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MEMORANDUM SUBMITTED BY

P.A.C. CASE AGAINST THE RACIST SOUTH AFRICA'S LEGAL
INTERNATIONAL STATUS OF INDEPENDENT SOVEREIGN STATE



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MEMORANDUM SUBMITTED BYP.A.C. CASE AGAINST THE RACIST SOUTH AFRICA'S LEGAL
INTERNATIONAL STATUS OF INDEPENDENT SOVEREIGN STATEINTRODUCTION:

The political concept we today know as "South Africa" came into existence on May 31, 1910, when the South Africa Act of 1909 of the British Parliament merged into the Union of South Africa 472,539 square miles of land 14° below the Equator (between 14° and 22° South) and 16° East of Greenwich (17° - 33°) and placed administrative responsibility for it in the hands of the white coalition government of the former colonial administrations of the Cape, Natal, Transvaal and the Orange Free State. Each of the four white component parts had been given "responsible government" at different times in their colonial history, the Cape Colony in 1872, Natal in 1893, Transvaal in 1906 and Orange Free State in 1907.

The struggle of the African people of Azania did not start at that time nor was it essentially waged in opposition to that development as such. The nature that the struggle took from this time onwards only changed form in order to cope with the development of the political situation but its fundamental nature and character remained the same as of yore. We hold that the granting of unilateral so-called independence to a white foreign minority by British colonialism was not an act of decolonization but rather a transfusion of colonial authority which took the form of dominion status for the white government. It was inevitable that the colonial rule concomitant with that status should assume despotic and sectarian practices which could not but require continuous and consistent backing by violent armed force. It became imperative that those despotic and sectarian practices should be institutionalised to give them the force of respectability, legitimacy and legality.

The dominion status of the "new" name of the territory, in our view, was merely the continuation or the transplantation of the old concept of sectarian "responsible government" under new conditions and involved no material change from the original relationship. The status only meant, in practical terms, that the white coalition government had been allocated a share with big British capital and given the governmental powers of a colonial authority over a subject black population whose social position did not change with the new "constitutional change." The position of the whites in general did not change either from what it had been in the days of "responsible government." They retained their privileged position over and against the black subject population in order to give legitimacy to the despotic authority of the white government and hold the responsibility of being the conscious and willing electors of the handmen of British colonialism. It became the solemn duty of successive white governments to respect and uphold the incentive and extravagant bribery of white privilege for this purpose. The British prime minister, Alfred Campbell-Bannerman justified the position of the white electors of the white government in the course of the House of Commons debate over the draft bill which subsequently became the South Africa Act of 1909 by pointing out that "It was not the English way to rule white as subject peoples".

The white coalition government consisted of a cabinet made up of four (4) ministers from the Cape, three (3) from the Transvaal, and two (2) each from Natal and Orange Free State. Its colonial authority over its subject black population was manifestly expressed in what they called "Native Policy" which is characterised in sectarian native administration, arbitrary distribution of land ownership and despotic labour practices. Native policy is a fundamental feature of colonialism and the present. "Bantu Homelands" policy of the racist government in South Africa is its

latest version. There is no "native policy" in any of the independent African states which are themselves successors to colonial rule and this makes it patently clear that these black governments are not colonial authorities. They have departments of the "interior" or "home affairs," as any other sovereign states in the world but none of their citizens are subjected to sectarian "native policy". That is the major fundamental principle of self-determination by which we identify the sovereignty of peoples and nation states.

It is in this light that the African people in Azania seek the re-examination, re-adjustment and re-definition of racist South Africa's legal international status taking into account the principle of the national right to self-determination in so far as it affects and relates to them. They do not accept that they are an independent people who are merely discriminated against racially or ethnically but holds that they have been arbitrarily and militarily deprived of their land and therefore of their nationhood; deprived of their citizenship rights by arbitrary and despotic denial of free and full participation in the public affairs of their country, and deprived of ordinary human rights by arbitrary imposition of colour barriers in all aspects of social intercourse in that country. These activities, on the part of the present South African state system, conclusively, collectively, conjunctively, contemptuously and in all other ways, trample underfoot their national right to self-determination, violate the sanctity of their national sovereignty and the territorial integrity of their beloved fatherland. There can be neither betrayal nor compromise on these sacred national issues. Our people cannot abandon the national destiny and capitulate to national subjugation no matter what odds may be ranged against them. Their national duty is to find a historical solution to the matter of national relations in that country.

