CHAPTER 1

INTRODUCTION

African Countries have used International organisations to highlight the heinous policy of apartheid. India was the first country to raise the problem of discrimination in the UN as early as June 1946 and had warned that it could turn to a foreign policy issue.\(^1\) The African countries took up the pioneering role of India in the struggle against racialism with their independence. Commonwealth was especially useful to African countries. By granting independence to her colonies, Britain had increased the membership of the Commonwealth. But the membership was not complete without South Africa. It was Britain, which had transferred power to the white minority in South Africa. Moreover, British investment and trade helped South Africa to pursue its policy. The African countries could pressurise Britain more in the Commonwealth forum, as it could not hide behind its veto power as in the UN. Moreover no British government wanted to be seen as the factor for the dissolution of the Commonwealth. Every International organisation condemned the apartheid policy but as this study deals with Commonwealth, its definition, the evolution and structure of the Commonwealth is looked into.

THE COMMONWEALTH

The Commonwealth in 1994 was the voluntary association of 52 countries and their dependencies that once formed part of the British Empire and are now independent sovereign states. They are all regarded as “full members of the Commonwealth”. Additionally, some 20 territories are not completely sovereign and remain dependencies of the UK or another of the fully sovereign members, and are regarded as “Commonwealth countries”. Heads of government meet every two years, apart from those of Nauru and Tuvalu, however, Nauru and Tuvalu have the right to participate in

---

\(^1\) In an interesting presentiment in 1923 Imperial Conference Sir Tej Bahadur Sapru told General Smuts that unless it was alleviated, the Indian problem would pass the bounds of a domestic issue and become an issue of foreign policy of such gravity that upon it the unity of Empire may fonder irretrievably. T. B. Miller, The Commonwealth and The UN (Sydney, 1967), p. 137.
all functional activities. The Commonwealth has no charter or constitution, but it follows the principles prescribed in the Declaration of Principles of 1971. This has been strengthened from time to time by other Declarations and Accords. Although it was founded more on tradition and sentiment than on political or economic factors, now tradition and sentiment take backseat.

The Commonwealth has been defined in different ways. The Commonwealth has also been termed a farce and has several sceptics. Prof. J.D.B. Miller has coined the term “concert of convenience” to define the Commonwealth. According to an official publication of the UK Information Service, the Commonwealth is “not a federation, for there is no central government, defence force or judiciary and no rigid obligations or commitments. It is not a confederation or an alliance, not is it comparable with a contractual association such as the United Nations.” Prof. Dennis Austin observes that the large increase in membership helped British government to pursue their own interests, the Secretariat has multiplied its functions without greatly strengthening its position and Britain’s position is not coequal but distinct. Queen Elizabeth II was the formal head but not the ruler of member states. The Commonwealth Secretariat, headed from October 1989 by Nigerian Emeka Anyaoko as secretary-general, is based in London. The members of the Secretariat staff come from a number of member countries, which also pay its operating costs.

The origins of Commonwealth as a title and an organisation are inseparably associated with the evolution of self-governments and sovereignty in the form of British Empire. The title ‘Commonwealth’ came after a long evolution. On 15 May 1917, Jan Smuts, Legally “The Commonwealth consists of independent members (who) are fully sovereign states, having a status in international law, no different from that of other sovereign states.” Socially, it is described “most accurately with an association or club”, cited in Peter B. Harris, The Commonwealth (London, 1975), p.3.


David Williams wrote in 1778 that the British Commonwealth is divided into several parts, which may be considered as the several branches of the same family. S.R. Mehrotra, “On the Use of the term Commonwealth”, Journal of Commonwealth Political Studies (Leicester), vol.2, no.1. 1963, pp.1-2. Lord Rosebery declared at Adelaide in 1884 that there is no need for any nation leaving the empire because the empire is a Commonwealth of Nations. By the early 1900 the other countries found empire and colony. In 1914, Alfred Zimmerman coined the phrase ‘British
representing South Africa in the imperial war cabinet of World War I, suggested that "British Commonwealth of Nations" was the right title for the British Empire. In the London declaration of 1949, British Commonwealth of Nations in the first paragraph was abbreviated in the later paragraphs to the Commonwealth of Nations or just Commonwealth. In the 1960s the British was dropped from the title and in the agreed memorandum on the secretariat in 1965 the phrase 'the Commonwealth Association' was used. The Commonwealth of Nations was again used in 1971 at the head of the Declaration of Principles in 1971. But by 1979 the usage was the Commonwealth and it has continued.

