foreign Natives, the freezing of the present position with regard to Native families and the limited introduction of single migratory Native workers to provide for the most urgent needs; (2) the removal of the Natives who came from the Protectorates, the reduction of the number of Native families and the gradual replacement of migratory workers by Coloured workers. Mr. Rubin observed that not a single African had come forward to thank the Minister of Native Affairs for the concern he was showing about the welfare of the Africans, while in the Coloured community the reaction had been prompt and unequivocal. Leading spokesmen of the Coloured community in Cape Town had denied that the community needed economic protection; they had stressed that statements that the Natives were taking the bread out of the mouths of the Coloured were not only misleading but mischievous. Others had described as un-Christian and inhuman the proposal to move African people from an area like herds of cattle. There was no doubt that Dr. Eiselen's announcement had come as an absolute bombshell to industry in the Cape Province. The Chamber of Industries had reacted by stating that the policy of ultimately removing all Natives from the Western Cape, as stated by the Secretary for Native Affairs, was completely unrealistic and impossible to implement; it had added that such a policy would give rise to harmful uncertainty in wide and important industrial and agricultural areas; it had further recalled that the Minister of Native Affairs had expressed himself as extremely anxious that the Langa-Nyaga project should be expedited. The Chamber questioned whether Dr. Eiselen's statement was consistent with the policy of the Minister. In Senator Rubin's opinion, something was wrong somewhere. He recalled that the Worcester Industrialists' Association had protested in very strong terms. It had supported the above-mentioned statement of the Cape Chamber of Industries and had added that the secondary industries of Worcester found the utmost difficulty in getting non-European labour, whether Native or Coloured.

Since then the Minister had admitted that the number of Africans in the industrial area of the Cape would increase for an indefinite period and had added that there was "no intention to curtail the manpower actually required in the Western Cape". Mr. Rubin then recalled the views of the Industrial Legislation Commission of Inquiry, as reported in 1951. That Commission had not believed that the industries in South Africa could con-

<sup>232</sup> *The Star*, 11 March 1955.

<sup>233</sup> *Cape Times*, 15 February 1955.

<sup>234</sup> See chap. II, sect. I, above.

<sup>235</sup> *Senate Debates, Official Report*, No. 3, 2 to 4 March 1955, col. 125-126.

tinue to compete successfully with overseas industries unless, as in the past, they employed large numbers of Natives. Lastly, Mr. Rubin asked the Minister three questions which still required answers: (a) How was the Coloured man who, according to the Minister, was going to replace the African, to be forced down the economic scale from the position of a semi-skilled worker to the position of an unskilled worker? (b) Who would replace the Coloured man when he had left that area of semi-skilled work which he occupied? (c) If the African was to live in the Reserves but to come into the urban areas to serve the needs of the White man in industry, who was to do the work of developing the Reserves?

Lastly, Senator Rubin touched on the moral and ethical aspect of the problem and said, in conclusion, that the proposal to remove a whole community was morally indefensible and economically ruinous.<sup>236</sup>

### C. "WHITE SPOTS" IN THE TRANSKEI

245. In November 1954, Dr. W. W. M. Eiselen wrote a letter to the Town Clerk of Umtata informing him that:

"Umtata can only be regarded as a temporary European town serving the interest of the Natives in a Native area. With the passage of time and as the Native develops he will assume the activities at present performed by the European. The Department of Native Affairs is not therefore in favour of further expansion of European interests in the town."<sup>237</sup>

246. The publication of this letter produced a violent reaction. The following are typical Press comments:

On 22 April 1955, *The Star* published an article which included the following passage:

"The 3,500 European inhabitants of Umtata—a 'White spot' in the middle of the Union's biggest Native area—face an uncertain future. The town, a thriving modern municipality with a gross value of £2,250,000 has been declared by the Government to be a 'temporary' White town.

"This decision was disclosed to the Umtata Town Council by the Secretary for Native Affairs, Dr. Eiselen.

"It has aroused widespread consternation among residents, caused a sharp drop in land and building values, and placed in jeopardy the development of a proposed £40,000 industrial township and a £200,000 extension to the town's electricity distribution system."

On 3 May 1955, the *Cape Times* published the following article:

"All expansion of industry and other European interests in the Transkei had now stopped, and there was no hope that permission would be granted by the Department of Native Affairs for extensions, Mr. C. W. Prinsloo, chief information officer of the Department, said here yesterday.

"Natives who have lived in the so-called White spots, sometimes on freehold land in European areas in the Transvaal and other provinces, have been moved, are in the course of being moved or will in future be moved. In all fairness, then, why should we permit expansion of European interests in Native areas?"

<sup>236</sup> *Ibid.*, 7 to 11 March 1955, col. 522-536.

<sup>237</sup> The above text was reproduced in *The Star* on 22 April 1955. The tenor of this letter had apparently not been known before that date. In fact, on 6 May 1955, the same newspaper published the following item: "It was disclosed today by Mr. C. W. Prinsloo, Chief Information Officer of the Department of Native Affairs, that it was in November 1954 that the letter of Dr. W. W. M. Eiselen, Secretary for Native Affairs, had been addressed to the Town Clerk of Umtata."

"Besides Umtata there were 25 White spots in the Transkei which would in the long run be cleared of permanent European residents. The population of the small settlements ranged between 50 and three or four hundred.

"Another source puts the European population of the Transkei at about 18,000.

"Mr. Prinsloo said that Umtata and the other European settlements should be regarded as temporary European townships which would in time be taken over by Natives as they progressed in their development and became able to manage their own affairs.

"The Department is not in favour of and will not permit any further development of European interests in these townships.

"The principle had to be honoured that if Natives were moved from Black-spots in European areas, Europeans would have to be removed from White-spots in Native areas.

"Some members of the Opposition have protested against the attitude adopted by the authorities."

247. On 4 May 1955, the *Cape Times* reported the statements of Mr. Strauss and Mr. Hughes relating to this question:

"The announcement by the Department of Native Affairs that all expansion of industry and other European interests in the Transkei had now been stopped was as big a shock as the recent decision by the Minister of Native Affairs, Dr. Verwoerd, to limit industrial expansion in the major urban areas, said the Leader of the Opposition, Mr. Strauss, in a statement yesterday.<sup>238</sup>

"Mr. Strauss accused Dr. Verwoerd of threatening the Transkei's development. The policy was not in the interests either of the Europeans or the Natives. The Native reserves were part and parcel of the Union's economy and could be separated 'only at our peril' . . .

"Mr. Strauss said that Mr. Prinsloo's statement was premature 'in view of the eagerly-awaited findings of the Tomlinson Commission, which may contain entirely different proposals for the industrial development of the Reserves under European leadership'.

"It would be many decades before Dr. Verwoerd's policy could succeed in the face of economic realities.

"Mr. T. Gray Hughes, United Party M.P. for Transkeian Territories, said in an interview that the alarming aspect of Mr. Prinsloo's statement was that it was calculated to frighten capital away from the Transkei . . .

"Mr. Hughes said it was impossible for Natives within the foreseeable future to take over the services provided by Europeans, including commercial activity.

"The Europeans know the needs of the Natives in the Transkei. The Natives, for their part, realize that unless the Europeans are forced out by direct Government intervention, they will be there for as long as Natives are permitted to remain in the so-called White areas.

"The Natives in the Reserves were being led to believe that they would soon step into the Europeans' shoes at no cost to themselves.

"Much anti-White feeling will be aroused when they discover that the millenium is not at hand—and this feeling will not be confined to the Transkei."

248. Various protests from Europeans in the Transkei itself were also reported in the Press.

In particular, the *Cape Times* published the following:

"The local Chamber of Commerce and other public bodies and local authorities in the Border have been invited to take part in a protest meeting on May 21 in

<sup>238</sup> See chap. II, sect. VII A, above.



Umtata to discuss the Government's *apartheid* policy in the Transkeian territories . . .<sup>230</sup>

"The 20,000 Europeans of the Transkeian territories are demanding that their future in the territories be made clear by the Government. A meeting here on Saturday decided to send a statement to the Minister of Native Affairs, Dr. Verwoerd, asking him for his opinions.

"About 150 delegates from the Transkeian territories and parts of the Border attended the meeting to consider what action should be taken about the Government's policy affecting Europeans of the best territories.

"If no reply is received to the statement a deputation of three will be sent to interview the Minister.

"He will be asked to clarify the position 'by means of a concise and considered statement'.

"He will be asked for an assurance that he does not intend to take steps to change legislation under which traders and their stations operate . . ."<sup>230</sup>

The Transkeian Territories European Civic Association at its annual congress also discussed the problem raised by the Government. The following is a Press report of that meeting:

"The cost of compensating Europeans in the Transkei would be so enormous that the Government would hesitate to eliminate the 'White spots' in the Transkei if they became aware of the expense involved, Mr. Ivan King, of East London, told the annual congress of the Transkeian Territories European Civic Association at Umtata today.

"Mr. King urged the traders not to budge, but to stick to their rights and not get cold feet. Traders must do something to show the Government what their action would cost . . .

"A central committee should then draw up a memorandum giving the total value of the whole of the Transkeian territories and also the total amount for services to the Native community."<sup>231</sup>

249. The *Cape Times* of 5 May 1955 compared the situation created by Mr. Prinsloo's statement in the Transkei with that created by Dr. Eiselen's statement at the Annual Congress of SABRA concerning the Western Cape Province:<sup>242</sup>

"It looks as if the Prinsloo Line in the Transkei will shortly tangled into the same sort of maze as the Eiselen Line in the Western Province. The two affairs follow an almost identical pattern. In each case an official of the Department of Native Affairs made a statement which seemed on the face of it a declaration of clear-cut policy about the implementation of which there could be no doubt. The only difference is that whereas the Eiselen Line contemplates the eventual removal of Natives from a particular area, the Prinsloo Line contemplates the removal of Europeans. In each case the Minister, instead of saying 'Yes' or 'No', or giving a clear lead to the country, has referred to previous policy statements in such terms that the country does not know what's what. There even seems to be some disagreement between officials of the Native Affairs Department about its legal powers in the matter. Whereas Mr. Prinsloo said that all European settlements in the Transkei (including Umtata) would in time be taken over by the Natives, and that the Department 'is not in favour of and will not permit any further development of European interests' in these townships an official of the same Department told our evening contemporary yesterday that 'the factual position is that the Department of Native Affairs has no more power to stop a European from settling or buying property or opening a

<sup>230</sup> *Cape Times*, 4 May 1955.

<sup>240</sup> *Cape Times*, 23 May 1955.

<sup>241</sup> *The Star*, 26 May 1955.

<sup>242</sup> See chap. II, sect. VII B, above.

store in Umtata or any other Transkeian town than in Cape Town'. The Minister referred to a speech in 1951 in which he said that Native development in Native areas would in time automatically lead to the elimination of European traders, whom he would not protect from Native competition. A situation which should be clear is confused, and as Mr. T. Gray Hughes pointed out in an interview published in the *Cape Times* yesterday, it may lead to excessive expectations among Natives in the Transkei, leading in turn to dissatisfaction when those expectations are disappointed. Moreover, as Mr. Strauss, has pointed out, the Prinsloo statement is premature in view of the eagerly-expected report of the Tomlinson Commission, which will deal with the whole question of Native Reserve development. Dr. Verwoerd's Department has a magnificent ability to create disquiet and doubt."

#### D. NATIVE RESIDENCE AND HOUSING IN URBAN AREAS

250. In its second report, the Commission drew attention to the progress made in Native housing construction in urban areas (A/2719, para. 158). Despite this progress, the situation is still serious, as the following report indicates:

"The Director of the National Building Research Institute, Mr. J. E. B. Jennings, puts the number of dwelling units needed for the Natives in the Union at 167,328 and the estimated number likely to be needed over and above this in the course of the next ten years at 185,813. If you put the two figures together it means that to be abreast of our requirements in ten years' time a yearly programme of 35,000 units must be carried out, or not far short of a hundred and thirty per working day. It seems an exceedingly formidable challenge, especially, perhaps, on the financial side, but Mr. Jennings believes that it could be met without undue strain on the country's resources. Such a claim would have been ridiculed as absurd only a few years ago, but the situation is very different today. The change is due to the enthusiasm and vigour with which some local authorities have grappled with their share of the task. A most welcome feature of this admirable achievement is the contribution being made by the growing number of Native artisans who are acquiring the special building skills needed for assuming the major share in the colossal task of housing their own people."<sup>243</sup>

#### 1. Problems resulting from the implementation of the Native (Urban Areas) Amendment Act, No. 16, 1955

251. It seems likely that the recently enacted Native (Urban Areas) Amendment Act, No. 16, 1955<sup>244</sup> will give rise to new problems, particularly at Johannesburg. Indeed, the following report was published in the Press a few days before the Bill was passed:

"A protest against the Bill was voiced by Mrs. Jean Sinclair, a member of the Johannesburg City Council . . .

"In a short while the Native Urban Areas Amendment Bill will be Law; Dr. Verwoerd's bureaucratic empire will be greatly increased; and once again, as so often when Native rights are restricted and curtailed, it is not the Natives only, but the community as a whole that will suffer.

"Johannesburg is without doubt the principal 'urban area' at which this new restrictive measure is aimed. Yet how many Johannesburg citizens know the details of this pernicious Bill, or how it will affect their lives and multiply their city's problems?

"Under the previous Urban Areas Act, it was the City Council, as the local authority, that saw to the provision of locations and housing for the Natives in its area. Only

<sup>243</sup> *The South African Outlook*, 2 August 1954.

<sup>244</sup> See chap. I, sect. I e.

where it failed to do its duty was the State empowered to act independently and to saddle the city with the costs.

"The amending Bill, however, works on a very different principle. The Minister may, in future, order the removal of any locations; and however extravagant, ill-timed, or prejudicial to race relations these removals might be, he can oblige the city council to carry them out and to pay the costs.

"This is the principle behind the 'locations in the sky' clause<sup>245</sup>—the only part of the Bill that so far has been at all widely discussed. What must be stressed, however, is that the powers given in this Bill go far beyond the 'locations in the sky'.

"Any location, any urban area or its environs, falls under the Minister's authority; and though provision is made for consultation with the local authority he is in no way bound to take the advice offered . . .

"The powers are all on the Minister's side: the difficulties and the financial burdens fall on the local authority (the Johannesburg City Council) and the citizens.

"Worst of all is the extraordinary definitions of 'accommodation'. In terms of this Bill, it is no longer necessary to provide an alternative 'dwelling-place' when ordering such wholesale removals.

"The number of the homeless will be vastly increased, as Dr. Verwoerd plays his *apartheid* checkers on the Johannesburg map.

"Even the elementary human right that people shall not be turned out of their homes, without providing another place for them to live, has been ignored.

"A serviced site, is not 'accommodation' however the Bill may define it. Yet tens of thousands of people may thus be removed with a resultant economic and social problem for Johannesburg that one shudders to envisage . . .

"The number of single male Natives in Johannesburg who are now waiting for hostel-accommodation is already 13,485. With a possible additional 18,793 displaced flat-servants (male and female) to be provided for, the problem will be more than doubled."<sup>246</sup>

252. After the new Act became law, the Chief Information Officer of the Department of Native Affairs, Mr. C. W. Prinsloo, made the following statement:

"The first stage of the 'location-in-the-sky' clearance operations under the Native (Urban Areas) Act would be applied in the major urban areas immediately.

"This would be to remove the tens of thousands of Natives who unlawfully occupied private rooms in the European residential areas.

"It was expected that this operation will take several years.

"In the next 12 months flat owners, owners of other institutions and of large homes in luxury suburbs must apply to local authorities if they want to have more than five Native servants living on the premises.

"Discretion would be exercised in applying the provisions of the Act.

"Those lawfully in occupation would not be disturbed for at least 12 months.

"Mr. Prinsloo said that Natives considered least needed would not be granted permission to live in. This would apply to chauffeurs and cleaners.

"Natives necessary for the efficient working of flats and institutions, such as boiler attendants and night watchmen would not be interfered with.

"Those who were 'absolutely necessary' would not be moved."<sup>247</sup>

## 2. Site and service schemes

253. Mention should be made of the efforts of city councils to deal with the Native housing crisis in urban areas with the help of State subsidies. The measures taken in this connexion include the increasingly frequent use of site and service schemes. Under these schemes, the city councils with State financial assistance, provide the Native with a plot of land (stand), on which rudimentary roads, and water supply and drainage systems have been constructed and furnish materials for the building of a temporary shelter. The Native later builds a permanent house on the site himself.

Schemes of this kind have been successfully used in many places, for example at Vlakkfontein (Pretoria) 2,000 houses had been built on 8,000 stands by last autumn<sup>248</sup> and at Daveyton (Benoni) it is planned to build a township capable of accommodating 80,000 Natives in an area of 3,000 acres. By the end of March 1955, 2,000 Natives had occupied houses at Daveyton. All the houses are being built by Native builders and no house will cost more than £250.<sup>249</sup>

254. On 22 January 1955, the following report on the progress of the Benoni scheme appeared in *The Star*:

"The biggest planned Native housing scheme at Benoni will be a scheme run almost entirely by the Bantu themselves.

"There will be an engineering staff of three Europeans, 400 Bantu artisans and hundreds of Bantu labourers. There will be an administrative staff of about 30 Europeans and 300 Bantu.

"There will also be Bantu health inspectors and police—with a European in charge. Bantu doctors will be encouraged to set up practices.

"Mr. J. G. Mathewson, manager of non-European Affairs Department there, said that later when the Bantu have been trained to take the higher posts, we hope to reduce the Europeans to an handful.

"The planned amenities include a 36-acre sports ground, at least one swimming bath, football and cricket fields, two cinemas, a crèche, an old people's home and a large civic centre.

"The 13,000 houses will be let at rentals from £2 2s. to £3 a month, depending on size and there will also be hostels for single people.

"The township is 11 miles from the centre of Benoni, but near to planned and existing industrial areas."

255. Other city councils have embarked on similar schemes. The Durban City Council for example, has announced an extensive programme involving an expenditure of £1,228,000 for the year 1955-1956.<sup>250</sup>

256. Though long reluctant to do so, the Johannesburg City Council has also finally decided to embark on site and service schemes, as the following report indicates:

"Within the next fortnight the first families will be moved to the city's first site-and-service scheme.

"Initially there will be 1,243 serviced sites. As in all future moves, one-quarter of the families will come from the slums of Shanty-Town, one-quarter from the crowded

<sup>247</sup> *Cape Times*, 17 May 1955.

<sup>248</sup> *The Star*, 11 September 1954.

<sup>249</sup> *Bantu*, April 1955.

<sup>250</sup> *The Star*, 12 April 1955.

<sup>245</sup> The accommodation of Native servants on the top floor of European apartment buildings.

<sup>246</sup> *The Star*, 30 April 1955.

Areas. Solidarity of people of the same ethnic group is a natural phenomenon, as is shown in the history of many countries and peoples.

The Bantu has displayed a tendency to live together in various regions, and it seems logical to apply this principle to the establishment of natives in urban areas. Bantu representatives accept the principle of ethnic grouping when duly informed about its meaning; they only object if they are ill-advised or when they show hostility against their own Bantu tradition because they are looking for equality with the whites.

As stated before, ethnic grouping can be based on linguistic criteria. It has been established that there are seven Bantu languages which are also recognized by the school authorities as respective mother tongues. If all seven languages were found in a certain area, ethnic grouping could be effected in the three main categories; however, in practice, it will hardly ever be necessary to establish neighbourhoods on this separation into three categories. The advantages of ethnic grouping are both psychological and factual and preserve for the Bantu that which we prize ourselves in our own community: firm tradition, respect for natural leaders, preservation of the mother tongue and mutual loyalties.<sup>253</sup>

257. The following information appeared in the July 1955 issue of *Bantu*:

"The number of Bantu who would eventually be rehoused in decent houses on a regional basis on the Reef, is . . . estimated at 167,000 . . . Benoni 40,000; Springs 18,000; Brakpan 8,000; Boksburg 10,000; Rodepoort 40,000; Krugersdorp 14,000; Germiston 20,000 and Edenvale 17,000. Other large rehousing schemes planned are Port Elizabeth 60,000; Durban 30,000; and Cape Town 20,000."

258. The Commission pointed out in its first report that the Bantu are not a uniform ethnic group and belong to a number of linguistic groups, the largest of which speak Xhosa (30 per cent), Zulu (20 per cent), South-Sotho (11.1 per cent), Sepedi (9.8 per cent), Sechuana (7.4 per cent) and Shangaan (4.7 per cent) (A/2505 and Add.1, paras. 317 and 318).

259. On 2 September 1954, the Press announced that the Department of Native Affairs had addressed a circular to all local authorities of the Union informing them of the Government's intention to apply the system of ethnic grouping as a general policy in all urban areas inhabited by Natives:

### 3. Implementation of the policy of ethnic grouping

It is stated in the circular that the Department of Native Affairs has adopted as a general policy the system of ethnic grouping, and that the Bantu locations in urban areas should be organised and planned on that basis. The system of ethnic grouping has been applied for years in the mining villages. It presents many advantages in connexion with schooling, tribal discipline, municipal management: schooling through the mother tongue will be facilitated, the community feeling will be strengthened, and tribal discipline will be improved through better contact with the tribal authorities. The circular recommended that even in existing localities, ethnic classification should be applied, although gradually, whenever houses were replaced or evacuated.<sup>252</sup>

260. On 9 September 1954, the Minister of Native Affairs made the following statement explaining the Government's policy:

The Minister explained in his statement that ethnic grouping is based on linguistic characteristics and is applied in various British territories in Africa.

Experience has proved that ethnic grouping does not give rise to difficulties unless it is established for bachelors living outside families and when it is enforced in slum

The actual date for the start of the scheme will be decided at a meeting of the Non-European Affairs and Housing Committee of the City Council next Wednesday.

"In most cases this first move will be just across the road. The sites occupy two vacant pockets in existing locations, one west of Jabavu and the other immediately north of Moroka, so the people will not be moving far from home, friends and neighbours.

"The squalid, tightly-packed, unhealthy blot that is Shanty-Town is already 11 years old. The City Council will be relieved and happy when this blot is wiped off the fact of Johannesburg and so will the Natives.

"It is hoped that by the end of this year between 4,000 and 6,000 Natives would have been moved to serviced sites, each with their own toilets and easily available water. After that the programme would be 10,000 families a year."<sup>251</sup>

257. The following information appeared in the July 1955 issue of *Bantu*:

"The number of Bantu who would eventually be rehoused in decent houses on a regional basis on the Reef, is . . . estimated at 167,000 . . . Benoni 40,000; Springs 18,000; Brakpan 8,000; Boksburg 10,000; Rodepoort 40,000; Krugersdorp 14,000; Germiston 20,000 and Edenvale 17,000. Other large rehousing schemes planned are Port Elizabeth 60,000; Durban 30,000; and Cape Town 20,000."

### 3. Implementation of the policy of ethnic grouping

258. The Commission pointed out in its first report that the Bantu are not a uniform ethnic group and belong to a number of linguistic groups, the largest of which speak Xhosa (30 per cent), Zulu (20 per cent), South-Sotho (11.1 per cent), Sepedi (9.8 per cent), Sechuana (7.4 per cent) and Shangaan (4.7 per cent) (A/2505 and Add.1, paras. 317 and 318).