PRESENT STATUS

There are several interpretations to South Africa's political international status under current use. The first is what we may call the "apartheid viewpoint". According to Chris Jooste in South African Dialogue (McGraw Hill, Johannesburg, p.5) the present government of the Republic of South Africa has set itself the task of "restoring the independence of those who lost their freedom to Britain and had been placed under the Union Government as subject peoples in 1910." The position as understood and defined by the present ruling regime stands thus: "The Union Government was set up as a white government to rule over the former Boer republics of the Transvaal and the Orange Free State, the former British colonies of the Cape of Good Hope and Natal, the Bantu territories which had been annexed and incorporated into British South Africa, as well as the non-white peoples domiciled in white territories, principally the Indians and Coloureds living in Natal and the Cape Colony respectively." (Jooste, as above, p⁴)

The second is the liberal point of view. Discussing what she calls the crux of the race problem, Dr. Ellen Hellman of the South African Institute of Race Relations, points out that "South Africa has been compared with other colonial powers with this difference: that her colonial subjects lived within the physical boundaries of the mother country," and argues that "the general apparatus of colonialism, as it had developed by the 20th Century, had likewise evolved in South Africa.(where) peoples of European descent ruled the indigenous people and admitted them into white dominated society to the extent that they were required as low-paid workers." The historian, Professor Eric Walker adds his piece to the argument in his History of Southern Africa (Longmans, 1967, p538): "The new Union Government was endowed with the high but ill-defined status of a post-war British dominion (and)

took up the task, which none but British High Commissioners had hitherto attempted, of regulating the affairs of South Africa as a whole".

At international level South Africa is regarded as "as independent and sovereign state." Clearly what is meant here is the international standing of the white government of the country. The Universal Declaration of human Rights states categorically that "All peoples have the right to self-determination." It is universally known that the African people in South Africa live under the rule of a white minority government which denies them national sovereignty and violates the territorial integrity of their country. The right of peoples to self-determination is a fundamental principle of international Law which governs the political status of indigenous peoples on their ancestral land. The African people in South Africa do not enjoy this right and their struggle for national liberation is based upon the inalienable right to exercise it unrestricted, unhindered and unmolested. According to the Universal Declaration of Human Rights "inadequacy of political, Economic, social or educational preparedness should never serve as a pretext for delaying independence." The denial of the enjoyment of the right is the manifest expression of a colonial status, and therefore the question of legality in so far as South Africa's present political international status is concerned is irrelevant to us because it ignores objective reality.

In raising the question of South Africa's legal international status our desire is to remove the ambiguities associated with it so that the situation may be correctly adjusted. We have already quoted part of the resolution of the 29th session of the U.N. General Assembly which refers to self-determination while another supports "the legitimate struggle of oppressed people of South Africa"

for the total eradication of apartheid. We wish to draw attention to two further resolutions of the United Nations. In Resolution 2787 (XXVI) of 1971 the General Assembly of the United Nations Organization...."confirms the legality of people's struggles for self-determination and liberation from colonial and foreign domination and alien subjugation, notably in Southern Africa and in particular that of the peoples of Zimbabwe, Namibia, Angola, Mozambique and Guinea(Bissau) as well as the Palestinian people, by all available means consistent with the Charter of the United Nations." Furthermore Resolution 3103 (XXVIII) adopted by the UN General Assembly on December 12, 1973, states: "The armed conflicts involving the struggles of peoples against colonial and alien domination and racist regimes are to be regarded as international conflicts in the sense of the 1949 Geneva Conference and the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions and other international instruments are to apply to the persons engaged in armed struggles against colonial and alien domination and racist regimes."

The national liberation movement of the people of Azania consider that the African people in Azania live under the rule of a white minority government which denies them national sovereignty and violates the territorial integrity of their country. That is a colonial situation and "human equality" is a secondary issue. The national right to self-determination is an international issue and, in any case, it is indivisible and means the same thing in Azania as in Namibia and Zimbabwe, and any other part of Africa. This means that to the people of Azania the question of legality is irrelevant in this respect because it ignores the reality of our situation.