The Commonwealth meetings were unique in their concentration at one place for a length of time of a large heads of governments. The conference has three main elements. The Queen as the Head of the Commonwealth holds a banquet for the Heads of delegations, sometimes reception for the officials and meets individual Heads of governments as well as fulfilling public engagements in the host country. Singapore was the only exception where the queen was not present.

The Commonwealth's uniqueness stems from the willingness of the diverse peoples of a vast empire to continue a close association with each other and with the imperial power after they have received independence. However, with the inclusion of Mozambique in 1995 this stands negated. Does this mean that the Commonwealth will be like UN? Does this mean that countries that were never colonies of Britain can

---


8 Since 1944, the meetings have been known as the Meeting of Commonwealth Prime Ministers. In 1969, the Communique was still headed as the Meeting of Commonwealth Prime Ministers. But the text began with saying 'the Commonwealth Heads of Government Meeting.' In the next meeting in 1971 at Singapore, the title of the meeting became the Commonwealth Heads of Government Meeting (CHOGM). The Commonwealth at the Summit: Communiques of Commonwealth Heads of Government Meeting 1944-1986 (London, 1987), pp. 13ff.

9 First, the Executive sessions, which starts with the world political scene and go on to global economic trends and particular political issues and end with consideration of functional co-operation, and avenues for co-operation and the approval of the final text of the communique. The Head of Government of the host country chairs these sessions. Secondly, there is a Committee of the Whole (COW) attended continuously by the officials who work on the drafts of the communique. The Committee is divided into two parts: the Deputy Secretary-General of the Secretariat chaired political and economic sessions. Thirdly there are less structured but important parts. The ad hoc committees to deal with issues like the bilateral meetings of the leaders and regional meetings. McIntyre, n.3, pp.14-15.
now join the Commonwealth? These, however, are outside the scope of this study and are not studied.

The Commonwealth can be defined as a voluntary organisation of countries that operates as an administrative unit and operates through a vast network of Co-operative committees developed to organise the services between the Commonwealth countries. English is used as the medium of inter-Commonwealth relations. Its size ensures a market both large and diverse. Though not bound by any constitution the basic principles have been placed in Declaration of Commonwealth Principles, which have been strengthened, by other declarations in time to time. Further, the Commonwealth helps in the publicising of the state that otherwise may never be able to gain adequate recognition.

On why the countries join the Commonwealth, explanation of Nehru on why India joined can be observed: "We join the Commonwealth obviously because we think it is beneficial to us and certain causes in the world that we wish to advance. The other countries of the Commonwealth wish us to remain because they think that it is beneficial to them".\(^\text{10}\) The Commonwealth Heads of Government meeting is held every two years in different capitals of the member countries. Meetings are private, informal and operate not by voting but by consensus. A communique is issued at the end of every meeting.

**Evolution, Structure, Decolonisation**

The history of the Commonwealth is entangled with the history of the British Empire. In the words of Duke of Edinburgh "Nothing quite like it has ever happened before, empires have risen in the past, and when they have come to an end, they have faded away like old soldiers. The British Empire evolved into something new, an experiment in international relations which is still in the process of development".\(^\text{11}\) Before World War I, the most developed form of government in the Great Britain colonies was representative government. Canada led the way to set a pattern for the establishment of

\(^{10}\) Jawaharlal Nehru, "A New Type of Association" *Jawaharlal Nehru’s Speeches* (Delhi, 1949), vol. 1, p. 281.

self-government in the colonies of settlement. The proposal of Durham Report of 1839 became widely accepted as the basis of the Commonwealth. This principle came into law with the passing of the Colonial Law Validity Act, 1865. Australia, Canada, Newfoundland (later a part of Canada), South Africa and Irish Free State together with Great Britain formed the Commonwealth in the early days.

After World War I, the members wanted to assert their status in the international field. The driving force behind these demands was to create international unity. Otherwise, it was felt that it could create separatist movements. Great Britain was also ready to yield to pressure for change. The 1926 Imperial Conference adopted the Balfour formula. The Statute of Westminster 1931 gave legal effect to the Balfour declaration. During 1926-1931, the British 'Empire' gave way to the British 'Commonwealth of Nations'.