259. On 2 September 1954, the Press announced that the Department of Native Affairs had addressed a circular to all local authorities of the Union informing them of the Government's intention to apply the system of ethnic grouping as a general policy in all urban areas inhabited by Natives:

It is stated in the circular that the Department of Native Affairs has adopted as a general policy the system of ethnic grouping, and that the Bantu locations in urban areas should be organised and planned on that basis. The system of ethnic grouping has been applied for years in the mining villages. It presents many advantages in connexion with schooling, tribal discipline, municipal management: schooling through the mother tongue will be facilitated, the community feeling will be strengthened, and tribal discipline will be improved through better contact with the tribal authorities. The circular recommended that even in existing localities, ethnic classification should be applied, although gradually, whenever houses were replaced or evacuated.<sup>252</sup>

260. On 9 September 1954, the Minister of Native Affairs made the following statement explaining the Government's policy:

The Minister explained in his statement that ethnic grouping is based on linguistic characteristics and is applied in various British territories in Africa.

Experience has proved that ethnic grouping does not give rise to difficulties unless it is established for bachelors living outside families and when it is enforced in slum

As stated before, ethnic grouping can be based on linguistic criteria. It has been established that there are seven Bantu languages which are also recognized by the school authorities as respective mother tongues. If all seven languages were found in a certain area, ethnic grouping could be effected in the three main categories; however, in practice, it will hardly ever be necessary to establish neighbourhoods on this separation into three categories. The advantages of ethnic grouping are both psychological and factual and preserve for the Bantu that which we prize ourselves in our own community: firm tradition, respect for natural leaders, preservation of the mother tongue and mutual loyalties.<sup>253</sup>

261. The South African Institute of Race Relations, on the other hand, is opposed to the principle of separation according to ethnic groups, which it regards as "retrograde":

"A most retrograde step", is how the Institute of Race Relations regards the plan of the Minister of Native Affairs to resettle Africans moved from the Western Areas of Johannesburg to Meadowlands 'on a tribal basis'. The Institute is convinced, from its experience of the urban situation, that any attempt to divide urban Africans into ethnic and language groups for residential purpose will not only fail in practice, but is in direct conflict with the unmistakable course of development of the urban African community, which gives clear evidence of the progressive weakening of tribal bonds. . . .

"The already substantial and ever increasing incidence of inter-tribal marriage is one of the many proofs of the breakdown of tribal exclusiveness.

"The effect of urbanization of industrialization has been to weaken tribal bonds and establish other bases of social grouping. An employer does not select a presser or a packer because he is a Zulu or a Tswana, but because he is presumed to be able to press or to package. The effect is to teach Africans to work and live together, irrespective of tribal groupings. The new relationships are influenced by economic activities and class levels. Common religious, occupational, cultural, recreational and political interests have to a very considerable extent replaced tribal bonds as the basis for friendships and organized association. Membership of a *manyano* (women's church group), for example, or of a football club or teachers' organization means more than membership of the same tribe and cuts across it. This is a normal process and should be welcomed, not obstructed . . .

"The Institute is of opinion that the enforcement of ethnic separation in urban areas will create great and probably insuperable practical administrative difficulties; that it is extremely unlikely to give rise to the benefits the Minister envisages in connexion with education; that by artificially halting the present processes which are breaking down tribal exclusiveness, it will increase tribal antagonisms and tensions. The Institute considers that this measure will further strain the relations between the Government and the Africans by giving rise, as it has already done, to the suspicion that it is a divide-and-rule device designed to hinder the development of African unity and the progress of the African people."<sup>254</sup>

<sup>253</sup> *Ibid.*, 9 September 1954.

<sup>254</sup> *South African Institute of Race Relations, Press Bulletin*, RR 149/54, 5 August 1954.

<sup>251</sup> *The Star*, 7 July 1955.

<sup>252</sup> *Die Transvaler*, 3 September 1954.

262. The *Bantu World*, which reflects the views of certain Native circles, has also expressed opposition to the policy:

"Ethnic grouping is not the correct name for dividing the Africans into tribes.

"Let us be clear on those terms. Scientists have reached general agreement in recognizing that mankind is one: that all men, whether they are white, black, brown or yellow, or whether they are described as Mongoloid, Negroid or Caucasoid belong to the species, *Homo sapiens* . . .

"Seeing that all the Africans . . . belong to one ethnic group, it has been decided to divide them according to language groups. The Nguni, Sotho and other sections lumped together, are to be the segments into which the people of Meadowlands are to be divided.

"The 'advantages' of this grouping do not make us feel we can . . . bless it. It is to us still that tribalism which we desire to place among anachronisms which we do not wish to see revived.

"This division may well simplify education, facilitate tribal discipline and tribal self-knowledge of more than one African unnecessary on the part of location superintendent. We, on the other hand, see it as a means of keeping the evil of tribalism alive, and preventing the Africans from welding themselves into one nation.

"Our only consolation is that the Africans have put their hand to the plough that cultivates the spirit of thinking of themselves first and foremost as Africans, and only incidentally as Zulus, Shangaans, Vendas, etc. They will not look back."<sup>255</sup>

263. The policy of ethnic grouping was first applied in the Daveyton township, near Benoni, in which development is being carried out simultaneously in each of the areas reserved for the three main ethnic groups constituting the Bantu population—the Nguni, the Sotho, and the Tsonga and Venda.<sup>256</sup> In an address delivered on 29 March 1955, Mr. J. E. Mathewson, Director of Non-European Affairs, Benoni, outlined the advantages of the system of ethnic grouping at Daveyton as follows:

"It is axiomatic that the best representation of a group of people is by one who is a member of that particular group, for he can understand in full measure the needs and trends of thought of his electorate. Whilst there may exist a similarity in the laws and customs pertaining to the various Bantu tribes, they differ materially in detail, and only a body of men of one and the same race can mete out absolute justice to defaulters of their kith and kin.

"In each ethnic group area of Daveyton a committee will be elected. It will be called a Ward Committee and will consist of a specified number of members each elected to represent a block of houses. Their main function will be the settlement according to the law and custom prevailing among them of disputes within their area, whilst they will also bring any subject affecting their ward to the notice of the main Township Advisory Board through their Advisory Board member. One Advisory Board member will be elected to represent a certain number of site-holders in each ethnic area . . .

"In the field of education, provision has been made in each of the ethnic group areas for adequate schooling facilities. Ample ground has been reserved to serve the population in this respect and the Department of Native Affairs (Bantu Education) is now erecting five large schools—one in each of the main ethnic group areas. Using the double session at present in vogue and until further facilities. Ample ground has been reserved to serve the for at each school. The schools are so sited as to be within

easy walking distance for a child living in any part of an ethnic group area.

"The control of each school will be in the hands of a school committee, the members of which will be residents of the ethnical area in which the school is situated. All these committees will be subject to the overriding authority of a school Board, on which each will have representation.

"This whole set-up not only contributes towards endowing the Bantu with more responsibility in his own affairs but provides for education to be disseminated in the mother tongue of the children. Those whose language at home is Zulu will be taught in Zulu. The advantages of mother tongue instruction are obvious. Teaching is simplified and resultantly of a highly standard and the benefits derived from schooling are increased. It makes the task of the teacher easier and leads to the development of an intensified community spirit. The preservation among the Bantu of their national tradition, with all its powerful influences for the good should be energetically encouraged and it is difficult to imagine anything that can contribute more towards that preservation than mother tongue instruction to children in the schools."<sup>257</sup>

264. The system of "ethnic grouping" has also been applied at Meadowlands<sup>258</sup> and it is to be applied in the new Native areas established by the Johannesburg City Council.

#### E. SPORTS: THE COLOUR BAR IN THE SELECTION OF ATHLETES FOR OLYMPIC GAMES

265. A glance at Bantu weeklies such as *Naledi Ya Batswana* (Johannesburg) and *Imwo Zabantsundu*<sup>259</sup> (East London) or the illustrated non-European monthlies such as *Africa!* (Johannesburg), *Drum* (Johannesburg) and *Zonk!* (Johannesburg) is sufficient to show the extent to which the Natives have taken up and are distinguishing themselves in European sports and how keen their interest in them is.

Perhaps no application of the colour bar is therefore more bitterly resented by the leading sportsmen among the Bantu youth of the towns than the "Olympic" bar enforced by the Union of South Africa. A long article published in *Drum* of May 1955 is typical in this respect. The salient passages of this article are as follows:

*"South Africa's colour bar breaks the Olympic law*

"[ . . . ] Melbourne, Australia, will be the venue of the next Olympic Games, in 1956. The games are held every four years in different parts of the world and all amateur sport is represented. All countries in the world are entitled to send teams to this great meeting and the winners in the various events are regarded as world champions.

"The highest authority that controls these games is the Olympic Games Association.<sup>260</sup> Every country taking part in the games is entitled to send a delegate to the Association's meeting. The delegates in turn choose a controlling body that meets from time to time and sees to it that the venue of the games conforms to accepted standards.

"Now every country has an Olympic Games Association<sup>261</sup> which has the final say in the selection of competitors, to the Olympic Games. This national body is elected by the country's various sporting bodies in those sports which are catered for at the games.

<sup>257</sup> *Bantu*, July 1955.

<sup>258</sup> See para. 126 above.

<sup>259</sup> These publications are written partly in indigenous languages and partly in English.

<sup>260</sup> Its exact title is the International Olympic Committee.

<sup>261</sup> Its exact title is the National Olympic Committee.

<sup>255</sup> *The Bantu World*, 29 January 1955.

<sup>256</sup> *Bantu*, April 1955.

"Since the inception of the modern Olympic Games in 1896, no non-white South-African has been selected to represent South Africa in any event. The question naturally arises as to whether the games are for the white races or not?"

"And the answer is that, according to the Olympic Games charter, the games positively do not debar anyone on grounds of 'race, colour or creed' from participation.

"According to the Constitution, however, no entries can be accepted unless they are recommended by the national Olympic Games association of a country from whom they come. In other words the international body cannot accept unattached entries.

"The fact that the Olympic Games are open to all persons regardless of colour, means that non-whites from South Africa *can* take part. It means, in effect, that the South African Olympic Games Association should not retain a colour bar clause in its constitution, and if it does it should not be entitled to retain recognition from the international Olympic body. South Africa, as such might not then be allowed to take part in the Games.

"Why is it that South Africa has never selected non-whites to represent the country at the Games? Is it because they are not good enough to merit selection? Or is it for some other reason?"

"It could not be that non-whites are not good enough, because they have never been given the opportunity of proving their abilities. The old argument that the times set by non-white athletes, for example, are far below those of the whites in this country does not hold water for it defies the very elementary law of statistics by comparing the incomparable.

"The white athletes have well-laid tracks, get specialized training and have the money to buy equipment, whereas the non-white has not got those facilities. Yet the times set by non-white athletes, considering the conditions, are good. Take Didideng Mokoena's 21.6 seconds for the 220 yards or Arthur August's 100 yards sprint in 9.6 seconds, Jikijele's throws in the javelin and others who, if given the right conditions, can better their times.

"It is evident, therefore, that the South African Olympic Games Association is unconstitutional and illegally practising a colour bar contrary to the charter of the Olympic Games. 'Drum' interviewed a prominent official of the South African Olympic Games Association to find out whether non-whites from the Union could take part in the Olympic Games.

"The official pointed out that there is nothing actually in the constitution that prevents non-whites from participation but admitted that, because of the 'social and political tradition of the country, no cognisance is taken of non-whites when it comes to selection for participation in the Olympics'.

"He went further to point out that there has always been fear, in the higher circles of the South African Olympic Games Association, that once the legality of South Africa's participation is raised at the international meeting, South Africa may be banned from taking part in the Games unless she gives her non-whites the opportunity of taking part.

"Nobody would like to see South Africa banned from the Games because of her colour policy. What all true sportsmen would like to see is that the opportunity of entering the Games should be opened to non-whites. Given that opportunity, South Africa should be able to produce a very strong team that would be a force to be reckoned with.

"The United States of America has always dominated the Olympic Games because of the Negro. Nobody can talk of the Olympic Games without mentioning the Negroes of the United States. There is the great Jesse Owens who dominated the Games in Berlin in 1936.

Those who saw that Olympiad can never forget him as he broke one record after another in the sprints and the long jump. His world record for the long jump of 26 ft. 8¼ ins. set way back in 1935 still stands.

"Then there is hurdler and sprinter Harrison Dillard, high jumper L. Steers, Jamaican quarter miler Herb McKenley, West Indian sprinter Mc.Donald Bailey, and many others whose names are important in international sport. They made names for themselves and their countries because they were given the chance of competing in the Olympics.

"Could South Africa not emulate the feats of the United States by given non-whites the break to enter the Games? . . .

"The participation of non-whites in Olympic and international sport is in the boiling pot. Sooner than most people expect white South Africa will be forced to make a decision. The Olympic ring must be broken. Non-white forces are already at work clamouring for participation in international, Olympic and Empire Games."

266. The Commission was impressed by this case against the exclusion of non-European athletes from all sports teams selected by the South African National Olympic Committee to compete with other national teams in the Olympic Games.

On referring to the eight "basic principles" which make up the Constitution of the Olympic Games, it found that the first, to which the authors of the Constitution undoubtedly attached special importance, reads as follows:

"The Olympic Games are held every four years and assemble amateurs of all nations in fair and equal competition under conditions which are to be as perfect as possible.

"No discrimination is allowed against any country or person on grounds of colour, religion or politics."

In the belief that such discrimination against the non-Europeans of the Union of South Africa is giving rise to a disquieting and justifiable resentment, the Commission draws the General Assembly's attention to this form of *apartheid*, which it has not previously had occasion to analyse.

### VIII. Activities of scientific institutions concerned with racial problems

267. Information on the attitude of two South African scientific institutions, the South African Bureau of Racial Affairs (SABRA) and the South African Institute of Race Relations, will be found in other sections of this report in connexion with measures or schemes forming part of the Government's *apartheid* policy. In this section, the Commission examines a number of statements emanating from these two institutions or made by prominent persons under their auspices which deal either with the *apartheid* policy in general or with particular aspects of the racial problem.

#### A. SOUTH AFRICAN BUREAU OF RACIAL AFFAIRS (SABRA)

268. The sixth annual meeting of the South African Bureau of Racial Affairs (*Suid-Afrikaanse Buro vir Rasse-aangeleenthede*) was held at Stellenbosch in January 1955. At this meeting the Bureau studied the problems raised by the *apartheid* policy as it affects the Coloureds and the Bantu.

269. Dr. Dönges, Minister of the Interior, opened the meeting with a general statement on the problem of the Coloureds:

"It was in the best interests of the Coloured people to have the Europeans as friends, but this could happen only if they were willing to consider the White man's feelings and interests, said the Minister of the Interior . . .

"It is unfortunate that extremists among the Coloured people, incited by communist agitators, were busy undermining this goodwill to the detriment of the Coloured people themselves.

"The moderate Coloured people—and they were still in the majority—would realize what their duty was and what their interests demanded.

"This would certainly not include the promotion of the idea of a common society in South Africa—an idea which was not acceptable to the Europeans and which only roused their resentment and opposition.

"For many Coloured people, too, this idea was not attractive. They did not want to be swallowed up by the more numerous Natives, and, at the same time, social equality with the White man would make them feel ill at ease.

"Dr. Dönges said that not only the authorities, but also the more advanced Coloured people, were alarmed at the relatively large-scale miscegenation between Coloured people and Natives in the Western Cape.

"This occurred particularly between Native men and Coloured women and brought about a lowering of the moral level of the Coloured people.

"It appeared that a search for a solution to the racial problem must be based on the retention by each racial group of its own identity.

"There was much to support the view of Sabra that the Sub-Department of Coloured Affairs should be turned into a separate Department of State but care must be taken that this did not lead to a duplication of work and unnecessary expenditure.

"The future status of the Department would depend on circumstances and developments . . ."<sup>262</sup>

Following Dr. Dönges' speech, *Die Transvaler* of 14 January 1955 reported that the SABRA meeting had adopted a resolution proposing that the Section for Coloured Affairs of the Ministry of the Interior should be raised to the status of a ministry. Expansion of the Section was necessary and it would prevent overlapping if an independent ministry were established.

270. Dr. I. D. du Plessis, Commissioner for Coloured Affairs, referred to the situation of the Coloureds in the Cape Province as follows:

"Most Coloured people in South Africa formed a readily distinguishable racial group and there were clear signs of their desire to remain a separate racial group . . .

"The huge army of Native workers—since 1936 the Native population had increased by more than 300 per cent in the Western Cape—remained a constant threat to the economic well-being of a large section of the Coloured population.

"Dr. du Plessis said that according to the 1951 census, the total Coloured population of the Union was 1,166,117, of whom 90 per cent lived in the Cape Province.

"The number of Coloured people on the Witwatersrand was 51,000, or about five per cent of the total Coloured population. In the Western Cape, the Coloured people outnumbered other races as factory workers.

"One aspect of the position of the Coloured people in the Cape which was causing concern to the authorities was the enormous influx of Natives into the Western Cape in recent years . . .

"It was a matter of the highest importance to provide openings for the better-educated class of Coloureds. One direction was employment in the service of the State and local authorities.

"In proportion to the size of the population, the percentage of Coloured children attending school in the Cape Province was higher than that of the Europeans.

"In 1954, the number of European children attending school was 183,326 or 19.6 per cent of the population, as against 210,230 Coloured children, or 20.3 per cent of the population . . ."<sup>263</sup>

271. In his address as Chairman of the annual meeting of SABRA, Mr. G. B. A. Gardener made the following statement on the subject of the Coloureds:

' . . . by placing on them increasing local administrative responsibility they would develop the necessary qualities of leadership among themselves.

"It would be a great day for the Coloured people when they refused to continue as the political football of European politicians, and, through a separate voters roll, had their own representatives in the various legislative bodies, and ultimately aspired to having their own leaders sitting in one or the other of these bodies.

"I personally and some of my friends in SABRA are not against it, but people do not all think alike and there are some who will disagree. However, no harm can be done by sowing the seed."<sup>264</sup>

272. The problem of the parliamentary representation of the Coloureds was also discussed by Mr. R. W. A. Yeld:

Mr. R. W. A. Yeld declared that it would be logical and desirable that Coloured members of Parliament represent the Coloured election districts when separate voters lists are established. Such a step would invalidate overseas criticism and promote internal co-operation. Mr. Yeld advocated the nomination of a prominent Coloured man as a senator to represent the interest of the Coloured people, as a first step.<sup>265</sup>

273. In reply to a delegate at the SABRA meeting who pressed for a statement of policy on parliamentary representation for the Coloureds, the Chairman, Mr. G. B. A. Gardener, said it was not clear who should make policy or statements of policy in the organization. He called on the Vice-Chairman, Professor N. J. J. Olivier, to answer a question on the organization's attitude towards Coloured representation in Parliament. Professor Olivier said:

"Broadly speaking, there are three main trends of thought on this question.

"First, there are those who favour complete equality between the Coloured people and the White man and who contend that they should enjoy exactly the same privileges and rights in respect of the vote and the ownership of property.

"Generally, it can be said that the vast majority of the Europeans of both political directions reject this, and a section of the Coloured people think that such a development would not be in their interests.

"Secondly, there are some (among them members and friends of Sabra) who believe that the solution lies in total territorial segregation. The general view seems to be,

<sup>263</sup> *Cape Times*, 13 January 1955.

<sup>264</sup> *The Star*, 12 January 1955.

<sup>265</sup> *Die Transvaler*, 14 January 1955.

<sup>262</sup> *Cape Times*, 12 January 1955.

however, that such a policy could not be carried out at present for a number of reasons, including the fact that the Coloured people have special ties with the Europeans.

"The third view, also held by members of Sabra, seems to be that the Coloured people must take a special place in the political, economic and social life of the country.

"This envisages the biggest possible measure of separate development within the country's political structure and national life in the interests of the European as well as the Coloured people. It also implies the application, where necessary, of *apartheid* measures in the political, economic and social spheres.

"The supporters of this direction do not say that this is the final solution of the problem, but that it is the only logical and wise path that can be followed at present.

"A satisfactory arrangement along these lines could later lead to further developments about the place of the Coloured people in the country."<sup>266</sup>

274. Other speakers dealt with the more general problem of relations between the Coloured and White communities. The following are two newspaper extracts, the first reporting to a statement by the Reverend C. M. de Villiers and the second a statement by Mrs. Erika Theron of the University of Stellenbosch:

"Rev. C. M. de Villiers, Witwatersrand, said that if one held the view that the Coloured and the White should live in the geographical area, one had to admit that the Coloured and the White should form in the long run one community, according to the inexorable law of integration. The two groups, living within the same geographical area, although housed in separate neighbourhoods, will influence each other and racial mixture will be effected. The Coloured population in Capeland exceeded the Whites and increased more rapidly than the Whites; development of the two groups within the same area would ultimately lead to the swallowing up of the white man."<sup>267</sup>

"From the point of view of culture, language, psychology and race biology there are close ties between the European and Coloured people, and the latter must thus be seen in quite a different light from the Native.

"I feel, therefore, that for practical and other reasons it is not desirable to place them in separate territories.

"This complicates matters for us, since we are supporters of *apartheid*, but we live in a country with many difficulties and we must not lose sight of it.

"This is my personal view, and I think it is also the view of most of the members of Sabra.

"Dr. Theron told me afterwards that her view was not in conflict with the Urban Areas Act, which aims at separate residential areas for the races.

"We must have separate residential areas, but I feel that we cannot place the Coloured people in separate territories, as it is proposed by law to do with the Natives."<sup>268</sup>

275. *Die Transvaler* reported on 15 January that Coloureds from the Transvaal had requested SABRA to call for the speedy application of the Group Areas Act so that the Transvaal Coloureds might be placed in their own separate areas. They were reported as having said:

"Only then will the social problems with which we are faced be solved. The inexplicable delay in the marking out of group areas for the coloured population of Transvaal has become almost unbearable. The continuous obstruction on the part of the municipal councils and industrial enterprises and the half-hearted action of Government officials has created a nervous tension among us."

<sup>266</sup> *The Star*, 14 January 1955.

<sup>267</sup> *Die Transvaler*, 14 January 1955.

<sup>268</sup> *The Star*, 16 January 1955.

276. The institution of separate voters lists for the Coloureds and the establishment of a Ministry for Coloured Affairs was also requested. While the Coloureds did not press for equal rights, they do not have Reserves like the Natives and therefore considered that they should enjoy more extended rights in regard to land ownership.

### *Problems affecting the Bantu*

Mr. G. B. A. Gardener, Chairman of the South African Bureau of Racial Affairs, made the following general statement on the problem of the Natives in his address to the annual meeting in January:

"One of the most important problems in the carrying out of the policy of separate development of Europeans and non-Europeans was the use of Bantu labour outside the Native areas . . .

"This aspect of the problem was the great test of the European's acceptance of the consequences of the policy of separate development.

"We are convinced that with the help of greater immigration and the more productive use of labour it will be possible to achieve an important reduction in our requirements of Native labour."

"No responsible supporter of the policy of separate development thought of watertight racial groups as the basis of *apartheid*.

