

## **ANNEX**

# **The anatomy of apartheid**

## **A layman's guide to South Africa's racial laws**

The whole world knows about apartheid and condemns it, but little is generally known about its basic details. The following is a summary of the main elements of apartheid and its application to all spheres of life in South Africa.

### **Background**

Apartheid is South Africa's system of 317 laws making restrictions based on race, under which civil rights are reserved for fewer than five million whites and denied to more than twenty five million blacks. Officially instituted when the Afrikaner Nationalist Party came to power in 1948, this battery of laws systematised earlier segregation laws and customs into a comprehensive code of racial statutes which were augmented over the next thirty years. These included the Group Areas Act, which determines where people shall live, and the Bantustan enactments, under which blacks are relegated to marginal areas on the fringes of industrialised South Africa, effectively depriving them of citizenship and enabling the white government to disclaim responsibility for their economic and social development. Apartheid makes South Africa the only country in the world which legalises racism, making discrimination on the basis of skin-colour the law of the land. This is what marks the South African government out from other repressive regimes.

### **Constitutional rights**

Blacks are deprived of civil rights under several statutes which govern the national franchise. They are forbidden to engage in political activity and to exercise their democratic rights. A limited form of regional franchise is allowed them in relation to the Bantustans or 'homelands'. Blacks who reject restrictions on normal political activity risk imprisonment or death, and since 1963 more than 100 have died violently in political detention by the Security Police, while tens of thousands have been imprisoned (many without trial, access to lawyers, relatives or friends) and thousands have died in political protests, many shot dead by the police or military. Statute law permits the South African Government to imprison any citizen without trial indefinitely, or to ban or banish any 'dissident'. Banishment means expulsion to a remote part of the country, and banning means being forbidden by state decree to travel, write, speak publicly, be quoted in the press, be in a room with more than one person at a time or speak with more than one person at a time. There is no legal redress or right of appeal against these decrees.

**Property** Blacks are forbidden by law to own freehold property in most areas, most of which are zoned for white ownership only. The Group Areas Act reserves the best urban, industrial and agricultural areas for whites and restricts blacks from even renting or occupying property in white-zoned areas without state permission. Generally such permission is given only to domestic workers — housemaids or gardeners who are required to live-in in the white suburbs — but such permission does not normally extend to their spouses, and a black housemaid's husband risks arrest and imprisonment if found by government inspectors in her room overnight.

These laws are part of the influx control statutes aimed at limiting the numbers of blacks in white-zoned cities. The Group Areas Act also bars blacks from owning business enterprises in the white-zoned areas, restricting such ownership and occupation rights to the Bantustans or the black townships. The townships are racial ghettos serving as labour pools of black workers needed by white employers. But even within the black townships married couples and families need state permission to live together. Such permission is refused if the authorities consider the families of workers to be 'surplus blacks'. Such people are forced to leave the township in order to keep down the numbers of blacks near the white-zoned cities.

**Pass laws** A pass book, which a black South African over the age of 16 has to carry at all times, is a booklet like a passport, only bulkier, having more pages than a normal passport. It contains the holder's photograph, fingerprints, personal details of employment, permission to be in a particular part of the country, qualification to work or to seek work in the area, and employers' reports on work performance and conduct.

The pass book is a double-edged sword which can be wielded by the state or the white employer. If a worker displeases the employer and the latter declines to endorse the book for the relevant period, the worker's right to stay in the area is jeopardised. Government officials can also expel the worker from the area by adverse endorsement in the pass book. This is called 'endorsing out' and can be done at any time for any reason, without explanation. Members of the family of a worker 'endorsed out' also lose the right to remain in the area and can be evicted and banished to a bantustan.

Blacks must not only possess a pass book but must carry it constantly. Forgetting to slip it into a coat pocket, mislaying it or having it stolen renders one liable to arrest and imprisonment. Every year more than 250,000 blacks are arrested for technical offences under the pass laws.

**Education** The Bantu Education Act was devised, as explained by Minister H F Verwoerd who introduced it, to provide blacks with different expectations and aspirations from whites. These differences were to be emphasised throughout their schooling, so blacks were restricted to separate schools with a different syllabus. For blacks the emphasis was on technical education, to equip them for practical work rather than the professions to which many whites aspired. The job reservation laws reserved the best jobs for whites and, as Minister Verwoerd pointed out, as blacks would only be tolerated near white areas if required to serve white needs, blacks had to be trained predominantly as artisans, tradesmen and semi-skilled labourers to be of maximum benefit to the national economy.

The relatively few blacks who aspired beyond this to higher education levels were segregated into black universities under a law ironically called the Extension of University Education Act. According to a recent survey by a Johannesburg-based foundation, only 14 per cent of blacks reach secondary school, and fewer still reach university level.

**Health** Whites have one doctor per 630 people; blacks have one doctor per 91,000 and in rural regions zoned for black occupation the ratio is one doctor per 174,000. Although South Africa is rich in minerals, rural poverty claims the lives of two out of five black children before the age of five.

**Citizenship** The 'Coloured' (mixed-race) and 'Indian' (of Indian descent) groups have now been given their own racially exclusive parliaments, although the all-white parliament has the overall authority. Government policy is to make the black majority non-citizens by declaring them citizens of the Bantustan territories, which are to be declared independent states along ethnic lines. Ultimately the aim is to have few if any black citizens, and so far eight million black South Africans have been stripped of their citizenship. There are at the moment four such 'independent' states — Transkei, Ciskei, Venda and Bophuthatswana. Only South Africa recognises these territories as 'independent', sovereign states.