The evolution of the commonwealth after World War II constitutes a significant part of the commonwealth history. A significant landmark was the Indian decision to remain in the commonwealth. This became a powerful precedent for the British colonies emerging into independence. If India had not joined, it was doubtful that

---


13 This Act states "No Colonial law shall be or be deemed to have been void or inoperative on the ground of repugnance to the law of England, unless the same shall be repugnant to the provision of some such Act of Parliament, order or regulation as aforesaid." Ibid., pp.67-69.


15 By 1926 the risk of inaction were acknowledged to be greater than the risks of definition even by those temperamentally allergic to such an exercise". Patrick Gordon Walker, The Commonwealth (London, 1962), p.103

16 It defined United Kingdom and the Dominions as autonomous communities within the British empire equal in status, in no way subordinate to one another in any respect of their domestic or external affairs, though united by a common allegiance to the crown, and freely associated as members of the British Commonwealth of Nations.

17 The statute itself recognised the sovereign right of each dominion to control its own domestic and foreign affairs, to establish its own diplomatic corps, and (except for Newfoundland) to be separately represented in the League of Nations. It was also stated that no law hereafter made by the Parliament of the United Kingdom or by any dominion parliament shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and at the consent of that Dominion.
African states would have joined the commonwealth. The Indian example showed the perfect practicability of a vigorous nationalist movement making peace with its erstwhile imperial adversary and transforming the relationship between the two people into one of friendship and co-operation.\(^{18}\) A difficult situation arose in the commonwealth with India’s decision to become a republic. However, the political advantages of having Indian membership in the commonwealth persuaded the British cabinet to include a republican state owing no allegiance to the crown in the London declaration of April 1949.\(^{19}\) This saw the British Commonwealth of nations being changed to the Commonwealth of Nations. The acceptance of a republic country made matters easier for African states and dispelled any doubts about their independence in the Commonwealth.

Another major part in the Commonwealth came with the decolonisation of Africa in 1960s. In Asia, decolonisation came as most European powers reeled under the devastation caused by World War but in Africa it was partly as a result of the change in the international environment and Europe’s control of African economy. In Africa resources and manpower were calculatedly integrated with metropolitan Europe precisely at a time when the latter were making plans for political withdrawal.\(^{20}\) Capitalist western nations feared that any further delay in dealing with African nationalists might lead to the rise of extremists groups in African politics which might in turn play into the hands of communists.\(^{21}\) Britain, substituting its imperial ‘divide and

---


20. In Asia, facing an all round exhaustion of their national resources, the colonial powers turned to United States for massive economic assistance. In such a situation, they had neither the manpower nor the resources to conduct colonial wars in Asia. However in Africa in British colonies, accelerated growth took place in agriculture and mining. Both France and Britain devised plans for long-term exploitation of the African resources. They encouraged public and private investment into those sectors of their overseas colonies, which promised continuous supply of essential raw materials and foreign earnings. However foreign business and banking concerns developed only those sectors of the African economies that could meet the expanding needs of the industrialised countries. Anirudha Gupta, “Non-Aligned Africa And The External Powers”, *The Non-Aligned World* (New Delhi), vol.1, no.2, April-June 1983, pp.183-84.

21. By 1960, the traditional patron-client relationship among nations based on force had become a historical anachronism. Colonialism had turned out to be a dirty word not only in the colonial context but also at global level. But more importantly, the industrially advanced Europeans no longer needed political advantage to reap economic benefits from their colonies. On the contrary, political control proved expensive, as it inevitably involved some sort of military confrontation with the nationalists and delay in the building of welfare states in the metropolitan countries. Ibid., p.185.
rule' policy with the Commonwealth principle of 'unite and abdicate ', resolved not to be the last colonial power to get out of Africa and accelerated the process. The British issue was, not whether any country should become independent, but only when. The question—to whom power was to be transferred—remained the key issue.

In territories where settler populations were negligible, it did not arise. There the only issue to evolve was a mechanism to hand over power to a political leadership that received credible indigenous support. Independence with majority rule was the British decolonisation 'consensual' model. Adult franchise decided the relative strength of the nationalist parties and the transfer of power to the nationalists based on these elections vindicated the principle of majority rule. While Britain readily granted independence to African states where indigenous population dominated, it was not so in areas where settler population was significant in number. British themselves were quite uncomfortable with this hypocrite stand. However South Africa's situation was unique in the sense that it was the only country in which Britain transferred power to the whites and not to the majority blacks.