"Separate development did not envisage the complete removal of every European from non-European areas or *vice versa*.

"The principle was that each would be in the nature of visitors in the other's territory. Their civil rights and obligations would exist in their own areas.

"The idea that the policy of separate development would involve the immediate removal of all Native labour from European economy was quite unfounded. That would not be in the interests of either the Europeans or the Bantu.

"It is quite clear, however, that the greatest error committed is to make economic considerations the deciding factor in the handling of racial problems . . .

"SABRA's ultimate ideal was the achievement of a state of affairs in which the European and non-European groups would each have the opportunity for a free existence without any clash between the two."<sup>269</sup>

277. At the same annual meeting of SABRA, the Secretary of Native Affairs, Dr. Eiselen, made a statement on the gradual elimination of the Natives from the Western Cape. An analysis of this statement and of the statements subsequently published in the name of SABRA is given above.<sup>270</sup>

### B. SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

278. In a letter dated 15 December 1953, the Reverend John A. Piersma of Grand Rapids (United States of America) asked Dr. Malan, the then Prime Minister of the Union of South Africa, for a "frank description of *apartheid*" capable of being used to "convince the American public". Dr. Malan replied on 12 February 1954, and the South African Institute of Race Relations subsequently answered him in a letter restating its views on the racial problem as a whole. These letters did not come to the Commission's knowledge until after it had completed its second report, in which they should have been included. In view of the importance of the Institute's letter, it has been reproduced *in extenso* in annex II to

<sup>269</sup> *The Star*, 12 January 1955.

<sup>270</sup> See chap. II, sect. VII, B, above.

the present report, together with the letter from Dr. Malan.

279. The Council of the South African Institute of Race Relations held its annual meeting in Cape Town from 18 to 20 January 1955. In the course of this meeting, Dr. Davie delivered the Hoernle Memorial Lecture, which contains the following passage on the subject of the Union's universities:

"Dr. Davie . . . showed how that what we must now unhappily accept as the lost cause of Vereeniging<sup>271</sup> is tragically revealed in the gulf between one set of Universities using one language and having a particular point of view and the other universities of equal number using another language and serving other ideals: a situation in which there is reason to fear that the principles of academic freedom and universality are in danger."<sup>272</sup>

Mrs. Ellen Hellmann, President of the Institute, reviewed the events of the preceding quarter of a century, a story of hopes deferred and opportunities lost.

The general theme of the session was "The Changing Economic and Social Structure of South Africa and its Human Implications", which was discussed in a series of reports submitted to the Council. Mr. Maurice Webb summed up the trend of the reports and the discussion as follows:

"The authors of the papers on our Changing Economic and Social Structure . . . demonstrated . . . the folly and danger of trying by arbitrary and dictatorial action to turn back forces which will engulf us all if disregarded, but which could, given the necessary wisdom, be harnessed to our service. These many currents and forces were carefully analysed. An expanding economy has brought higher standards of living to all sections of the population, but there is little ground for complacency as to the present or confidence as to the future. For Africans, particularly, the rise of the town has meant the decline of the Reserves. In the towns the African worker is beset by laws and regulations that deprive him of any legal right to make his home in the place where he works. If, as is often the case, he has no place in the Reserves he may become a displaced person in the land of his birth. That he is often saved from this fate is due to the compassion and conscientiousness of administration officials, not to enforceable rights.

"A warning was sounded that optimistic forecasts of future prosperity will prove false if present prejudices and practices persist. We cannot expect to march forward to prosperity while at the same time retreating to tribalism.

"The spotlight fell particularly on the Reserves (one-third of our cultivable land) and their present contribution to the country's food, their use and misuse. Not since Edith Jones made her study of the Reserves following the Native Land Act of 1936 has the attention of the Institute been focused so sharply on the Reserves and their place in the total economy. But the function of the Reserves is not only economic. While tribal society persists it gives those Africans who retain membership of it a place and a function, a sense of security and belonging, that the towns in no way afford. I do not think that the Institute Council has even been shown more clearly the interdependence of town and country, of group and group. Nor has it realized so clearly that further economic advance necessitates the full co-operation of all sections of the people and the development and use of all our human as well as our material resources.

"In the discussion frequent reference was made to the Tomlinson report which we understand to have been

<sup>271</sup> Vereeniging (i.e. Union) is the place where the peace treaty between the Boer Republics and Great Britain was signed in 1902.

<sup>272</sup> *Race Relations News*, February 1955.

completed but which has not yet been published. The Institute Executive should urge the Government to publish the report without delay. When it is available it will be necessary for it to be studied in the light of the papers that have been presented to this meeting of Council. It may also be possible for the Executive to arrange for long-term, comprehensive research to be undertaken into the present economic and social structure of South Africa; and to consider the possibility of securing from among the available agencies, assistance in the techniques for the development of underdeveloped areas.

"When our attention was turned to the human implications of the economic and social changes that have taken place in our country, we were moved by the courage and the resilience of the human spirit that have enabled large numbers of Africans and Indians to adapt themselves to town life in spite of the many hindrances which confront them. There was an heroic ring that recalled Arnold Toynbee's great theme of challenge and response in the phrase used by an African; 'The urban African has arrived.' Yet we cannot be content that so many of these sections of our population should be without security, homes, adequate education, jobs suited to their capabilities, or hope for the future."<sup>273</sup>

280. At the end of the session, the Council of the South African Institute of Race Relations adopted the following findings:

"1. The sense of insecurity felt by all Non-European groups and the failure to put to adequate use South Africa's full potentialities of land and human resources were considered to be basic elements in the present situation.

"2. Reasons for such feelings of insecurity were found in legislative enactments such as the Natives Resettlement Act, the Native Land and Trust Amendment Act, the Bantu Education Act, the Group Areas, Act, in the recent statement by the Secretary for Native Affairs on the presence of Africans in the Western Province, in the expressed intention to perpetuate and extend the system of migratory labour and in the lack of security of tenure in urban areas for all Non-Europeans.

"3. The papers and discussions on the economic structure of the country revealed not only the waste of the country's resources which policies of restriction and discrimination cause but also the inextricable interdependence of all branches of the economy. The growing effective co-operation between the different groups constitutes the real reason for the improvement in living standards of all those brought into modern forms of economic activity. Measures which attempt to reverse this process and to restrict forms of further emerging co-operation will retard the economic growth of the country and produce undesirable effects on the relationships between the various groups.

"4. The conflict between social, moral and economic trends and legislative enactment emerged clearly from the papers and discussions, and it was the general consensus of opinion that for the progress of the country and for the greater happiness of all its peoples, legislative measures should recognize the essential unity of the economic structure of the country and should not run counter to that co-operation which forms the normal process of economic development.

"5. The Council particularly considers,

"(a) That a basic and essential condition for healthy, progressive economic development and for the lessening of racial tension is the provision of security of tenure, the acquisition of full property rights by members of all racial groups and the rapid and increasing provision of housing. (In this last connexion the Council pays tribute to the great efforts made by municipalities in recent years.) The Council also considers that it is essential

<sup>273</sup> *Race Relations News*, February 1955, pp. 15-16.



to eliminate progressively the migratory labour system and to develop a settled and educated population.

"(b) That the Native Reserves should not be retarded by the preservation of those attributes of the tribal system, such as communal tenure, which at present act as impediments to progress. In this connexion the Council urges that the report of the Tomlinson Commission be speedily published by the Government and that the Executive Committee of the Institute take steps for a thorough study of the report.

"(c) That the scope for industrial development in the Reserves depends not only upon a substantial expansion of their agricultural production but also upon the possibility of providing such prerequisites as power, transport and other amenities and facilities as are present in established industrial areas.

"(d) That while very appreciative of the efforts of many municipalities and their officials to soften the harsh impact of legislative enactments, the Council nevertheless considers that further positive steps should be taken to help the social and economic adjustment of Africans and other groups to their new complex urban environment and to reduce the number of restrictions at present imposed upon them.

"(e) That the Cape Coloured people are assimilated to Western culture and that they should be allowed full participation in the citizenship and other responsibilities of Western civilization.

"(f) That in view of the alarm aroused by the recent pronouncement of the Secretary for Native Affairs, the Government should be asked to provide a statement on its plans on the future of the Africans in the Western Province.

"(g) That the Indian people are an integral part of the economic and social structure of this country and as such should be accepted as full participants in its life, development and progress."<sup>274</sup>

281. On 12 November 1954, two months before the annual meeting of the Council of the Institute, the Southern Transvaal regional committee of the Local Government Committee of Inquiry, meeting in Pretoria, proposed that measures should be taken to provide for direct representation of Europeans on local governing bodies. The memorandum also contained the following proposals:

"The committee also urged the enrolment of Natives over 21 on the municipal rolls for Native wards, and suggested franchise qualifications for them.

"As a first step towards representing Natives directly on local governing bodies, the committee suggested that a number of wards should be delimited in the areas set aside for Natives.

"On franchise qualifications, the memorandum says: 'Applications for enrolment on the municipal roll in African wards should be granted to Africans who are not less than 21, have resided in the urban areas for not less than two years, and are ratepayers, own immovable property valued at not less than £100, or can give proof of being literate (record of having passed Std. III to be deemed proof of literacy).'

"The committee urges that non-Europeans other than Natives be included on the common roll on the same qualifications as laid down for Natives.

"The suggestion of appointed mayors or burgomasters is opposed as 'completely undesirable'.<sup>275</sup>

282. Elsewhere in this report<sup>276</sup> an analysis is given of the Exchequer and Audit Amendment Act, No. 7, 1955, under which the question of financing Bantu edu-

cation is linked with that of increasing the revenue from Native taxation.

On 1 February, Mr. Quintin Whyte, Director of the Institute of Race Relations, stated in an interview that the Institute deplored the fact that the increased expenditure on Native education should have to be defrayed by the Natives themselves through additional taxation. He went on to say:

"While the Institute approved the principle that people should help themselves—a principle applicable equally to Europeans and Africans—it considers that the Exchequer and Audit Amendment Bill relating to African education is bad in principle.

"It runs contrary to the practice of finance in modern socially-advanced countries . . .

"It was an accepted principle in the present age that the State provided elementary education for all its children, irrespective of class or race, and that the cost of this was borne by the country.

"To select the poorest group, in which only 40 per cent of children of school-going age are at school, and to lay upon it the responsibility of raising sufficient funds to educate progressively the remaining 60 per cent is an unexpected new principle of public finance which must be condemned.

"The proposal ignores the increasing number of Africans who fall within the ranks of income-tax payers and the heavy burden of indirect taxation on the African population.

"The steady increase over the years in the financial provision for Native education had been one of the most encouraging features of South Africa's racial situation.

283. In reply to a letter from Dr. Verwoerd, Minister of Native Affairs criticizing the "uncalled-for interference of the Institute of Race Relations in the scheme to remove Natives from the Western Areas of Johannesburg to Meadowlands",<sup>278</sup> Mr. Quintin Whyte stated that the Institute had never encouraged resistance to the law, nor had it suggested by word or deed resistance to the removal scheme.

". . . the Institute thought untenable the proposition that a decision on any matter by the Government precluded any more discussion. This was the negation of the idea of democracy.

"To stigmatize suggestions, appreciatively received by the secretary of the Resettlement Board and aimed at avoiding disturbances as 'interference', and to describe the work of the Institute as intended to arouse feelings of hostility, is to ignore its long record of responsible work, and is, we submit with deference, hardly worthy of a Minister of State.

"We appreciate that from a party-political point of view it is politically more convenient to find a scapegoat in the Institute (and others) than to believe that the African opposition to removal scheme is a spontaneous expression of African feeling. We must deprecate this attempt to use the Institute in this way . . .

"A year before the Resettlement Act was passed a conference of 51 organizations made an earnest plea that the Government substitute a slum clearance and voluntary rezoning scheme for the Western Areas removal scheme.

"(The) reply was that further representations were futile. With a grave sense of responsibility and a desire

<sup>274</sup> *Race Relations News*, February 1955, pp. 17 and 18.

<sup>275</sup> *The Star*, 7 November 1954.

<sup>276</sup> See chap. I, sect. I, C, above.

<sup>277</sup> *Cape Times*, 2 February 1955.

<sup>278</sup> See chap. II, sect. V, A, 4, above.

to prevent further worsening in race relations, the Institute, rightly and continuously, pressed for a slum clearance scheme and the retention of freehold tenure.

"The letter said the Institute welcomed the provision of the Meadowlands houses, but to combine what should have been a slum clearance scheme with the deprivation of freehold tenure was bound to create resentment and opposition.

"We wish to assure you that the Institute will continue to work in the spirit of its charter and with the large experience it has gained over the years, in the very sincere belief that only by so doing can it be of service to South Africa and all its peoples."<sup>279</sup>

In an address to the annual general meeting of the non-European Welfare Society in Orlando, Dr. Ellen Hellmann, President of the Institute of Race Relations, made the following comments on the problem of Natives in urban areas:

"South Africans have been overlong in appreciating the conditions of urban Native life and the needs of the urban Native . . .

"If we had realized that Africans were part of the towns and not just in the towns, conditions might have been better. Even today South Africans are in doubt as to the permanency of African domicile in the towns . . .

"If it were not for this unconcern there might be more and better housing in place of the present slums.

"Present legislation was based on the theory that the towns were White areas and that Natives were only there temporarily. The facts, of course, belied this. The rate of males to females was less than two to one today.

"This conflict between theory and reality has accentuated the difficulties in the double transition being made by the Africans. Firstly, they had to move from country to town and, secondly, they have to adjust themselves from the tribal system with its self-sufficiency to the western monetary system.

"With the break-up of the family circle in the transition there was a resultant lack of responsible public opinion among Natives.

"... there were two views as to the future. One saw ever more separated groups and the other saw more interdependence, with racial diversity. She believed in the latter view and urged Natives to follow this, too.

"The banning of many responsible Native leaders had led to irresponsible people 'electing' themselves as leaders. These people were responsible for the tragic schools boycott, in which the children suffered . . ."<sup>280</sup>

## IX. Attitude of the Churches

284. Having, in its first report, summarized the attitude of the South African churches towards the policy of *apartheid* (A/2505 and Add. 1, paragraphs 435-438), the Commission returned to the subject in its second report (A/2719, paragraphs 138-141). At that time its attention was devoted primarily to the reactions of the Anglican Church in South Africa, whose Bishops had published a joint declaration in October 1953, and to the viewpoint of the Dutch Reformed Churches, which in November 1953 had called a conference at Pretoria to discuss the general subject: "Christian principles in multi-racial South Africa". The conference was attended by the White leaders of these churches.

This year, circumstances have led the Commission to devote much more space in its report to the reactions

and statements of the churches and of individual members of their clergy. Their general attitude towards *apartheid* was particularly clearly reflected in their reactions to two events, or succession of events, which profoundly stirred public opinion: the first transfer of Native population from Sophiatown to Meadowlands (February 1955) and the coming into force of the Bantu Education Act (1 April 1955). Since important principles were at stake in both cases, many members of the clergy felt it their duty to define or redefine the attitude of their churches. Elsewhere in this report quotations from the most important of their statements are reproduced.<sup>281</sup>

In the present section an attempt will be made to supplement the documentation.

An explicit declaration by the Methodist Church, one of the most important in South Africa, to which the Commission had not previously been able to allot an adequate place, will first be quoted.<sup>282</sup>

This will be followed by a report on the multi-racial conference at Johannesburg (December 1954), which was convened by the Dutch Reformed Church and even attracted attention in the Northern Hemisphere.

Lastly, the section will cite the opinion expressed, in his personal capacity, by a minister of the Dutch Reformed Church who took part in the Assembly of the World Council of Churches, held at Evanston (United States of America) in August 1954.<sup>283</sup>

### A. THE METHODIST CHURCH

285. The attitude of the Methodist Church towards the policy of *apartheid* was clearly expressed at a multi-racial conference which it called at Queenstown (Eastern Province) in October 1954. At the end of this meeting it published the following declaration:

"This conference of the Methodist Church of South Africa, noting with grave anxiety the dangerous racial situation in this country which has arisen as a result of such legislative enactments during the past year as the Native Resettlement Act, the Bantu Education Act and the implementation of the Group Areas Act, affirms once again its belief in the fundamental Christian principles as found in the Scriptures.

"The conference has noted the repeated declaration of Government spokesmen that the Government are concerned to maintain Christian civilization in South Africa. In accordance with this, the conference believes it to be the duty of the State to afford every citizen the fullest opportunity of using his God-given abilities.

"It avers that the main concern of the State must be with human relationships as such, and that race relationships are a matter of secondary concern.

"The policy of *apartheid* is essentially a policy of race discrimination and as such is in conflict with Christian standards. Its application reveals that it is negative and restrictive in character.

"The proposed mass removal of people from their homes like chattels, and the imposition of a special brand of education aiming at producing people conditioned to an inferior status in society, have sown seeds of bitterness and despair which could so easily produce a harvest of disunity and strife.

<sup>281</sup> See, in particular, chap. II, sect. V A (4) and sect. VI A (6) (b) above.

<sup>282</sup> See also para. 174 above.

<sup>283</sup> See chap. II, sect. XI, B, below.

<sup>279</sup> *Cape Times*, 11 February 1955.

<sup>280</sup> *The Star*, 2 June 1955.

"The conference believes that in ignoring Christian principles the State is facilitating the acceptance of Communist doctrine by the less privileged.

"The Minister of Native Affairs, Dr. Verwoerd, has threatened to apply administrative sanctions against Churches in respect of church and school sites where these are used for the dissemination of opinions on political issues of which the Minister disapproves.

"That the Minister should so seek to muzzle free speech by Christian leaders, that he should act as judge in his own cause, that he should decide that Christian actions or speeches are subversive or otherwise a source of offence, savours of the Middle Ages or the totalitarian State.

"While we note the warning, we shall not allow our conscience to become dulled or coerced.

"Conference renews, its appeal to the Government to acknowledge and respect the human rights of all sections of the population especially in such matters as the acquisition and ownership of property in freehold, the right to trade, and the right to be educated along generally accepted lines, and so to open the door to the realization of the legitimate aspirations of every racial group.

"To those in high administrative posts, the conference would urge the tempering of their administration with sympathy and justice, keeping constantly before them the aim of harmonious relationships among all sections of our multi-racial population."<sup>284</sup>

#### B. THE MULTI-RACIAL CONFERENCE AT JOHANNESBURG (DECEMBER 1954)

286. This conference, which took place from 8 to 12 December 1954, in the Great Hall of the University of Witwatersrand, was called by the Cape and Transvaal Synodal Mission Commissions of the principal Dutch Reformed Church, known as the *Naërditse Hervormde of Gereformeerde Kerk*. The theme of the conference was "The Extension of the Kingdom of God in Multi-Racial South Africa". Invitations had been extended to representatives of over twenty-five different churches and missionary societies in the Union, several of which had never before taken part in conferences of this kind; for example, the African Methodist Episcopal Church, the Apostolic Faith Mission Church, the Bantu Methodist Church, the Bantu Presbyterian Church, the Plymouth Brethren and the Disciples of Christ.

About a quarter of the 200 delegates represented Bantu or Coloured parishes.

287. At the final meeting of the conference, the following resolutions were adopted:

"1. Realizing the call that we have as Ministers of the Church of Christ, to avow and demonstrate the unity of the world, we, the delegates of the various denominations, hereby declare:

"That we recognize and accept one another as brothers in Christ and avow our unity in Him;

"That we, recognizing that our common history and the circumstances in which we find ourselves account for the existence of our various denominations, acknowledge that each seeks to expand and serve the Kingdom of God sincerely and devoutly;

That we undertake to strive for and to use every opportunity to practice the fellowship of believers to which we are called . . .

"3. The conference realizes the social and economic needs of the Bantu and Coloured communities and requests the Government to provide from the national income for an extra expenditure of £10,000,000 annually

for the social, educational, economic and industrial development of these sections of our South African community.

"4. This conference considers that the transfer of Bantu education to the State places a great responsibility on the Church to concentrate on religious education of all young Bantu people and recommends that Sunday School, Students Christian Association, and young people's work be strengthened."<sup>285</sup>

288. The conference produced a good impression in Native church circles, the more so as the initiative had been taken by the Dutch Reformed Church, which has in principle given its support to a policy of *apartheid*. The following article, taken from the *Bantu World* of 18 December 1954, is symptomatic in this respect:

"It is gratifying that the conference did take place, and has now become history. Over thirty churches or missions were represented. Ministers of different racial groups, constituting our multi-racial community, came together, and discussed the task and the problems of evangelizing South Africa.

"There were conflicting opinions on such questions as the form the unity of the church should take, and the burning question of *apartheid*. Some European delegates advocated the establishment of one African or Pan-African national church. Some found it difficult to reconcile this view with the unity of the church.

"*Apartheid* had a good number of eloquent advocates. There were also those who strongly opposed it. The spirit was on the whole good. Those who disagreed did not become disagreeable.

"The Dutch Reformed Church, by which this conference was called, is to be congratulated. About fifteen years ago, the Dutch Reformed Church severed its connexion with the Christian Council of South Africa. Its calling of the inter-racial conference of church leaders is an indication of its conviction that it does not disagree with the fundamental need for oneness in the body of Christ.

"This conference should by no means be the last of its kind. If every two years such a conference was held, things that unite would come into greater prominence than things that divide not only the church but the South African multi-racial community.

"Division of opinion is no reason for not coming together to try and resolve that division. It is just the reason why people should come together."

289. Alan Paton, the well-known South African writer, attended the conference as an observer. Some striking passages from the article in *Forum* in which he has set down his impressions are reproduced below:

"The conference was therefore not only very representative ecclesiastically; it was also inter-racial. The non-White delegates sat in a part of the Witwatersrand University Great Hall specially allotted to them. A number of White delegates sat with them—whether intentionally or not, I did not inquire; I should guess it was intentionally. We had tea and coffee, morning and afternoon, but in separate rooms. This separation was alluded to publicly only twice, by an African delegate who resented it, and by a Coloured delegate who thought it of no importance whatsoever.

"Behind all this conventionality was the important fact that the D.R.C. was concerning itself for the whole of South Africa, at a time when sectionalism was at its worst. I cannot help making the observation here that this concern for the whole of South Africa is in the last resort incompatible with a fiery championship of *apartheid*; I don't mean logically incompatible, I mean psychologically.

"Nevertheless, I think we should face squarely the time question. I belong to those White people who be-

<sup>284</sup> *The Star*, 28 October 1954.

<sup>285</sup> *The South African Outlook*, 1 February 1955.

lieve in a common South African society open to all, who want to see steps taken towards it before the gulf between White and Non-White grows too great. *Dominee* Brink belongs to a White group that believes in total separation as the only way of achieving social justice; to this group also time is important. There is a third White group which is determined, whatever time there may be, to maintain White supremacy. I should judge that the first and second groups, though much weaker than the third in South Africa, are stronger in a church conference; I should also judge that the first and second groups are much more concerned for justice for non-White people than the third . . .

"But these metaphors have their defects. The atmosphere of the conference was not cold and icy; it was warm and friendly, and this was largely the doing of the D.R.C. Many non-Afrikaners must have left the conference with a new and hopeful view of the D.R.C., and with greater hope for our country."<sup>286</sup>

### C. OPINIONS EXPRESSED BY THE REVEREND WILLIAM A. LANDMAN

290. The Commission feels that it should draw attention to the statements of this South African minister, for two reasons.