**Sex** Under the Immorality Act and the Mixed Marriages Act and their amendments it is a crime to marry a person of a different race or to be shown to have or intend to have any sexual relationship or experience with someone of a different race. In April 1985, the South African government announced that the sex laws were to be repealed.

**Sport** Despite several recent dispensations allowing the top echelons of highly-visible sports to be integrated on the field of play, most South African sport is still racially segregated, because all state schools in South Africa are racially segregated, and more than 97

per cent of South African schoolchildren play sport only as members of uniraical teams.

At senior levels where team-integrated sport is permitted, blacks participating are exempted from apartheid in regard to the events or environs of the club or team concerned. Outside the stadium they revert to circumstances of segregated transport, racially-zoned housing, pass laws, votelessness, inferior sports grounds, poor nutrition, handicapped living conditions and inadequate facilities — which is why most representative black sports associations ask that the international boycott of South African sport should be maintained until all apartheid laws are removed.

**Ethnicity** To remove the concept of more than 25 million voteless blacks, the South African government has classified all blacks as members of certain tribes and has decreed that each designated major tribe shall be regarded as a 'nation' with its own national territory in the Bantustans, whether or not the designated 'tribesmen' live there. Thus five million Zulus are decreed to have rights only in relation to Zululand (KwaZulu); five million Xhosas in the Transkei and Ciskei, and so on for the Swazi, Ndebele and other groups — the theory being that each such group has a different language and culture. However, this is largely untrue. Zulu, Xhosa, Swazi and Ndebele are all Nguni languages, part of the main black culture of Southern Africa.

**Prisons** South Africa, with 31 million people, has a prison population of 118,000. In per capita terms this is the highest prison population in the world. South Africa also has the highest official execution rate in the world. But it is in the unofficial execution rate — the death toll of political prisoners who never face trial — that the grimmest statistics are to be found. Up to September 1985 more than 100 political prisoners had died violently while in Security Police custody for 'interrogation.'

**Opposition** Opposition which could effectively challenge the governing Afrikaner Nationalist Party peacefully by mobilising the support of most South Africans is prohibited by law in South Africa.

The biggest political movements supported by the blacks, the African National Congress and the Pan-Africanist Congress, are both outlawed by statute. Opposition movements which attempt to operate within the ambit of the law, such as the umbrella body, the United Democratic Front (UDF), have been constantly harassed by the police and security services, and had their leaders arrested. By September 1985 several prominent dissidents had died violently in shootings, car accidents and explosions, and 46 others faced charges of high treason.

**General** By September 1985 President P.W. Botha had announced his intention to restore citizenship to certain categories of blacks; to consider scrapping or amending the pass laws and possibly other apartheid provisions his administration considered 'outdated', but firmly ruled out any consideration of dropping the cornerstone of apartheid — the prohibition of democratic voting rights for the black majority.

**Further reading** Recommended reading for detailed treatment of South African propaganda projects dealt with briefly in this memorandum:

*Race Propaganda and South Africa* by John C Laurence. Gollancz, London, 1979.

*Sanctions Against South Africa — Exploding the Myths* by Barbara Rogers and Brian Bolton. Manchester Free Press, 1981.

*South Africa at War* by Richard Leonard. Lawrence Hill and Co., Westport, Connecticut, USA, 1983.

*Survey on Poverty in South Africa*, published by the Carnegie Corporation, New York, 1984.

*Imports of Minerals from South Africa*, prepared for the Subcommittee on Africa of the U.S. Senate Committee on Foreign Relations by the Congressional Research Service, United States Senate, 1979.

*South Africa — The Road Ahead*, address by Robert S McNamara at Witwatersrand University, 21 October 1982. Ref: The Lincoln Trust, London, 1984.

## **About the Author**

Donald Woods, 51, was Editor-in-Chief of the *Daily Dispatch* in South Africa until October 1977 when he was arrested and banned for protesting over the killing of the black leader, Steve Biko. Mr Woods was forbidden to write, speak publicly, be quoted in the press, associate with or speak to more than one person at a time for a five-year period of virtual house arrest.

In January 1978 he escaped to Lesotho where he gained political sanctuary and was joined by his wife and five children. The family was assisted by the governments of Lesotho, Botswana and Zambia to reach London, where Mr Woods now works as a writer, lecturer and broadcaster on South African affairs. He is Director of the Lincoln Trust, which provides the international media with information about apartheid and the escalating conflict in South Africa.

In exile he has written three books relating to South Africa, *Biko* (Paddington Press, 1978) a biography which has been published in twelve languages, *Asking for Trouble*, (Gollancz, 1980) an award-winning autobiography, and *Black and White* (Ward River Press, 1982) a book about South Africa's use of sport as propaganda. The first private citizen to address the United Nations Security Council, he was awarded the Golden Pen of Freedom by the International Federation of Newspaper Publishers.

In 1985 he was appointed special consultant on South Africa to the Commonwealth Secretariat, in pursuance of the New Delhi summit decision of Commonwealth Heads of Government to counteract South African propaganda internationally.