Our firm position in this regard is that white domination in Africa is not merely a matter of apartheid but that it is part and parcel of local and foreign exploitation of the African people, and that it will cease the day the black man in Azania fires the first bullet in armed self-defence. That first shot will release, throughout the continent forces over which no aggressor will ever gain control, and will signify the birth of men, women and children who will be reared in new and free conditions, of which, they alone are the midwives. It will signify also the end of the brutal monopoly of effective armed force in which lies the ability of the white minority regimes to oppress and exploit and bully the African people. It was in the light of this, we hold, that the leaders of East and Central African States, meeting in Mogadishu in 1971, declared that "There is no way left to the liberation of Southern Africa except armed struggle to which we already give and will increasingly continue to give our fullest support..." For us in Azania, this is the only surest solution to our problems in racist South Africa and nothing more. The certificate of respectability portrayed in the Lusaka manifesto that the racist regime of South Africa is an independent sovereign state is unjustified and unacceptable to the people of Azania. The Lusaka manifesto has some serious loop-holes that are always exploited by the enemy for detente and dialogue, in order to stifle away the armed struggle of our people for national and social liberation.

The political status of the present "Republic of South Africa," we hold, is that of a semi-colonial country owned by the imperialist consortium of her investors and trading partners who own more than 80 percent of South African private property in company with the white bourgeoisie of which the government is a significant part. The main aspect of the principal contradiction in Azania, therefore, is the control of the country and its riches. The country consists

of the land and its peoples. The wealth consists of its natural resources and the labour of its peoples. Much of the land surface is made up of ancient rocks with a series of continental sediments rich in minerals. Unlimited mineral resources, according to tourist brochures, have made it so far the richest country in Africa. The population of the country, by the last official counting, stands at about 25 millions men, women and children, at least 21 million of them being Africans. A racist government Minister recently described the so-called homelands, which we call "native labour reserves," as having a permanent commodity which no other independent African country has, unlimited labour resources.

In this limited survey we have traced the colonial status of the African people in Azania to its sources, British colonialism as laid down by Cecil Rhodes in 1887, as Prime Minister of the Cape Colony. He told the colonial parliament: "I will lay down my policy on this question.... either you have to receive them on an equal footing as citizens or to call them a subject race;.. I have made up my mind that there must be class legislation we are lords over them. These are my politics and these are the politics of South Africa. The native is to be treated as a child and to be denied the franchise....." This is the political situation in South Africa and it reflects the economic structure, the semi-colonial character of the country and the social contradictions between black and white. Effective political power is the monopoly of the white bourgeoisie who represent the big farmers and land owners and skilled labour aristocracy on the one hand and imperial interests on the other, of which they have a small but growing stake.

Professor Niddrie explains that British colonial policy had ensured industrial docility which continued after 1910, and was aimed at "providing manufactured goods in exchange for raw materials (and thus) postponed for many years any major industrialisation programme." (South Africa: Nation or Nations?)

P 99, Nostrand Searchlight Books, Princeton 1968).

This accounts for the absence of the Boers from business, finance and industry when industrial development began in the 1920's while the Union government concerned itself with "legislation in the fields of agriculture, conservation, irrigation, animal disease and land settlement."

In the last 25 years the white bourgeoisie has made concerted efforts to strengthen its economic stake in the country but British imperialism still holds a dominating position in mining, commerce and industry and controls about 97% of mining capital, 94% of industrial capital, 88% of finance capital and 75% of commercial capital. This economic power base is highly concentrated in the hands of seven finance houses which control between them over a thousand of the largest companies with combined resources exceeding £1,000 million while other western imperialist interests have a stake exceeding £1,800 million invested in at least 1,632 companies owned by 13 capitalist countries. Australia has 73 companies operating in South Africa; Belgium 44; Canada 15; France 85; Italy 21; Japan 2; Netherlands 57; New Zealand 3; Sweden 59; Switzerland 17; Great Britain 630; USA 494 and West Germany 132. (Investment in Apartheid: p.9 ICFTU, Brussels, 1974).

It is undeniable that all the foreign companies operating in South Africa observe the "native policy" of the South African government and operate strictly within the laws directly flowing from that policy. In short they are all partners in apartheid or conversely apartheid is practised and applied on their behalf and to their advantage. Our submission is that the "native policy" is applied in their colonial interest and, like British colonialism before them, at their instigation. And this is because South Africa is their joint semi-colony.