The first is that the Reverend William A. Landman holds the important office of general secretary of the Dutch Reformed Church in the Cape Province.

The second is that, since he took part in the Second Assembly of the World Council of Churches (Evanston, August 1954), he was able to establish direct contact with the various opinions represented in church circles in many countries of the world. In reflecting on the particular problems of South Africa, he was thus led to adopt a personal point of view somewhat different from that of his colleagues who did not have the same opportunity as himself of comparing their ideas with those of churchmen from other continents.

Here first of all, in the words of a South African newspaper, is the summary of an interview which he gave during his stay at Evanston:

"The Rev. William A. Landman, general secretary of the Dutch Reformed Church of the Cape Province, said in an interview today the non-European peoples of South Africa must be helped to develop into a completely separate entity. He is a delegate to the second assembly of the World Council of Churches being held in Evanston, Illinois.

"Answering questions on South Africa's *apartheid* policy, he said that his Church supported a policy of racial separation on practical rather than scriptural grounds.

"There was no unanimity within the Dutch Reformed Church of South Africa concerning a scriptural basis of the policy, and the whole question was being restudied. Even though the Cape Province Church was 'unequivocally opposed to racial integration', and felt that Europeans were the trustees of the non-European peoples, 'we accept all the consequences of evangelization'.

"The Natives must be assisted in every way to develop into a position of dignity and self-respect. He did not share the pessimism of people who feared that the present policy of the South African Government would lead to bloodshed between the races."<sup>287</sup>

The following is a summary of a lecture which he gave in January 1955 at Stellenbosch, at the annual meet-

ing of the South African Bureau of Racial Affairs (SABRA):

"In an address to the conference of the Bureau of Racial Affairs in Stellenbosch yesterday, the Rev. W. Landman, who was one of the representatives of the Ned. Geref. Kerk at the World Congress of Churches in the United States last year, said his experience overseas had shown him that the people of America were instinctively opposed to the idea of segregation.

"They wanted to know where South Africa was going and whether the Native was getting the maximum opportunity for development.

"On these questions they could only be satisfied with SABRA's ideal of territorial separation,' Dr. Landman said.

"In these racial matters the world was moving at a tempo which people in South Africa did not realize, he continued . . .

"South Africa's time for putting its house in order was running short.

"We dare not continue to live in a fool's paradise.'

"The people of South Africa had to be mobilized behind the ideal of territorial separation and had to realize that in this matter their time is short. They could not continue to think in terms of a century or even half a century, Dr. Landman said."<sup>288</sup>

Here finally is a summary, taken from *The Star* of 2 March 1955, of the conclusions reached by the Reverend William A. Landman at a lecture given in Malmesbury (Eastern Province) which attracted some notice within the country:

"*Apartheid* is not enough. We must be prepared for tremendous sacrifices if we would hope to solve this enormous problem.

"We must reject our cheap-labour-from-the-Blacks idea and be prepared to carry out ourselves the many menial tasks now allotted to non-European servants.

"We must remember that world opinion on this subject can no longer be ignored.

"The days of isolation are past. We can no longer inspan our ox-wagons and trek away when we are dissatisfied. It is idiotic to exclaim that we are masters in our own house and that what happens elsewhere does not concern us.

"I am convinced that the white race can continue to exist in South Africa, but it must do its own work. If South Africa does this we can still gain the respect of the world at large—something which today we cannot afford to jeopardize.

"It will require almost supernatural sacrifices, but I believe implicitly that it can be done. No nation can build a future while it keeps others in subservience. Then the law of retribution steps in."

### X. Activities of the African National Congress ("Congress of the People", 25 and 26 June 1955)

291. In its 1954 report, the Commission mentioned that the African National Congress, together with the South African Indian Congress, the Congress of Democrats and the Coloured Peoples' Organization, had taken the initiative in convening a "Congress of the People" (A/2719, para. 203). This Congress was to meet not later than June 1955. For the first time in the history of South Africa, all racial groups were to co-operate to

<sup>286</sup> *Forum*, Vol. 3, No. 7, February 1955.

<sup>287</sup> *The Star*, 19 August 1954.

<sup>288</sup> *The Star*, 15 January 1955.

bring about an assembly directly elected by the people throughout the country, with the object of framing a "Freedom Charter", embodying the demands and aspirations of all sections of the South African population.

292. The preparation of this Congress was the principal object of the 42nd Annual Conference of the African National Congress, held at Durban from 16 to 19 December 1954, and attended by about 500 people. It was decided, *inter alia*:

"The Congress of the People will not be just another meeting or another Conference. It will be a mass assembly of delegates elected by the people of all races in every town, village, farm, factory, mine and kraal. It will be the biggest single gathering of spokesmen ever known in this country. The representatives of the people who come to the Congress will consider the detailed demands of the people, which have been sent in for incorporation in the Freedom Charter, and will embody them into a declaration. This Freedom Charter will be the South African Peoples' Declaration of Human Rights, which every civilized South African will work to uphold and carry into practice."<sup>289</sup>

Although the date and place of the meeting of this Congress were left open for the time being, the Conference took various decisions concerning its organization, such as: the establishment of a corps of "Freedom Volunteers", who would be at the disposal of the campaign organizers to carry out any work which might be required of them, no matter where; the formation of Peoples' Congress committees at the provincial level, with sub-committees for the towns, suburbs, factories and streets; the manner of electing representatives, on the basis of one vote for every person over 18 years of age, without distinction of race, colour or sex; and the collection of funds to defray the delegates' travelling expenses.

In the words of an article which appeared in *Indian Opinion*, over the signature of Jordan K. Ngubane:

"The Conference was unique also in the way in which it was essentially a young people's conference. They grasped the actualities of the situation with a keenness and understanding which the greyheads did not have only twenty years ago. But what was most inspiring here was that at every stage the young people made it plain, in their speeches, their conduct and their decisions, that they were consciously creating for themselves a world after their own design. He is an idiot and a fool who still says that African Youth is not aware of its responsibilities."<sup>290</sup>

293. The "Congress of the People" took place on 25 and 26 June at Kliptown, near Johannesburg.

Various messages were read, including a telegram from Mr. U. N. Dhebar, President of the Indian National Congress, worded as follows:

"It is indeed a great pleasure for us to know that the African National Congress, South African Indian Congress, South African Congress of Democrats and the South African Coloured Peoples' Organization are jointly convening a great assembly of elected representatives of the people of South Africa for the purpose of drawing up a Freedom Charter on 25 and 26 June.

"This united front on the part of the oppressed is really praiseworthy and we are sure this will bring your peaceful struggle for elementary human rights to a successful end very soon.

<sup>289</sup> Report of the African National Congress to the 42nd Annual Conference. See document A/AC.70/5.

<sup>290</sup> *Indian Opinion*, 24 December 1954, "The African View-point".

"You are aware that the people and the Government of India are firmly opposed to the discriminatory policy followed by the South African Government. We believe strongly that this type of thing cannot continue for long in this modern democratic world, and your endeavour is bound to meet with success.

"May God give you patience and mental strength which are most vital things for carrying on a non-violent struggle.

"We extend to you our moral support and wish you all success."

Mr. Chou En-lai, Prime Minister of the People's Republic of China, had sent a telegram with the following text:

"On behalf of the Chinese people, I warmly greet the meeting of the Congress of the People and wish that the Congress will achieve new success in uniting the people of different origins and all sections in South Africa to oppose racial discrimination and to win freedom and democratic rights.

"The Asian-African conference has solemnly condemned colonialism and racial discrimination. The Chinese people, together with the peoples of other Asian and African countries and the people of the whole world, will continue to support the just struggle waged by the people of South Africa."<sup>291</sup>

294. The following are the most striking passages in the description of the Congress by Manilal Gandhi in the newspaper of which he is the editor:

"Its grand success was beyond all expectations. It would not be amiss to say that never in recent history of South Africa is such a representative meeting of the oppressed people known to have been held. And it was held under the most difficult circumstances imaginable. For what did the Government not do to prevent it? . . .

There were 2,888 delegates from throughout the Union of South Africa present at the meeting despite the fact that about two hundred were prevented by the authorities at Beaufort West in the Cape Province and at Standerton in the Transvaal Province from proceeding to the meeting, under the pretext of not being in possession of permits required under the Immigration Law or passes under the Native Pass Laws . . .

"Besides these delegates there had assembled at this meeting over three thousand of the public.

"The police, both European and African, and a squad of men from the Special Branch were present at the meeting from the beginning to the end. Notwithstanding that provocative act, it must be said to the credit of the public that they were not sullen and angry but were happy and gay during the whole session. The weather too had been exceptionally kind . . .

"After the preliminary work had been done the draft Freedom Charter was taken clause by clause and speeches were made on it.

"There was justifiable emotion in the speeches made. It was a demonstration of the physical, mental and spiritual torture suffered by a vast majority of the people in this so-called democratic country . . .

"Things went on very smoothly until after lunch which was served to all the delegates between 2 and 3 p.m. during which period the whole crowd was entertained with songs and music.

"Then, half an hour after the afternoon session commenced, between 3.30 and 4 p.m., all of a sudden it was announced from the platform that armed police were coming towards the platform and that the people should remain calm . . .

<sup>291</sup> Both the above telegrams were published in *Indian Opinion*, dated 8 July 1955.

"Then while the delegates on the platform were being searched the police stood by below with sten guns just ready for orders to shoot. They had a wild look on their faces. Some jeered at the delegates and while the delegates were shouting 'Africa' with their thumbs up some of the police were responding with their thumbs down . . .

"Once again it was to the credit of the organizers and to the vast assembly that they refused to be intimidated and kept their heads and proceeded with the remaining work . . .

"The whole draft Freedom Charter was then passed with acclamation and with the singing of the African National anthem, 'Nkosi Sikelele' with the representatives of the Government being present on the platform as though to bear witness to it. It was all an act of God . . .

"And then the searching of the three thousand delegates began . . .

"Every delegate was searched and his name and address was taken and all the papers connected with the proceedings of the meeting were taken away.

"Every European was, in addition, photographed. Searching went on till a little after 8 p.m.

"The ideals set out in the Charter of Freedom cannot be taken exception to by anybody. It is not possible to reach the highest ideal all at once. We can reach it by stages during which it may be necessary to come to some honourable compromise with a Government that is reasonable. There can be no compromise where reason is completely absent and unreasonableness, stark injustice and tyranny are the order of the day."<sup>22</sup>

295. Lastly the text of the "Freedom Charter", as unanimously adopted by the "Congress of the People" on 26 June 1955 is reproduced below:

"We, the people of South Africa, declare for all our country and the world to know:

"That South Africa belongs to all who live in it, black and white, and that no Government can justly claim authority unless it is based on the will of all the people;

"That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

"That our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

"That only a democratic State, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

"And therefore, we the people of South Africa, black and white together—equal, countrymen and brothers—adopt this Freedom Charter. And we pledge ourselves to strive together, sparing nothing of our strength and courage, until the democratic changes here set out have been won."

*"The People shall govern*

"Every man and women shall have the right to vote for and to stand as a candidate for all bodies which make laws.

"All peoples shall be entitled to take part in the administration of the country.

"The rights of the people shall be the same, regardless of race, colour or sex.

"All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

*"All national groups shall have equal rights*

"There shall be equal status in the bodies of State, in

the Courts and in the schools for all national groups and races.

"All people shall have equal right to use their own languages, and to develop their own folk culture and customs,

"All national groups shall be protected by law against insults to their race and national pride.

"The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime.

"All *apartheid* laws and practices shall be set aside.

*"The people shall share the country's wealth*

"The national wealth of our country, the heritage of all South Africans, shall be restored to the people.

"The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole.

"All other industry and trade shall be controlled to assist the well-being of the people.

"All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

*"The land shall be shared among those who work it*

"Restriction of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger.

"The State shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers.

"Freedom of movement shall be guaranteed to all who work on the land.

"All shall have the right to occupy land wherever they choose.

"People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

*"All shall be equal before the law*

"No one shall be imprisoned, deported or restricted without a fair trial.

"No one shall be condemned by the order of any Government official.

"The courts shall be representative of all the people.

"Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance.

"The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people.

"All laws which discriminate on grounds of race, colour or belief shall be repealed.

*"All shall enjoy equal human rights*

"The law shall guarantee to all their right to speak, to organize, to meet together, to publish, to preach, to worship and to educate their children.

"The privacy of the house from police raids shall be protected by law.

"All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad.

"Pass laws, permits and all other laws restricting these freedoms shall be abolished.

*"There shall be work and security*

"All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers.

"The State shall recognize the right and duty of all to work, and to draw full unemployment benefits.

<sup>22</sup> *Indian Opinion*, 1 July 1955.

"Men and women of all races shall receive equal pay for equal work.

"There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers.

"Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work.

"Child labour, compound labour, the tot system and contract labour shall be abolished.

*"The doors of learning and of culture shall be opened*

"The government shall discover, develop and encourage national talent for the enhancement of our cultural life.

"All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands.

"The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace.

"Education shall be free, compulsory, universal and equal for all children.

"Higher education and technical training shall be opened to all by means of State allowances and scholarships awarded on the basis of merit.

"Adult illiteracy shall be ended by a mass State education plan.

"Teachers shall have all the rights of other citizens.

"The colour bar in cultural life, in sport and in education shall be abolished.

*"There shall be houses, security and comfort*

"All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security.

"Unused housing space to be made available to the people.

"Rent and prices shall be lowered, food plentiful and no one shall go hungry.

"A preventive health scheme shall be run by the State. Free medical care and hospitalization shall be provided for all, with special care for mothers and young children.

"Slums shall be demolished and new suburbs built where all have transport, roads, lighting, playing fields, crèches and social centres.

"The aged, the orphans, the disabled and the sick shall be cared for by the State.

"Rest leisure and recreation shall be the right of all.

"Fenced locations and ghettos shall be abolished, and all laws which break up families shall be repealed.

*"There shall be peace and friendship*

"South Africa shall be a fully independent State which respects the rights and sovereignty of all nations.

"South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation—not war.

"Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and the status of all.

"The people of the Protectorates — Basutoland, Bechuanaland and Swaziland — shall be free to decide for themselves their own future.

"The right of all the peoples of Africa to independence and self-government shall be recognized, and shall be the basis of close co-operation.

"Let all who love their people and their country now say, as we say here: 'These freedoms we will fight for, side by side, throughout our lives, until we have won our liberty'".<sup>294</sup>

## XI. International repercussions of the race problem

296. The Commission is convinced that at the present stage of world development, world public opinion exerts a considerable influence on the international and even on the domestic policy of every country. Just as, at the national level, the decisions of the authorities are without lasting value or real effectiveness if they do not reflect the needs and desires of the people, so the resolutions of the United Nations will be mere worthless scraps of printed paper if they do not reflect international opinion and enjoy its support. For this reason the Commission thought that its report should contain a section which would enable the General Assembly to obtain an insight into the reactions of important sectors of international opinion towards the racial problem in the Union of South Africa and the steps taken in this connexion by the Assembly.

297. In this section, the Commission has summarized the proceedings of certain conferences or meetings which took place outside the Union of South Africa and during which the racial problem of that country was considered in at least some of its aspects. These conferences or meetings varied considerably in nature. The Conference of Asian and African Nations, held at Bandung (Indonesia) was an inter-governmental meeting attended by twenty-nine countries (the Union of South Africa was not represented). The Assembly of the World Council of Churches, held in Evanston (United States of America) in August 1954, was a meeting of representatives of various reformed churches; those of the Union of South Africa, in particular, were strongly represented. The Conference of Social Scientists on the Social Impact of Industrialization and Urban Conditions in Africa South of the Sahara, sponsored by UNESCO, was attended both by government representatives of certain countries and by experts invited in their personal capacity, at least one of whom came from the Union of South Africa. The Conference on Race Relations in World Perspective, held at Honolulu (Hawaii) was a scientific conference of specialists in race problems: three of these, representing different points of view, came from South Africa. Lastly, a resolution by the Anglican Synod of the Diocese of Trinidad and Tobago was communicated to the Commission by the Bishop of Trinidad, the Right Reverend Douglas John Wilson.

### A. THE CONFERENCE OF ASIAN AND AFRICAN NATIONS HELD AT BANDUNG (INDONESIA), FROM 18 TO 24 APRIL 1955

298. The Conference of Asian and African Nations was one of the most important international events of the current year, which incidentally was peculiarly rich in such events. On the initiative of Burma, Ceylon, India, Indonesia and Pakistan, the representatives of 29 countries of Asia, Africa and Oceania met at Bandung, from 18 to 24 April 1955. Apart from the inviting countries, the following were also represented: Afghanistan, Cambodia, the People's Republic of China, Egypt, Ethiopia, the Gold Coast, Iraq, Iran, Japan, Jordan, Laos,

<sup>294</sup> Text as published in *Indian Opinion*, 8 July 1955.

Lebanon, Liberia, Libya, Nepal, the Philippines, Saudi Arabia, Sudan, Syria, Thailand, Turkey, the Democratic Republic of Northern Viet-Nam, State of Viet-Nam and Yemen. The agenda included a number of problems of direct interest to the participating countries, and other items of a more general nature such as world peace and the factors on which it depends.

As regards the subject with which this report is concerned and the background against which it is being considered — that is to say, the United Nations — it is interesting to note that at this Conference, attended by representatives of nearly 2,000 million people, and with official delegations from 12 countries which have not signed the United Nations Charter and are not Members of the Organization, the fundamental principles of the Charter were reaffirmed and unreserved support for the work of the United Nations was promised. Broadly speaking, it may be said that the decisions taken were inspired by these principles.

The Conference passed resolutions of a general character relating to respect for human rights, and others dealing in particular with measures of racial discrimination. The most important of its decisions, which took the form of a declaration entitled "Promotion of World Peace and Co-operation", lists the ten factors which, in the opinion of the Conference, would effectively contribute to the maintenance and promotion of international peace and security. The first factor mentioned is the "respect for fundamental human rights and for the Purposes and Principles of the United Nations Charter", while the third is "recognition of the equality of all races".

The final communiqué of the Conference contains a passage dealing with human rights and the right of peoples to self-determination, reading as follows:

"The Asian-African Conference declared its full support of the fundamental principles of human rights and took note of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations."

In other words, 12 more countries have now expressed their support for those principles of the Charter relating to human rights, as defined in the Universal Declaration and previously approved by Members of the United Nations.

Another passage in the final communiqué deals more specifically with the problem of racial discrimination; it is worded as follows:

"The Asian-African Conference deplored the policies and practices of racial segregation and discrimination which form the basis of government and human relations in large regions of Africa and in other parts of the world. Such conduct is not only a gross violation of human rights, but also a denial of the fundamental value of civilization and the dignity of man.

"The Conference extended its warm sympathy and support for the courageous stand taken by the victims of racial discrimination and especially by the peoples of African and Indian and Pakistani origin in South Africa; applauded all those who sustained their cause; reaffirmed the determination of Asian-African peoples to eradicate every trace of racialism that might exist in their own countries; and pledged to use its full moral influence to guard against the danger of falling victims of the same evil in their struggle to eradicate it."

The perusal of these resolutions and of the summaries of the debates which preceded them shows once again that there are few international problems which are of

greater importance to the Asian and African peoples, or which more intimately concern them, than that of discrimination against non-Whites. These texts confirm the opinion expressed by the Commission in its earlier reports on the racial question in South Africa, to the effect that the problem must necessarily have international repercussions and may provoke disturbances, or at the very least prove harmful to friendly relations among peoples.

## B. SECOND ASSEMBLY OF THE WORLD COUNCIL OF CHURCHES, HELD AT EVANSTON, ILLINOIS (UNITED STATES OF AMERICA) IN AUGUST 1954

299. The Second Assembly of the World Council of Churches, which was attended by delegates of 163 different churches from 48 countries, met at the Northwestern University, Evanston, Illinois (United States of America) from 15 to 31 August 1954. It was one of the most broadly representative meetings held in recent years. Among the six major subjects on the agenda was the following: "Inter-group relations — The Church amid racial and ethnic tensions".

This subject led to a long debate, as is clear from the documents of the World Council of Churches.<sup>295</sup> The Assembly adopted four resolutions, the text of which appears in a publication with a title identical to the concluding words of the last paragraph; it is preceded by a thorough analysis of the problem of racial tensions and by comments on the functions of the church in solving it. The Commission considered that it would be useful to quote two of these four resolutions for they relate to fundamental declarations inspired by the principles of the Charter, the Universal Declaration of Human Rights, and other resolutions of the General Assembly of the United Nations.

"RESOLUTION I: The Second Assembly of the World Council of Churches declares its conviction that any form of segregation based on race, colour, or ethnic origin is contrary to the gospel, and is incompatible with the Christian doctrine of man and with the nature of the Church of Christ. The Assembly urges the Churches within its membership to renounce all forms of segregation or discrimination and to work for their abolition within their own life and within society.

"In doing so the Assembly is painfully aware that, in the realities of the contemporary world, many Churches find themselves confronted by historical, political, social and economic circumstances which may make the immediate achievement of this objective extremely difficult. But under God the fellowship of the ecumenical movement is such as to offer to these Churches the strength and encouragement to help them and individuals within them to overcome these difficulties with the courage given by faith, and with the desire to testify ever more faithfully to our Master.

"From its very beginning, the ecumenical movement by its very nature has been committed to a form of fellowship in which there is no segregation or discrimination. The Assembly of the World Council of Churches rejoices in this fact and confirms this practice as the established policy of the Council."

"RESOLUTION II: This Second Assembly of the World Council of Churches recognizes that one of the major problems of social justice in situations involving racial and ethnic tensions is that of securing for all the opportunities for the free exercise of responsible citizenship and for effective participation by way of franchise in both local and central government activity. It commends this matter to the attention of all Christian people for

<sup>295</sup> Published for the Council by Delachaux et Niestlé, Neuchâtel (Switzerland), 1955.



such action as, under God, we should be led to take in order to secure the solution of this problem.”

300. Extracts from South African Press reports relating to the part played by the different reformed churches of that country in the Evanston conference and to certain exchanges in the debate which preceded the adoption of these resolutions are reproduced below:

“The South Africans present at Evanston came from the following Churches: The Church of the Province of South Africa, the Methodist Church of South Africa, the Dutch Reformed Church in South Africa and the Transvaal, and the Dutch Reformed Church of Africa, in addition to the Dutch Reformed Church of the Cape Province.

“In addition to delegates from these bodies, two consultants from South Africa played a significant part in the whole Assembly: Dr. Ben J. Marais, of Pretoria and Alan Paton from Anerley, Natal. There were also several youth consultants and accredited visitors to the Assembly from South of the Limpopo river.”<sup>296</sup>

“One of the six major discussion sections of the Assembly dealt specifically with ‘Intergroup Relations—the Church amid Racial and Ethnic Tensions’. For two years an advisory commission prepared a 53-page ‘ecumenical survey’ on the topic. Among the nineteen members of this committee were Rev. Gerhard Brennecke of Germany (who spent a year in South Africa), Dr. Ben J. Marais of Pretoria, Prof. Z. K. Matthews of Alice, Mr. Alan Paton, Dean Liston Pope of the Yale Divinity School (who also visited South Africa several years ago), and two prominent American Negroes: Dr. Benjamin E. Mays and Dr. Channing Tobias. This survey was issued in June and a drafting committee prepared from this a working paper on the eve of the Assembly. The delegates who chose to become members of this section on Intergroup Relations met together in Evanston for 12 long hours during the Assembly and drafted virtually a new document.

