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REFLECTIONS ON APARTHEID AFTER THE SOUTH WEST AFRICA CASES

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South Africa was given the mandate over South West Africa by the Covenant of the League of Nations. While individual members of the League had no role in the administrative process of the mandate, it contained provisions protecting the interests of third party States, and article 7 of the mandate gave jurisdiction to the International Court of Justice over "disputes" between any member of the League and the mandatory power in relation to the mandate. The mandate and its obligations were continued after the formation of the United Nations but frequent disputes in that body left doubt upon the U.N.'s ability to compel the cessation of of apartheid in South West Africa. In 1960 Ethiopia and Liberia brought suit against South Africa in the International Court of Justice alleging breaches of the mandate. South Africa denied the Court's jurisdiction but two years later the Court rejected the jurisdictional challenge and heard the case on the merits, rendering its decision in 1966. The Court did not, however, reach the central issue of whether South Africa's policies of apartheid abused the mandate. The case was dismissed on the grounds that the claimants had "not established any legal right or interest in the subject-matter of their claims" sufficient to bring suit. This decision was reached only after a tie-breaking second ballot was cast by the President of the Court—a situation due, in part, to the replacement on the Court of two judges who in 1962 had taken a stand probably adverse to the position of South Africa in the 1966 case.

The raucous and unseemly controversy which arose on July 18, 1966, when the President of the International Court of Justice handed down the majority decision in the South West Africa Cases, is still with us. Certain assumptions punctuate the massive criticism of the 1966 decision. On the legal side they charge that: (1) the narrow majority of the 1966 decision was politically and not legally motivated; (2) the 1966 decision reversed the 1962 decision, and by this fact violated the principle of res judicata, embodied in article 60 of the statute, that judgments of the Court are final and conclusive; (3) even if a legal basis can be found for the 1966 decision, this would be a hair-splitting technical one, unworthy of the greatness of the Court and of the issue.

On the political side the assumptions charge that: (1) The Court failed to seize an opportunity to contribute to reduction of the interna-

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tional tensions surrounding these grave matters; (2) the Court grossly defaulted in its duty to secure human rights in one of the most challenging situations facing the United Nations; (3) the Court failed to seize a most notable chance of fixing and reinforcing the allegiance of scores of new African and Asian States to international law and the Court itself, and indeed positively undermined what respect the Court already enjoyed; (4) some of the judges ranged themselves in a rearguard action against human rights and colonialism as if they were minions of South Africa and other darkly hinted-at Western Powers.

My main concern in this paper is not with the legal technicalities of the 1962 and 1966 decisions, although I will permit myself a few brief preliminary observations on this score. Those who scorn the 1966 decision, as arising from a chance change of personnel due to intervening death of the Egyptian judge, should (I think) remember that even the 1962 decision was a close eight to seven decision, and that the full complement of permanent judges did not sit then either. If we impute political neocolonialist motives to the majority of 1966, we need to remember that the Polish judge was among that majority. Moreover, since the main legal principles involved had already been clarified in advisory opinions of the early 1950's, it could also be argued that the Liberian and Ethiopian applications to the Court, largely instigated by the Organization of African Unity, were themselves designed to use the Court as a tool of political pressure, rather than of legal exegesis. It also needs pointing out that, contrary to general assumption, the main thrust of the 1966 majority decision was neither as to the question of jurisdiction, nor as to *locus standi* of parties. It was rather that the applicants "had not established any legal right or interest in the subject matter of their claims," or, as a common law judge would say, they had not established their "cause of acton." Finally (without seeking to be exhaustive) it needs adding that long standing positions of the Court on the relation of preliminary holdings on jurisdiction, to decisions on the merits in the same case, are quite tolerant of the Court departing in its later decision on the merits from positions tentatively taken for the limited purpose of merely deciding whether it has jurisdiction to proceed to hear argument on the merits. This possibility arises wherever the same questions of fact or law are involved in both the determination of jurisdiction and that of the merits.

