# APARTHEID QUIZ

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**Note on Terminology.**

**Throughout this text the people of South Africa are collectively referred to as " blacks " or " whites ". The term " blacks " includes African, Coloured and Asian people. Specific groups are described accordingly.**

**The official term for Africans is "Bantu" and " Bantu " laws are those which apply specifically to Africans.**

# South Africa

# APARTHEID QUIZ

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International Defence and Aid Fund
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# APARTHEID QUIZ

## 1.

**What is the population of South Africa?**

| | 1970 census | 1974 estimate |
|---|---|---|
| Africans | 15.0 m | 17.7 m |
| Whites | 3.8 m | 4.2 m |
| Coloureds | 2.0 m | 2.3 m |
| Asians (mostly Indians) | .6 m | .7 m |
| Total | 21.4 million | 24.9 million |

## 2.

**How is the land apportioned?**

The whites have always assumed complete authority over the entire country. Without consultation or negotiation with the black majority the whites unilaterally decided which parts of the country are black and which are white. Specific apportionment was defined in the Native Land Act, No. 27 of 1913 and the Native Trust and Land Act, No. 18 of 1936, in terms of which the whites gave themselves 86.3 per cent of the land and the remaining 13.7 per cent (19,592,769 morgen) to the Africans.

No land was allocated to the Coloured or Indian people.

In terms of the Promotion of Bantu Self-Government Act, No. 46 of 1959, the African 13.7 per cent of the land has been divided into nine "National Units", now referred to as "Bantu Homelands" or Bantustans.

## 3.

## How many people live in the " white " areas?

Blacks outnumber whites by almost 3 to 1 in the " white " areas of South Africa. Africans constitute 54 per cent of the total population in the " white " areas. The 1970 Census showed the position to be as follows:—

| | |
|---|---|
| Africans | 8,060,773 |
| Whites | 3,730,951 |
| Coloureds | 2,005,325 |
| Asians | 616,995 |

The composition of the population in the cities is specially significant. In these " white " urban areas, where most industries are concentrated, the whites are outnumbered by almost 2 to 1. Figures for the main urban areas are as follows:-

| | *Whites* | *Coloureds* | *Asians* | *Africans* |
|---|---|---|---|---|
| Witwatersrand (including Johannesburg) | 986,005 | 113,995 | 52,724 | 1,649,926 |
| Cape Town | 378,505 | 598,952 | 11,263 | 107,877 |
| Durban | 257,780 | 43,699 | 317,029 | 224,819 |
| Pretoria | 304,618 | 11,343 | 11,047 | 234,695 |
| Port Elizabeth | 149,569 | 112,154 | 5,280 | 201,574 |
| Vanderbyl Park/ Vereeniging/ Sasolburg | 111,136 | 2,288 | 2,201 | 188,746 |
| Bloemfontein | 74,516 | 10,152 | 1 | 95,510 |
| Pietermaritzburg | 45,503 | 8,756 | 36,400 | 68,262 |
| East London | 56,807 | 13,249 | 1,994 | 51,244 |

## 4.

## How many people live in the " black areas "?

According to the 1970 Census, there are 7,034,125 Africans living in the African areas, officially designated as " Bantu Homelands " (also referred to as Bantustans).

The number of whites in these areas is 20,377. Also living there are 13,128 Coloured people and 3,441 Asians, who are in the process of being removed.

5.

**Who governs South Africa?**

The white minority of 3,751,328, that is, about 18 per cent of the population, through their elected representatives.

6.

**What form of government is it?**

South Africa has a Westminster-type of parliament consisting of whites only, elected by whites only. The franchise is restricted to whites of 18 years of age and older. Parliament consists of a House of Assembly of 171 members and a Senate of 54 members, ten of them nominated by the party in power. Elections are normally held every five years.

7.

**Is South Africa a member of the British Commonwealth?**

No. South Africa was a founder member of the Commonwealth but before becoming a Republic in 1961 withdrew from the Commonwealth. The decision to become a Republic was taken by a referendum in which only whites took part.

8.

**What is the state of the parties in the South African parliament?**

The National(ist) Party, which has ruled since 1948, has

123 seats. The opposition United Party has 41 seats and the Progressive Party seven seats.

The National Party has won seven elections in a row and under the existing system there is no likelihood of it being defeated by any other parliamentary party.

**9.**

**Is the opposition United Party against apartheid?**

No. The United Party stands for "white leadership", based on a federal system of government, with separate voters' rolls for each race group, and permanent domination by whites. The party assures the whites that no change would be made in the limited representation of any black group without the approval of the white electorate in a special election or referendum.

The United Party also promises to maintain racial segregation, control of the movement of Africans, and other forms of discrimination.

**10.**

**What is the main principle of the Progressive Party?**

The Progressive Party also favours a federal system of government, but based on a number of provinces which would include the existing Bantustans. In addition to a multi-racial House of Assembly which will be elected on the basis of a qualified franchise (excluding most adult Africans), the Progressive Party advocates an upper house able to reject legislation detrimental to any racial group.

**11.**

**Do Africans have any political rights?**

It is rigid policy in South Africa that Africans can have no political rights in "white" areas, that is, in more than four-fifths of the country.

Until 1959 Africans living in the Cape Province were entitled, subject to certain voting qualifications, to elect three whites to represent their interests in the House of Assembly. This representation was abolished in 1959 by the Promotion of Bantu Self-Government Act, No. 46 of 1959. This Act created eight separate " Bantu " governments with limited powers " to restore the traditional Bantu form of democracy ". These governments take the form of legislative assemblies, comprising appointed chiefs and headmen and elected members. They have severely limited legislative powers. The Bantu Homeland Constitution Act, No. 21 of 1971, expressly states that African legislative assemblies shall have no power to make laws relating to defence, foreign affairs, immigration, banking, customs and excise, railways, harbours, national roads, civil aviation, postal, telegraph, telephone and radio services, and the " control, organization, administration, powers, entry and presence of any police force of the Republic charged with the maintenance of public peace and order and the preservation of internal security ".

Legislative power on all these important matters is reserved for the white parliament. Such lawmaking as the assemblies have been allowed is subject to approval by the State President.

In so far as the eight million Africans living outside these homelands are concerned, they have been declared to be citizens of the homelands in terms of the Bantu Homelands Citizenship Act, No. 26 of 1970, and have been told that their political and other rights are available only in the homelands. This makes a derision of democracy and is quite useless to the millions who live and work in the " white " areas.

## 12.

## What are the political rights of the Coloured people?

Before 1956 Coloured males in the Cape Province had a limited voting right on a common roll with whites. They were deprived of this right by the South Africa Act Amendment Act, No. 9 of 1956. In its place was substituted a form of

separate representation whereby they could elect four whites to the House of Assembly. The 1956 Act set up an Advisory Council of Coloured Affairs, comprising 15 nominated and 12 elected members. This body was purely advisory. In 1964 it was reconstituted as the Coloured Persons' Representative Council with 46 members—30 elected and 16 nominated by the State President.

Then, in 1968, the voting rights conferred in 1956 were abolished by the Separate Representation of Voters Amendment Act, No. 50 of 1968, and the Coloured people were totally deprived of all franchise rights. As a substitute, the Representative Council was again reconstituted, this time to provide for 40 elected and 20 nominated members.

The government demonstrated that the Council was intended to be no more than a puppet body when the anti-apartheid Labour Party won 26 of the 40 elected seats at the first election in September 1969. The Minister of Coloured Affairs promptly selected 13 of the defeated Federal Party for inclusion among its 20 nominees to the Council, to give the pro-apartheid Federal Party control of the Council.

The government has also deprived the Coloured people of the Cape Province of the municipal franchise, which they had had for over a century. This right to vote in local government elections was taken away in November 1971.

## 13.

## Do Indians and other Asians have political rights?

No. A law enacted in 1946—the Asiatic Land Tenure and Indian Representation Act—placed Indians on a separate voters roll, to elect three whites to the House of Assembly and one white to the Senate. Before this limited franchise could be used it was abolished in 1948 when the National Party was elected to power. As a substitute the government set up the National Indian Council in 1964. This was given statutory recognition in 1968, and from 1974 half its 30 members will be elected. But its powers are purely advisory.

Leading Indian individuals and organisations have considered boycotting the ' new look ' Indian Council because it falls far short of giving them a meaningful say in the government which rules them.

## 14.

**Are South Africans free to form and belong to political parties of their own choosing, without restriction?**

No. Parties must be racially organized and must exclude aims and objects defined in the law as " communist ".

(i) The Suppression of Communism Act, No. 44 of 1950, declared the Communist Party of South Africa to be unlawful and empowers the State President to declare any other organization unlawful if he is satisfied that it furthers the achievements of any of the aims of " communism ". The Act gives " communism " and " communist " very wide definitions, which include not only Marxian socialism but any other doctrine which aims at bringing about any political, industrial, social or economic change by the promotion of disturbance or disorder; or by unlawful acts or omissions; or which aims at the encouragement of feelings of hostility between black and white, the consequences of which are calculated to further the achievement of such doctrines or schemes.

(ii) The Unlawful Organizations Act, No. 34 of 1960, gave the State President power to declare the African National Congress and Pan Africanist Congress to be unlawful if he considered their activities a threat to the safety of the public or the maintenance of order. Immediately on the promulgation of the Act in April 1960 the President banned the ANC and the PAC.

The President's powers were extended by the General Law Amendment Act, No. 76 of 1962, to enable him to outlaw any organization which he considered to be carrying on the activities of organizations already banned. He used these new

powers to ban the Congress of Democrats, a white political party belonging to the Congress Alliance.