“There were many interesting debates in the section, with almost all delegates from South Africa participating as well as Dr. Martin Niemoeller of Germany and the Bishop of Mombasa (Kenya). The section report was debated on the floor of the plenary session. The Assembly was hushed when Dr. C. P. Brink of Johannesburg, representing the Dutch Reformed groups in South Africa, took the platform and made a statement. He said that the section report might, for some churches, prejudice the issues at stake so that ‘fruitful action by them would be jeopardized.’ Nevertheless, he announced, the Dutch Reformed churches in South Africa would neither offer an amendment nor vote against the report. He significantly added: ‘At this stage, we dare not commit our votes against what is being proposed. We wish to keep the door open for further conversation. We wish to place on record that we have experienced at Evanston much evidence of what we truly believe to be real Christian good will and an attempt to understand the peculiar difficulties we have to face. In response to that we now pledge ourselves personally to the task of urging our respective churches to apply themselves as urgently as possible to the study of the report and communicate their findings to the Central Committee (of the World Council) as soon as possible.’”<sup>297</sup>

The newspaper *Die Transvaler*, reporting the address by the Reverend Dr. C. P. Brink, chairman of the delegation of the Dutch Reformed Church to the World Council, said that the speaker had stated that the Dutch Reformed Church accepted the fact that it was not in the best interest of the two groups that racial mixture should be effected. The Gospel of Jesus Christ, if correctly interpreted, would finally give the answers to

<sup>296</sup> *Indian Opinion*, 29 September 1954.

<sup>297</sup> *Indian Opinion*, 24 September 1954.

numerous burning problems. The speaker had also given a survey of the tremendous task the Dutch Reformed Church had shouldered, and the support which this church received from the Natives. More Christians in South Africa accepted the principle of equal dignity for all people. It was in accordance with this principle that a Boer leader, Jacobs, in 1833 had disregarded a hint of the then British Governor, Sir Lowrie Cole, to expel the Bushmen on account of their plundering habits. The speaker had admitted that cases of violation of human dignity had occurred, but this had never been national policy.<sup>298</sup>

On his return to Johannesburg, the Bishop of Johannesburg, the Rt. Rev. Ambrose Reeves, in an interview given to *The Star*, said:

“The Assembly adopted the section’s resolution that ‘segregation based on race, colour or ethnic origin is contrary to the Gospel and is incompatible with the Christian doctrine of man and with the nature of the church of Christ’ without a dissenting voice being raised.”<sup>299</sup>

### C. CONFERENCE OF SOCIAL SCIENTISTS ON THE SOCIAL IMPACT OF INDUSTRIALIZATION AND URBAN CONDITIONS IN AFRICA SOUTH OF THE SAHARA, HELD AT ABIDJAN (IVORY COAST) FROM 29 SEPTEMBER TO 7 OCTOBER 1954<sup>300</sup>

301. The Director-General was authorized by the General Conference of UNESCO at its seventh session “to encourage studies undertaken from an international standpoint on the social impact of industrialization” (resolution 3. 23). In pursuance of this resolution a conference of social scientists on the social impact of industrialization and urban conditions in Africa was held at Abidjan between 29 September and 7 October 1954, at the invitation of the French Government, after consultation with the Commission for Technical Co-operation in Africa South of the Sahara, and with facilities provided by the Government of the Ivory Coast and by the Abidjan Chamber of Commerce.

Professor Daryll Forde (United Kingdom), Director of the International African Institute, served as UNESCO’s consultant and was elected Chairman of the Conference. The participants were social scientists from research institutes in the region, and administrators and technical officers nominated by Member States concerned (the Governments of the following countries nominated administrators and technical advisors: Belgium, France, Italy, Spain, United Kingdom).

The conference took the form of a seminar in which social scientists presented working papers on their findings on the major aspects and processes of industrialization and urbanization under varying conditions in Africa South of the Sahara. In addition, UNESCO submitted for discussion two documents dealing with the same questions. Four working committees were established during the Conference to discuss in more detail special problems which had been brought up in the plenary meetings. These problems were divided among the committees as follows:

Committee I: Assimilation of Western skills and values;

<sup>298</sup> *Die Transvaler*, 23 August 1954.

<sup>299</sup> *The Star*, 1 September 1954.

<sup>300</sup> The passages which follow are a summary of document UNESCO/SS/13 of 9 March 1955.

Committee II: Urban-rural relationships and Western-tribal relationships in the urban environment;

Committee III: Proposals for the study of class structures in urban African communities;

Committee IV: Interracial relations in Africa South of the Sahara.

In reviewing relations between Africans and Europeans the Conference recognized that, while in some social contexts in certain territories, status and authority transcended racial differences, the axiom of white superiority and the stereotypes associated with it predominated in interracial relations. Areas of permanent white settlement on the one hand and territories in which Europeans in general remained only for a period of service on the other, showed over-all contrasts in the rigidity of racial barriers and the heightening of tensions.

Interracial cleavages tended to be more acute and self-conscious in urban areas on account of the concentrations of population and the visible presence of Europeans in considerable numbers. Both the European and African populations were becoming most diversified in education and status in urban areas, where anomalies of racial discrimination appeared most frequently and were resented most strongly.

Comparative studies of race relations in urban areas were urgently needed with reference to differences in types of economic activity; occupational mobility; the size and stability of white populations; the impact of European customs and legislation affecting the civil status of Africans. Experience gained in studies of race relations and concomitant attitudes among ethnic groups in South Africa should prove valuable in framing research programmes elsewhere. Particular attention was drawn to the need for studies of legislation affecting race relations, some of which had been framed at periods when the social and cultural separation between Africans and Europeans had been far greater. Where they no longer corresponded to the cultural and social realities legislative restrictions tended to become the focus of racial antagonisms. Historical studies of the changing functional relations between ethnic groups were also needed to present and document the considerable, though little recognized, changes that had occurred over the colonial period. Such studies should include consideration of the impact of the African environment on the way of life and attitudes of European expatriates and settlers.

The committee which reviewed this discussion noted that the extent and direction of the changes taking place in the racial hierarchy which had resulted from the initial dominance of Europeans varied in relation to a number of differences in early contacts, demographic conditions, official ideologies and levels of economic development. It considered that differences in interracial attitudes should be studied in terms of these wide variations in legislative framework, administrative practice and customary behaviour. Since the rights and obligations which different racial groups were permitted and expected to exercise, and their own attitudes, were conditioned by a great number of variables, it was not possible to make valid generalizations for Africa as a whole. A greater number of factual studies regarding the conditions under which different groups lived, worked and were governed were needed for comparative purposes. Further research was also required on race attitudes for which techniques devised and applied by American and South African social psychologists should be employed to determine focal points of interaction and the character of group

stereotypes. The degree of correlation between race attitudes and such variables as income levels, educational standards and length of urban residence should be systematically investigated. Investigations should be planned for differing types of situations, e.g., where racial differentiation was embodied in legislation; where it stemmed mainly from inequality of opportunity connected with differences in skills and resources. Studies of race attitudes should include all ethnic groups in the population and should be associated with enquiries into class structure and patterns of ethnic relations with a view to ascertaining the conditions in which racial solidarity tends to be reinforced or outweighed.

D. CONFERENCE ON RACE RELATIONS IN WORLD PERSPECTIVE, HELD AT HONOLULU (HAWAII) FROM 28 JUNE TO 23 JULY 1954

302. This conference, organized by the University of Hawaii, took place at Honolulu from 28 June to 23 July 1954.

The conference was not conceived as providing working principles for dealing with racial situations in specific areas but was intended, rather, to serve as a meeting ground for specialists working in the field of race relations. Reports containing study projects and certain preliminary decisions on the particular region studied were submitted to the conference by working groups; the conference adopted these reports, although without considering them as official documents.

The following are the names of the social scientists who attended the conference:

- Mr. Georges Balandier, Professor at the Institut d'études politiques, Paris;
- Mr. John A. Barnes, Reader in Anthropology, London School of Economics;
- Mr. Ralph L. Beals, Professor of Anthropology and Sociology, University of California;
- Mr. Herbert G. Blumer, Professor of Sociology, University of California;
- Mr. Julius Herman Boeke, Professor of Eastern Economics, University of Leiden;
- Mr. Lloyd Braithwaite, Research Fellow, Institute of Social Research, University College of the West Indies;
- Mr. Leonard Broom, Sociologist, University of California;
- Mr. William O. Brown, Director, African Research and Studies Programme, Boston University;
- Mr. Melvin Conant, Director Pacific and Asian Affairs Council;
- Mr. Bingham Dai, Social Psychologist, Duke University;
- Mr. Frank D. Dorey, Research Chairman, American University at Cairo;
- Mr. A. P. Elkin, Professor of Anthropology, University of Sydney;
- Mr. E. Franklin Frazier, Professor of Sociology, Howard University;
- Mr. J. S. Furnivall, Adviser on Planning to Government of Burma;
- Mr. Clarence E. Glick, Associate Professor of Sociology, University of Hawaii;
- Mr. Bernhard L. Hormann, Associate Professor of Sociology, University of Hawaii;

Mr. Albert H. Hourani, Lecturer in Modern History of Near and Middle East, Magdalen College, Oxford;

Mr. Everett C. Hughes, Professor of Sociology, University of Chicago;

Mr. Harold R. Isaacs, Writer and Research Associate, Massachusetts Institute of Technology;

Mr. Yusuf Ismail, Reader in Sociology, University of Indonesia;

Mr. Lewis W. Jones, Director of Research, Rural Life Council;

Mr. Senteza Kajubi, Graduate Student, University of Chicago;

Mr. Walter J. Kolarz, Central Research Unit, B.B.C.;

Mr. Andrew W. Lind, Professor of Sociology, University of Hawaii;

Mr. Kenneth L. Little, Head of Department of Social Anthropology, Edinburgh University;

Mr. Joseph D. Lohman, Consultant, Human Resources Research Office, George Washington University;

Mr. Jitsuichi Masuoka, Professor of Sociology, Fisk University;

Mr. Yuzuru Okada, Professor of Sociology and Anthropology, Tokyo University;

Mr. N. J. J. Olivier, Professor of Native Law and Administration, University of Stellenbosch;

Mr. Donald Pierson, Professor of Sociology and Anthropology, Largo de São Francisco;

Mr. P. Kodanda Rao, Institute of Culture, Bangalore;

Mr. Thomas S. Simey, Professor of Social Science, University of Liverpool;

Mr. Alexander Spoehr, Director, Bishop Museum, Honolulu;

Mr. Edgar T. Thompson, Professor of Sociology, Duke University, Durham;

Mr. Absolom Vilakazi, Instructor in African Cultures, Hartford Theological Seminary;

Mr. Quintin A. Whyte, Director, South African Institute of Race Relations;

Mr. Chester L. Hunt, Acting Head, Sociology Department, University of Philippines.

303. The minutes of the meetings of the Conference and papers prepared by certain participants were available to the Commission. The subject of the 14th plenary meeting, held on 15 July 1954, was "The South African Situation". The following is the summary report of this meeting:

"The panel discussion on 'The South African Situation' was opened by Mr. Whyte, who stated, at the outset, that the factors affecting race relations in South Africa have been more fluid and more complex than the world has thought.

"Among the basic factors involved are those of population and industry, in connexion with which reference was made to tabulated material circulated to members of the Conference. South Africa is undergoing an industrial revolution of great force and at a great rate, creating a situation in which there are many potentialities for change.

"Some significant elements in the situation of the Africans are their penetration into the ranks of skilled labour, their shift from rural to urban areas (with greater possibility of organization), their increasing importance

as consumers (which is helping to readjust white attitudes toward them, their increasing numbers of entrepreneurs coming into competition with the Indians, especially in Natal, and the emergence among them of an educated élite.

"Aspects of the dominant White group include the division between the English-speaking and Afrikaans-speaking peoples. The story of the Afrikaners is a story of a triumph and their history and ideas cannot be discounted. There is a tendency for the Afrikaner group to be exclusive. The English-speaking group has a different tradition, including their connexion with English history and culture and their liberalism. They have a passively superior attitude toward the Afrikaners. But both of these groups share the attitude of *apartheid*. There is a difference along religious lines. The Dutch Reformed Church's belief in total segregation has influenced the Nationalist Government but if the government does not go along with the Church's principles the Church may not necessarily support all of the government policies. It is significant that the Dutch Reformed Church is sponsoring within the next few months an interracial conference of church leaders to discuss race problems. The English-speaking churches are opposed to segregation, but they are accused of importing persons who constitute a disturbing element in the situation. Politically, the two groups are not divided on racial policy. Opposition to the Nationalist Government includes some Afrikaners as well as English, while some English support the Government. The Liberal Party is pledged to a common franchise, and a new party has been formed to work for the elimination of racial distinctions in political matters.

"With reference to employment, an important fact is that a skilled labour force must be urbanized. Movement from the country into the towns has been mainly of lower-class Africans. Competition between lower-paid white workers and African workers has been increasing. Bills to enforce the colour bar in employment are related to this. Although the government is driving toward separation, the needs of industry may make it increasingly impractical. The trade union movement is split over the race issue although seventy-two trade unions have mixed membership.

"As social beings, Whites in South Africa keep themselves apart, except for specific purposes.

"Mr. Olivier's statement was prefaced by the remark that he was speaking only as an individual and not as a representative of any group. Interpretation of a situation depends not only upon existing facts but upon other considerations as well. The South African situation is a product of historical development which must be understood; it is impossible to describe the pattern in a single term or concept; it cannot be described in terms of a single factor (such as race) because there are many factors, which make of South African problems a microcosm of the problems of the whole world; there are dynamic forces at work in different directions, and there is interplay and interaction among these forces. It does not help to describe people working for change in different directions in terms of epithets. Among these many forces are the emergence of an educated African group, urbanization and industrialization, acculturation, new stratifications, economic interdependence, the existence of economic opportunity, outside pressures, developing conceptions of unity among Africans and Whites (with a growing awareness of the problems involved there is growing determination on both sides), and the absence of the concept of a common society.

"There are various directions in which solutions are sought: maintenance of the *status quo* (among both Whites and non-Whites); limited adaptations without solving fundamental conflicts; integration (such as establishment of a common roll for voters); separate development. No detailed study has been made of the

possible consequences of either integration or separate development. It is difficult to predict what the results of either would be.

"Among those who assume that the policy of integration is not feasible and that the policy of separate development is the only possible direction, it is believed that this is the only way to reduce conflict. Integration assumes a willingness of Whites to see political power slipping out of their hands. It is hard to see how this could be, because of deep-seated feelings and ideas. South African Whites are not interested in ruling people but they would resist the attempt of any other group to rule them. Separate development, then, is thought of as the only way to resolve the conflict inherent in the situation. Whites would follow the same policy in regard to African enclaves as the British did in India and the Dutch were forced to do in Indonesia.

"There have been many questions as to the practicality of the scheme, under which about 15 per cent of the land would be reserved to Africans. Time alone will show the productive capacity of these lands, which are now under-developed. In actual size they are larger than the United Kingdom. Percentages alone mean nothing in terms of economic possibilities. The majority of the land is in the best rainfall areas. If it should prove that these areas cannot support the population, White South Africans will have to make another sacrifice, which will not be the first, since they are still buying up land under an earlier programme.

"With reference to the labour problem, it has been stated that stabilized labour is a necessity for secondary industries. There is no evidence now that there is less mobility among the permanent labour force than among migrant labour. The migratory labour system has been a necessary accommodation for the Africans themselves, because of their present method of farming. As long as they want to retain their stake in the land, migratory labour provides an easy way of obtaining money.

"At the present time three-fourths of the African labourers come from outside the Union. There is a large wastage of labour, because there is no desire to mechanize. The necessary adjustments could be made, by mechanization and importation of labour from outside the Union, if the separate development plan were followed.

"Other questions have been asked concerning the co-operation of the Africans under this plan. The co-operation of Africans will be desired and will be asked. When the Whites show good faith, African co-operation will be forthcoming.

"As to future political development of the Africans, this will be a long process, but inherent in the philosophy is the idea that native areas will provide Africans the possibility of political self-development.

"Mr. Vilakazi said that he could not state the position of all Africans in South Africa, but only one position, which he believed to be widely shared. That position is one of unequivocal rejection of *apartheid* and of White domination. Africans have a passionate desire to work with Whites, for the development of a common welfare. The African does not believe that *apartheid* is meant for his interest. Africans have tested the 'separate but equal' formula as actually carried out under the 'Public Amenities Act of 1953' which explicitly provided unequal facilities. Other Parliamentary measures are not reassuring.

"The African must not be just negative, but must be positive. The non-Europeans say they are prepared to co-operate with Whites on a basis of integration and they have organized to make themselves heard, through the African National Congress. There is, it is true, a small group (the Bantu National Congress) which has

accepted *apartheid* but it is mainly made up of 'medicine men' with a vested interest in the old order. There is also the old African Convention Party (made up of Africans and Coloured) which would boycott everything the Whites do.

"The African National Congress attempts to take a more reasonable position. Young Africans, especially in the Youth League (lawyers, medical doctors, journalists, bookkeepers and others) have adopted a strategy to unify Africans and to destroy tribal barriers. They place emphasis on English as the *lingua franca* of the country and hence suspect the 'Education Law' which would provide instruction in native languages as a stratagem to undermine the unity movement. Leaders of the African Congress do represent the people. Many of them have sent their sons to school at great sacrifice and experience great frustration if they cannot find jobs.

"African leaders reach the masses through African papers, mostly published in Natal, which have wide circulation, through educated Africans who go back to the reserves. There is also a large amount of political propaganda in the songs of the common people on the locations, which are carried back to the reserves and are very effective.

"What it means to be an African can be illustrated by the operation of the pass system, by which Africans who wish to move from one area to another must get a pass from the Native Affairs Department, and which requires special passes for such things as buying a ticket on a train. The pass system is a cause of much friction and makes the African feel he must do something. Africans are asking for immediate repeal of the pass laws. They do not believe it when they are told that the passes are meant for their own protection. Why, then, doesn't the White carry a pass for his protection?

"In the general discussion, the following topics were covered:

"1. The matter of whether it is possible to apply *apartheid* in an urban, industrialized society;

"2. Integration versus separate development as alternative solutions;

"3. The separate development ideal in contrast to the present Government policy;

"4. The possibility of securing African co-operation in the separate development policy;

"5. The effect of the passive resistance movement;

"6. Government measures to suppress African resistance;

"7. The Government native education policy;

"8. The population factor;

"9. The influence of West African developments upon South Africa;

"10. The Indians in South Africa;

"11. The place of South West Africa in the separation policy;

"12. The effect of world opinion on South African policy;

"13. The difference between '*apartheid*' and 'separate development'.

"14. Comparison between the South African racial situation and the racial situation in the United States".

304. Two reports, serving as a basis for discussion, were presented to the Conference: "Policies in South Africa", by Mr. Quintin A. Whyte, Director of the South African Institute of Race Relations, and "The Theory and Practice of Race Relations in South Africa", by Mr. Absalom Vilakazi, Instructor in African Cultures at the Hartford Theological Seminary. The Commission decided to reproduce these two reports in a document for publication (A/AC.70/4).

**E. RESOLUTION ADOPTED BY THE ANGLICAN SYNOD  
OF THE DIOCESE OF TRINIDAD AND TOBAGO ON 11  
MAY 1955**

305. The text of a resolution adopted by the Diocese of Trinidad and Tobago was communicated to the Commission by the Bishop of Trinidad, the Rt. Rev. Douglas John Wilson and is reproduced below:

**RESOLUTION**

"The Anglican Synod of the Diocese of Trinidad and Tobago in the West Indies duly assembled in the City of Port of Spain on 11 May, 1955, under the Chairmanship of the Rt. Rev. Douglas John Wilson, Bishop.

"Views with the gravest concern the policy of *apartheid* which is being pursued by the Government of

South Africa contrary to the accepted teachings and principles of Christ.

"And sends an expression of fellowship and support to the Anglican Communion of South Africa for the courageous and sacrificial stand against the discriminatory measures of repressive legislation calculated to wound and hurt the Church as well as to divest and denude the native African peoples of their religious, educational and political rights and liberties basic to their well-being, development and freedom.

"And the members of this Synod hope and pray that this dire period of persecution will soon be ended so as to permit the South African Communities to advance under the banner of human brotherhood to that racial harmony and co-operation so indispensable to the happiness, peace and prosperity of mankind."

## CONCLUDING OBSERVATIONS

306. In view of the special nature of this report the Commission considers that this is hardly the occasion for offering any fresh conclusions in the proper sense of the term.

The conclusions contained in the first report (A/2505 and Add.1) to the General Assembly concerning the effects of the policy of *apartheid* on economic and social life and on internal tensions between groups of human beings in the territories of the Union, concerning the dangers of isolation or dispute which, as a consequence, beset the Union's foreign relations, and concerning the conflict between the principles of *apartheid*, on the one hand, and the provisions of the United Nations Charter and the principles of the Universal Declaration of Human Rights, on the other — all these conclusions are still valid.

Next, the Commission's second report (A/2719) had set forth various general and specific suggestions for dealing with the racial difficulties of the Union of South Africa by peaceful and non-violent means. The Commission considers that these suggestions are now as sound as when they were made and cannot honestly say that by reason of the lapse of time they should be modified in any way.

Hence the remarks which follow, in the manner of a conclusion, are intended essentially to convey supplementary information; they add certain further particulars and reflections concerning points which, in the Commission's view, should engage the attention of the General Assembly. Because these remarks supplement the previous report in certain respects, they should, it is felt, enable everybody to gain a more comprehensive and more accurate insight into the racial situation in the Union of South Africa as it appears at the end of this year of observation.

For the sake of a better understanding of these remarks, the paragraphs immediately below briefly recapitulate the principal features of the Commission's first and second reports and describe concisely the features of the present report. An interpretation of the year's developments follows thereafter, and the report closes with a section entitled "Present thoughts on past suggestions".

### 1. PRINCIPAL FEATURES OF THE COMMISSION'S FIRST AND SECOND REPORTS

307. In its first report (A/2505 and Add.1) the Commission had:

(a) Given the General Assembly a short account of the geography, history, demographic situation, ethnic composition and government of the Union of South Africa which the Commission thought was indispensable to a fair appreciation of an extraordinarily complex racial situation;

(b) Defined the doctrine and programme of *apartheid*;

(c) Analysed and described the racial situation in South Africa, particularly as it resulted from the legis-

lation enacted and promulgated by a Parliament representing, almost exclusively, the minority of European origin;

(d) Compared this legislation with the principles of the Charter, the provisions of the Universal Declaration of Human Rights and certain important resolutions of the principal United Nations organs and found it to be utterly at variance with those principles;

(e) Offered some preliminary and tentative suggestions for the future.