The decolonisation procedure accelerated the entry of African Countries into the Commonwealth. Ghana (1957) was the first black African member in the Commonwealth. Others soon followed. Till 1990 the African membership was 15 in the Commonwealth but in 1994 it was 17 with the inclusion of Namibia and South Africa. Many African countries were proud to be a part of the Commonwealth, a more exclusive organisation than the UN. Commonwealth membership not only enhanced their international status; it was also a restatement of their sovereign status.

Kaunda saw the flexibility of the Commonwealth, an organisation operating without a charter or a constitution, less restrictive and more accommodating on various issues than

---

23 Macleod then serving as a Colonial Secretary wrote in 1965, "Independence once given to the African in the Gold Coast could not for long be denied to his brother in Kenya, and in particular it could not long be delayed only because of the European settlers." Anirudha Gupta, "Decolonisation Zimbabwe Model", World Focus (New Delhi), vol. 1, no. 4, April 1980, p. 10.
24 President Kaunda addressed a civic luncheon on independence day "not only as President of the Republic of Zambia but also as the President of a state which is now a full member of the Commonwealth", Colin Legum, ed., Zambia, Independence and Beyond: The Speeches of Kenneth Kaunda (London, 1966), p. 178.
other associations. Its most attractive feature was that it did not in any way hinder "the separate development of each member in terms of domestic affairs". It provided a chance for these states to share their experience with those having similar problems. Besides opening avenues for economic co-operation, it also provided opportunities to exchange ideas on various international issues with other countries without imposing any constrain on their options.

The Commonwealth was also a means of maintaining links with Britain, who the African countries thought, would provide economic assistance and support their fight against colonialism and racism. Kenya confidently sought the support of the Commonwealth and United Kingdom in particular in the fight against racial discrimination and the brutalities of the South African regime and the forces of colonialism in Africa. Other African countries also believed that the Commonwealth could serve as an ally in their struggle against the vestiges of colonialism and racism in the continent.

From the very beginning, the African countries used the Commonwealth as a forum for the liberation of colonial territories and the removal of apartheid. The newly independent African countries were quick to exploit the resources of diplomacy and international pressure to portray South Africa's racist policies as international rather than a domestic issue that affected the whole world. They also used it as forum to pressurise

---

25 Ibid., p.179.
28 Zambia hoped that its association with Commonwealth would go a long way in aiding the cause of free independent governments through out Africa and the world. Nigeria felt that the Commonwealth could play a vital role in relating its policy objectives to the larger world community, by throwing its weight behind their struggle to abolish once and for all, the traces of racialism from African Continent. It could also demonstrate its support for the ideals and principles of justice and freedom—which was all that the struggle in the colonial territories and in South Africa was about. Legum, n. 24, p. 178.
Britain on South African and Rhodesian issues. In this they have been helped by the Commonwealth Secretariat which was established in 1965.29

The Commonwealth Secretariat have been a major player in as it has been the Commonwealth Secretary General who has co-ordinated many of the moves of these countries.30 Kwan Nkrumah first raised the idea of the Commonwealth Secretariat as a unit that would help economic development The Secretariat was established as the need for co-ordinating the services of the Commonwealth was felt. Moreover the British-centric approach of the Commonwealth had begun to offend some of its newest members.31 The Secretariat was seen by some as a decisive break with the habitual mistrust of centralised machinery, signifying a mutual determination of a revised Commonwealth association. The Commonwealth Secretariat started with two functional divisions -- international affairs and economic -- together with an administrative unit. Soon additional units came up. Some of the important ones are the Commonwealth Fund for Technical Co-operation (CFTC), the Commonwealth Youth Program (CYP).32 The Secretariat has also co-ordinated special Commonwealth programs for Zimbabwe, Namibia, South Africa and Mozambique.

Before going into the exit or the issues of South Africa that has come up in the Commonwealth it would be helpful to look into the apartheid policy, its laws and its impact to understand the passion and hostility the issue evoked.

---

29 A Secretariat would be available, *inter alia* to disseminate factual information to all member countries on matters of common concern, to assist existing agencies, both official and unofficial in the promotion of the Commonwealth links in all fields and to help to co-ordinate in co-operation with The 'host' country, the preparation for future meetings of Commonwealth heads of governments and where appropriate for meetings of other Commonwealth ministers. “Final Communiqué, Meeting of Commonwealth Prime Ministers, 1964”, n.8, p.90.