The General Law Amendment Act, No. 37 of 1963, widened the President's powers still further and he thereupon declared to be unlawful *Umkonto we Sizwe* (a wing of the ANC), *Pogo* (a wing of the PAC), the " S. A. A. Football League ", the " Football Club ", the " Yui Chui Chan Club " and the African Resistance Movement.

It was under this law that the President banned the Defence and Aid Fund in March 1966.

(iii) The Prohibition of Political Interference Act, No. 51 of 1968, makes it illegal for anyone to belong to a racially-mixed political party. It is also an offence for a person of one race to assist a political party or a candidate of another race, or to address any meeting to further the interests of a political party or candidate if all or most of those in the audience are of a different race from that of the speaker. It is also illegal for any political party to receive money from abroad.

When this Act became law the non-racial Liberal Party decided to disband and the Progressive Party, in order to remain alive, was compelled to confine its membership to whites.

(iv) The Industrial Conciliation Act, No. 28 of 1956, prohibits trade unions from affiliating to any political party, or from granting financial assistance to any political party or candidate.

**15.**

**Why did the government ban the South African Defence and Aid Fund? Was it a political organization?**

The Defence and Aid Fund was a non-political body, established in 1960 during the State of Emergency after the shooting at Sharpeville. In the years which followed, with arrests, detentions and numerous political trials, the need for the Fund increased. Its objects were to arrange and pay for the legal defence of persons charged with offences under the growing

number of political laws, and to give practical help to their dependants. The Fund operated constitutionally with a Board of trustees, management committee and proper accounting system. For some years it was registered under the Welfare Organizations Act but because of constant harassment by the authorities, eventually decided to de-register. Notwithstanding, the Fund continued to operate in a proper manner, according to the constitution which had been approved by the Department of Social Welfare.

The Fund was financed by donations from South Africans and sympathisers in countries all over the world. In Britain funds were raised by a completely separate Defence and Aid Fund, formed earlier under the auspices of Christian Action, with Canon L. John Collins as president.

In March 1966 the Fund was declared to be an unlawful organization. It immediately applied to the Supreme Court for an order setting aside the banning proclamation and asking for the grounds and evidence on which it had been declared unlawful. The Minister of Justice told the court that he had appointed a committee in September 1965 to investigate the affairs of the Fund but that he was under no obligation to notify the Fund. He refused to produce the evidence requested on the excuse that to do so would be prejudicial to the public interest. The judge rejected the Fund's application and upheld the Minister's action.

In an appeal against this decision, the Fund argued that in imposing the ban the State President had not observed the principles of natural justice. The appeal was dismissed by a majority of 3 judges to 2.

The fact, therefore, is that a committee met in secret and delivered its judgement in secret, without giving the Fund an opportunity to hear the charges against it or to answer the charges.

The assets of the Fund were confiscated and handed over to a Legal Aid Board, to be used for a new legal aid scheme which the government undertook to establish. But five years later, in April 1971, the Minister of Justice revealed that only then had the scheme been put into operation. This means that no

free legal defence was available to those charged with political offences from March 1966 until April 1971.

In 1974 the Affected Organisations Act gave the government power to stop any organisation of whose political activities it disapproves from receiving funds from abroad, under a procedure that allows for an official investigation but no defence in a court of law. The first organisation to be declared " affected " was NUSAS (National Union of South African Students).

## 16.

## Are South Africans of all races allowed to live where they choose?

No. A person classified as Coloured must live in a township designated as Coloured; a white in an area designated white; an Asian in an area designated Asiatic; and an African in an area designated Bantu. These areas have been defined in terms of the Group Areas Act, No. 36 of 1966, as amended, and various " Bantu " laws.

The first Group Areas Act was promulgated in 1950, since when the Group Areas Board has been busy segregating established communities. This has entailed the uprooting and removal of thousands of families. The Board has " disqualified " 76,544 Coloured families, 38,561 Indian families, 1,598 white families and 1,233 Chinese families. Of these, 50,484 Coloured, 27,659 Indian and 1,419 white families have been removed and resettled in segregated group areas.

Africans are in the worst position. Their residential rights are restricted by several laws and regulations. Those in the urban areas must live in " Bantu " townships, in houses rented to them by local authorities. Their rights to live and work in the urban areas are governed by the numerous provisions of the Bantu (Urban Areas) Consolidation Act, No. 25 of 1945 and the Bantu Laws Amendment Act, No. 36 of 1964. They are deemed to be temporary residents, per-

mitted to remain only as long as their labour is required by the whites, and liable to be removed to a rural village in the African reserves when they become " surplus to requirements " or unemployed, disabled, handicapped, old, sickly or infirm. There are no exceptions, not even for Africans born in the urban areas, whose families have been town-dwellers for generations.

In the ten years to 1969 more than 900,000 Africans were " resettled " under this policy. During 1970 the government removed 33,851 Africans from the five main urban areas to the Bantu homelands.

**17.**

**To what extent is social segregation of the races enforced?**

The Reservation of Separate Amenities Act, No. 49 of 1953, the Motor Transportation Amendment Act, No. 44 of 1955 and the State-Aided Institutions Amendment Act, No. 46 of 1957, are the three main laws under which government, provincial, local and other authorities make regulations reserving premises and transport on a racial basis.

The law says these separate facilities need not be provided for all race groups nor need they be equal. The important thing is to keep the races apart in buses, trains, taxis, parks, zoos, museums, art galleries, cinemas, theatres, toilets, beaches, sports stadiums, cafes, restaurants, etc.

Africans, Coloureds and Indians are allowed to visit museums, zoos, agricultural shows, etc. only on specified days and times. Spectators at sports stadiums are segregated. Railway stations have separate entrances, platforms, waiting rooms, etc. There are separate public lavatories for whites and blacks, and separate restaurants (often none at all for Africans in " white " urban areas).

There are separate buses and trains for whites and blacks; where the traffic is small, separate seats ensure that whites and blacks are segregated.

18.

**Does this mean that black and white friends are not allowed to sit together on a park bench, or eat together in a cafe?**

Yes. It is an offence for a person of one race to sit on a seat reserved for another, or for any person who is " disqualified " under the Group Areas Act to eat or drink in any tearoom, restaurant or bar.

19.

**Have there been any changes in these forms of " petty apartheid " recently?**

Not many. Some councils have desegregated public benches, lifts, libraries and museums. But transport, swimming and lavatories all remain separate and the government is opposed to any general relaxation. In February 1974 Mr. Vorster said he would not hesitate to intervene if city councils' moves " caused friction " between whites and blacks.

20.

**Why, then, have whites and blacks sat together at banquets in leading white hotels—as happened when President Banda visited South Africa?**

Such occasions are exempted. Proclamation No. R26 of 1965 under the Group Areas Act specifies that a " disqualified " person may drink and dine in places reserved for whites as a guest of the State, a provincial or local authority, or a statutory body. But private citizens may not mix in this way.

It should be added that the National Liquor Board has ruled that where blacks and whites have wined and dined together in licensed hotels and restaurants, all cups, glasses, cutlery and other tableware used by whites and blacks must be washed in separate sinks, dried with separate cloths, and kept apart.

21.

**Are whites allowed to marry blacks?**

No. The Prohibition of Mixed Marriages Act, No. 55 of 1949,

made marriages between whites and blacks illegal. Any person classified as Coloured, Indian or Bantu is forbidden to marry a white.

If a South African white man marries a black while outside South Africa, the marriage becomes null and void on his return to South Africa. If the partners of such a marriage continue to live together they can be prosecuted under the Immorality Act.

**22.**

**What is the Immorality Act?**

The Immorality Act, No. 21 of 1950, makes sexual intercourse between a black person and a white person a criminal offence, punishable by up to five years' imprisonment.

**23.**

**Apartheid in South African sport has been in the news for a long time. Is it true that the South African government has now relaxed its policy and is allowing racially-mixed sport?**

No. All the government has done is to declare some sporting events " multi-national " so as to permit the participation of black athletes. Within this definition South Africa staged its own Olympics and a visiting English rugby team was allowed to play against black teams. At provincial and club level, however, there are no mixed teams, no mixed competitions and no mixing of spectators. The Prime Minister, Mr. Vorster, and his government stand firmly by his policy statement of April 11, 1967, viz:—

> " . . . *no mixed sport between whites and non-whites will be practised locally, irrespective of the standard of proficiency of the participants . . . Our policy has nothing to do with proficiency or lack of proficiency. If any person, either locally or abroad, adopts the attitude that he will enter into*

*relations with us only if we are prepared to jettison the separate practising of sport prevailing among our own people in South Africa, then I want to make it quite clear that no matter how important those sport relations are in my view, I am not prepared to pay that price . . . because, in respect of this principle we are not prepared to compromise, we are not prepared to negotiate, and we are not prepared to make any concessions . . . ".*

## 24.

**Is apartheid applied to health and hospital services?**

Yes. The official policy is that black and white patients must be treated in separate hospitals or wards by doctors and nurses of their own race.

A statutory colour bar in the Nursing Act, No. 69 of 1957, forbids the employment of blacks in posts where they would supervise or control white staff. The law also stipulates that only whites may be appointed or elected to the Nursing Council, the body which controls the profession.

Blacks are employed in white hospitals to do menial work such as cleaning wards, removing soiled linen and running errands.

There is also discrimination in the pay of doctors and nurses. African doctors are paid about 70% of the rate for white doctors, and Coloured and Indian doctors about 75%. African nurses are paid 54%, and Coloured, Indian and Chinese nurses 72% of white nurses' salaries.