In its second report (A/2719), the Commission:

(a) Supplemented its previous report by giving fuller particulars of the country's economic structure and development, for undoubtedly economic reality is the factor which, in a particular racial situation, exerts the most direct influence, the influence most heavily charged with individual or collective emotion or resentment and hence often the most decisive influence;

(b) Made further comparative analyses on the lines described above;

(c) Gave an account of one year of life in the Union of South Africa (1953-54) under *apartheid*;

(d) Studied the various solutions to the racial problem which had been proposed in the Union of South Africa itself by institutions, political parties or persons directly concerned and particularly qualified;

(e) As expressly requested in its terms of reference, offered carefully considered suggestions which, it believed, could "alleviate the situation and promote a peaceful settlement".

### 2. FEATURES OF THE PRESENT REPORT

308. In the present report, the Commission:

(a) Continues its custom of analysing and studying the implications of new legislation and regulations;

(b) Presents a methodical and descriptive account of events of some significance which occurred between August 1954 and July 1955 and which affected or threw fresh light on the racial situation in South Africa.

It was not without some hesitation that the Commission entitled the second part of its report "Development of the situation", for a racial situation which is the product of 300 years of local history, of traditional customs and behaviour and, inevitably, of collective emotions attributable to some extent to special (but ever-present) circumstances can hardly develop perceptibly in the space of 12 months. The Commission's function, in formulating its conclusions, is, however, precisely to discern, behind the imperceptible or the barely perceptible, some faint signs or clues which may herald a new trend in events or in thinking.

The Commission approached its task not less humbly but a little more confidently than before. Having been an objective observer of the Union of South Africa for almost three years it has been able gradually to accumu-

late a wider selection of documents, to draw on more varied sources of information, to acquire a more thorough knowledge of the factors which motivate the Afrikaner population, the descendants of the Voortrekkers and Boers whose past was both arduous and heroic.

In its conclusions the Commission has ventured to attempt an interpretation of the events recounted above and also of some other facts and inponderables, which will be discussed later, because it has been encouraged, however paradoxical this may appear at first sight, by the very fact of its remoteness from the scene. Naturally, it does not claim that there can be any substitute for the personal contact which it would have desired, and the absence of which it deplures, with the realities, complexities, disconcerting primitiveness and unexpected ultra-modernism of South Africa. Yet, by reason of its knowledge of crises and occurrences of the more or less recent past which, in some respects, present an analogy with the multiracial situation in South Africa, the Commission believes that precisely this perspective of distance—which it would not enjoy at Pretoria or the Cape—offers certain advantages. In a world where strictly local problems no longer exist, far less solutions which depend exclusively on local factors, this perspective and this distance make it possible to adopt an objective approach which is sometimes difficult to achieve in a field where emotional factors play a considerable part. The Commission trusts that it has achieved this objectivity in the pages which follow.

### 3. INTERPRETATION OF THE YEAR'S EVENTS

309. In the first place, the Commission considers that the general lines of the policy of *apartheid* have not changed in the year which has elapsed since it wrote its second report. Indeed, the new Government under Mr. Strijdom has announced its intention of carrying out this policy of *apartheid* to its full extent.

Secondly, as indicated in part II, chapter I, of the present report, during the year a series of legislative measures were enacted which, like those mentioned in the Commission's previous reports, are consistent neither with the obligations assumed by the Union of South Africa under the Charter nor with certain provisions of the Universal Declaration of Human Rights.

Thirdly, certain discriminatory legislation which had been enacted in earlier years and which the Commission had analysed at the time became operative or continued in operation during the year. The Commission would draw particular attention to the Bantu Education Act, which is discussed in the present report.<sup>301</sup> Not only does this Act imply a negation of the principles of human rights — an aspect considered by the Commission in its second report (A/2719, paras. 110–111) — but also its application will, in the Commission's opinion, invite other dangers to which it wishes to draw the Assembly's attention.

(a) *Apartheid* in education, symbolized by the words "Bantu education" — a term detested by all the non-Europeans, who demand, according to their slogan, not education "made to measure" but "universal" education — is liable to accentuate even more and to spread among the entire Native population a Bantu nationalism with a strong anti-White orientation. The Commission believes that the Nationalist Government, in carrying its policy of school segregation to extremes, may receive some sad surprises, including a stiffening in the anti-

European attitude of the Bantu population. Should this occur, *apartheid* in this as no doubt in other fields would produce an effect very contrary to the pacification and reduced friction which its proponents say they hope to achieve.<sup>302</sup>

(b) As indicated in the section relating to Bantu education, Afrikaans is being introduced somewhat prematurely and very extensively side by side with English in school curricula.<sup>303</sup> This means that children under 10 years of age will have to study three different languages (every Bantu child speaks one of the seven vernacular idioms), which will certainly overtax their minds and memories to the detriment of other possibly more useful and more necessary subjects.

The Commission further considers that the effect of this measure will be to weaken among the Natives the influence and spread of the English language which, because of its universality, is a cultural asset of great importance and a closer link with their racial brethren of Africa and America whose social, economic and cultural progress they watch with pride.

Fourthly, the Commission reaffirms what it had said in its earlier reports<sup>304</sup>: the continuation of the policy of *apartheid* constitutes a serious threat to national life within the Union of South Africa. The reactions, described in the present report, of the various social groups to the legislation passed or to the measures enacted merely confirm this view.

Fifthly, the material assembled by the Commission, especially that mentioned in the section dealing with the "international repercussions of the race problem" likewise confirms the Commission in yet another opinion (stated elsewhere), viz., that the policy of *apartheid* is a seriously disturbing factor in international relations, and the least that can be said of it is that it is "likely to impair the general welfare or friendly relations among nations". This, then, is one of those situations which, under Article 14 of the Charter, may form the subject of recommendations by the General Assembly.

<sup>302</sup> The Commission considers that the ultimate effect of the reorganization contemplated by the Bantu Education Act may be that primary and secondary educational policy will be determined, not according to curricula prepared in departmental offices nor by the "European" inspectors, who cannot exert their influence or pressure at all times and in every classroom, but rather by the 22,000 schoolmasters acting individually in their classrooms or acting together in associations, by Bantu sub-inspectors whose posts have recently been established and who are necessarily recruited from among the *élite* of the teachers, and by the secretaries of school committees, all these being Bantu of the educated classes which are particularly alert to the pattern of emancipation occurring in conquered or colonized societies or nations.

The nationalism mentioned above is unfolding before our very eyes. One of the many signs which have come to our knowledge gives a sufficient indication. According to a report in the *Cape Times* of 9 February 1955, the African Congress of Basutoland (January 1955), at a national conference held at Maseru, noted with very deep regret that an extensive part of Basuta territory which the Boers of the Free State had seized during the Basuto war had not been returned to the Basutos on the conclusion of peace, and requested its return.

Every situation has its distinctive characteristics, which vary according to country and according to period; no two situations are alike; but some historical events still fresh in the memory inevitably leap to the mind. For example, a form of chauvinism, naturally different but in various ways similar, was at one time as widespread among Polish schoolmasters in Poland under the Tsarist régime even, or especially, when they had to teach in Russian, and in Czechoslovakia under the Hapsburgs, even when they had to teach in German.

<sup>303</sup> See para. 165 above.

<sup>304</sup> See documents A/2505 and Add.1, para. 905, and A/2719, para. 359.

<sup>301</sup> See chap. II, sect. VI, A, above.

The material also shows that the attention of the world, particularly of the Coloured world, is firmly focused on South Africa disapprovingly and often with a resentment which sometimes distorts the view and may even lead to extreme opinions and may finally become a potential source of international disputes.

Sixthly, despite what has been said under points one to three above, despite the declarations of responsible members of the Government, in which they invariably profess their explicit and unequivocal adherence to the principles of *apartheid* and their intention of translating it into reality, nevertheless the policy of *apartheid*, so far as it has been possible to observe its operation in law and in practice during the year under review, seems still to be characterized mainly by gradualism and flexibility. That had also been the Commission's observation in its first report (A/2505 and Add.1, para. 423). Indeed, this gradualism seems to have become more marked in recent times, in other words the pace at which the *apartheid* programme is being carried into effect has been slowed even further.

In July 1955, at the end of the parliamentary session, the objective appeared almost as far away as one year before.<sup>305</sup>

Another noteworthy point is that the Government apparently recognizes more or less explicitly and discreetly that complete territorial separation might well be a theoretical objective unattainable in practice.

Last year, one chapter in the Commission's report was entitled "One year of life in South Africa under

<sup>305</sup> The volume of new legislation should not give the observer a false picture of the real situation. This legislation covers only a tiny fraction of reality and affects the daily life of the people as a whole only incompletely and after a great time-lag; much of it fills certain gaps in previous legislation or makes it possible to apply legislation which had perforce remained ineffective because there were no new directives to clear up difficulties and vague points which, because of the complex situation, did not become apparent to the legislature until the first stage of the very first efforts to apply it.

This is particularly true of the basic Group Areas Act. The attempt to apply this Act extensively seemed to betray a certain hesitation even before the main effort was made. Even the transfer of population from Sophiatown to Meadowlands, which has been proceeding regularly since 9 February 1955, seems to be only an initial experiment of virtually symbolic value which may be said to reveal a certain timidity if one compares this first "black spot" in the process of eradication with the number and size of the spots of all shades that are still to be eradicated or reabsorbed.

It would seem that neither at Durban or at Cape Town, where the races are almost inextricably intermingled, has there yet been any progress beyond the stage of proposals and counter-proposals, conflicting preliminary drafts and drafts of the future ethnic plan for these towns and their residential and industrial suburbs.

It has not yet been decided in any large multiracial community how or how far, according to what criteria and within what time limits the responsible organs may or should take into account the claims, protests, or particular requirements of landlords, tenants, individuals, families, factories, workshops and companies.

In addition there is still some doubt about the "level" of the population pyramid at which regrouping should take place, whether the groups should be large or whether there should be compulsory local regrouping on a very small scale whenever there is racial intermingling in any specific village or rural community.

In order to clear up such doubts Dr. Dönges, the Minister for the Interior, convened, in March 1955, a conference of about 200 provincial delegates responsible for applying the Act. The conference was held in the strictest secrecy and, when it ended, it was still unknown, for example, whether the State or the local authority was responsible for paying compensation to the members of the different races transferred to the group areas (*Cape Times*, 26 March 1955).

*apartheid*". The Commission would hesitate to give this title to its report today. The title should rather be "One year of life in a country proceeding towards *apartheid*", but proceeding slowly, extremely slowly, cautiously and carefully. At the rate at which the Government is promoting each day a fuller measure of *apartheid*, it may well take many years before the theories of the new *apartheid* bear even a modest resemblance to actual fact. By then, the succession of generations, White and Black, will have changed the course of events.

Seventhly, there is ample evidence of the flexibility of *apartheid* already mentioned by the Commission; this flexibility is somewhat unexpected on the part of political leaders who remain firm in their statements of principle. It is to be found mainly in the form of exceptions to traditional segregation, or to discrimination as prescribed by regulations, whenever some overriding interest makes an exception desirable in the eyes of the Government.<sup>306</sup>

Eighthly, the Commission also notes a significant hesitancy in the application of the policy of *apartheid*, for example the notable delay in "proclaiming" the principal group areas, although the Minister of Native Affairs had announced, on 23 March 1955, that these areas would be proclaimed in quick succession; the delay in reaching a decision on the Holloway Commission's report on the feasibility of actually introducing complete *apartheid* in higher education;<sup>307</sup> and the Government's delay in publishing the voluminous report on the social and economic development of the Native reserves, of capital importance so far as the policy of *apartheid* is concerned, which was completed almost a year ago by the Tomlinson Commission.

Ninthly, the Commission cannot avoid asking in public the questions which it asked itself. Is this slowness to act the sign of mere caution or discretion on the part of the Government, in anticipation of possible national and international repercussions? Is it the sign of intellectual hesitation regarding the methods to be employed in guiding the South African nation towards future structural patterns which are still considered realizable? Or is it not rather the sign of certain nascent misgivings about the legitimacy, or the attainability, of the proposed objectives?

<sup>306</sup> In 1954, after the inter-parliamentary conference at Nairobi, the Union of South Africa invited some members of parliament of the British Commonwealth to visit the Union. As if by magic those of them who would normally have been treated as "non-Europeans" found that the "colour bar" was suspended for them in the various towns of the Union at mealtimes and in their lodgings.

On 15 January 1955, when the United States aircraft-carrier "Midway" dropped anchor in Cape Town Harbour with a crew of 3,000, 400 of whom were Coloured, the South African authorities removed the colour bar for them to a considerable extent, as was reported in *The New York Times* of 16 January 1955.

On 4 July 1955, when the Minister of Defence, Mr. F. C. Erasmus, announced, in a statement to the Press, that the British Government and the Government of the Union of South Africa had signed an agreement transferring to the latter the naval base of Simonstown, a British enclave in South African territory, he implied that it was natural and normal that the Union should enter into commitments inconsistent with the letter and spirit of the *apartheid* legislation. Under the terms of the agreement, the Union Government guarantees:

(a) That there will be no bar to the recruitment and employment of non-Europeans;

(b) That there will be no discrimination based on colour in the rates of pay for comparable jobs;

(c) That non-Europeans once recruited will have the same security of tenure as Europeans.

<sup>307</sup> See chap. II, sect. VI, C, above.



The Commission cannot supply the answers. It sincerely hopes that this year, when action to promote *apartheid* was, if not almost at a standstill, at least very slow, marks the beginning of a change of mind in favour of the principles upheld by the United Nations.

310. The Commission considers, however, that it should mention certain factors which, in its opinion, may have influenced the trend thought to be discernible and which may have affected, in the manner indicated, the rate and intensity of implementation of the policy of *apartheid*.

The Commission believes that this flexibility, this delay, these misgivings, not to mention the countless new obstacles which arise unexpectedly on the way however clearly it may be drawn on the theoretical map of *apartheid*, may have been influenced by the following facts:

(a) On the strength of the information classified and analysed in the body of the present report, the Commission continues to believe, as it had stressed in its second report (A/2719, para. 177), that, so far as the economy of South Africa is concerned, despite the attempts to brake the employment of Native workers in industry, despite the drive for increased mechanization in European factories designed to replace part of the hitherto indispensable Bantu labour, despite the theoretical limitation of the number of Bantus admitted to live in locations "in the sky" in Johannesburg apartment buildings, nevertheless the integration of Native workers in "European" industry, commerce, agriculture and domestic service continues unabated.<sup>308</sup>

In other words the trend towards greater *apartheid* desired by the present Government is counter-balanced by a trend in the exactly opposite direction, an insidious, slow, but continuous and apparently irreversible, trend towards integration.

(b) The increasing demand for manpower, the steady influx of unskilled or semi-skilled workers to the constantly more numerous mines or factories<sup>309</sup> and the settlement of both non-Europeans and Europeans in

<sup>308</sup> *The Cape Times* of 4 August 1954 illustrates this process of integration by the following figures:

"In 1947, Europeans working on farms totalled 14,470 and Natives 715,000. In 1952 the number of Europeans had decreased to 11,088 and the number of Natives had risen to 801,211.

"In 1946, the total number of Natives living in urban areas was 1,892,000 or 24.1 per cent of the total Native population. In 1951 it was 2,325,000.

"The manufacturing industry in the Union employed 279,000 Natives in 1947-48. Three years later this number had increased to 364,000.

"The number of Natives employed in the mining industry in 1948 was 387,000 and in 1953 the total had increased to 421,000. European labour in the industry increased in the same period by 10,000 to 60,000."

<sup>309</sup> New gold mines in the Orange Free State, brand new plants for the treatment of uranium ore, plants for the manufacture of gasoline from the Union's immense coal deposits—all these represent the cost of the country's industrialization and economic prosperity. The cost is not too high from the point of view of race relations, for in the past year the non-Europeans have been receiving a larger share of this prosperity; they are proud of the steady rise in their purchasing power.

But unfortunately the Commission cannot conclude from the above that this industrial boom, by gradually raising the standard of living of all groups and races, will eliminate racial problems, a view recently expressed by a British observer (Mr. Laurence Gilliam, Head of Features of the British Broadcasting Corporation) interviewed after a stay of two months in South Africa (*Cape Times*, 15 April 1955). Historical experience has taught it that when passions—for instance, for independence or equality—are aroused, the political outweighs the economic element.

urban areas have encouraged the trend towards detribalization, a trend which conflicts with the Government's efforts to consolidate or even to re-establish the tribal system in the Native reserves, hostels, compounds or reserved quarters of urban and rural areas.

(c) The internal reactions of important "social" groups which the Commission has studied in detail in the body of its report.<sup>310</sup>

These groups have steadfastly opposed the policy of *apartheid*, arguing cogently that this policy is irreconcilable with the moral principles and the respect for human dignity which the civilized world has accepted as standards of national and international conduct, and stressing that the policy has no chance of being translated into reality.

In this connexion, the Commission would refer to the statements of certain Members of Parliament and to the attitude of the churches and certain scientific institutions.<sup>311</sup>

(d) The moral force of international public opinion. The Commission is convinced that the Union Government must have given serious and careful consideration to the remarkable fact that year after year, and during the last session even more forcefully than before, the General Assembly, by a more than two-thirds majority, has proclaimed that this racial policy is contrary to the Principles of the Charter and has suggested that it should be reconsidered.<sup>312</sup>

The Government of the Union of South Africa must also have been aware of the moral force of the other great expressions of world opinion which the Commission describes in its report<sup>313</sup> and others which the Commission did not mention but which must certainly have come to the knowledge of the South African Government: the opinion of most of the world's leading periodicals which have discussed racial tension in the Union and which are unanimous in their judgment of the policy of *apartheid*.

(e) Another factor closely connected with the above which the Commission mentioned in its first report is the fact that, in this century of extensive and rapid communication, it is impossible to prevent the groups against whom discrimination is practised in the Union of South Africa from "catching" the idea of aspiring to a better, more humane and more equalitarian life, with the full enjoyment of the political, social, economic and cultural rights which millions of human beings in other countries enjoy. These include millions of persons of African descent, a circumstance which confirms the belief that colour differences cannot exclude the non-Europeans of South Africa from the enjoyment of any of the rights guaranteed by law or custom to other citizens.

Every day more and more non-Europeans are confronted with some basic facts of international life: for example, they have now become aware that there is not another country in any of the five continents that has set up racial segregation as an absolute and eternal principle or what might even be called a principle of divine right. In no other country of the world is there an ethnic minority labouring to clear up to its own advantage a racial muddle which it has itself created. The South African Government is the only Government in the world

<sup>310</sup> See chap. II above.

<sup>311</sup> See chap. II, particularly sec. I, B, VIII and IX, above.

<sup>312</sup> Resolution 820 (IX).

<sup>313</sup> See chap. II, sect. XI, above.

which believes that it can carry out such a fabulous experiment successfully and, to quote a familiar metaphor frequently used by Bantu preachers and journalists, that it can "unscramble a plate of scrambled eggs". South Africa is the only country in the British Commonwealth which does not accept universal suffrage even as an objective to be achieved gradually in the distant future. South Africa is the only country in Africa where the Natives are not represented by their own kind in any legislative or consultative assembly. South Africa is the only country in the world where the Natives are rigorously excluded from certain categories of employment by the legislation of a minority intent on reserving them for itself.

Yet at the same time—a phenomenon which is, as it were, on the other side of the balance—the South Africans, all South Africans, both European and non-European, watch with something like fascination the peaceful conquests and progress of the Negroes north of the Limpopo, variously deploring or welcoming, as the case may be, the latter's advancement.<sup>314</sup>

We could quote many more such extracts. Every issue of the *Bantu World* (Johannesburg) has a special column entitled "Those Near Us, but Far Away" which makes a point of reporting such news items.

It is also noteworthy that America in general holds a kind of fascination for non-Europeans in the Union of South Africa. This is particularly true of the United States whose present experiment in racial desegregation is being followed with rapt attention. This is evident from a mere perusal of the *Bantu Press*. The South African Negroes are proud of the amazing progress of their overseas brethren of African origin; they are proud of their economic progress, proud of their continuously more brilliant social victories and proud of their eminent cultural achievements. They aspire to closer links with them and the English language is the first and most indispensable of these links.

An educated South African Native, Selby Bangani Ngcobo, M.A., B. Econ., has said that the progress of Negroes in the United States was being closely observed by the Bantu patriot, who regarded it as proof that it was possible for a people of African origin to reach the

<sup>314</sup> Practically every issue of Afrikaans and English newspapers and Bantu, Indian and Cape Coloured weeklies and monthlies contains short news items such as the following, chosen at random:

"Chatham (Ontario, Canada), 15 January 1955: Two restaurant keepers were fined £18 each here yesterday for refusing to serve three Negroes and a Chinese-Canadian girl because of their colour."

"Fort Sill (Oklahoma, United States of America): A school at Fort Sill, Oklahoma, USA, may become the first school in the State to admit both Negro and White children following a Bill introduced in the State Legislature yesterday."

"Leopoldville (Belgian Congo), 30 April 1955: Natives in the Belgian Congo will now be able to buy alcoholic drinks in shops and to drink alcoholic beverages in cafés owned by Europeans."

"The Governor-General of the Belgian Congo, M. Leo Petillon, issued an ordinance last week authorizing the change. Hitherto all alcohol, except beer, was forbidden to Natives."

"Nottingham (England), 30 July 1955: Four young farmers from Jamaica who represented their country in the International Dairy Stock-judging Contest at the Royal Agricultural Show at Nottingham (England), won the Annual Competition for Young Farmers Clubs. The cattle they had to judge were Ayrshires and Shorthorns, breeds unknown to them in their own country."

"Salisbury (Southern Rhodesia): Mr. M. M. Hove has been appointed to the Council of the University of Rhodesia and Nyasaland. Mr. Hove is the specially-elected African member of the Federal Assembly for Matabeleland."

highest levels of civilization in a relatively short time (*La Nation sud-africaine*, Collection "Profil des Nations," Editions du Rocher, Monaco, p. 69).

In the Commission's opinion this situation—in which the emotions of the century and the great currents of world thought penetrate the most tightly closed frontiers, while the non-Europeans of South Africa are aware that they are denied the opportunities, progress and the rights that, at least in principle, are held to be the due of all human beings in other African territories and in other continents—such a situation has distressing implications for the future. Its effect is to stir up latent discontent and to prompt painful and irritating comparisons; in short, it adds to interracial tension.

#### 4. PRESENT THOUGHTS ON PAST SUGGESTIONS

##### (a) *Interracial contacts and the United Nations*

311. The Commission considers that a solution of the problems arising out of the relationships between the White minority and the Bantu majority should be sought in more and more frequent interracial contacts, conferences and round-table discussions between men of good will, White and non-White.

The Commission is becoming more and more deeply convinced, however, that these inter-governmental or inter-group contacts should take place in the presence of proper and very high-ranking representatives of the United Nations (the President or Vice-Presidents of the General Assembly, the Presidents of the Security Council, of the Economic and Social Council, of the Trusteeship Council, the Secretary-General, or their qualified representatives) so that the principles of the Charter and of the Universal Declaration of Human Rights should be effectively represented at the discussion and planning of solutions.