However it be as to the *legal* controversies surrounding the South West Africa Cases, South African leaders, whether the late Prime Minister Verwoerd or Prime Minister Vorster, have made their elated

interpretation (legally and also morally ill-founded) of the majority decision, as a vindication of their policies. Liberia and Ethiopia, and other States of the Organization of African Unity, have joined (with anger instead of elation) in that interpretation, and have intensified by this anger and frustration their smouldering resentments against South African policies. Emanations of their resentments now also envelop (by reasonings also rather ill-founded) States like Australia and the United Kingdom, on grounds of the nationality of majority judges. (One wonders, as I have said, how the position of the judge of Polish nationality is fitted into this resentment.) After this decision distrust of international law and the World Court in the new African States, as well as those of Asia, has tended to turn into fierce conviction that the dice are somehow loaded against them in this traditionally Western arena of conflict settlement.

The present reflections aim to set this emotive aftermath of the 1966 decision as well as some of the legal technicalities involved, into a somewhat broader context. They are concerned with questions transcending (I believe) both the political hopes of the litigants and the technical legal arguments, in directions not sufficiently agitated in the aftermath of the 1966 decision. No doubt it is to be expected that national political leaders and spokesmen will long maintain the protests and animosities which followed the South West Africa decision. Such protests appeared (with demands for the intensification of United Nations measures against South Africa and for the establishment of the independence of South West Africa) at the General Assembly in 1966. And the 14-nation committee of that Assembly which deliberated in the early months of 1967 on the practical means of bringing independence to South West Africa presented conclusions to the current Special Session of the General Assembly.

Yet, there are far more important issues than any immediate repercussions of political sentiment and protest or diplomatic action. Therefore, before the anguish of this international *cause celebre* fades too much, we ought to seek its meaning for other international conflicts of our day, including future states of the conflicts surrounding South African policies.

I. Values at Stake in this Litigation

I address myself then in particular to the likely aftermath of this case for three important values which it placed at stake: (1) the welfare of the inhabitants of South West Africa; (2) the abatement of

international tensions; and (3) the encouragement of State acceptance of third party judgment and the strengthening of the International Court of Justice.

First, there is the welfare and advancement of the indigenous inhabitants of South West and South Africa as related to apartheid policy. Could there really have been reason to hope, in the period during which the possibility of contentious proceedings was being considered in the General Assembly and its relevant committee, and in the Organization of African Unity Conference at Addis Ababa, that the judgment applied for by Liberia and Ethiopia would increase the chances of securing South African compliance with the applicable principles of human rights?

It was common knowledge in 1960 that for more than a decade the majority of members of the General Assembly had already been trying to bring all available pressures, moral, diplomatic, economic and political, and even threats of physical force, against South Africa, inside and outside the United Nations. Could there then have been reason to hope that even the clearest judgment of the Court against apartheid could transform (or quickly open up ways of transforming) this factual situation? Presumably not even the applicant states entertained the naive expectation that a condemnatory judgment, if obtained, would meet with meek South African legal compliance.

If, as is more likely, the hope of the litigant states and their instigators was that successful litigation might provide a political handle for more effective United Nations action, especially as regards South West Africa, this would be less sanguine, but still rather debatable.

Conceivably some increase in effectiveness from a Court judgment might have been hoped for because the Security Council has power under article 94(2) of the Charter to adopt measures to give effect to a binding judgment. Yet this is only a *discretionary* power, not a mandatory *duty* of the Security Council, and is subject to the veto. And unless the past history of Security Council attitudes under article 94(2) is discounted, the mere fact that the judgment (as opposed to the earlier advisory opinions) is legally binding, could not of itself be counted on to exclude possible vetoes.