## 25.

**What happens in the case of accidents—are black and white injured carried to hospital in the same ambulances?**

Separate ambulances are provided for whites and blacks.

When a call is received for an ambulance the normal procedure is to ask if the ambulance is required for a white or a black. In an emergency an ambulance reserved for whites may be used to remove both white and black casualties, but not together in the same ambulance.

**26.**

**Is it true that apartheid is practised in blood transfusion services?**

There is no official prohibition on the use of the blood of a black for a white and vice versa. But if a patient refuses to receive blood donated by a member of another race, doctors are expected to respect the patient's wishes.

Blood transfusion regulations, published on November 30, 1962, provide that containers of blood must be labelled with the racial origin of the blood. This is indicated by W for white, K for Coloured, A for Indian and B for African. Societies which collect blood must have separate white and black departments and the records of donors and their blood donations must be kept in separate racial registers.

**27.**

**How does South Africa determine the race of a person?**

The Population Registration Act, No. 30 of 1950, classifies the population in racial categories and defines " White ", " Coloured " and " Bantu " people. In addition, it empowers the State President to make sub-divisions of the " Coloured " and " Bantu " groups. This was done in 1961 when the Coloured community was divided into groups defined as " Cape Coloured ", " Cape Malay ", " Griqua ", " Indian ", " Chinese " and " Other Asiatics ".

Africans have also been divided into eight separate " National Units "—areas defined as the traditional homes of

" distinctive " African people—and every African has been classified as a citizen of one of these " national units ".

Race classification is based on appearance, general acceptance and repute. In borderline cases, usually affecting white and Coloured persons specific tests are applied. Official examinations and investigations have caused many families humiliation, anxiety and sometimes disruption.

28.

**What is the effect of race classification?**

For the whites it is part of the apparatus for white domination, giving them the rank of the elite, the privileged class.

For blacks it is the label which exposes them to social, political and economic discrimination. The millions classified in " non-white " categories are denied, wholly or partially, most of the rights and freedoms defined in the United Nations Declaration of Human Rights.

29.

**Are South Africans issued with identity documents showing their race?**

Yes. The Population Registration Act, No. 30 of 1950, makes it obligatory for all persons to have identity documents. Whites, Coloureds and Asians are issued with documents showing their race, photograph, and full personal particulars, i.e. full name and address, sex, identity number, date and country of birth, date and place of marriage. The documents include the holder's drivers licence and, in the case of whites, information on the holder's electoral registration and if he has voted in an election.

Africans have a somewhat different set of identity docu-

ments, called Reference Books. These are issued in terms of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952. In addition to the identity number and photograph of the bearer, a Reference Book contains particulars of his ethnic group or nation or tribe, the name and address of his employer, date of his engagement, and details of taxes, levies and rates paid by him. His employer must sign his book every month and insert " date of discharge " when the bearer leaves his service. In the case of an African woman, her Reference Book must contain the name, address and Reference Book number of her husband, parent or guardian.

**30.**

**Must everyone carry their identity documents with them?**

In the case of whites, Coloureds and Asians, any peace officer may demand the production of their identity documents and the order must be complied with within seven days.

In the case of Africans, they must produce their Reference Books on demand. Failure to produce the books (still known to Africans as passes) on demand results in immediate arrest. They are constantly harrassed by police and officials, who order them to produce their books for examination and arrest them if they cannot produce their books there and then or if their employers have failed to insert their monthly signatures.

**31.**

**Are many Africans arrested under the regulations commonly known as the " pass laws "?**

Yes. Every day of the year more than 2,000 are arrested for contravention of the various laws, or about 800,000 a year. Because these cases (a quarter of all prosecutions) were taking up so much of the courts' time, since 1972 many of those

arrested have been referred to Aid Centres, which help to enforce the pass laws. In 1973 93,000 of the Africans referred to these Aid Centres were sent off to the homelands, where there are few jobs. Computers are being introduced to help the authorities enforce the pass laws more " efficiently ".

**32.**

**Do Africans resent having to carry their Reference Books with them always?**

Yes. But their pleas for the abolition of the system have always been firmly rejected and their public protests harshly suppressed. Mass demonstrations against the pass laws in March 1960 led to the shooting of Africans. At Sharpeville, 69 Africans were killed and 178 wounded by police gunfire. In all, 83 Africans were killed and 365 wounded by the police.

**33.**

**Under the 1936 Native Trust and Land Act the whites allocated 86.3 per cent of the land to themselves and 13.7 per cent to the Africans. What are the prospects of the African quota being increased?**

None. This has been made perfectly clear by the government on numerous occasions. In April 1972 the Prime Minister Mr. Vorster said in parliament: " Beyond the 1936 Act I am not prepared to go. I hope we understand that. . . I am going to give them $7\frac{1}{4}$ million morgen. I think that is the spirit of the promise that was made. . . If any black nation should say that it refuses to become independent unless it receives land outside the quota land, then I say to it directly that it is wasting its time. . . "

In March 1974 he repeated this, once again refusing a request by homeland leaders for more land.

## 34.

**What are the " Bantu Homelands "?**

The size and population of the homelands are as follows:—

| *Homeland* | *Area*[1] *(Hectares)* | *Separate pieces of land*[2] | 1970 *population de jure* | *de facto* |
|---|---|---|---|---|
| Transkei | 3,672,212 | 2 | 3,005,000 | 1,734,000 |
| Ciskei | 918,547 | 19 | 924,000 | 524,000 |
| KwaZulu | 3,144,421 | 188 | 4,026,000 | 2,097,000 |
| Lebowa | 2,214,086 | 15 | 2,019,000 | 1,084,000 |
| Venda | 604,355 | 3 | 358,000 | 264,000 |
| Bophuthatswana | 3,754,018 | 19 | 1,658,000 | 884,000 |
| Gazankulu | 891,696 | 5 | 649,000 | 267,000 |
| Basotho Qwa Qwa | 52,086 | 1 | 1,254,000 | 24,000 |
| Swazi | 211,807 | 3 | 460,000 | 118,000 |
| South Ndebele (projected) | | 3 | | |

[1] one hectare = 2.47 acres, or 1.1 morgen.
[2] as stated in parliament on 12 June 1973.

## 35.

**Why do the homelands have *de jure* and *de facto* populations?**

Because the white government says so. One principle of apartheid is that Africans can have no democratic or civil

rights in " white " South Africa, i.e. in 86.3 per cent of the country. Africans in " white " areas are deemed to be migrants from tribal areas, even if they have never been there, and therefore should seek the enjoyment of civil rights and liberties in those tribal areas.

Citizenship of the homelands has been imposed upon all Africans, no matter where they may be living or where they were born. The Bantu Homelands Citizenship Act, No. 26 of 1970, makes every African a citizen of one of the eight " Bantu National Units ". An African is deemed to be a citizen of a " national unit " if he speaks the language of that area, or is related to any person in that area, or is associated with any part of the population there " by virtue of his cultural or racial background ".

The 54 per cent of the African population which lives in " white " South Africa has no option but to accept this " homeland " citizenship.

In this way the eight homelands are reckoned to have *de facto* and *de jure* inhabitants, the *de facto* being the permanent resident population and the *de jure* population being the *de facto* number plus all others in the rest of South Africa who have been classified as citizens of the homelands.

**36.**

**If no land has been allocated to the Coloured and Indian people, where do they live?**

Coloured and Indian inhabitants are allowed to live in " white " South Africa but are segregated in separate racial group areas. The Group Areas Act, No. 41 of 1950, provides the apparatus for the enforcement of racial segregation, including the expropriation of property and removal and resettlement of families and traders " disqualified " from remaining where they may be living or trading.

From the date when the Group Areas Act was promulgated until the end of 1971 the government had removed 41,199 Coloured families and 26,294 Indian families and resettled

them in proclaimed " Coloured " and " Indian " townships. Another 35,345 Coloured families and 12,267 Indian families have been disqualified and marked down for removal to racial group areas.

**37.**

**You have referred in a previous answer (Q. 16) to the Bantu (Urban Areas) Act. What is the purpose of this law?**

The Bantu (Urban Areas) Consolidation Act, No. 25 of 1945, is a law, first devised in 1923, to control the entry of Africans into urban areas and regulate their employment and housing there. It enables the whites to make full use of cheap black labour without granting social, political, residential and other rights within the community to the blacks.

Under this law the millions of Africans living and working in the urban areas are allowed to remain there only as long as it suits white authority. Section Ten of the Act provides that no African may remain in an urban area for longer than 72 hours unless he can prove that he has resided there continuously since birth; or worked there continuously for one employer for 15 years and has never been convicted of an offence for which he was jailed for more than six months; or has been given permission by a labour bureau official to stay there.

It is not enough to satisfy these conditions. Even then an African has no security. At any time any African, including those born in the area, may be " endorsed out " if a white official decides that his labour is " surplus to requirements ", or if he is unable to get work because of a shortage of jobs, or because of sickness or age, or if an official declares him to be " idle " or " undesirable ".

The government's attitude to urban Africans was bluntly expressed by the Deputy Minister of Bantu Administration and Development, Mr. Coetzee, in 1968 when he said: " . . . *must these people who are not employed or who are pensioners or who are living on charity or who are loafers be allowed*

*to live in accommodation here which the taxpayer of South Africa has to provide and subsidize? Must they sit here because in terms of Section Ten they have qualified for the right to stay here?* "

**38.**

**What are conditions like in the urban African townships?**

The satellite African townships on the outskirts of " white " towns are generally drab and severely overcrowded. Many are squalid slums because of the poverty of the inhabitants. Conditions in Soweto, outside Johannesburg are particularly bad. It is estimated that as many as a million Africans are crowded into the area (the exact number seems never to have been determined) and at least 11,000 families are homeless. Those who have houses are often crowded eight to a room. The Johannesburg City Council conducts midnight raids to discover whether tenants are accommodating illegal lodgers and to collect rents. The streets are ill-lit, transport grossly inadequate, and entertainment and recreational facilities almost non-existent. Because there are not enough schools for them and because both parents are working, hungry ill-clad children roam the streets. Many drift into crime. This is evident from the high crime rate in Soweto—an average of 13 murders a week; probably twice as many rapes; and 50 to 60 robberies with violence.