31 At the 1964 Commonwealth summit Julius Neyerere said, “Millions are represented by the Commonwealth and not all of them see problems with the same view as the Western world.... Change must come”. Ali A. Mazrui, *The Anglo-African Commonwealth: Political Friction and Cultural Fusion* (Oxford, 1967), p. 40.

32 The International Affairs Division facilitates the exchange of views between governments in political issues, services, meetings of heads of governments, of senior officials and committees such as the Commonwealth Committee on Southern Africa. The CFTC is a multilateral development fund, designed to meet the technical assistance needs of the developing member countries. The CYP has study fellowships, youth projects and support for national Youth Program.
BACKGROUND OF SOUTH AFRICAN ISSUE

The republic of South Africa occupies the southernmost part of the African continent. The Republic covers a total area of 1219080 sq. km. It has common boundaries with Namibia on the Northwest, Botswana on the North, and with Zimbabwe, Mozambique and Swaziland on the Northeast. Lesotho lies completely enclosed by South African territory in the Southeast. South Africa has a lengthy coastline, as Atlantic Ocean surrounds it in the West and South and Indian Ocean in the East. Five major ethnic groups make up South Africa’s multiracial society. In 1994, the estimated ethnic composition of the total population including Homelands was 40,284,634.33

Apartheid

The government in South Africa was based on Apartheid, which assumed that white was superior to non-white. The whites envisaged a policy of separate development for the other racial groups. The word apartheid that means separateness was first used in a leading article in Die Burger, a Nationalist Party newspaper on March 28, 1943. Dr. Malan a former member of the clergy and later Prime Minister of South Africa used it in the parliament for the first time on January 25, 1944, as the policy to ensure the safety of the white race and of Christian civilisation.34 Apartheid is the system where the colour of a person’s skin became the legally determining factor of his position in South African Society. Jean Paul Sartre describes Apartheid as both a practice and a theory.35

35 The practice is known euphemistically as “separate development”. In other words, it is the enforcement by a minority of three million people of European origin of a policy designed to keep in slavery fourteen million inhabitants of African Asian origin or of mixed descent. These fourteen million inhabitants have no political rights. They cannot vote, hold meetings, form political organisations or belong to trade unions... They have no economic rights and no rights of ownership... This structure of politics and practice, which we call Apartheid, is obliged to rely on police terror tactics... This then is the practice of Apartheid. The practice is justified by a theory: across-the-board racism, the absolute superiority of the White race over all races. This doctrine is created by circumstances themselves. The need to obtain cheap labour at zero-level wages leads virtually to the maintenance of slaves. The result is that the South African White quite naturally describes as sub-human one whom he does treat like a sub-human being. Jean Paul Sartre, Those Who Are Confronting Apartheid Should Know They Are Not Alone (London, 1981), p.3.
The specific characteristic of the apartheid era was the introduction of tighter and systematic control of the Blacks by the state. While other multi-racial countries adopted the principle of racial equality and guaranteed equal rights to its citizen, South Africa made racial discrimination constitutional. It was ironic that 1948, the year in which apartheid was institutionalised, Universal declaration of Human Rights was adopted by the UN.

The Whites justified the need for the separation on the following grounds.

a) Cultural and material differences between racial groups are so basic that segregation is required for avoiding clashes.

b) Much of the best in African life is rooted in the tribal system. Hence the African will be happiest when left to develop along his own line.

c) The European community and civilisation is in danger of being swamped by the brute majority of Africans. 36

A religious rationalisation for apartheid was found within the doctrines of the Dutch Reformed Church. The Church supplied the Afrikaner with a justification for white supremacy. A state theology allowed the Nationalist Party to rule South Africa with a clear conscience that their power to rule comes from God. 37

Antecedents of Apartheid

The policy of Apartheid that began controlling and affecting the people had a solid base, which was laid much before 1948. The gradual progress of Racism in South Africa started with the period of colonial conquest in 1652.

The first Europeans to settle permanently in South Africa came from Holland. The colony soon expanded with the freeing of company employees, the arrival of Dutch free burgers and the French Huguenot refugees. The French Huguenots intermingled with the Dutch and set up their homes in Africa. Dutch was made the medium of instruction in public schools. This laid the foundation of the Afrikaner (Boer) sentiment. 38 The whites believed that it was the ‘Manifest Destiny’ of the civilised world to control and guide the

inferior people for the good of all. This fallacious idea of biological inequality between blacks and whites used by the whites to exploit black labour.