We define white domination as a South African brand of colonialism. This is because at the present moment colonial authority over the African people is exercised by the white racist government which inherited it from British colonialism in 1910. The British had exercised

it throughout their colonial occupation of our country, and had themselves inherited it from the racist colonial rule of the Dutch East India Company whose Cape settlement began on April, 6, 1652. We make a distinction here between the sectarianism of white racism which is not a historical fundamental contradiction (of British colonialism in Northern Ireland) and despotism which is a fundamental feature of colonialism.

The first Union Government was a coalition government with a cabinet made up of four members from the Cape, three from the Transvaal and two each from Natal and OFS. In Britain the affairs of South Africa were handled by the Colonial Office and the Dominion Office. In 1925, however, the two offices were separated and South Africa fell under the jurisdiction of the Dominion Office. At that time British sovereignty was acknowledged. In the parliamentary debate on the Nationality and Flag Bill in 1927, the interior minister, Dr. D.F. Malan, argued that "Union nationals must also be British subjects, a smaller circle within a larger one." (Cape Times February 24, 1927). The 1926 Imperial Conference held in London had declared Great Britain and the Dominions to be "equal in status (and) in no way subordinate to one another." The relevant clauses of the resultant Balfour Declaration were to be embodied in the Statute of Westminster in 1931, giving legal form to the freedom of action for those dominions which desired it.

General Hertzog, the then prime minister, hailed these, as reported in the Cape Times of February 28, 1931, as "sovereign independence and finality with regard to the country's freedom." This "constitutional change" was said to link the country's international status with the so-called native problem. Hitherto the British position had been that "Black interests must come first where few white men dwelt among many blacks" (cmd 357-4 of 1930). The Cape Times of November 4, 1929 reported General Smuts urging, at Oxford University, Europeans in Central, East and South Africa "to show the British Government the native policy it ought to pursue" (Africa and Some World Problems).

In response to the General Smuts' call, General Hertzog is said to have made close contact with colonial delegates at the Imperial conference, especially the Kenya colonial delegation, and "begged that the Government concerned should consult together before any of them adopted a native policy which differed markedly from that of the Union Government". (Cape Times Nov. 3, 1930).

The Status Act of 1934 proclaimed the parliament of the Union of South Africa as the "sovereign legislative body without whose consent no future British legislation was to apply to South Africa." The British monarch or his representative might however still act without or even against the advice of his Union ministers where that power was "expressly stated or implied and enjoy the existing conventions which protected his right to summon, prorogue or dissolve parliament. The Coronation Oath Act of 1937 bound the British king "to rule South Africans according to the statutes agreed on in the Union parliament, and according to their own laws and customs." This position remained until 1961 when the republican constitution replaced the monarchical status of the head of state at the time of Dr. Verwoerd's secession from the Commonwealth. Until then the head of state was the British monarch acting through his local representative, the Governor-General. Charles Robberts Swart was the king's last man in South Africa and the first republican president.

The roots of our struggle are clear and we have consistently followed the appropriate historical orientation. Even our enemies acknowledge this. The first war fought between them and our people bears witness to this fact, in the words of Jan van Riebeeck 1652 to his bosses in Holland. He said in his report: "They, the black people strongly insisted that we had been appropriating more and more of their land, which had been theirs all these centuries, and on which they had been accustomed to let their cattle graze. They asked that if they went to Holland, would they be allowed to do such a thing? They added that it would be of no consequence if we remained at the fort, 'but you come right into the interior and select the best land for yourselves, without even asking whether we mind or whether it will cause any inconvenience.'

They strongly urged that they should again have free access to this land for that purpose. At first we argued that there was not enough grass for their cattle as well as ours, to which they replied: 'Have we then no reason to prevent you from getting cattle, since if you have a large number, you will take up all our grazing grounds with them? As for your claim that the land is not big enough for us both, who should rather in justice give way, the rightfull owner or the foreign invader?'

The unequal treaty that was signed at the end of that war made it clear that we had been robbed of our land. Borders were unilaterally marked out by the invaders as again recorded by Jan van Riebeeck: "They insisted so strenuously upon the point of restoring to them their own land that we were at length compelled to say that they had entirely forfeited them, through the war they had waged against us, and that we were not inclined to restore it, as it now became the property of the Company by the sword and the laws of war."

This attitude was carried over at the time of what they call the "Great Trek," a movement of aggression and dispossession, which invoked the wars of resistance by our people and were to last more than a century. Their manifesto stated that they did not plan to molest or deprive us of our property even when they unilaterally decided to settle permanently on our land without our permission. They stated categorically that they would enact laws "to maintain proper relations between master and servants," because "it was contrary to God's laws to be placed on an equal footing with Christians."

