Memorandum I

Sanctions Against South Africa?
SACTIONS AGAINST SOUTH AFRICA?

1. **Apartheid in South Africa.** Racial discrimination has had a long history in the Union of South Africa. The first pass laws, for example, were introduced in 1760. At the beginning of the twentieth century Mohandas Gandhi, living in South Africa, led opposition to the discriminatory laws then in force against his fellow Indians. The South Africa Act of 1909, the basis of union, recognized the existence of pass laws. When the Nationalist Party came into power in 1948, they regularized and intensified discriminatory practices which were decades old.

Apartheid -- segregation -- is the official policy of the South African government. A host of laws have been enacted and are currently enforced to segregate the three million whites from the eleven million non-whites, literally from the cradle to the grave. The Population Registration Act fixes the race of every person living in South Africa. The various pass laws make it mandatory for most Africans to carry one and often several passes. The Abolition of Passes Act extends the pass system, now to women. The Prohibition of Mixed Marriages Act makes a crime of interracial marriage and the Immorality Amendment Act makes a crime of mixed unions. The Native Labor Act and the Industrial Conciliation Amendment Act call for separate trade unions and confine Africans to categories of less skill and pay. The Group Areas Act separates residential zones by race. The Reservation of Special Amenities Act provides for segregation in public premises and conveyances. The Native Laws Amendment Act prevents races from mixing in churches, clubs, and private homes. The Bantu Education Act sets up separate and different primary and secondary education for Africans. The Extension of Universities Education Act abolishes interracial higher education.

The ten million Africans and Indians have no vote. Those who incite protest against apartheid are dealt with by the Criminal Laws Amendment Act which provides up to five years imprisonment, fines, and whip-lashing for resistance to apartheid. The Public Safety Act enables the government to proclaim an emergency and then anybody can be detained without trial. The Natives Urban Areas Amendment Act gives local authorities arbitrary power to banish Africans to remote areas without trial.

The oppressive acts increase with each session of Parliament.

2. **Concern of the World Community.** The injustices of apartheid are not confined to the people of South Africa. The policy of apartheid is the concern of the world community because: 1. Apartheid is a threat to the peace of Southern Africa and the world, since there could be an international breach of the peace including armed intervention; 2. Apartheid affects the nationals of India and Pakistan residing in South Africa. Thus since 1946 the U.N. has in one way or another been concerned with the policies of the Union of South Africa. During this 14-year period questions relating to the treatment of people of Indian origin in South Africa and to race conflict there resulting from the policy of apartheid have been brought to the attention of the U.N., and appropriate resolutions have been passed.

3. **South Africa is Unique.** It has been argued that many countries have racial conflicts and that it is therefore unjust to single out South Africa. It is true that racial discriminations are still present in many lands; on the whole, however, racial discrimination throughout the world is decreasing. Where racism remains virulent, such as segregation in the United States or untouchability in India, the law is squarely opposed to racism and the government is increasingly enforcing such law. But in South Africa apartheid is legal and the government is enforcing these apartheid laws and urging the adoption of ever stricter ones.
4. The Question of Sanctions. Efforts to mitigate racism in South Africa have met with no success despite its increasing seriousness and the fact that the vast majority of members of the U.N. have repeatedly urged the cooperation of South Africa in resolving the problem. The continued intransigence of the government of South Africa, combined with its almost complete ignorance of the will of the international community, has recently led some to consider the possible imposition of collective sanctions. This is a serious international step. Legal, economic, and political questions arise, and they are considered in this and the accompanying memorandum.

5. Consensus. To be effective, sanctions must reflect the high consensus of the community of nations. Such a consensus is reflected in a correspondingly extreme isolation. Increasingly, South Africa is being isolated in the U.N. because of the policy of apartheid toward its African population and its residents of Indian origin. The measure of isolation can be seen in the vote by members of the 11th General Assembly on the resolution expressing deep regret and concern that South Africa had not responded to appeals of the U.N. that it reconsider its official policies of apartheid. Sixty-two nations voted in favor of this resolution, and only three (France, Portugal, and the United Kingdom) against, with seven abstaining. In a parallel resolution before the 11th General Assembly urging South Africa to enter into negotiations with India and Pakistan over the treatment of persons of Indian origin within its borders, the vote was even more against South Africa: 66 in favor, none opposed, and 12 abstaining. At the special meeting of the U.N. Security Council held after the Sharpeville massacre in March 1960, a resolution was approved deploring the policies and actions of South Africa and calling upon it to abandon its policies of apartheid. The vote was 9 to 0, with two abstentions (France and the United Kingdom). With 99 or 100 nations being members of the U.N. by the end of the 15th General Assembly -- and the 17 or 18 new nations being, with a single exception, African -- one can predict that the isolation of South Africa can only become greater.

6. African Reactions to Sanctions. Non-whites in South Africa have the most to lose -- and gain -- by sanctions. The responsible organizations of non-whites in South Africa uniformly are encouraging the imposition of private and governmental sanctions against their country. For example, Albert J. Luthuli, President of the African National Congress, writes: "We are ourselves conducting a campaign of boycotting Nationalist products in South Africa... We are very heartened by the decision of... other parts of the world to boycott South African goods. It is a demonstration to us that the forces of democracy outside South Africa are no longer content merely with the passing of resolutions condemning the South African Government. It is a tangible example of the bringing to bear of international pressure which even the South African Government dare not ignore."

7. Can Sanctions Be Successful? It seems reasonable for the international community to explore the application of increasingly severe collective sanctions against South Africa until major changes occur in the racial policies of the government. Each step should be as unanimous as possible. If as many nations voted for sanctions, and applied sanctions conscientiously, as voted for the recent U.N. resolutions condemning the policies of South Africa, the successive steps would be sufficiently unanimous to make sanctions successful. Such action would inevitably force the South African government to consider the policies it is pursuing.