**39.**

**Why do Africans remain in the urban areas if life is so bad there?**

For several reasons. Firstly, because it is the only place where there is a chance of earning a living; nearly all South Africa's industry and trade is concentrated in the " white " urban areas. Secondly, because many of them are urban-born and know no other home. Thirdly, because the " homelands " are too poor and undeveloped to provide employment oppor-

tunities. Fourthly, because the whites need their labour and have devised a system of laws, taxation and controls which compel Africans to seek work in the " white " areas.

**40.**

**What are conditions like in the resettlement camps and villages which the government has established in the " Bantu homelands "?**

Conditions are very bad indeed. There are more than 70 resettlement camps and villages in existence and more are being established. These are the places to which the government is transporting " unproductive " Africans from the urban areas and unwanted Africans from " black spots " in white farming areas.

More than a million Africans have already been " resettled " and twice as many more have been marked down for the same fate. Among those banished to these areas are former political prisoners and their families.

None of the resettlement villages have industries or undertakings of any consequence and employment is available to only a fraction of those able to work. Housing, sanitation, water supplies and health facilities generally fall far below acceptable minimum standards.

All resettlement villages are sealed off with warning notices that no entry is allowed without official permission.

**41.**

**To what extent does South Africa depend upon black labour?**

South Africa's economy is geared to a labour force which is overwhelmingly black and low-paid. Nearly three-quarters of the economically active population is black. Between three and four million Africans are the mainstay of white-owned industrial and commercial undertakings.

Only 8 per cent of the people engaged in agriculture in the " white " areas are white—82 per cent are African and 9 per cent Coloured. In mining, the country's richest industry, Africans constitute 90 per cent of the labour force. In manufacturing, where whites provide only 24 per cent of the work force, Africans provide 53 per cent; the rest are Coloureds and Indians. In the construction industry, the percentage of blacks is 83 per cent, Africans alone being 70 per cent.

## 42.

**In view of South Africa's dependence on black, and particularly African labour, does the government facilitate the employment of blacks?**

The need for black labour has not lessened the enforcement of apartheid, through all its discriminatory laws and regulations. Over the years the whites have built up a formidable system of controls, enabling them to make full use of cheap black labour, without conceding any rights to the black population.

But blacks must earn money to live and they have no choice but to submit to the system of semi-slavery if they want to survive.

The policy of apartheid, as it applies to African workers in the white areas, was explained by the Minister of Bantu Administration and Development, Mr. M. C. Botha, when he made the following three points in a speech in May 1971:—

(1) " *The Bantu who are here in the white areas, irrespective whether they are on the former's farm or in the city, are here in a casual capacity. They are not here in a permanent capacity, as we whites are. We are anchored here with all our rights, to which we have prior and sole claim, whereas this is not the case with the Bantu.*

(2) " *As far as labour is concerned, all the opportunities for work in the white area of South Africa are the sole right of the whites . . . Categories of labour are released for occupation by Bantu where the whites themselves*

*cannot do those jobs (but) have the prior claim to such categories . . .*

(3) " *Residential equality does not exist in the sense that the Bantu may live anywhere in the white area, as the whites in fact may do . . . Proper areas are designated in which the Bantu may live* ".

**43.**

**What does the government's African labour policy mean in practice?**

It means that numerous laws and regulations have been devised to control the lives and direct the labour of Africans. They are deemed to be migrants in the urban areas, even if they and their forefathers were born there. They are not free to sell their labour where they like but must comply with the directives of labour bureau officials. They have no political rights, their freedom of movement and residence is strictly limited and their lives fettered by the rules of white authority.

They are barred from most skilled and many other jobs; their wages are a fraction of that paid to whites; they are not allowed to belong to recognized trade unions or to engage in collective bargaining; it is a criminal offence, subject to severe punishment, for them to take strike action of any kind; most of them are excluded from unemployment benefits because their wages are less than the prescribed qualifying minimum.

When they lose their jobs because of age, infirmity, ill-health or redundancy, they are likely to be ordered out of the urban area and " resettled " in some distant rural village in an African " homeland ", to eke out their days in abject poverty.

**44.**

**Are all African workers in the " white " 86 per cent of the country treated as migrants?**

Yes. Since gaining power in 1948 the present government has

introduced several measures to reduce all such workers, no matter where they were born, to the status of migrants. The law now requires every African to register as a " workseeker " at a tribal labour bureau in the " homeland " to which he has been assigned.

In terms of regulations published on April 1, 1968, no African may leave his tribal area to work or to seek work without the authority of a labour bureau.

Employers in the " white " areas apply to the tribal bureaux when they require African workers. Employment is approved for a maximum period of one year, at the end of which, or as soon as a worker loses his job, he must return to the tribal area and remain there until his contract is renewed or another job is offered to him.

Africans who were born in the " white " areas or who have qualified for residence there and are under the control of urban labour bureaux are gradually being transferred to the authority of the tribal bureaux.

**45.**

**What is the government's attitude in regard to the mixing of white and black workers?**

In accordance with its apartheid policy the government is firmly opposed to the free association of black and white workers and to the treatment of blacks and whites on an equal basis. The government regards black workers as nothing more than " labour units ", needed to perform tasks allocated to them, under conditions which keep them inferior to whites. The Minister of Labour, Mr. Viljoen, expressed this attitude in a speech in the Senate on May 19, 1972, when he said:—

> " *The four cornerstones on which our labour peace in this country is based are: that the white worker may not be replaced by a non-white; that he may not in the same work situation work shoulder to shoulder with a non-white; that he will not work under the authority of a non-white; and that he may not be incorporated into mixed trade unions.*"

## 46.

**How extensive is colour discrimination in employment?**

Apart from discriminatory practices by employers and trade unions, there are several laws and regulations which apply a colour bar to employment. Section 77 of the Industrial Conciliation Act, No. 28 of 1956, empowers the Minister of Labour to bar anyone from a job because of his race. The Minister has used this power to apply a colour bar in some 27 trades and occupations by reserving the jobs for whites only. In one or two cases the jobs have been reserved for Coloured workers as well as whites, making it illegal for Africans to do the work.

The Mines and Works Act bars Africans from many mining jobs; the Bantu Building Workers Act prohibits Africans from doing skilled building work in " white " areas; the Physical Planning and Utilization of Resources Act empowers the Minister to limit the number of Africans employed in urban and industrial areas.

Entry to skilled trades through apprenticeships is controlled by the unions concerned, and these have always excluded Africans from such training. Of 11,000 apprenticeships registered in 1970, 9,000 were for whites, the rest for Coloureds and Indians.

## 47.

**Is it true that the government is being forced to relax the colour bar in employment because of labour shortages?**

What the government has done because of the scarcity of white labour is to let the colour bar " float " upwards a little.

It has done this reluctantly, under pressure from employers and in consultation with white unions: under special agreements blacks have been allowed to do jobs previously reserved for whites in the Post Office, in SA Railways and Harbours, in

gold mines, in the building industry and in motor repairing.

The most skilled jobs are still reserved for whites, who as the price of their agreement to black " dilution " have negotiated large increases in their own wages and fringe benefits.

Even where blacks and whites may now do the same job (provided no white is displaced by or under the authority of a black) black wages are lower than white.

**48.**

**Do black workers earn the same as white workers?**

No. There is a wide gap between black and white earnings. In some industries, such as mining, white wages are nearly 20 times as high as black wages. The 1972 figures show the following differentials:

| | *Average Monthly Cash Earnings* | | | |
|---|---|---|---|---|
| | *Africans* | *Coloureds* | *Asians* | *Whites* |
| Mining | R22 | R85 | R113 | R399 |
| Manufacturing | R60 | R83 | R95 | R357 |
| Construction | R60 | R128 | R167 | R372 |
| Central government | R56 | R153 | R215 | R320 |
| Local government | R45 | R71 | R111 | R316 |

[In mid-1972, one rand = 51p (Britain) or $1.25 (U.S.).]

Experience has shown that these differentials persist, white wages rising as fast as (if not faster than) black wages.

**49.**

**How do earnings compare with living costs?**

As far as blacks are concerned, wages fall far below the cost of living. Extremely low wages keep blacks in dire poverty. Various surveys have shown that there is a big gap between earnings and essential household expenditure, and that few African workers are paid enough to maintain their families above the poverty line.

In 1973 the Johannesburg Chamber of Commerce estimated that an African family of five in Soweto needed at least R85 a month to maintain a bare minimum standard of living. Other minimum subsistence levels—known as the Poverty Datum Line (PDL) calculated in 1973 for African families of 5-6 persons ranged from R64 to R94 per month. Slightly more generous estimates—the minimum effective level or MEL—brought the income required for a household up to between R82 and R143 a month.

These calculations make it plain that the vast majority of Africans are being paid less than half what they need to live above the level of absolute poverty. In addition, inflation has raised consumer prices in South Africa as elsewhere; the cost of living is rising all the time, and black families are hardest hit.