In order to combat the land encroachments of the Boers and the British, our people engaged upon the wars of resistance. It was in these circumstances that leaders like King Shaka, Moshoeshoe, Hintsa emerged as the champions of nation-building. Clearly Shaka waged internal wars by which he sought to establish a single authority instead of the many clan authorities then existing in the land.

King Moshoeshoe, on the other hand, brought together the scattered remnants of various tribes and moulded them into one nation and at the same time carried out outstanding diplomatic work throughout the area. King Hintsa granted land and pasturage to all who wanted it, and while many had their own headmen and chiefs, they owed him allegiance as the paramount authority. In course of time, the pressure of social and economic conditions would have given rise to the unification of these peoples and territories.

At the time of the proposed unification of the white colonies the African people assembled in Bloemfontein in what they called the South African Native Convention in 1909 to protest against the inclusion of the colour bar clauses in the constitution of the coming Union of South Africa. They concluded to appeal to British Authority to include a clause providing that all persons within the Union shall be entitled to full and equal rights and privileges without distinction of class, colour or creed. When this proved to be futile, they again assembled to overcome their tribal and regional divisions through a spirit of African Nationalism. This is the policy that was developed by the Youth League Congress from 1944 and finally led to the 1949 Programme of Action which propounded the principle of self-determination. After more than ten years of passive and non-violent struggle, our movement of national liberation resorted to armed struggle as the principal form of struggle, because all avenues of peaceful negotiation had been exhausted and those of forceful persuasion had been outlawed. There is nothing to indicate that there is any change that warrants a departure from that revolutionary stand. All other forms of struggle can only serve a useful purpose when they are complementary to the armed struggle. This is the general trend throughout the world today. Without armed struggle, there is no hope for the salvation of our people in Azania.

The exploitation of cheap labour is a distinctive feature of capitalism which is facilitated, in the colonies, semi-colonies and neo-colonies by despotic administrative rule, racial or cultural discrimination and sectarian

labour laws which divide and alienate one group of workers from another by conferring a privilege status on one group and subordinate status on another. In order to see this matter in its proper perspective, we have to look closely into the economic, political and social problems in Southern Africa and to remove all the illusion and myths that have clogged the reality of the political situation at its fountainhead, chief among them, the false and misleading image of the South African government and the myth of a "racial crisis" that is attributed to the racial discrimination practised by the white minority governments against the African people in Azania, Namibia and Zimbabwe. It is important, however, to trace this matter to the beginning.

When Jan van Riebeeck and his entourage stepped ashore on Table Bay on April 6 1952, he was not the first man to have done so. Portuguese mariners had earlier faced hostile reception from local inhabitants in the last decades of the 15th century, and "had collected fresh water under heavy protection and were always glad to be back on board" (David Niddrie in South Africa Nation or Nations p.36). In 1948, however, the crew of a wrecked ship, the "Haarlem" successfully survived until they were rescued about a year later. That crew recommended, to the Council of Seventeen of the Dutch East India Company, the establishment at the Cape of Good Hope of a provision station for passing ships as "seeds and plants from the wreck had thrived and cordial relations established with local people had made fresh meat readily available.

Professor Niddrie concedes that the African people of Azania (whatever name he may call them) were settled along the well-watered lands of the southern sea-boards when Portuguese mariners visited those parts and Portuguese archives testify to the fact that Africans lived as pastoral nomads and cultivated cereals such as maize, millet, sorghum and other food crops. The men devoted much of their time to cattle raising while the women worked on the land. Beer played a big part in their diet which was supplemented with wild fruit, greens and game.