With the discovery of diamonds in 1867 and gold in 1886, South Africa became a land of opportunity and profits. The Blacks who had their land and cattle that gave them enough to live were systematically deprived of it and it resulted in the destruction of their economic basis. Added to this, tax demands were made on the Blacks that took away money they earned from selling their surplus. Laws were caused to ensure that Blacks took up wage labour. Moreover, the inflow of cheap foreign grains as railway penetrated the interior gave the final blow. The idea of Pass laws and native reserves, implemented strictly after 1948, had their origins earlier.

After the Anglo-Boer war, the British in 1906 restored self-government to Orange Free State and Transvaal, which were defeated earlier. The ground was prepared for the Union and in 1910 the four South African colonies-Orange Free State, Transvaal, Natal and the Cape—joined to form the Union of South Africa, independent of British political control. South Africa, the first and only colony handed over to the settler community with political independence, was led by the South African Party under the leadership of General Botha and the era of segregation began.

The Whites, to secure and entrench their privilege, formed many laws to subjugate the Blacks. The Land Act of 1913 laid the fundamental principle of territorial segregation. The Blacks were reserved a bare 7.3% of the country's total area and this was defined as the Scheduled African areas. The Native Act and the Native Trust and Land Act were passed in 1936. The Acts established that the conquered land were not to be acquired by Blacks either by commercial purchase or political means.

---

40 The Natal Kaffir Commission of 1852-1853 ordered that: All Kaffirs to go decently clothed. This measure would at once tend to increase the number of labourers, because many would be obliged to work to produce the means of buying clothing; it would also add to the general revenue of the colony through custom duties. Bernard Mokhosezwe Magubane, The Political Economy of Race and Class in South Africa (London, 1979), p. 61.
41 The Native Reserves were established in 1894 and the Khoikhoi in 1809 were asked to carry passed when moving from one area to another. Ibid., p. 133.
42 The Native Act abolished the franchise that the Blacks in the Cape had been given by the Act of Union. The Land Act restricted the amount of land for Black occupation to 13%. T. R. H. Davenport, South Africa: A Modern History (Hampshire, 1987), p. 309-11.
When the Nationalist Party came to power in 1948, elected by an all-White electorate, the institution of White economic and political domination already existed. The political and legal system defined Whites as endowed with electoral rights, economic rights in the ownership of land, reservation in certain jobs and social rights to specific types of education. While the Blacks have no franchise, could not own land outside the reserves or any social benefits.

To serve the interest of Afrikanerdom, to maintain White supremacy, and to exploit Blacks for capital accumulation the segregationist measures were amended, supplemented and combined within a political ideology.43 The class mobility of Whites was to be maintained and it was the Whites who were the privileged elite’s class. Blacks were the deprived people. A legislative and administrative attempt was made to immobilise the Black working class at a time when their urbanisation and integration into urban areas were high. Apartheid as an official policy came into being after 1948.

**Laws of Apartheid**

The law was a part of the Apartheid system. It was an instrument for maintaining the power and privilege of the ruling minority and for suppressing resistance. The law regulates, legitimates and promotes the unequal distribution of political, civil, social and economic rights according to racial classification.44

Among the first Apartheid laws to be passed was the Population Registration Act, 1950. This Act provided for the compilation of all persons in South Africa in a national register based on appearance and general acceptance.45 People were classified into White, Bantu, Asians and Coloured. The African and coloured groups were subdivided along linguistic or other ethnic lines while the Whites were treated as a single homogeneous group.

45 A European or White is “a person who in appearance obviously is or who is generally accepted as a White person but does not include a person who although in appearance obviously a White person is generally accepted as a coloured person”. A Bantu or native is defined as “a person who is in fact generally accepted as a member of any aboriginal race or tribe in Africa”. while a Coloured is a person who is not a White person or a native. *Apartheid: The Facts* (London, 1983), p.26.
A person's colour determined his position in the society. This act stripped a person of his dignity. Laws securing separation of non-white population from the Whites and their settlement in allotted areas followed the classification of people according to the colour of their skin.