**50.**

**Is it not true that employers and the government are now making an earnest attempt to increase black earnings substantially?**

No. What is true is that there has been a lot of press publicity about the scandal of poverty wages, highlighted with reports of isolated instances where individual employers have given black employees extra pay rises. In the main, however, the low-wage policy persists. This is proved by all the latest statutory wage instruments fixed by the industrial councils and the Wage

Board. These provide wage rates for jobs done mainly by "unskilled" black workers. In 1973, for example, the minimum weekly rate for labourers in brickmaking was fixed at R9.20 (R40 per month), under Wage Determination no.353 (1973). Other Wage Board recommendations covering about 18,000 black workers in a variety of jobs ranged from R10 to R14.50, according to region. These rates, said the *Financial Mail* (18.6.73) were "well below even the most conservative PDL calculations for each area".

In the textile industry, minimum male rates established by the government in 1973 for a 46-hour week ranged from R13 to R16. Wage rates for women are generally about 15-20% lower, as are those recommended for border industries (see question 55).

## 51.

## Do African workers have the right to strike?

Under the Bantu Labour (Settlement of Disputes) Act of 1953 African workers were forbidden to strike under penalty of a R1000 fine and/or up to three years' imprisonment. There were no exceptions and the prohibition applied also to stoppages and go-slows.

After the extensive strikes in Natal in early 1973 this law was amended to allow for the possibility of a legal strike by African industrial workers in very restricted circumstances when the government chooses to permit it. This so-called "right to strike" does not apply to Africans employed in farming, domestic service, government or provincial administration, railways, gold or coal mines, local authorities or essential services.

White and Coloured workers have the right to strike (1) unless they are employed on essential services or by local authorities; (2) except where an industrial council agreement is in operation or a conciliation board or arbitration award exists; (3) except within one year of the publication of a wage determination covering their employment.

52.

**Are trade unions allowed to affiliate to political parties?**

No. In 1956 it was made illegal to trade unions to affiliate to any political party or to sponsor, finance or assist any candidate in a parliamentary or civic election.

53.

**Are African trade unions illegal?**

No. But by law they cannot be registered and are thus excluded from the industrial council system and collective bargaining which form the basis of industrial relations. Registered unions are not allowed to have African members. Only about a third of the country's workers, therefore, qualify for membership of legally recognised trade unions.

In the absence of recognised unions, African workers' interests are supposed to be represented by works committees. Unlike trade unions, these are plant-based and the members, once elected, are not answerable to the rank and file workers, who remain unorganised. Because they have little effective power, African workers have not shown much interest in works committees. They have shown even less interest in liaison committees, which are partly nominated by management.

54.

**Are registered trade unions affected by apartheid?**

Very much so. Apart from being forbidden to enrol African members, registered unions are compelled to discriminate between their members on the grounds of colour. Although Coloured and Asian workers are allowed to belong to registered unions, the law requires that they should not be given the same status as whites.

Since 1956 the formation of mixed trade unions, (i.e. unions with both white and Coloured members) has been prohibited; only racial unions are registerable. Mixed unions formed before 1956 have been allowed to remain in existence

but they must segregate their members in separate racial branches; hold separate meetings of white and non-white members; their executive committees must consist of whites only; and they are not allowed to hold mixed congresses or conferences or mixed meetings of shop stewards.

**55.**

**What are border industries?**

The border industry scheme is the brainchild of the late Dr. Verwoerd, as part of the grand apartheid plan. Its purpose is to make continued use of cheap, disciplined African labour while avoiding the creation of social problems in the " white " areas or hampering the application of apartheid.

African villages and towns have been established inside the tribal areas, near to white-owned and controlled industries across the borders. To entice white entrepreneurs there, the government grants generous tax rebates, cheap loans, preferential water, power and rail rates and other benefits. The main attraction, however, is that employers in the border areas are exempted from statutory wage rates and are generally free to pay their workers as little as they choose.

For example, the minimum male wage in border textile industries in 1973 was fixed by the government at R10 per week, which was R3-4 less than the lowest male textile rate elsewhere.

**56.**

**What is South Africa's immigration policy?**

Only whites are permitted to settle in South Africa, and Protestants are preferred. Intending immigrants are required to prove that they are of " pure white " descent; parents must sign a declaration that they and all members of the family are white. Immigration officers abroad who interview applicants are instructed to pay special attention to the appearance of the applicants. Permanent residence is granted only when the authorities are certain that the immigrants fall within the

definition of " white " as prescribed in the Population Registration Act, and will assimilate with the white group.

Intending immigrants must declare their religious beliefs. Atheists are not admitted.

## 57.

### What about black immigrants from neighbouring African states?

No foreign blacks are allowed to settle in South Africa, no matter where they come from, and no foreign-born blacks can acquire South African citizenship.

There have always been large numbers of foreign Africans employed in South Africa. They came from Botswana, Lesotho, Swaziland, Malawi and Mozambique, mainly to provide labour for the gold and coal mines and for South Africa's farming industry.

Because of the undeveloped state of the African territories, South Africa offered the only chance of earning cash wages. The exact number of foreign Africans in South Africa has never been determined. The Tomlinson Commission (1956) put the figure at 650,000; the Froneman Commission (1963) estimated a figure of 836,000; the government's own calculation was 783,618, about half of them working in the mines and half on the farms.

For the past decade the government has been engaged in a process of repatriating all foreign-born Africans.

Since the beginning of 1966 they have been required to carry passports showing their authority to be in the country.

Migrant workers from African territories are now mainly mineworkers. They are recruited under contract to work in South Africa's gold, coal and other mines. Their contracts are for a fixed period, at the end of which they are escorted back to their countries of origin. They are not allowed to remain in South Africa. While working in the mines they are accommodated in closed compounds and not allowed to move freely outside prescribed limits.

58.

**What is the position in regard to immigration in the "Bantu Homelands"? Can they adopt a different policy and admit whites as well as blacks from abroad?**

No. In the first place the white government does not allow whites to become citizens of the "Bantu Homelands" and in the second place, the government has withheld from these so-called "independent" territories the power to enact their own laws in regard to immigration. The immigration policy for the "homelands" is determined by the white Republic.

59.

**The South African government claims that the Rule of Law is fully operative in South Africa. Do you dispute that?**

Yes. In considering the application of the Rule of Law in South Africa it should be emphasized that the country lacks an essential element inherent in the Rule of Law—that those who are subject to the law should have a say in the making of the law. South Africa is ruled by a white oligarchy, chosen from the white minority (about 18 per cent of the total population). The black majority, comprising more than four-fifths of the inhabitants, has no part in choosing the governments which make the laws. They are subjected to discriminatory, oppressive and unjust laws, and if they break these laws they are charged before white courts and tried by white magistrates and judges.

While it may be true to say that South Africa's legal system is based on the Rule of Law, this now applies only in the narrowest sense. In the enforcement of apartheid there has been a significant erosion of the principle. As the International Commission of Jurists has pointed out:—

> "*The Rule of Law does not consist merely in the efficient and correct enforcement of the law irrespective of its content. It also and primarily involves a concept of the purpose of*

*organized society and of the fundamental principles which should govern the content of law in such a society . . . The Rule of Law requires an ordered legal and constitutional framework which will permit the full development of the individual by ensuring for him the rights and freedoms set out in the Universal Declaration of Human Rights, and it is by examining South African legislation and practice with reference to the different articles of the Universal Declaration that one can best see the extent to which apartheid as practised in South Africa is inconsistent with the Rule of Law* ".

It should be added that an independent judiciary is not enough to ensure justice for an accused in South Africa. The Executive has wide arbitrary powers to inflict punishment beyond the courts and in addition to penalties imposed by the courts. For example, people may be detained without trial for indefinite periods; or put under house arrest; or banned and prohibited from pursuing their normal occupations. People may be kept in prison after serving a full sentence imposed by a court, as in the case of Robert Sobukwe; or they may be removed to a rural " resettlement " village and confined there at the pleasure of the Minister of Justice.

**60.**

**Much has been said and written about detention without trial in South Africa. Could you explain this?**

There are several laws under which opponents of apartheid have been imprisoned without trial.

(i) The Public Safety Act, No. 3 of 1953, empowers the executive to declare a state of emergency, proclaim martial law and thereafter take any action it considers necessary. In 1960, after Sharpeville, such a state of emergency was declared and more than 2,000 people were arrested without warrant and imprisoned. In the Transkei the executive issued Proclamation 400, authorizing the summary arrest and detention of persons suspected of being involved or

likely to be involved in the disturbance of public order. This proclamation is still in force, more than 12 years later, and is being used by the authorities. In the four years 1968-71 the number of persons detained was 101, some for as long as 303 days, before 83 were released without charge. In 1965 two Africans died while detained under Proclamation 400.

(ii) The General Law Amendment Act, No. 37 of 1963, (or 90-day law) came into force on May 1, 1963. Section 17 authorizes the police to detain people for interrogation for periods of up to 90 days at a time. The police acted immediately the law was promulgated and many people were seized. A large number were kept in solitary confinement but a few blacks were held with convicted prisoners in overcrowded cells. All were deprived of reading matter and writing materials and subjected to severe mental torture. Three of the detainees committed suicide.

By the time the 90-day law was superseded by the 180-day law (see below), 1,095 persons had been detained, 147 of them for 180 days or more. In the end only about 300 of these detainees were found guilty of having transgressed the country's political laws.

The General Law Amendment Act of 1963 also empowered the Minister of Justice to order the continued detention of political prisoners after the completion of their sentences. The Minister promptly used this power to keep the Pan Africanist leader, Robert Sobukwe, in Robben Island prison when his sentence ended on May 3, 1963. Sobukwe was kept there until May 13, 1969, when he was removed to Kimberley and confined there under severe restrictions, imposed under the Suppression of Communism Act.