We did Not Come

The historical propoganda that is peddled both in our country and abroad states that the African people descended upon the country from the north when the white man was moving upwards from the south, so that black and white came into the country at about the same time. The truth of the matter is that Africans did not come; as everyone knows and sees, they are indigenous to the soil. The pattern of settlement bears witness to that fact and no less a personage than Professor Niddrie contributes the relevant facts. He says on page 50 of his book South Africa, Nation or Nations? that more than two thirds of the present South African population is located in the eastern third of the country and along the southern coastal flanks of the Cape Province. He states that a river ford or a reliable water supply was the chief factor in the growth of early white settlement, and adds that "many villages and small towns evolved near a river ford (and) because the eastern third of the country was favoured with good spring and summer rains, it was inevitable that the two "migrating" groups (one black, one white), both of whom coveted the excellent grass pastures for their cattle, should come into conflict in this zone," and that "all the events which followed this clash between white and Bantu pastoral nomads, dictated in large part, future settlement patterns everywhere from the eastern Cape to the Transvaal." We may add that the clashes that took place all the way to Natal and back, along the plains and right up to the mountain-fastnesses of Lesotho and north-westward to the banks of the Zambezi, including those that drove some of our people into the Kagalahari desert where their descendants lead and isolated and destitute life amidst the rigours of frequent droughts, fall into what we call the wars of resistance and dispossession. The material question involved here was that of land - OUR LAND. Land ownership reflects, now as then, the humiliation of conquest and colonialism.

When Jan van Riebeeck and his crew first landed on South African soil they were warmly welcomed by a group of about fifty Africans who had apparently been trading with passing sailors over the years. There was soon brisk trade in cattle between the two. It was only when the Africans realised that the "sailors" did not intend to leave. They had already begun to lay out gardens and to plant crops. The trade abruptly came to an end. The Africans realised that there would be problems regarding land and pasture and said so, as pleasantly as it was possible in the circumstances. They said that they already had a "surfeit of copper strips" which were the primary means of exchange. White historians however say that the reason was that "the natives were too primitive to appreciate the blessings of trade."

The real reasons, however, were clear and to the point. Jan van Riebeeck reported to his employers that "They (the Africans) strongly insisted that we have been appropriating more and more of their land, which had been theirs all these centuries and on which they had been accustomed to let their cattle graze. They asked if they would be allowed to do such a thing supposing they went to Holland." They are reported to have added that they did not mind if the settlers remained at the fort, "but you come right into the interior and select the best land for yourselves, without even asking whether we mind or whether it will cause us inconvenience." This as anyone can see was quite reasonable but the settlers ignored them.

The report goes on to state that "they strongly urged that they should again be given free access to this land for that purpose." The settlers, at first, argued that "there was not enough grass for their cattle as well as ours." The Africans pointed out that this was reason enough to refuse to trade in cattle because, they said, "if you have a large number you will take all our grazing grounds with the cattle." They added that "as for your claim that the land is not big enough for both of us who should rather in justice give way, the rightful owner or the foreign intruder?"

This is the basic root of our struggle. It has nothing to do with apartheid. It is false to call it an anti-apartheid struggle. We now attempt to trace how it came to be so distorted. White domination is certainly a special manifestation of colonialism, capitalism and imperialism and must so be seen. What has happened in recent years is merely the culmination of three centuries of despotic and sectarian rule which have been merged in the slogan "apartheid" leaving out the economic base of exploitation of which they are the superstructure.

To Live Or Not to Live Together

The first startling form of alienation in national relations emerged in the electioneering platform of the Nationalist Party in the 1928/9 white general election. The Broederbond had already been formed in 1918. Ten years later came the Black Manifesto. The propaganda based on the 1921 census report already quoted emphasised that unless the needs were met adequately there would be trouble and the white man, especially the white woman, conspicuous by their colour, would suffer by the effect to the point of extinction.

The real conflict between the different national groups in our country is one of land and not colour or sex at this stage. The Africans were denied land, citizenship and ordinary human rights. They still are. Racial discrimination was and is used by the white government to maintain unequal land holding "as a consequence of subjugation (Oxford History of South Africa, page 173). The same argument applies in the conflict between Afrikaner(Boer) and British factions of the white people. The politics of the 1939 white general election, in so far as the Afrikaners were concerned, hinged upon the twin slogans of "British imperialism" and the "black menace." Even the "Black menace" was not originally a matter of skin colour.

In 1911, one Maurice Evans had written, in *Black and White in South East Africa*, of a toleration of colour and social admixture in Cape Town in which "Young white

men will be seen walking with well-dressed coloured girls and an older European may often be seen with coloured wife and children of varying shades." Evans pointed out that bioscope doors were open to all... they occupy the same seats, cheek by jowl, and sometimes on each others' knees." In Johannesburg it was said in 1910 that "the Rand showed better than anything else the difficulty of a composite society in which the two races live side by side, depend upon each other, cannot separate and cannot fuse." (New Nation, 1910, pages 8/9).