The applicant States may, however, have hoped that a Court judgment, added to the series of General Assembly and Security Council condemnations of South Africa, would have had precisely this effect. Yet even this hope does not seem to have had much real foundation in

the light of current postures of the veto-bearing powers on related issues touching apartheid in South Africa itself. All the four Security Council resolutions between Sharpville in 1960 and 1966 have shown, it is true, substantial unanimity in condemning South Africa's apartheid policy and even denouncing it as disturbing the peace. A no less crucial fact, however, is that while asserting on these occasions that there was a "disturbance of the peace," the resolutions studiously had to avoid, in order to escape being vetoed, the language of "threat to the peace," "breach of the peace," "act of aggression" which would activate the Security Council's enforcement powers.

It was well understood on all sides, for example, that what blocked the activist finding and a sanctions resolution on June 18, 1964 was the likely negative votes of no less than three veto-bearing powers. The United States, United Kingdom and France made this clear enough in their explanations of vote. France abstained even from a resolution aimed only at study of the question of sanctions. The Soviet and Czech representatives explained their abstentions as protests against these positions.

It is possible, no doubt, that the African states hoped that a Court judgment on the merits would somehow succeed in nudging the Security Council into enforcement action, certainly as to South West Africa, and perhaps also as to apartheid generally. To be realized, however, this hope would have to mean that potential vetoing powers would be induced not to veto. In the light of the preceding history there is little reason to expect such a reversal of vetoing attitudes. It is true that in an *aide-memoire* to Pretoria on July 15, 1966, Washington affirmed that it would "feel obligated to support" the then shortly forthcoming judgment of the Court. Yet in the consequent exchange after the judgment was given, the United States also supported the authority of the existing advisory opinions of 1950, 1955 and 1956, covering the merits of substantially the same issues raised in the South West Africa Cases. So that it is difficult to think that the United States would have dropped all reservations towards future Security Council action, merely because a new judgment now covered the merits of issues already substantially covered by existing advisory opinions which it regarded as authoritative. On October 27, 1966, despite the full warmth of General Assembly consensus against South Africa, the United States representative was still at pains to make clear that it had, by its concurrence, "undertaken no commitment" as to the "action" which would

be "appropriate" if the matter were raised in the Security Council.* My point is, in short, that no serious ground exists, in the above circumstances, for saying that the Court's failure to speak in 1966 on the merits of the issues in question was decisive as to the continuance of the United States reservations (and therefore of its potential veto in the Security Council). And this point is reinforced by the non-mandatory character, in any case, of the Security Council's powers under article 94(2) of the Charter.

Certain differences in the South West Africa Case, as distinct from apartheid problems in South Africa itself could, indeed, conceivably ground hope of at least a degree of success in hard bargaining concerning the future of the territory, especially with the aid of a favorable Court judgment on the merits. For example, the South West Africa Case itself, as distinct from the general apartheid issue, had not yet been before the Security Council, and, in the South West Africa Case, apartheid would only be one of several issues.

Yet it must still be regarded as highly likely that vetoes which would bar enforcement-authorizing findings of "threat to the peace" under chapter VII concerning apartheid, would equally restrain use of the Security Council's discretionary powers to enforce a Court judgment under article 94(2).

In the background of all sensible calculation, indeed, whether as to bargaining with South Africa, or enforcement against her, and (though no doubt in different degrees) as to both the South West Africa and general apartheid issues, is the hard reality stated by Sir Patrick Dean at the 1131st meeting of the Security Council on June 15, 1964, from which Mr. Adlai Stevenson's statement of American problems was not very different. (The French resistance to sanctions proposals was if anything even more adament.) This was that since economic enforcement measures alone were not likely to bring South Africa to renounce apartheid policies, the Security Council ought, before introducing them, to decide squarely whether it was prepared to act under article 42 and "attempt by force" to compel this.

Behind the word "attempt" lie grave doubts as to how and even whether the necessary force to compel renunciation could be brought to bear. It seems clear that military participation of major Soviet, American, British or French forces would either not be forthcoming or would (where forthcoming) be unacceptable either to the African States themselves or to the non-participating great powers.

* *See* the correspondence in 61 Am. J. Int'l. L. 597 (1967).