(iii) The 90-day law was suspended on January 11, 1965, and superseded by Section 215*bis* of the Criminal Procedure Amendment Act, No. 96 of 1965 (the 180-day law) which provides for the arrest and detention of any person likely to give evidence for the State in criminal proceedings involving political and other offences " if in the opinion of the

Attorney-General there is danger that such person may be tampered with or may flee the country, or if it is in the interests of such person or the administration of justice."

The 180-day law prescribes that witnesses be detained until the conclusion of the criminal proceedings concerned, or for six months, whichever is sooner. At the conclusion of this period, however, the person may be re-detained. No-one, except a magistrate or a State official acting in the performance of his duties may have access to a detainee and no court of law has jurisdiction to order the release of a detained person or to pronounce on the validity of any decisions made by the Minister of Justice in connection with any detainee.

If a detained person refuses to give evidence when called before a court, he may be dealt with as a recalcitrant witness, liable to successive terms of up to twelve months' imprisonment.

By the end of 1971 a total of 461 persons had been detained under this law, some for second periods of 180 days.

(iv) Section 22 of the General Law Amendment Act, No. 62 of 1966 (the 14-day law) gives police officers the power to arrest without warrant any person believed to be a " terrorist " (defined as " any person who favours terroristic activities ") or to have committed an offence under the Sabotage Act or Suppression of Communism Act, or to be about to commit such an offence. Detainees may be held for up to 14 days for interrogation, after which application must be made to the Supreme Court for their further detention for such periods as the court may determine. By the beginning of June 1967 about 90 persons had been arrested under this law. In 38 cases court applications were made for their continued detention and all were granted.

(v) The most ferocious detention law is that embodied in the Terrorism Act, No. 83 of 1967. Section 6 empowers the police to arrest any person believed to be a terrorist, or to have withheld information about terrorists, or about offences under the Act, and to have such person detained

anywhere in South Africa without any time limit whatever. A detainee is held for interrogation until the Commissioner of Police is satisfied that he " has satisfactorily replied to all questions at the said interrogation or that no useful purpose will be served by his detention ". No court of law may pronounce on the validity of any action taken in relation to detention or to order the release of a detainee.

Section 6 provides that detainees must be held in solitary confinement and no-one, except police and prison officials, shall have access to them. This means that detainees are not allowed to see their families or lawyers and their families are not told of their whereabouts. The Ministers of Justice and Police have consistently refused to give information about the number or identity of those who have been detained. When questioned in parliament the Ministers have replied that " it is not in the public interest " to disclose such information. Examples of the application of detention under the Terrorism Act are the cases of Peter Magubane (held for 586 days), Desmond Francis (held for 421 days) and Miss Shanti Naidoo (held for 369 days), none of whom was charged with " terrorist " activities.

**61.**

**What about death and torture of detainees?**

It is known that 22 people have died while in political detention. Two of these died in the Transkei while being held under Proclamation 400.

There is considerable evidence of torture which has been given by former detainees. They have told of brutal treatment at the hands of the Security Police—prolonged confinement in isolation, followed by days of ceaseless interrogation while kept awake and standing; electric shocks, physical assaults, shouting, bullying, threats and other cruelties. In some cases detainees or their next-of-kin have sued the government and in a few instances damages have been paid out of court. However, in the very nature of the detention laws and the

secrecy in which detainees are held, it has become impossible for victims to obtain redress through court action.

## 62.

### How are banning and house arrest orders imposed and what is their effect?

The Suppression of Communism Act, No. 44 of 1950, gives the Minister of Justice the power to impose severe restrictions on persons who he deems to be guilty of promoting or likely to promote the aims of " communism ". The term " communism " is very widely defined to include not only Marxian socialism but any doctrine or scheme " which aims at bringing about any political, industrial, social or economic change by the promotion of disturbance or disorder, by unlawful acts or omissions . . . ".

Persons deemed to be furthering any of the objects of " communism " as so defined are prohibited from holding public office; from belonging to specified organizations; from attending gatherings; from leaving defined areas; from entering factories, warehouses, trade union offices and printing and publishing premises; and from being concerned in any way with the preparation, printing or publication of any newspaper, magazine, book, pamphlet, etc. It is an offence for anyone to record, reproduce, publish, print, or disseminate any speech or writing made, or purporting to have been made, anywhere, at any time, by a banned person.

Anyone banned from attending social gatherings may not be in the company of more than one other person at a time. Banned persons are required to report regularly to the police—some every day, others once a week. Those who are put under house arrest are confined to their homes for 12 or 24 hours a day and throughout weekends and public holidays.

Any change of residence or employment must be reported to the police immediately. Security Police maintain constant surveillance on all banned people, ready to pounce at the slightest deviation from the strict terms of their banning orders.

## 63.

**Are there any restraints on the right of freedom of assembly in South Africa?**

Yes. There are several laws which cover the power to ban meetings and demonstrations. The Minister of Justice has power under the Riotous Assemblies Act and the Suppression of Communism Act to prohibit all or any gatherings. He can ban specific meetings or all meetings indefinitely or for a specified time. When students demonstrated in 1972 in favour of equal education for all, the provisions of the Riotous Assemblies Act were used to ban all gatherings for one month in university towns and centres. Under the Suppression of Communism Act the Minister has banned all gatherings except divine services in the vicinity of Johannesburg City Hall (since 1962) and on Cape Town's Grand Parade (since 1963). These were both the scene of many historic demonstrations by anti-apartheid, left-wing and radical groups.

- In 1974 an amendment to the Riotous Assemblies Act gave magistrates the power to ban any gathering—public or private, with a common purpose whether lawful or unlawful—for 48 hours without Ministerial approval. The penalty for contravening such a ban is a R100 fine or up to two years' imprisonment.
- In addition to his arbitrary powers to ban gatherings the Minister of Justice is empowered by the Suppression of Communism Act to prohibit individuals from attending gatherings of any kind. He does this by serving banning orders on them, making it illegal for them to be present at any gathering or meeting. The orders are for two or five years and are usually renewed upon expiry.
- Africans have virtually no freedom of assembly. Apart from other restraints, they are subject to regulations under " Bantu " laws which limit their right of meeting. Regulations under the Bantu (Urban Areas) Act provide that those who live in townships in the urban areas are not allowed to hold public meetings without the written consent of the township superintendent. Africans in " Bantu " areas are subject to regulations under the Bantu Administration Act of 1927 which

makes it an offence for any person to " hold, preside at or address any meeting, gathering or assembly at which more than ten Bantu are present at any one time, or permits such meeting, gathering or assembly to be held in his kraal or house or on other premises or land under his control ", without the written approval of the Secretary for Bantu Administration and Development, or the Bantu Affairs Commissioner, or the local magistrate.

● Under the Public Safety Act of 1953, the executive has power to declare a state of emergency and authorise magistrates and commissioned police officers to prohibit gatherings. This was done in March 1960 after Sharpeville. Although the state of emergency was officially ended at the end of August 1960, emergency regulations proclaimed for the Transkei (Proclamation 400) are still in force, making it an offence to hold a meeting of ten or more persons without the written permission of the local Bantu Affairs Commissioner.

● The police were given further powers to deal with gatherings in the 1974 amendments to the Riotous Assemblies Act, including the power to close any area to the public if it is thought a prohibited gathering is about to take place there. Under this law, too, the police (from the rank of warrant officer upwards) need only warn a gathering to disperse once, after which force—including firearms—may be used. Of this amendment, the *Star* 22.2.74 commented: " All meetings, anywhere, of even two people, can be prohibited *ad hoc*, and the amending legislation even invites the police to fire on the disobedient . . . the Sharpeville potential of this Bill is apparent. . . ".

**64.**

**What are the relations between the churches and the State in South Africa?**

There are no churches established by law in South Africa. The three Dutch Reformed Churches, which have the biggest following, generally support the government's policy of apartheid. Nearly every other church has come into conflict with the State in recent years as the government has intruded more and more into church affairs.

The introduction of the Bantu Education Act in 1954 deprived the churches and missionary societies of most of their school buildings and was bitterly resented.

After Sharpeville, the Anglican Bishop of Johannesburg, the Rt. Rev. Ambrose Reeves, who had been in the forefront of church opposition to apartheid, was arrested and deported. By 1972 the government had taken action against more than 100 other clergymen of all denominations; according to the Christian Institute, 17 churchmen had been deported, 25 refused passports or visas, seven banned, and four detained or prosecuted. Since then, those prosecuted have included the Dean of Johannesburg, the Very Rev. ffrench-Beytagh; the Director of the Christian Institute, Dr. Beyers Naude; and members of the Study Project on Christianity in Apartheid Society (SPROCAS).

According to Bishop Reeves the policy of the South African government since 1960 has been to pick off church leaders who oppose apartheid one by one, as the most effective way of securing the subservience of the churches.

The Bishop of Kimberley, in a pastoral letter written in January 1972, stated: " I cannot for the life of me understand how anyone can claim that there is no confrontation between our church and the State in Southern Africa. Our church is diametrically opposed to so many of the restrictions imposed upon Coloured people and Africans in the living out of their lives. We are opposed to the action of the State in limiting the freedoms and relationships between our different races. We are opposed to the investigations . . . which speak to us not only of the fear of the State, but also of the suspicion of the State. These visitations give the appearance of a process of intimidation of the clergy and lay people. If this is not confrontation, what is ? "

**65.**

**Is segregation applied to South African schools?**

Yes. There are separate authorities and separate primary and secondary schools for whites, Africans, Coloureds and Indians.