To Work Or Not To Work Together

In the towns the main arena of conflict was the industrial labour market. "Hitherto the native problem has been one of how to keep the restless native tribes peaceful; today it takes another form, that of an economic struggle for employment." (Oxford history of S.A. p.175). When Africans were driven from their land they were forced to go to the towns or other farming areas. The 1903/5 Native Affairs Commission recommended the formation, wherever practicable, of "labour locations where the native could reside with his family near his employment." The closed compound system began in the Kimberley diamond fields as a device "for combatting illicit diamond trading and preventing desertions." It confined black workers to the compounds for the entire period of their service which might be from three to twelve months at the demand of white stake owners. The second aspect was the white diggers, motivated by material greed as above, resented and succeeded to block "the right of Africans to take out their own claims (and hence) by 1876 the pressures of the white diggers had prevailed upon the mining companies, and Africans were henceforth to be confined to the status of lowly-paid unskilled labourers." They reacted to and resented the assertion by a white claim owner that "the kaffirs are by far the best and most trustworthy workmen." Thus the material seed of the industrial colour bar was the fear of competition and not the colour of the skin.

The fact of the matter is that political power succumbed to the demand of material greed and once the value of African labour was recognised, the demand for it came from all parts of the country, from the farmers to the mining industry. Implicit in their demands was the assumption that Africans had no right to continue as self-sufficient and independent farmers because this conflicted with powerful political interests. In fact the Transvaal Labour Commission of 1904 demanded the "abolition of Native locations and of native reserves such as Basutoland and Swaziland etc. and the expropriation of their land for white settlement and the distribution of the African owners among the white farmers.

The fundamental purpose of native policy, according to the report of the Native Affairs Commission for 1939/40 paragraph 14, was to "praise Africans to work on white owned farms and industry (white) native reserves were regarded as reservoir of labour." In so far as Africans were concerned, "congestion, landlessness and crop failure were welcomed as stimulants to the labour supply, but similar phenomena among whites were viewed as national calamities." In the sphere of employment the "poor whites" were more or less in the same position as the Africans at the beginning and were advised "to swell the ranks of unskilled labourers and handymen," in other words, to put themselves into competition with the Africans for those job categories (Report of the 1925 Economic and Wages Commission, para 144). The Federated Chamber of Industries told the Commission that "White wages have been paid, and are being paid, largely at the expense of the Native workers." The Gold Producers' Committee of the Transvaal Chamber of Mines added that "their profits and extremely high wages of the Europeans depended similarly on low African wages."

The result of all this was that the poor regrouped. The "poor" whites often found themselves in a "multi-racial" slum and possibly living in company with some black person or persons. So the Government enacted the Native Urban Areas Act of 1923 to stop "undesirable mixing."

intensified the industrial colour bar, and in 1924 adopted the "civilized labour policy" by which "non-white" workers were to be replaced, all round, with unemployed whites at higher wages. What was feared was the real possibility of solidarity among workers of all races. Afrikaner writers emphasized the danger that inter-racial slums fostered a kind of social intimacy which would eventually eliminate race pride. As a result, they said, the "poor" white would not only sink from the social and communal standards of the white community to those of non-white but worst of all, as a result of these contacts and social intimacy, "non-whites" would lose the necessary respect for whites in general "and develop in their hearts a feeling of defiance and a dangerous desire for equality with the whites."

It was only in the light of the "real possibility of solidarity among all workers" that some began to see "in the continuing urbanization of Africans serious racial conflict" (Blue Book on Native Affairs, 1904, P 68) and advocated the idea of sending them away to the native (labour) reserves to develop along their own lines" in order to stem back and keep off "the process of national and tribal disintegration, both in ours as well as in the interests of the natives themselves, which would quickly be followed by racial amalgamation." The Transvaal Local Government Commission of 1922 recommended that "it should be a recognised principle of government that natives - men, women and children - should only be permitted within municipal areas in so far and for so long as their presence is demanded by the wants of the white population; moreover, the masterless native in urban areas is a source of danger and a cause of degradation of both black and white. In Natal reports of magistrates and administrators of "native law on natives" had already stated that "the bulk of native women have abandoned kraal life and have adopted prostitution and petticoats." The solution was "to let them understand that towns are the special places of abode for white men who are the governing race." In the Transvaal it was decreed that no Africans

were to be permitted to settle near the towns without official permission. To drive the point home they were prohibited from "walking on the side-walks of the streets or on any stoop serving as a side-walk."