In these days, the United Nations is bringing its influence to bear—with difficulty perhaps, even laboriously, but nevertheless effectively—to secure the cessation of conflicts and a reconciliation between nations which are at odds. Some day—and it is hoped that the day will come soon—this influence will be regarded as necessary to facilitate the settlement of "threatening racial conflicts or deteriorating colonial disputes" (A/2719, para. 355).

##### (b) *Technical assistance by the United Nations*

312. The Commission draws the General Assembly's attention once again to a suggestion made in its second report (A/2719, para. 384) entitled "Suggestion III. Possible assistance by the United Nations", namely that the United Nations should offer its co-operation to the Union of South Africa including, as special technical assistance, the intellectual and material resources which the United Nations and the specialized agencies can command, for the purpose of promoting international studies and contacts and carrying out economic and social measures conducive to a peaceful settlement of the racial tension in the Union in the spirit of the Charter and of the Universal Declaration of Human Rights.

In its previous report the Commission offered this suggestion quite explicitly but at the same time very discreetly and cautiously. It would be extremely gratified if a discussion on this suggestion were to be held in the General Assembly.

The Commission realizes that this proposal may come as a surprise. The Economic and Social Council and the General Assembly, in the rules which they have drawn

up for technical assistance, have stipulated that every assistance project must be preceded by a specific application from the Member State concerned. These rules, undoubtedly wise in most cases, were drawn up by the United Nations itself; accordingly, if it so desires, it can certainly make changes or variations therein or permit exceptions thereto, as circumstances or particular cases may require.

There is no reason why the United Nations should not decide that it is itself prepared to offer assistance to a Member State which is experiencing difficulties threatening both the stability of its national life and the continuance of its peaceful relations with outside communities.

The Union of South Africa cannot of course be likened in any respect to an under-developed country like those for which technical assistance is intended within the limited meaning of the term as now interpreted in the United Nations. The Union of South Africa is a country whose natural resources, and the enterprising spirit of whose leading minority, guarantee growing economic prosperity; but the authorities of the Union are faced, in their relations with a Native majority indispensable to the very life of the nation and an integral part of its structure, by social problems of such magnitude and scope that the disinterested assistance of the international community is undeniably justified by the principles of solidarity which the assembled peoples have incorporated in the Charter.

Nor does the Commission fail to appreciate that such assistance projects, if agreed upon, would have little chance of immediate acceptance by the Government of the Union of South Africa. But the fact that such assistance, in its general lines, would be planned by United Nations experts; the assurance that the offer of such assistance would always be open to any Government of the Union disposed to accept it; and the very existence of such projects—all these would certainly have a beneficial (even though long-range) effect on the development of the situation in South Africa.

Such an offer of assistance and good offices on the part of the United Nations would clearly have much to commend it: first, the most diverse circles are becoming more and more convinced that hardly any national problem is without its international implications and repercussions, which means that every such problem concerns the bodies set up by man to further peace and social progress. It is also coming to be realized that the problems of South Africa are among those whose international implications are most obvious.

Secondly, an atmosphere of *détente* and international co-operation, particularly noticeable now at Geneva [at the time of the Commission's session] has spread throughout the world after the Four-Power Conference and makes it incumbent on all Governments and international agencies to do everything in their power and to use all their imagination to settle all disputes.

It seems to us impossible that the Government of the Union of South Africa can remain for ever deaf to the appeal and to the generous and disinterested offers of good offices tendered by all mankind in its earnest desire to promote the implementation of the principles of the Charter and of the Universal Declaration of Human Rights.<sup>315</sup>

<sup>315</sup> We consider it useful to give some particular examples to show how international assistance could be rapidly furnished

(c) *Technical assistance and human rights*

313. Lastly, a new development has occurred this year which would justify, if justification were needed, such an offer of assistance by the United Nations to the Union of South Africa. It was with deep satisfaction that our Commission noted that another United Nations Commission, the Commission on Human Rights—an inter-governmental body—adopted a resolution of considerable implications, with great boldness of thought and in equally forceful language, giving universal application to the principle of United Nations technical assistance for the promotion of human rights. We had formulated this same principle last year in our own report, within the limitations of our terms of reference. By adopting this resolution, the Commission on Human Rights has opened to the United Nations a new field of action for the promotion of human rights, the possibilities of which are immense but the effectiveness of which will depend on the willingness of the United Nations to take practical steps.

The suggestions we made last year in our report are so obviously allied to the resolution of the Commission on Human Rights that we feel we should reproduce the gist of the resolution as adopted by the Economic and Social Council at its twentieth session (resolution 586 (XX)), together with the paragraph of our previous report containing our proposals which are still valid in respect of the Union of South Africa (A/2719, para. 384).

and prove effective. The first example is that of higher education and administrative, legal, financial, scientific, technical and other training. The problem which we raise actually goes beyond the confines of the Union of South Africa and its implications extend to United Nations technical assistance activities in every country.

The Commission sincerely believes that two methods of educating the backward masses should be applied simultaneously and along parallel lines with a view to raising their living standards: first, the masses should be taught to read and write, in other words they should be given the means of communicating with their fellow men and of acquiring knowledge; secondly, those who have had some success, despite great difficulties, in attaining a certain level of education should be provided, as soon as possible, with the facilities necessary to enable them to become the spiritual, technical, scientific, legal and political leaders of their fellow citizens.

One section of the present report (chap. II, sect. VI, C) contains a brief account of the difficulties of higher education in the South African universities and of the serious problems arising from the introduction, limitation, extension or definition of segregation and *apartheid*. The Commission considers that this is a subject calling for much more advanced study and that United Nations technical assistance offered generously and accepted in the spirit of the offer might be extremely productive. We have given this example because it is specific, because it might lead to action, limited in scale but far-reaching in implications, and because we feel that this problem must also arise and should be considered in the context of technical assistance priorities in many other countries where these psychological, fundamental and everywhere more and more decisive factors of human conduct have apparently not been taken sufficiently into account or, at least, have not led to any large-scale action by the United Nations.

The Union of South Africa, with its great Bantu, Cape Coloured and Indian masses intent on learning but, as the Holloway report points out, limited by economic circumstances in its chances of attending colleges and institutions of higher learning, would lend itself admirably for assistance such as the Commission has in mind.

At present technical assistance uses often, on a small scale, the fellowship system for student or young civil service candidates. This system, however useful, is not very efficient and is slow in producing results. For effective and rapid action much more energetic methods would have to be devised, for example, the establishment of specialized international courses to provide these pre-selected "nuclei of the *élite*" with higher and intensive training, adjusted to the aptitude of the students, in administrative, legal, scientific and technical subjects. It is this *ad hoc* advanced training which must be organized.

(footnote continued on following page)

"ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

"The Economic and Social Council,

"Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Considering that by Articles 55 and 56 of the United Nations Charter the States Members of the United Nations have pledged themselves to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Recognizing that technical assistance, by the international interchange of technical knowledge through international co-operation among countries, represents one of the means by which it is possible to promote the human rights objectives of the United Nations as set forth in the Charter and the Universal Declaration of Human Rights,

"...

"Taking note of resolution 730 (VIII) of the General Assembly authorizing the Secretary-General to render, at the request of any Member State, technical advice and other services which do not fall within the scope of existing technical assistance programmes, in order to assist the Government of that State within its territory in the eradication of discrimination or in the protection of minorities, or both,

"...

"1. Decides to consolidate the technical assistance programmes already approved by the General Assembly (relating to the promotion and safeguarding of the rights of women, the eradication of discrimination and protection of minorities, and the promotion of freedom of information) with the broad programme of assistance in the field of human rights proposed in this resolution, the entire programme to be known as 'Advisory services in the field of human rights';

(footnote 315 continued from preceding page)

The editorial entitled "As necessary as the daily bread" which appeared in *Die Transvaler* of 5 July 1955 and which is quoted below raises another problem which United Nations technical assistance could certainly help to solve. The Universities of Stellenbosch and Pretoria could, for example, with the co-operation of the assistance programmes, found chairs of international relations and more particularly interracial relations such as exist in the United Kingdom. The editorial reads as follows:

"Afrikaners now need a knowledge of world affairs as much as their daily bread. This is true not only of Afrikaners who hold high-ranking and responsible positions, but of all Afrikaners. It serves little purpose for the Prime Minister, Mr. J. G. Strijdom, to keep on telling us that there can be no isolation in the modern world if the rest of Afrikanerdom is unaware of what takes place elsewhere in the world.

"The study of international relations is therefore an urgent necessity for the average Afrikaner . . .

"Accordingly, chairs of international relations should be founded in our universities. Abroad there are such chairs in the important universities, but in the Union itself almost nothing has been done so far. It is, of course, desirable that the student should acquire a sound knowledge of the past from history courses; but it is equally essential for him to be able to document himself on the present. The universities deserve our gratitude for what they are already doing to prepare young Afrikaners for life. But the lack of facilities for informing the young people about the political movements of the present day is all the more surprising.

Which South African university will take the lead?"

In its first report the Commission drew attention to the serious problem of over-grazing and erosion which have assumed most alarming proportions in the Native reserves. Whether the present policy of *apartheid* is continued or whether a different tendency emerges in the more or less distant future, the main problem remains basically the same: how to increase the productivity of very unproductive land which, being situated mostly in areas with ample or adequate rainfall, requires only the methodical and continuous application of modern methods in order to sustain a much greater population. This, then, is a third field in which technical assistance by the United Nations and the specialized agencies could help to solve a serious problem which is intimately bound up with the racial problem in the Union.

"2. Authorizes the Secretary-General:

"(a) Subject to the directions of the Economic and Social Council, to make provision at the request of Governments, and with the co-operation of the specialized agencies where appropriate and without duplication of their existing activities, for the following forms of assistance with respect to the field of human rights:

- (i) Advisory services of experts;
- (ii) Fellowships and scholarships;
- (iii) Seminars;

"(b) To take the programme authorized by this resolution into account in preparing the budgetary estimates of the United Nations."

\* \* \*

"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* of a threatened dispute? The latter is the type of situation with which the international community is confronted in South Africa."

\* \* \*

It is to be hoped that this resolution of the Commission on Human Rights, which has already been approved by the Economic and Social Council, will be accepted by the General Assembly and be more than a pious wish, more than a well-meaning—but completely ineffectual—token of good intentions.

The Union of South Africa, it seems to us, might be a field where this resolution could be applied. That is why we think it our duty to reaffirm here that this possibility for United Nations action could and, in our view, should be used. The only difference between our suggestions and the resolution adopted by the Commission on Human Rights is this: in our suggestions technical help is *offered* by the United Nations; in the resolution such help is to be *requested* by the Government concerned. We have already indicated why and how the United Nations can remove this minor difficulty created by the Organization's own procedures.

In any case, it is our firm belief that if the United Nations were to adopt the principle embodied in our suggestions, were to enter resolutely upon the course of action recommended by the Commission on Human Rights and the Economic and Social Council, and were to decide, with all the caution that wisdom dictates and after making all the prerequisite studies, to undertake this new kind of technical assistance, it would be opening in the field of its supreme responsibilities new, unexplored channels for United Nations activity; it would be a decision to discharge one of the most noble tasks entrusted to the United Nations by the Charter of the peoples, that

of dealing with racial tensions and finding peaceful solutions in keeping with the high purpose of the Universal Declaration of Human Rights to safeguard the dignity of man.

## 5. THE UNION OF SOUTH AFRICA AND INTERNATIONAL SOLIDARITY

314. The deeper one delves into the human problems of South Africa the more strongly one gains the conviction that the situation in that country is historically and sociologically unique.

The situation may be summed up as that of a colony without a mother country, and hence very different from the situation in most colonial countries. In the latter the White minority becomes conscious again of the fact that it is a majority and powerful when it considers itself in association and identifies itself with the mother country. This association and this solidarity with the mother country give the White element a feeling of security with which to face the course of events and relieve it of the anxieties that cloud a minority's view of an uncertain future.

That was still the position of the descendants of the English or Scottish settlers in South Africa under the Botha, Hertzog and Smuts Governments, and so it remained, with some modifications of course, after the Nationalist Government's advent to power in 1948. The Union's membership of the British Commonwealth reassures them and gives them a sense of security. Should circumstances in South Africa deteriorate beyond repair, they have the comforting feeling that they could withdraw to the old country with which they have kept very strong sentimental ties.

The Afrikaners have no similar consolation. They are, among the White minority, the majority at present in power; they feel isolated, they feel no solidarity with a distant mother country and they are confronted with a growing majority of Negroes and Coloureds. This no doubt explains, at least partly, some reactions of the leaders of the Union of South Africa.

The Commission takes the view that this isolation (which it realizes and which, it knows, is such a great strain that the White minority is often on the point of faltering under the burden and takes refuge in questionable gestures) ought to influence the Union to seek the

solidarity which the United Nations endeavours to create among its Members. What is meant here is not, of course, racial solidarity but that human solidarity which transcends the ties that history, geography, tradition and biological appearances have forged between man and man. We mean a solidarity which is based on a common striving towards justice and social progress according to common and generally accepted principles, a solidarity which should become daily more intimate, more urgent and more effective. This solidarity, in which the Union of South Africa may share actively, if it so desires, and from which it may derive great benefit progressively, will become, because of its material strength and moral authority, the most effective guarantee of the security so anxiously sought by minorities such as the White minority in South Africa against the threats which, rightly or wrongly, they discern in the future.

Surely this is the basis for the solutions to the problems of the future, not solutions gratifying the vain and dangerous aspirations of some threatened and sensitive national prestige but, we think the only solutions which offer any chance of success and peace in the treatment of racial disputes as in the conduct of colonial conversations.

Accordingly we sincerely hope and wish that the Union of South Africa may reconsider its policy towards the United Nations and enter into close and extensive co-operation with the Organization in the various fields where this co-operation is possible, and in particular that it may accept, in a spirit of solidarity, the numerous and varied forms of help and assistance which the United Nations can offer to it in the treatment of the Union's problems.

This hope is strengthened by a perusal of recent issues of the newspaper *Die Transvaler*, hitherto regarded as the bulwark of South African isolationism. The Commission cannot think of more fitting words with which to close this report than those used in an editorial which appeared in that newspaper and which said:

"The factor which in the past so powerfully contributed to the formation of Afrikanerdom may prove to be fatal in the future: this factor is isolation."<sup>316</sup>

To this opinion the Commission subscribes wholeheartedly.

<sup>316</sup> *Die Transvaler*, 5 July 1955.

## ANNEXES

### ANNEXE I

#### Chronology

2 August 1954.....	Notification by the Department of Native Affairs relating to the transfer of mission schools.
29 September 1954.....	Statement by the Minister of Native Affairs concerning the industrial development of Boksburg.
21 October 1954.....	Farewell address by Dr. Malan to the National Party Congress in Cape Province.
October 1954.....	Report of the Tomlinson Commission on its inquiry into the economic and social development of the Native Reserves submitted to the Governor-General.
16 October 1954.....	Opening of United Party Congress at Bloemfontein.
26 November 1954.....	New curricular for the lower classes of Native primary schools published at Pretoria.
2 December 1954.....	Formation of Strijdom Government.
8 January 1955.....	Statement by Mr. Eiselen concerning the policy of removing the Natives from the the Western Province.
21 January 1955.....	Opening of Parliament.
January 1955.....	Annual meeting of SABRA at Stellenbosch.
January 1955.....	Annual Conference of the South African Institute of Race Relations, Cape Town.
2 February 1955.....	Report of the Commission of Inquiry on separate training facilities for non-Europeans at Universities in the Union of South Africa laid before the House of Assembly.
9 February 1955.....	First transfer from Sophiatown to Meadowlands.
1 April 1955.....	The State assumes control of Bantu schools.
21 April 1955.....	Decision of the Transkeian Territories General Council (Bunga) accepting the principles of the Bantu Authorities Act.
4 May 1955.....	Closing of the University College of Fort Hare (institution of higher education for Natives).
23 June 1955.....	Close of parliamentary session.
25/26 June 1955.....	Congress of the People, Kliptown, Johannesburg.
1 July 1955.....	Reopening of Fort Hare College.

### ANNEX II

#### Letter sent by Dr. D. F. Malan, Prime Minister, to the Reverend John Piersma, and letter sent to the Prime Minister by the South African Institute of Race Relations in reply to his letter to the Reverend John Piersma

In a letter dated 15 December 1953, the Rev. John H. Piersma, of Grand Rapids (United States of America), asked Dr. D. F. Malan, Prime Minister of the Union of South Africa, for "a frank description of *apartheid*" which could be used "to convince the American public". Dr. Malan replied on 12 February 1954, and on 21 April 1954 the South African Institute of Race Relations sent a reply to him. These two letters are printed below.

A. LETTER, DATED 12 FEBRUARY 1954, SENT BY DR. D. F. MALAN, PRIME MINISTER, TO THE REV. JOHN H. PIERSMA, OAKDALE PARK CHRISTIAN REFORMED CHURCH, GRAND RAPIDS, MICHIGAN (U.S.A.)

It was indeed heartening to receive a letter such as yours of 15 December, asking me for a statement on the

much disputed and misunderstood *apartheid* policy of the South African Government. Such a request is almost unique in an imperfect world which claims the right to judge others by standards of perfection without prior knowledge of the circumstances which have in the course of centuries contributed to the creation of particular problems.

It must be appreciated from the outset that *apartheid*, separation, segregation or differentiation—whatever the name given the traditional racial policy of South Africa—is part and parcel of the South African tradition as practised since the first Dutch settlement at the Cape in 1652, and still supported by the large majority of White South Africans of the main political parties.

The deep-rooted colour consciousness of the White South Africans—a phenomenon quite beyond the comprehension of the uninformed — arises from the fundamental difference between the two groups, White and Black. The difference in colour is merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and civilization, between heathenism and Christianity, and finally between overwhelming numerical odds on the one hand and insignificant numbers on the other. Such it was in the early beginnings and such it largely remains. The racial differences are as pronounced today as they were 300 years ago. Small wonder that the instinct of self-preservation is so inherent in the White South African. He has retained his identity all these years. He is not willing to surrender it now.

From the outset the European colonists were far outnumbered; there is no doubt that if they had succumbed to the temptation of assimilation, they would have been submerged in the Black heathendom of Africa as effectively as if they had been completely annihilated. Of necessity they had to arm and protect themselves against this ever-growing menace, and how could it better be done than by throwing an impenetrable armour around themselves — the armour of racial purity and self-preservation?

As Lord Balfour stated on a famous occasion: "In South Africa a White nation has established itself in a Black continent which is something that has never before presented itself in the history of mankind." He might have added that there is no parallel for the South African racial record of non-extirpation, non-miscegenation, non-assimilation, but of preaching and practising Christianity with the retention of racial identity and of mutual respect.

This then is the basis of *apartheid*. But let me point out that there is another and more positive aspect of this creed.

Essentially a positive and non-repressive policy as applied in our enlightened day, *apartheid* is based on what the Afrikaner believes to be his divine calling and his privilege — to convert the heathen to Christianity without obliterating his national identity. And as you have addressed me in the first place as a Christian and a churchman, let me at the outset summarize for your consideration the point of view of the Dutch Reformed Church with which the other Afrikaans churches are fundamentally in agreement.

A considered statement on behalf of the leaders of the Dutch Reformed Church, much the largest church in South Africa, with whose doctrine your own Christian Reformed Church is in main agreement, was issued a few months ago on the occasion of an interdenominational conference called by the Missionary Council of the Dutch Reformed Church. The principles therein enunciated fairly reflect the basis upon which the Afrikaans Churches have, ever since their establishment, approached South Africa's complex, multiracial problem. With due regard to their historical background, I may summarize these principles as follows:

1. Missionary work has been practised in this country from the early beginnings as being the Christian duty of the settlers to the heathen. Only afterwards were the principles formulated which govern the racial policy of the State and of the established Churches here.

2. The Church believes that God in His wisdom so disposed it that the first White men and women who

settled at the foot of the Black continent were profoundly religious people, imbued with a very real zeal to bring the light of the Gospel to the heathen nations of Africa. These first South Africans lit a torch which was carried to the farthest corners of the sub-continent in the course of the last three centuries and whose light now shines upon the greater part of all non-White peoples south of the Equator.

3. Whilst the Church regards the conversion of the heathen as a primary step in his march to civilization it is prepared to face and, in fact, to implement the implications of christianizing the heathen. Not only has it been busily employed all these many years in establishing mission congregations throughout the length and breadth of the country and far beyond its confines, it has also established separate Churches for the various non-White groups, all of which are fast approaching the stage of complete autonomy.

4. In the early beginning the Church used the blessings of civilization as a means to attract the heathen, but today the traditional concept of European guardianship has taken the form of fostering and financing to the full the social, educational and economic development of the non-White. And whilst believing that God helps him who helps himself and, therefore, encouraging and assisting the non-European also to exert himself in this general movement of uplift and enlightenment, the Church has at all times vouchsafed the various Black races the right and duty to retain their national identities. Christianity must not rob the non-White of his language and culture. Its function is to permeate and penetrate to the depths of his nationalism, whilst encouraging him to retain and refine those national customs and traditions which do not clash with the Christian tenets.

5. The traditional fear of the Afrikaner of racial equality (equalitarianism) between White and Black derives from his aversion to miscegenation. The Afrikaner has always believed very firmly that if he is to be true to his primary calling of bringing Christianity to the heathen, he must preserve his racial identity intact. The Church is, therefore, entirely opposed to intermarriage between Black and White and is committed to withstand everything that is calculated to facilitate it. At the same time it does not begrudge the non-White the attainments of a social status commensurate with his highest aspirations. Whereas the Church, therefore, opposes the social equalitarianism which ignores racial and colour differences between White and Black in everyday life, it is prepared to do all in its power to implement a social and cultural segregation which will redound to the benefit of both sections.

6. But the duty of the Church has its bounds. It is wrong to expect the Church to enunciate a racial policy for the peoples of South Africa. It is not for the Church to define what the mutual relationships of races and racial groups should be politically. True, the Church is the guardian of the truth, the protector of the down-trodden, the keeper of the nation's conscience and the denunciator of evil practices, but there its duty ends. To Caesar must be rendered the things that are Caesar's.

7. The Bible is accepted as being the Word of God and the Dutch Reformed Church accepts the authority of Holy Writ as normative for all the political, social, cultural and religious activities in which man indulges. The Church acknowledges the basic rights of the State as a particular divine institution to regulate the lives and actions of its citizens.

Passing then from the historical and spiritual basis of *apartheid* to its everyday political application as practised by the present South African Government, let me remind you that government is the art of the possible. It makes no sense, therefore, to criticize the policy of *apartheid* in the abstract and without due regard to facts and conditions as they exist and as they have been allowed to develop through the centuries. And may I emphasize that to consider only the rights of the Blacks would be precisely as immoral as to have regard only for the rights of the Whites.

I must ask you to give White South Africans credit for not being a nation of scheming reactionaries imbued with base and inhuman motives, nor a nation of fools, blind to the gravity of their vital problem. They are normal human beings. They are a small nation, grappling with one of the most difficult problems in the world. To them millions of semi-barbarous Blacks look for guidance, justice and the Christian way of life.