White education is under the control of the provincial authorities; African education is the responsibility of the Department of Bantu Education; Coloured education is administered by the Department of Coloured Affairs and Indian education by the Department of Indian Affairs.

White school children are taught in separate Afrikaans-medium and English-medium schools.

**66.**

**Is this segregated education equal for all races?**

No. The standard for blacks, especially Africans is much inferior.

(i) School is compulsory for all white children between the ages of seven and sixteen, but not for Africans. In the case of Coloured and Indian children, school is compulsory only in a few areas and applies to those between the ages of seven and fourteen. Almost 70 per cent of African children leave school by Standard 2 and only 5 per cent reach Standard 6.

(ii) There is extreme overcrowding in black schools and double sessions are necessary because of the shortage of classrooms, schools and teachers. In the case of African children, nearly one million are accommodated in double-session classes.

(iii) While the State spends R258 per year on each white pupil, only R19 is spent on each African pupil. The amount per Coloured pupil is about R75 and per Indian pupil R81.

(iv) Unlike parents of other racial groups, Africans must pay for their children's stationery and most text books in all but the lowest classes, and have to contribute to school funds. The cost of these items is estimated at up to R16 for primary classes, R25 to R29 for lower primary classes, and R32 to R37 for higher primary classes. In addition, some local authorities add a levy to African house rents to pay for lower primary schools in their areas.

(v) The pupil-teacher ratio for whites is about 20; for Africans it is 60.

(vi) White teachers are paid higher salaries than black teachers. African teachers are paid 52 per cent of the white scale and Coloured teachers get 72 per cent.

**67.**

**Is apartheid applied to university education?**

Yes. Until 1959 black students were admitted to the open universities of Cape Town, Witwatersrand and Natal. The Extension of University Education Act, No. 45 of 1959, provided for the establishment of separate universities for African, Coloured and Indian students and the following separate university colleges were established:—

*For Africans:*
University College of the North (Turfloop)
University College of Zululand

*For Coloureds:*
University College of the Western Cape

*For Indians:*
University College of Durban-Westville.

These colleges were given full university status in 1969. They are administered by white councils, assisted by black advisory councils. The principal administrative posts are held by whites and the majority of staff members are whites, who are paid higher salaries than blacks.

In 1971 there were 2,602 Africans attending universities and another 2,804 taking correspondence courses with the University of South Africa, which teaches by correspondence only. In comparison, the white universities had 56,982 white students, with another 20,239 whites enrolled with the University of South Africa.

As in lower education, pay discrimination applies in the universities. African university teachers get 65 per cent of the salary rate for white teachers and Coloureds get 75 per cent.

68.

**It is well known that South Africa applies a strict censorship. How does it operate?**

There are several laws in South Africa which are used to suppress undesirable literature, plays, films, etc. The Publications Control Board, appointed by the Minister of the Interior in terms of the *Publications and Entertainments Act, No. 26 of* 1963, decides which books South Africans should be allowed to read and what entertainments are fit for them to see.

In terms of this law a publication is deemed to be undesirable if it, *or any part of it*, is considered to be indecent, obscene, offensive, harmful to public morals, blasphemous, offensive to the religious convictions of any section of the community, brings any section of the community into ridicule or contempt, is harmful to relations between any sections, or is prejudicial to the safety of the State, the general welfare, or peace and good order.

In applying this test the Board has found it necessary to publish, almost every week, a list of books, magazines, newspapers, etc., which it has decided are " undesirable " or " objectionable ". Imported literature is first examined at ports of entry by customs officials who impound suspected items and refer them to the Board.

There are now more than 12,000 publications which have been prohibited and it is an offence punishable by a fine of up to R2,000 and six months' imprisonment, to possess, sell or distribute any of them. Many of these publications have been banned because they are critical of apartheid or antagonistic towards the South African regime. Others have been banned because they were produced in communist countries; or fall within the definition of " communism " in the Suppression of Communism Act; or portray love and social mixing between blacks and whites.

In dealing with public entertainments, the Board has totally banned 305 films and has ordered cuts in 2,353 others before allowing their exhibition.

Censorship is also applied in South Africa through the following laws:—

● *The Public Safety Act, No.* 3 *of* 1953. Emergency regulations published under this law empower the Minister of the Interior to close down any newspaper or periodical if he considers it to have published " matter of a subversive nature ".

● *The Riotous Assemblies Act, No.* 17 *of* 1956. Section Three of this Act empowers the Executive to prohibit the publication or dissemination of any documentary information " calculated to engender feelings of hostility between the European inhabitants . . . on the one hand and any other section of the inhabitants on the other hand ".

● *The Suppression of Communism Act, No.* 44 *of* 1950. Section Six of this Act empowers the Executive to prohibit the printing, publication or dissemination of any newspaper, magazine, book, pamphlet, handbill or poster which propagates the principles or promotes the spread of communism, or " serves as a means for expressing views or conveying information, the publication of which is calculated to further the achievement of any of the objects of " communism " (i.e. ' communism ' as understood by the country's lawmakers).

Section 6*bis* of this Act provides that no newspaper shall be registered unless the proprietor deposits up to R20,000 with the Minister of the Interior, such sum to be forfeited to the State if the Minister of Justice decides to ban the newspaper in terms of Section Six.

Section 11 (g)*bis* makes it an offence, punishable by imprisonment for up to three years, to print, publish or disseminate any speech, utterance, writing or statement made anywhere at any time by any person banned under the Act.

● *The Official Secrets Amendment Act, No.* 65 *of* 1965. In terms of this measure it is an offence to publish, for any purpose prejudicial to the safety of the State, " any sketch, plan, model, article, note, document or information " which relates to munitions of war or any military or police matter.

● *The General Law Amendment Act, No.* 101 *of* 1969.

Section Ten of this Act extends the provisions of the Official Secrets Act to make them applicable to security matters as well as to military and police matters. " Security matter " is defined as any matter relating to the security of South Africa, including any matter dealt with or relating to the Bureau for State Security (BOSS), or relating to the relationship subsisting between any person and the Bureau.

● *The Prisons Act, No. 8 of 1959.* A Section of this Act renders it an offence to sketch or photograph a prison or prisoner; or to publish or divulge any false information about the behaviour or experience in prison of any prisoner or ex-prisoner; or about the administration of any prison, knowing this information to be false or without taking reasonable steps to verify it.

● *The Defence Amendment Act, No. 85 of 1967.* This law makes it an offence to publish in times of peace as well as war, any information relating to the movements or dispositions of armed forces, nursing services, ships, aircraft and transport or to the defence of South Africa. It is also an offence to publish statements or rumours relating to armed forces which might cause alarm or prejudice foreign relations.

**69.**

**Does South Africa enjoy a free Press?**

Although South Africa claims to have a free press, this is true only in a limited sense. A free press can function freely only in a free society whereas the South African press operates in an apartheid society, with political power and democratic rights vested entirely in the white minority. To sustain this white oligarchy, many restrictive laws have been devised and the press is inhibited by various forms of censorship and control, embodied in several of these laws (see reply to previous question). As one prominent editor once pointed out, the publication of a newspaper in South Africa " is like walking blindfold through a minefield " and the president of the South African Society of Journalists said in 1969: "There are so many

restrictive laws within which newspapers have to operate that some newspapers are avoiding trouble by 'playing it safe' rather than give readers the true position".

South African reporters and editors must be on constant guard not to transgress the Suppression of Communism Act by quoting something said sometime by someone whose name appears on the Minister of Justice's long and growing list of banned persons; or the Prisons Act by publishing a picture of a prison or lock-up, or an arrested person; or an ex-convict's story of life in prison; or the Defence Act by reporting news about military aircraft or Defence Force activities; or the Official Secrets Act by printing an item dealing with a "police matter" which may be considered prejudicial to the safety of the State.

Pressmen also suffer the handicap that they can be jailed under Section 83 of the Criminal Procedure Act for refusing to disclose their sources of information. There is, too, the hostility of the police to contend with. On June 5, 1972 the *Cape Times* complained that "there have been incidents recently in which police have seized press cameras and film, forced photographers to expose film, placed their hands over lenses and threatened photographers not to take pictures. There is no legal authority for this, if newspapermen are acting within the law. It amounts to censorship in its crudest form".

An example of this kind of action was the subject of a complaint by the S. A. Society of Journalists to the Commissioner of Police at the end of May 1972 about police treatment of pressmen at a rugby match between an English touring team and a Coloured side in Cape Town. The Society said: "When scenes of a group of demonstrators were photographed some of the policemen on duty confiscated films and notebooks and we received complaints from reporters that they were manhandled and intimidated by the police."

In June 1972 the Society complained of "several serious assaults" by the police on pressmen during student demonstrations outside Witwatersrand University and said that it seemed that the purpose of the attacks on journalists was to

intimidate them and thereby inhibit news coverage which might not be favourable to the police image.

Radical and left-wing newspapers have found it impossible to exist in South Africa because of the stringent laws and police intimidation. To make things more difficult for them the government added a Section (*6bis*) to the Suppression of Communism Act to compel new newspapers to lodge a deposit of up to R20,000, to be forfeit if the Minister deemed them to be " communistic " (see reply to previous question).

Finally there is censorship by the Publications Control Board. Newspapers not belonging to the Newspaper Press Union (the mass circulation groups) are subject to control by the Board, which can suppress single issues or all issues of a paper, which could force it to cease publication. This action was taken against the magazine *Scope* in 1972 because, among other things, it published a picture of a black man embracing a white woman in a New York street. *Scope* successfully applied to court for a reversal of the ban.