The Group Areas Act, 1950 empowered the Government to declare areas for use whether for housing, education or industrial development strictly according to race. It provided for the designation of particular residential areas for specific races. If an area was declared 'controlled area' persons who belonged to racial groups other than for which the area was proclaimed could not acquire property there. This Act was further consolidated in 1957 and 1965.46

The process of effective control over the Black mobility was made possible by the Pass laws. A statute having a misleading title — Natives Abolition of Passes and Coordination or Documents, 1952 was passed. The Act did not repeal any existing pass system but instead, provided for the consolidation of passes into a single document known as reference book. 47 In January 1956 this system was extended to the Black women also. And by August 1966 all Blacks over the age of sixteen were required to carry identification cards. Until 1950 the main aim of passes was to encourage the flow of Black labour into White farms and industry and also to distribute labour. But from 1950 onwards the aim had been directed to re-locating Blacks from White areas, containing them within the Bantustans.48

Many laws were passed which gave the security police more power. The first of the Security Legislation was the suppression of Communism Act, 1950.49 This Act was

16. In 1957 the Act prohibited members of a disqualified racial group from attending a public cinema or visiting any club. In 1965 the Act gave power to any policeman investigating a suspected offence relating to ownership or occupation of land to inspect without any warrant during day or night and conduct searches and question any person. Brian Bunting, The Rise of the South African Reich (Harmondsworth, 1969), pp.185-86.

17. Ali Black males over the age of sixteen had to carry this book and a policeman could ask at any time to produce his reference Book and failure to do so on demand was a criminal offence. John Dugard, Human Rights and South African Legal Order (Princeton, 1978), p. 75.


19. Under this a communist was defined as one who is "seeking any form of social, political, industrial or economic change by unlawful acts or omissions, or by means which include the promotion of disturbance or disorder." Mission to South Africa: The Commonwealth Report (Harmondsworth, 1986), p.52.
further amended giving the regime power to ban meetings and prohibit persons from attending meetings. The Public Safety Act, 1953 provided for severe penalties for committing an offence. It gave the government the power to proclaim emergencies for a period of twelve months and to rule by decree. At the end of this time government could extend the state of emergency if it wanted. This Act was amended in 1986 giving the Minister of Law and Order the power to declare any area an unrest area and hand control of that area to the local security force.50

The Black urban Areas Consolidation Act, 1945 regulated Black residence with White urban areas. Under this Act the only Black people who could remain permanently on the White urban areas were those who had lived in that area since birth, those who had worked continuously in an area for one employer for a period of not less than ten years and, those who had continually lived there for not less than fifteen years. During this period he should not have been subject to a fine of more than 500 Rands or imprisonment for a period exceeding six months.51

One of the grand strategies of Apartheid was Bantustan Policy through which internal self-government to those areas reserved for Black were given. Bantustans or Homelands represent the cornerstone of Apartheid. It was based on the governments separate development idea. The Homelands were to be independent mini-states, based on the ethos of a single tribe and all Blacks were to express themselves politically. The policy banished millions of Blacks to these ten remote 'independent' Bantustans. The essentials of the policy were laid down in the Bantu Authorities Act, 1951.52

The Bantustan policy had emerged in the early days of Nationalist government but was given purpose under the Prime Ministship of Verwoerd. He admitted "he had agreed to independence to Bantustans due to outside pressures on South Africa which demanded Africans be given something as naked White supremacy was not

52 This Act provided for the establishment of tribal, regional and territorial Bantu authorities in the reserves. It also abolished the Native Representative Council set up for the Blacks to take their complaints and replaced it with tribally based authorities. Bunting, n. 46, p.164.
possible." And the independence of Bantustan started with granting Tanskei independence in 1976.

The Bantustans were the policy of government to keep up the traditional animosities. This was clear from the fact that most of the leaders were traditional chiefs. Another was to keep the Blacks out of the White areas and to claim that Blacks were now just migrants who came to South Africa for labour. This was made clear by Connie Mulder, a National Party Minister, “that there will be not one Black man with South African citizenship”.

Moreover, the Bantustans were usually barren lands. It resulted in unemployment and poverty, which made sure that Black homelands would remain suppliers of labour. Thus a society with over 30 million citizens, the Whites comprising of 4.5 million, or 15% of the population, controlled political power and over 87% of the land. The 24 million Blacks of 80% of the population controlled 13% of the land.