Here a tremendous experiment is being tried; not that fraught with the bloodshed of annihilation, nor that coloured by assimilation, but that inspired by a belief in the logical differentiation, with the acceptance of the basic human rights and responsibilities. Human rights and responsibilities can, however, only be exercised by human beings who are capable of appreciating their significance and it is here that my Government, dealing as it does with a still primitive non-White population, is faced with a major educational problem. In order that you should realize how serious is our appreciation of this problem, let me give you some idea of the progress made since the National Party Government came into power just over five years ago.

Since 1947-1948 the Government has increased its expenditure on non-White education from £3,665,600 to an estimated £8,190,000 for the financial year 1953-1954. Today nearly 800,000 Bantu children are given their schooling free of charge whereas many more attend technical and industrial schools and an ever-increasing number are being fitted at universities, hospitals and training establishments for the profession of doctors, nurses, policemen, clerks, demonstrators, artisans and builders.

In all nearly \$14,000,000 is spent annually on the education of non-Whites in South Africa of which the lion's share is provided by White South African taxpayers. It is computed that every European taxpayer in our country "carries" more than four non-Whites in order to provide the latter with the essential services involving education, hospitalization, housing, etc.

For apart from education much is done for the physical rehabilitation of the Bantu in his own reserves—in many cases the best agricultural land available in our comparatively poor country. So an amount of £3,500,000 was set aside during the past financial year for betterment works in these areas, where more than 200,000 acres of land have already been reclaimed from the ravishing soil erosion to which it had been exposed as a result of the ignorance of the Black peoples. More than 1,000 storage dams have been built here, 2,000 bore-holes sunk, 7,700 miles of fencing erected and 10,000 miles of roads built. In all these areas irrigation schemes are being undertaken and every effort made, including the improvement of stocks by the introduction of quality bulls (already 2,000 in number), to teach a primitive people the rudiments of sound agricultural practice.

In the field of human rehabilitation an even more ambitious project is being tackled. Disability grants and old-age pensions are available to the Bantu in the same way as to the Whites. Almost £2 million was made available to the Bantu for old-age pensions this past year, whereas many public bodies have exercised themselves to meet the many needs of the non-Whites in regard to the disabilities to which they are heir.

The housing of the non-White population is one of the most urgent and complex problems the various authorities have had to face in our country, suddenly confronted with considerable industrial expansion. My Government has employed its limited resources to the full in order to meet the emergency created in this field by the quadrupling of our industrial production since the war. In this way £18½ millions have been granted by way of loans for Bantu housing since 1945 and 40,000 sub-economic houses have been erected for Bantu workers since 1935.

The more than a million Coloured people (people of mixed race) in our country, are another tremendous responsibility to the Government and a constant drain on the country's exchequer, filled almost entirely by the White taxpayer. A Coloured man may follow any trade or profession he desires. We have Coloured lawyers, doctors, teachers, merchants, journalists, artisans, etc.

Nor does most of our industrial legislation make any distinction on the grounds of colour. Workers of all races enjoy the same protection under our factory and labour legislation; and Wage Boards, in determining wages, are forbidden by law to discriminate on the grounds of race.

Furthermore the non-Whites of South Africa have full access to all health services. These services have done much to improve their general health. In all major centres well equipped clinics, with properly trained nurses and doctors in attendance, cater for their needs. In addition, they normally receive free hospital treatment.

Allegations that the country's non-Whites are not accorded political rights, are untrue. In the urban areas, Advisory Boards, whose members are elected by the residents of Black urban residential areas, provide an adequate mouthpiece whilst tribal authorities are now being established in terms of the Bantu Authorities Act in the rural areas. Through this means the Bantu are given the opportunity to play an active part in the administration of their own affairs and as they develop, more responsibilities and duties as well as privileges, are granted them until they are proved to be competent to govern themselves.

Local, District and General Councils are firmly established in the Transkei and Ciskei. These Councils play a major part in the administration of the Reserves, at the same time offering the Bantu ample opportunity for self-government, self-expression and increasing development. In addition the Bantu are represented in both Houses of Parliament by White representatives, elected by themselves and given very specific charges.

Contrary to popular belief abroad the Whites and Blacks are practically contemporary settlers in South Africa, the former migrating from Europe, the latter fleeing from the terror of Central African internecine wars of extermination.

It is only 50 years since South Africa, until then a poor country, has through the discovery of its vast mineral resources, emerged from its pastoral era. Half a century



of intense development has brought about the upliftment also of the Bantu far beyond that reached by him in any other country on the sub-continent. The result has been a large-scale, illegal migration of Black peoples from the northern territories beyond our borders to South Africa with an ever-increasing aggravation of our non-White problems.

Small wonder that despite the efforts of authorities, central and local, to uplift the Black population, an immense task still awaits them. The recent, unparalleled industrial development of our cities has laid too great a burden on our municipal government, with resultant deplorable slum conditions. And marching with housing, educational demands for the non-Whites, of whom a larger percentage are provided with free education than anywhere else in Africa, or for that matter in most Asiatic countries, including India and Pakistan, have become a real burden on the White taxpayer.

But, however heavy the burden, White South Africa is committed to a policy of Bantu development, in keeping with the positive tenets of *apartheid*, which I would summarize as follows:

1. Energetically to develop the Bantu reserves, both agriculturally and industrially. In industries within the reserves Bantus are to be trained eventually to fill all positions. At the moment a Commission is investigating methods to foster this industrial development.

2. Gradually to extend the powers and functions of local government within the reserves, either through the local councils where these exist, or by adapting and modernizing the traditional Bantu form of government by chief and counsellors.

3. Gradually to replace the White officials, professional men, traders, etc., within the reserves by Bantu.

Theoretically the object of the policy of *apartheid* could be fully achieved by dividing the country into two states, with all the Whites in one, all the Blacks in the other. For the foreseeable future, however, this is simply not practical politics. Whether in time to come we shall reach a stage where some such division, say on a federal basis, will be possible, is a matter we must leave to the future.

In any case, the full implementation of the policy of separate racial development will take very many years. Call it an experiment, if you like, and one could say it is an experiment which is as yet only in its initial stages. Many aspects of the problem are certainly still far from clear, and it would be unwise, even if it were possible, to draw up a blue-print for 50 years ahead. In more than one respect progress will have to be by trial and error. And if in this process we should err, I ask you and your countrymen not to judge our efforts only by our incidental failures nor to reproach us for what you may at this great distance judge as being lack of the spirit of Christ.

B. LETTER, DATED 21 APRIL 1954, SENT TO THE PRIME MINISTER, BY THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS IN REPLY TO HIS LETTER TO THE REV. JOHN A. PIERSMA

Like you we were heartened to learn that an American clergyman had asked you to interpret the *apartheid* policy of the present South African Government. We felt that your decision to do so would help to clarify the complicated issues of our racial situation, and we greatly

appreciated that as Prime Minister of South Africa you had undertaken this important task.

We have read your published letter to the Reverend John Piersma with the greatest care, and appreciate the sincerity with which it was written. But we feel obliged, as an Institute whose work for many years has been to study the facts of race relations, to state certain points of disagreement.

You state at the outset that a "fundamental difference" exists between Black and White and that "the difference in colour is merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and civilization and between heathenism and Christianity". Yet you refer, rightly, to the great work of the Afrikaner (in which he was not alone) in following "his divine calling and his privilege — to convert the heathen to Christianity". We must submit that the missionary who seeks to convert the heathen denies, in so doing, that differences are "fundamental" and "irreconcilable", for his action rests on the belief that man can be and often is fundamentally changed. We hold, with the missionary, that the barbarian and heathen does by conversion and faith aided by education, environment and example become, in fact, a "new man". If this were not true those South Africans who, as you say, "lit a torch which was carried to the farthest corners of the sub-continent" lit the torch in vain: for, according to your view, the fully qualified African doctor remains fundamentally a barbarian and the African Minister of a Christian Church is still a heathen.

Your initial statement, therefore, contradicts your affirmation of the historic mission of the Afrikaner to "preach and practise Christianity" among the Natives. You continue to equate "Black" with "barbarism", and to deny the possibility of changing the Native in any "fundamental" sense, even through the agency of Christianity. The whole history of the Western world, which is one of progress from tribal barbarism to civilization and from heathenism to Christianity, is evidence against this contention.

The identification of skin colour with permanent cultural difference is not valid scientifically. Race and culture cannot be equated; and Christianity — provided that it is not allied with a political philosophy of "cultural segregation" — is one of the most powerful solvents of primitive or backward cultures. We must for all these reasons reject your view that the differences between different ethnic groups are unchangeable. For this is the implication of your statement.

This basic premise of yours seems to us to underly your whole concept of "separate development", and of the consequent duty of the Church to help preserve "intact" what you call the "national identity" of the black group. Such national identity, in so far as it is defined, would seem, according to your theory, to rest on tribal — and therefore primitive — foundations, with social and economic rights pegged permanently at a lower level than those of the Europeans. To that extent the theory is already an anachronism: vast numbers of Africans permanently settled in the towns, are no longer tribal in their habits and outlook; among them a growing proportion have already assimilated — wholly or partially — Western culture. But such persons do not desire to be *racially* assimilated. Their sense of separate race identity is as strong as the Europeans', and there is no reason to assume, therefore, that cultural and economic advancement will lead to miscegenation and intermar-

riage. We remark in passing that your statement that miscegenation did not take place in South Africa is refuted by your later reference to "a million coloured people (people of mixed race) in our country". Miscegenation did take place; but it was checked early in our history, and the strong public opinion that exists today, in both groups, against race-intermixture, is an effective safeguard for the preservation of race purity.

You say that *apartheid* furthers "basic human rights", and "does not begrudge the non-White the attainment of a social status commensurate with his highest aspirations". Nowhere in the present political and economic structure of South Africa are possibilities of such attainment to be discovered. We would instance as direct contradictions of basic rights the restrictions on freedom of movement and of the right to seek work; the Separate Amenities Act which legalizes separate but *unequal* facilities; the refusal of the right to freehold title in urban areas. These restrictions, be it noted, apply to all Natives however developed. Nowhere, moreover, in your Government's policies is any relaxation of such restrictions envisaged in the areas where the ferments of civilization are most rapidly at work. The trend is towards further curtailment: the only concessions promised are in the reserves, and that these must be very limited is substantiated by your own denial of the feasibility of territorial *apartheid* "within the foreseeable future". Sixty per cent of the Native population live outside the reserves and you give this majority group no hope of basic human rights. We are, therefore, driven to the conclusion that the only interpretation possible of the phrase "basic human rights" compatible with the policy of *apartheid* is one which would assign inferior human rights to the black group because it is black.

In your analysis of "the everyday political application" of *apartheid*, we find a number of statements which may seriously mislead persons not fully acquainted with the South African situation. You state, for instance, that "the Bantu are represented in both Houses of Parliament by White representatives". You omit to state, however, that 8½ million people are represented by four out of 44 Senators and three out of 159 Members of the House of Assembly. The latter three are returned only for the Cape; the members of your Party have repeatedly threatened to abolish this representation. Nor could we agree that Advisory Boards in the locations constitute an "adequate mouthpiece" or that Natives in the reserves enjoy "ample opportunity for self-government".

You deny that "most of our industrial legislation makes any distinction on the grounds of colour". We cite the statutory colour bar on the gold mines imposed in terms of the Mines and Works Amendment Act; the Industrial Conciliation Act which excludes pass bearing Natives from its definition of "employee"; and your own Government's Native Labour (Settlement of Disputes) Act, which sets up separate conciliation machinery for Natives, prevents direct collective bargaining between Native employees and European employers, denies official recognition to Native trade unions and prohibits strikes by Natives.

In regard to education, we welcome the progress made and the increase in expenditure and enrolment. But the 800,000 Native children you cite are still only 41 per cent of Native children of school-going age. The expenditure per head was £7.5s. 8d. for Natives and £43.8s. 8d. for Europeans in 1951-1952 (later figures are not available). The total expenditure on European education

was £21,858,316 in that year. This year, of the £8½ million voted for Native education £2 million will come directly from Native taxation and £6½ million from general revenue. The Minister of Finance announced in the budget speech last month that the State's financial contribution to Native education would be pegged at this amount and that future expansion would be directly chargeable to the Natives themselves. It is clear that the past rate of progress for which you take credit in your statement will not be maintained without additional expenditure far beyond what the African can bear at his present rates of pay.

You claim, nevertheless, that the Europeans finance "to the full the social, educational and economic development of the non-White". You argue that "every European taxpayer in our country 'carries' more than four non-Whites" and that not only the Natives, but the million Coloured people are a "constant drain on the country's exchequer". There is, however, another side to this. As 82 per cent of the country's labour force is non-White, it could be said that as far as work is concerned, every White is dependent on four non-Whites. You ignore the immense contribution of the non-White to the exchequer, through direct and indirect taxation. It has, for example, been estimated that over 20,000 Natives are income tax payers. You appear to deny, in respect of non-Whites, the validity of the universally accepted principles of public finance that the more prosperous sections of the community should make the larger contribution to the public purse and "carry" the poorer sections.

This, in fact, is the basis of the grants and pensions introduced by the previous Government, the existence of which is an evident cause of satisfaction to you. For you refer to the "ambitious project" being tackled in the field of human rehabilitation. We feel compelled, however, to point out that although "disability grants and old age pensions are available to the Bantu in the same way as to the Whites", there is a vast difference in rates. The average amounts paid out last year on old age pensions were £99 for Europeans, £37 for Coloured, £36 for Asiatics and £10 for Africans; average blind pensions were £100 for Europeans and £11 for Africans; disability grants, £84 and £10. These are only some examples of the wide disparity in social services. Furthermore, your Government abolished family allowances for Asiatics, excluded Natives whose earnings are less than £182 per annum from the Unemployment Insurance Act. It reduced the Native school-feeding grant from £870,000 in 1948-1949 to £628,000 in 1954-1955, in spite of the fact that an interdepartmental committee appointed by your former Minister of Health and Social Welfare in 1948 to investigate the scheme reported that the minimum required for its efficient working was £1,200,000.

Another questionable statement is that "a Coloured man may follow any trade or profession he desires". We wish to point out that the Cape Coloured people meet increasing difficulty in obtaining skilled work in the printing industry and in the rapidly expanding engineering industry, and that in many other industries it is extremely difficult, if not impossible, for a Cape Coloured youth to become apprenticed.

While we appreciate the efforts that are being made to improve health services, we consider that it is misleading to state that "the non-Whites of South Africa have full access to all health services". We would only remind you of the tragically inadequate facilities for

dealing with the estimated number of 70,000 non-White tuberculotics, of whom roughly 15,000 die each year. Admittedly, voluntary organizations, assisted by government subsidies, are making strenuous efforts to provide settlements to which active T.B. cases may be sent, but meanwhile active tuberculotics, due to lack of accommodation, have to be discharged from hospitals to their homes, there to spread the infection. There is no provision at all for the institutional care of non-European mentally defective children or any non-European epileptics. We would also point out that it has been estimated that of the total number of medical practitioners in South Africa, 50 per cent are engaged in looking after the 10 per cent of the population in the upper income group, 45 per cent in looking after 20 per cent of the middle income group, and only 5 per cent in looking after 70 per cent of the population in the lower income group, which consists overwhelmingly of non-Whites.

We assure you that we are deeply conscious of the difficulties that confront this country. We agree with

you that "government is the art of the possible". We are not visionary "perfectionists" who believe that satisfactory living conditions can be provided for the mere asking. On the contrary, we have consistently emphasized the interdependence of productivity and standard of living and have repeatedly urged the need to utilize our resources in man-power and its potential skills more effectively. What we regret in your statement is that it breathes an air of complacency, that its factual statements are unrelated to the total situation, that it, above all, gives no grounds for hope to the millions of non-Whites who are not in a Native reserve. Your statement gives the impression that the non-Whites of South Africa should be happy and contented; it fails to recognize the large number that have emerged from barbarism and heathenism and have earned a place in our society as civilized persons. Most unhappily it shows no understanding of the hopelessness and bitterness in the hearts of many of our people or of the mounting racial tensions that threaten the peace of our country.

# SALES AGENTS FOR UNITED NATIONS PUBLICATIONS

## ARGENTINA

Editorial Sudamericana S.A., Alsina 500, Buenos Aires.

## AUSTRALIA

H. A. Goddard, 255a George St., Sydney, and 90 Queen St., Melbourne.

Melbourne University Press, Carlton N.3, Victoria.

## AUSTRIA (see below)

## BELGIUM

Agence et Messageries de la Presse S.A., 14-22 rue du Persil, Bruxelles.

W. H. Smith & Son, 71-75, boulevard Adolphe-Max, Bruxelles.

## BOLIVIA

Librería Selecciones, Casilla 972, La Paz.

## BRASIL

Livraria Agir, Rio de Janeiro, São Paulo and Belo Horizonte.

## CANADA

Ryerson Press, 299 Queen St. West, Toronto. Periodica, Inc., 5112 Ave. Papineau, Montreal.

## CEYLON

Lake House Bookshop, The Associated Newspapers of Ceylon Ltd., P.O. Box 244, Colombo.

## CHILE

Librería Ivens, Moneda 822, Santiago.

Editorial del Pacífico, Ahumada 57, Santiago.

## CHINA

The World Book Co. Ltd., 99 Chung King Road, 1st Section, Taipei, Taiwan.

The Commercial Press Ltd., 170 Liu Ji Chang, Peking.

## COLOMBIA

Librería América, Medellín.

Librería Nacional Ltda., Barranquilla.

Librería Buchholz Galería, Av. Jiménez de Quesada 8-40, Bogotá.

## COSTA RICA

Trejos Hermanos, Apartado 1313, San José.

## CUBA

La Casa Belga, O'Reilly 455, La Habana.

## CZECHOSLOVAKIA

Ceskoslovensky Spisovatel, Národní Trída 9, Praha 1.

## DENMARK

Einar Munksgaard, Ltd., Nørregade 6, København, K.

## DOMINICAN REPUBLIC

Librería Dominicana, Mercedes 49, Ciudad Trujillo.

## ECUADOR

Librería Científica, Guayaquil and Quito.

## EGYPT

Librairie "La Renaissance d'Egypte," 9 Sh. Adly Pasha, Cairo.

## EL SALVADOR

Manuel Navas y Cia., 1a. Avenida sur 37, San Salvador.

## FINLAND

Akateeminen Kirjakauppa, 2 Keskuskatu, Helsinki.

## FRANCE

Editions A. Pedone, 13, rue Soufflot, Paris V.

## GERMANY (see below)

## GREECE

"Eleftheroudakis," Place de la Constitution, Athènes.

## GUATEMALA

Goubaud & Cia. Ltda., 5a. Avenida sur 28, Guatemala.

## HAITI

Librairie "A la Caravelle," Boite postale 111-B, Port-au-Prince.

## HONDURAS

Librería Panamericana, Tegucigalpa.

## HONG KONG

The Swindon Book Co., 25 Nathan Road, Kowloon.

## ICELAND

Bokaverzlun Sigfusar Eymondssonar H. F., Austurstraeti 18, Reykjavik.

## INDIA

Oxford Book & Stationery Co., Scindia House, New Delhi, and 17 Park Street, Calcutta.

P. Varadachary & Co., 8 Linghi Chetty St., Madras 1.

## INDONESIA

Pembangunan, Ltd., Gunung Sahari 84, Djakarta.

## IRAN

Ketab-Khaneh Danesh, 293 Saadi Avenue, Tehran.

## IRAQ

Mackenzie's Bookshop, Baghdad.

## ISRAEL

Blumstein's Bookstores Ltd., 35 Allenby Road, Tel-Aviv.

## ITALY

Librería Commissionaria Sansoni, Via Gina Capponi 26, Firenze.

## JAPAN (see below)

## LEBANON

Librairie Universelle, Beyrouth.

## LIBERIA

J. Momolu Kamara, Monrovia.

Albert Gemayel, Monrovia.

## LUXEMBOURG

Librairie J. Schummer, Luxembourg.

## MEXICO

Editorial Hermes S.A., Ignacio Mariscal 41, México, D.F.

## NETHERLANDS

N.V. Martinus Nijhoff, Lange Voorhout 9, 's-Gravenhage.

## NEW ZEALAND

United Nations Association of New Zealand, C.P.O. 1011, Wellington.

## NORWAY

Johan Grundt Tanum Forlag, Kr. Augustsgt. 7A, Oslo.

## PAKISTAN

Thomas & Thomas, Fort Mansion, Frere Road, Karachi, 3.

Publishers United Ltd., 176 Anarkali, Lahore. The Pakistan Cooperative Book Society, Chittagong and Dacca (East Pakistan).

## PANAMA

José Menéndez, Plaza de Arango, Panamá.

## PARAGUAY

Moreno Hermanos, Asunción.

## PERU

Librería Internacional del Perú, S.A., Lima and Arequipa.

## PHILIPPINES

Alemar's Book Store, 749 Rizal Avenue, Manila.

## PORTUGAL

Livraria Rodrigues, 186 Rua Aurea, Lisboa.

## SINGAPORE

The City Book Store, Ltd., Winchester House, Collyer Quay.

## SPAIN (see below)

## SWEDEN

C. E. Fritze's Kungl. Hovbokhandel A-B, Fredsgatan 2, Stockholm.

## SWITZERLAND

Librairie Payot S.A., Lausanne, Genève. Hans Raunhardt, Kirchgasse 17, Zurich 1.

## SYRIA

Librairie Universelle, Damas.

## THAILAND

Pramuan Mit Ltd., 55 Chakrawat Road, Wat Tuk, Bangkok.

## TURKEY

Librairie Hachette, 469 Istiklal Caddesi, Beyoglu, Istanbul.

## UNION OF SOUTH AFRICA

Van Schaik's Bookstore (Pty.), Ltd., Box 724, Pretoria.

## UNITED KINGDOM

H. M. Stationery Office, P.O. Box 569, London, S.E. 1 (and at H.M.S.O. Shops).

## UNITED STATES OF AMERICA

Int'l Documents Service, Columbia University Press, 2960 Broadway, New York 27, N. Y.

## URUGUAY

Representación de Editoriales, Prof. H. D'Elia, Av. 18 de Julio 133, Montevideo.

## VENEZUELA

Librería del Este, Edificio Galipán, Ave. F. Miranda No. 52, Caracas.

## VIET-NAM

Papeterie-Librairie Nouvelle Albert Portal, Boite postale 283, Saigon.

## YUGOSLAVIA

Drzavno Preduzece, Jugoslovenska Knjiga, Terazije 27-11, Beograd.

*United Nations publications can also be obtained from the following firms:*

## AUSTRIA

B. Wüllerstorff, Waagplatz, 4, Salzburg.

Gerold & Co., Graben 31, Wien 1.

## GERMANY

Elwert & Meurer, Hauptstrasse 101, Berlin-Schöneberg.

W. E. Saarbach, Gereonstrasse 25-29, Köln (22c).

Alex. Horn, Spiegelgasse 9, Wiesbaden.

## JAPAN

Maruzen Company, Ltd., 6 Tori-Nichome, Nihonbashi, Tokyo.

## SPAIN

Librería Bosch, 11 Ronda Universidad Barcelona.

*Orders and inquiries from countries where sales agents have not yet been appointed may be sent to: Sales and Circulation Section, United Nations, New York, U.S.A.; or Sales Section, United Nations Office, Palais des Nations, Geneva, Switzerland.*

55E1