In conclusion, it should be mentioned that members of the Newspaper Press Union were exempted from control by the Publications Control Board because they agreed to censor themselves through a Press Council and a Code of Conduct. This Code requires newspapers to " take cognizance of the complex racial problems of South Africa, the general good, and the safety of the country and its peoples ".

**70.**

**How important is foreign investment to South Africa?**

From 1965 to 1970 South Africa received a net total of £982 million from the West. The average net inflow rose from £93 million in 1965-7, to £328 million in 1970, according to the SA Reserve Bank, and up to £447 million in 1971. The market value of this investment is considerably greater than these book values.

Western investment temporarily slowed down in the late 1950's and early 1960's when the African population launched massive civil disobedience campaigns against apartheid. By

1965, however, when further repressive action had quelled all open African political activity, the funds began flowing back.

The strategic role of foreign investment has been even more important than its volume. At each stage of South Africa's industrial development since the war, foreign investment has provided the capital equipment and technological skills that have enabled South Africa to build up new sectors of its economy. Firstly these were engineering and textiles, then chemicals and food-processing for the export market. In the 1960's the expanding sectors were motor vehicles and oil refining; now they are computers, electronics and even nuclear energy.

**71.**

**Has world hostility to apartheid had a bad effect on South Africa's foreign trade?**

No. On the contrary, South Africa's foreign trade has steadily increased. Between 1960 and 1971 the value of exports doubled and imports increased 2½ times. In 1972 exports (excluding gold bullion) were valued at R2,003.1 million, and imports at R2,820.5 million.

South Africa's main trading partners are the following countries (with 1972 trade figures):

| | *Imports* (*excluding gold*) | *Exports* (*excluding military stores*) |
|---|---|---|
| Britain | R530.9 m | R590.5 m |
| U.S.A. | R147.0 m | R466.6 m |
| West Germany | R111.6 m | R413.0 m |
| Japan | R259.3 m | R267.1 m |

**72.**

**Why do anti-apartheid organisations advocate a policy of economic isolation and trade boycotts against South Africa?**

First, because foreign investment and trade support *and profit from* apartheid. Largely because labour costs in South

Africa are so cheap, the rate of return on direct British investment there is about 12% after tax. And export goods such as fruit and mineral products can be bought cheaply in Britain and other Western countries only because the African workers who produce them are so poorly paid.

Secondly there is no evidence, as some businessmen claim, that industrial and economic growth will gradually emancipate the Africans or lead to a relaxing of apartheid. On the contrary, African rights have been progressively whittled away as the black work-force has grown, and standards of living have barely risen. Foreign investment and trade, therefore, not only benefit from apartheid—they actively help to maintain and strengthen it.

The Africans themselves were the first to use boycotts to protest against apartheid and they have consistently supported and asked for the use of economic sanctions by foreign countries and anti-apartheid groups. Every action taken abroad is welcomed by black people in South Africa.

## 73.

### Is South Africa's rule of Namibia (South West Africa) legal?

No. In 1971 the International Court of Justice found that South Africa's continued presence in Namibia was illegal.

South Africa originally conquered Namibia, then known as South West Africa, during the First World War, taking it from the Germans who had themselves occupied the territory in 1884.

At the end of World War I the League of Nations appointed South Africa as the Mandatory Power to administer the territory, but when the United Nations succeeded the League South Africa refused to accept its authority, and so subsequently the UN General Assembly voted in 1966 to terminate the Mandate.

South Africa has not only consistently ignored UN decisions affecting Namibia, but has also implemented her own apartheid policies within the territory, including that of tribal homelands.

But the plans to create six self-governing Bantustans within Namibia received a major setback when, in the summer of 1973, a successful boycott of the first elections in Ovamboland, the largest Bantustan, was organised.

South Africa's presence in Namibia is maintained by an army of occupation. A quasi-state of emergency exists in the north, opposition spokesmen have been beaten and flogged, and many of the leaders of the anti-apartheid South West African People's Organisation are in prison or detention.

## 74.

## Why does the South African government want a " dialogue " with other African states?

Dialogue is the name given to the more outward-looking policies South Africa pursued in relation to the rest of Africa from the late 1960's onwards—at the same time as she was building up her military strength on her borders and those of Namibia and Rhodesia in a manner that threatened independent African states to the north such as Zambia. Dialogue could lead to increased South African dominance.

Politically, South Africa wants other African states to accept apartheid (almost all Africa is firmly opposed to it). Because of her position as the most industrially-developed nation in the continent, South Africa can offer economic " advantages " as bait which will keep smaller countries in a dependent relationship.

The dialogue policy reached its peak in 1970-71. Initially about six African states indicated their willingness to talk to Mr. Vorster, but subsequently only Malawi has consistently remained on friendly terms with South Africa. No African countries support apartheid, but a few which have economic links sometimes support South Africa at the UN or vote against resolutions supporting the liberation movements, which oppose white minority rule in Southern Africa.

The idea of dialogue has been firmly rejected by the majority of African states, and by the Organisation of African Unity. Instead, black Africa has agreed to avoid all diplomatic, economic, cultural, sporting and other links with South Africa.

## 75.

**Is the ' detente ' operation of 1974—75 a further development of the dialogue policy?**

From South Africa's point of view it is, although it has other more urgent implications. Mr. Vorster's government is aiming, amongst other things, to secure an end to guerilla activity in Rhodesia and a constitutional settlement there which might stabilise the situation on its northern borders and even lead to the lifting of sanctions. To this end it is encouraging the Smith regime to make some concessions.

From the point of view of Zambia, Tanzania and other African states in the area, ' detente ' is not so much a desire for peaceful co-existence with apartheid as a last attempt to explore the chances of a peaceful transition to majority rule in Rhodesia. They have recognised, however, that unless majority rule is established quickly in Rhodesia, (and unless independence is granted to Namibia and significant steps are taken towards the elimination of apartheid in South Africa) the armed struggle of the liberation movements in these countries is bound to continue and intensify.

# WHERE TO FIND IT





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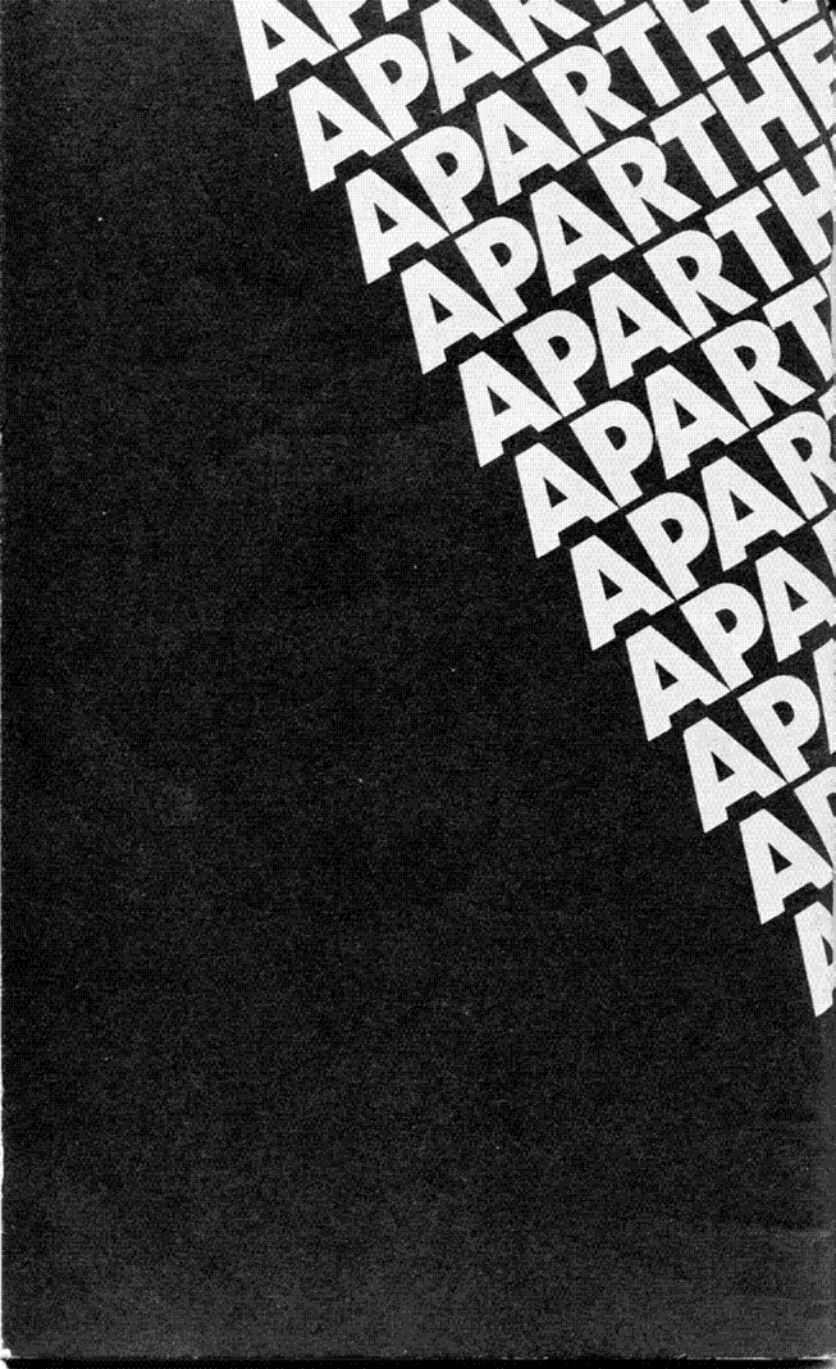
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