There were also many laws that could be classified under Petty Apartheid that were as effective. One of the first laws passed by the Nationalist government was the prohibition of Mixed Marriage Act 1949, followed by the Immortality Act 1957. The Aliens and Immigration Laws Amendment Act, 1984 declared that all people who are citizen of Independent Bantustans were aliens. The Blacks, were confronted with ‘Whites only’ signs and with seats in public places on which they could not sit. They had to use different entrances from that of Whites to enter government institutions. There also existed discrimination on beaches and seashores. Though ‘separate but equal development’ was preached, ‘separate but unequal development’ was encouraged and perpetuated.

---

56 The 1949 Act made marriage between Whites and Non-Whites illegal. This was to prevent Coloured from infiltrating to the White group. The 1957 Act prohibited sexual relationship between people of different races and particularly between Europeans and non-Europeans. Sheila Patterson, Colour and Culture in South Africa (London, 1953), p.142.
57 n. 35, p.225.
Economic and Social Conditions of the Blacks

The Economic and social conditions of Blacks under Apartheid were deplorable. The White superiority was clear in all fields, i.e., in areas of health, education, social welfare, etc. In the field of education the Blacks, Asians and Coloureds were given inferior and non-compulsory education. It was the racial category which determined what type of education was to be given and not their ability or talent. In field of education, the government expenditure in 1976-1977 on Whites was 824 million Rand while for Blacks it was 17 million Rand. In 1988, it was R 2722 for Whites and R 595 for Blacks. The pupil-teacher ratio in 1988 was—Whites 16:1; Indians 20:1; Coloureds 25:1; and Blacks 41:1.

The absence of political rights for the Blacks strengthened the White economic power. The White South Africans enjoyed one of the highest living standards in the world, but this was based on the poverty and exploitation of the Blacks. It was the Black worker’s under paid labour that made South African mining ‘economic’. The Blacks were paid low wages. According to Dr. Francis Wilson who analysed the wages of Blacks working on mines between 1936 to 1966, in 1911 a Black miner earned 72 Rand a year while in 1966 he earned 71 Rand. During this period White earnings had increased from 850 Rand to 1,241 Rand.

Family, the basic institution in any civilisation, was disrupted due to migrant labour policies. The men work on contracts in town, as there exists no employment in Bantustans. They cannot take their families to their areas of work. Due to the strain of separation, family ties usually break up. This results in poverty, illegitimacy and desertion. Women under Apartheid had a multiple burden. They suffered discrimination

---

58 While education was compulsory up to the age of sixteen for White students it was not so far Blacks. In a speech to the senate in 1954, the Minister of Native Affairs, which had the authority to decide the content of education, said, "My department’s policy is that education should stand with both feet in the reserve and have its roots in the spirit and being of Bantu society." n. 44, p. 4.
59 The Extension of University Education Act, 1959 made it a criminal offence for any non-white student to enter universities that were till then open to all, without permission from the Minister. Segregated colleges on ethnic lines were opened for the non-Whites.
based on sex as well as colour. As wages of her husband were insufficient for a family to live, they were forced to work usually as domestic servants. They had to live apart from their husbands and rear children alone. In family break-ups the worst affected were the children. They grew up in deprived and racially tense atmosphere and this contributed to drug addiction, suicide and crime. Overcrowding, lack of adequate sanitation, inadequate health facilities and water supplies usually lead to malnutrition and diseases. There existed high infant mortality and low life expectancy for Blacks.  

The Blacks have not accepted the humiliation silently and passively. Their history of resistance was as old as the history of White colonial conquest and White minority rule. Repression, domination and military power did not succeed in breaking the tradition of struggle. The Whites in South Africa have also raised opposition or warnings. Though it was the people of South Africa who were in the forefront of the struggle they had the support of international community behind them. We will now turn to look into how South Africa was pressured out of the Commonwealth and the role of different countries and leaders in this.

---

63 In 1974, the White infant mortality rate was 18.4 deaths per 1000 live births. For coloured it was 115.5 and for Blacks 200 per 1000 live births. The Impact of Apartheid on Family Life in South Africa (London, 1979), p. 3.

64 As early as 1936, Hofmeyer, a Cabinet Minister in Hertzog-Smut's coalition government, observed about a Native Representation Act of 1936: "By the bill we are sowing the seeds of a far greater potential conflict that is being done by anything in existence today. Oliver & Atmore, Africa Since 1800 (London, 1969), p. 197