We can say, in short, that "native policy" in South Africa was a means for exploitation and subordination of the African people - national and class oppression - preventing them from competing with whites on the labour market and ultimately using their labour to depose a system that denied them equality of status. The pass and influx control laws play a leading part in ensuring the smooth application of this policy.

In the "liberal" Cape Colony a 1760 regulation required every slave going from town to country or vice-versa to carry a pass authorizing the journey and had to be signed by his owner. An 1809 proclamation provided that all Africans should have a fixed place of abode from which they might not move without a signed pass. An 1844 regulation in the Transvaal required Africans to obtain official permission before settling near towns. In 1874, regulations were promulgated in Natal to control Africans "who come and go when and as they please resulting in their wandering about the borough at night" (Henderson - 81/2) in the Orange Free State. Law No. 8 of 1893 compelled Africans residing in urban areas to take out residential passes to ensure that only those who were employed remained in the towns. An ordinance of 1872 provided for the registration of service contracts for Africans in Griqualand West and the adoption of the closed compound system in Kimberley completed the subjugation. In the Transvaal law 31 of 1896 was enacted so as to "have a hold on the native whom we have brought down at considerable outlay to ourselves." A 1937 police commission of enquiry found "abundant evidence that enforcement by the police of present laws is often marked

by unnecessary harshness, lack of sympathy and even violence." A survey of African labour forces in Cape Town by Professor Sheila van der Horst has shown that "any system of influx control which confines workers to a particular industry, firm or occupation within a firm will prevent or retard their progressing to more skilled and better paid work." The application of "influx control" has led to the growth of a large bureaucracy in which "vast and arbitrary powers vest in the hands of officials who administer the system; it is widely believed that bribery and corruption on a large scale are endemic in the system."

There can be no denial of the racial and colour overtones of the exercise but there is equally no suggestion that in the absence of the black man the exercise would not be undertaken. After all there was slavery in Europe long before black men were known to exist elsewhere in the world. Black slaves took the place of white slaves and white serfs.

CONCLUSION

It may be concluded from the above evidence that until 1961 the South African government was the representative of Great Britain in Azania and that her succession was an act of protest and defiance. Dr. Verwoerd told the racist parliament on March 23, 1961: "What they sought was not equality through co-existence and non-subordination in countries like South Africa, but the domination of superior numbers in the name of full equality and therefore, eventual victory over the whites by forcing out or swallowing up the whites. It was there that we had to draw the line." This has been reiterated by J.B. Vorster when he said recently, "If it is expected of the government to repeal any measure which would endanger the identity of people, or which would take the power over their people from the hands of the whites, I am not prepared to take such a step. (Rand Daily Mail, Nov. 18, 1974) Sir de Villiers Graaf speaking at Central Congress of United Party

in Bloemfontein on November 19, 1963, added his bit to this argument"... We reject one-man, one-vote absolutely but cannot understand why it should be asked of us, save by those who wish to destroy our civilization and our standards.

The secession did not, however, change the colonial status of the country under the imperialist consortium of her investors and trading partners who own more than 80% of South African private property and who are in company with the white bourgeoisie of which the government is a significant part. From an international point of view it has been effectively argued that the discriminatory laws in the statute book are highly irregular in terms of international law and are therefore not binding either upon the oppressed people or the international community. To oppose their imposition is as much an obligation as a right. It is quite clear that South Africa's legal international status is irregular and violates binding principles of international law. In order to arrive at a correct strategy for South Africa we have to resolve the question of definition of the principle of the right to self-determination in so far as it concerns the African people of Azania and to determine correctly the country's legal international status.

Therefore, our mandate and the views of our oppressed people are unequivocal. Our struggle is for self-determination. To do so, we must overthrow the racist fascist colonialist regime of South Africa by force of arms. We reject outright any confusion or compromise with the enemy created by detente, dialogue or any contact. Our ultimate objective is for the seizure of political power, the recovery of our land and the means of production. For these reasons there can be no compromise whatsoever. We are fighting to the finish, even if it takes us over three hundred years - the struggle must continue.

Submitted by:

POTLAKO LEBALLO
Acting President & National Secretary,
PAN AFRICANIST CONGRESS OF AZANIA.

JULY, 1975. = KAMPALA OAU SUMMIT



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