Could a force of merely the Congo or Cyprus type, made up of African, Norwegian, Canadian, Indian or similar small-power contingents, possibly suffice for the major military offensive necessary against South Africa? Could such a force break the will of an economically powerful South African Government, supported by a stubborn and staunchly loyal white population, and backed by powerful military and police forces? The admirable studies of Amelia Leiss and Howard Taubenfeld do not seem optimistic on this point; and I am constrained to agree with them.

So much then as to the prospects of advancing Bantu rights and welfare through this litigation, the first of the three conceivable bases for bringing it.

Second, now, what of the abatement of tension as a goal?

In the instant situation, where a power confrontation with South Africa thus did not seem possible, importance may have been attached, even then, to the value of a legal judgment for abating the surrounding tensions, and thus facilitating fruitful negotiations. Was it to be expected whatever the judges did, that the applications could abate tensions between South Africa and other States, and thereby increase the chances of favorable negotiations? The answer seems to be that even if judgment had gone against South Africa, as it did in Judge Jessup's dissent, this would probably have left South Africa's position as hard as ever, without increasing her exposure to enforcement action against apartheid. And I doubt whether, thereafter, for reasons I shall give in a moment, the general acceptability of the International Court of Justice to the African States would have been increased.

This brings me frontally to the *third* question. What was the range of foresight in 1960 as to the effect of this litigation on the International Court, for example, in placing the Court and its law, however inadvertently, in the position of scapegoats for situations which they could not be expected to resolve?

I accept unhesitatingly the fact that one great question mark about this law and this court concerns their acceptability to the new nations. But let us suppose that the Court had done all that Liberia and Ethiopia requested by way of judgment against South Africa. The hard reality that enforcement of the judgment would probably prove impossible would still have remained. It is thus probable that the Court would, even then, have become exposed to increased scorn and hostility of the new states, though now on grounds of impotence, rather than of bias or cowardice. Conversely, I should perhaps add

that had the court, in 1962, and without delaying to 1966, rejected the jurisdiction, Liberian, Ethiopian and Afro-Asian indignation would have been little less than it has been in 1966. The alleged inconsistency and the lapse of time between the 1962 and 1966 positions, though the butt of much criticism, are only aggravating factors in this aspect. They are not of its essence.

Again, let us suppose that in 1966 the Court majority had proceeded to the merits, but had taken the view that since earlier advisory opinions had already affirmed that South Africa's obligations survived under the mandate, and that the supervisory authority was inherited by the United Nations, the Court should regard itself as already having vindicated (so far as it could) the general humanitarian interests inspiring the Liberian and Ethiopian applications, and limited itself therefore to reaffirming its earlier opinions. This, too, would have left the applicant States and other African States frustrated and angry.

What I have here offered for consideration is the possibility that, on any reasonable assessment made in 1960, resort to the Court's compulsory jurisdiction for condemnation of South Africa's apartheid policy could not reasonably have been expected to improve the lot of the Bantus; nor to decrease surrounding international tensions; nor to strengthen the prospects of the Court or the rule of law in international relations.

II. NEGLECT OF MORE MODEST BUT MORE HOPEFUL APPROACHES

Thus far I have been pinpointing the negative evils, the absence of imagined goods, associated with invocation of compulsory judicial jurisdiction in cases of a certain kind. We need also to recognize certain more positive evils which may result from such proceedings and which should have been foreseeable.

One of these certainly may be an undue neglect of other possible approaches to the South African problem focusing on concrete limited tasks of improving the conditions and development of Bantu peoples, essential to the long-term objective of ending apartheid. On this last level it is certainly not beyond reasonable hope that the general pressures of world opinion, and the special neighborhood pressures from African States, not to speak of the South African manifest special concern and helpfulness towards the now emancipated Basutoland and Bechuanaland, could by apt measures be transmuted progressively into specific advances for the human beings involved. Certainly this kind of possibility should be brought into fuller view as major field of effort

additional to mere hammering on the granite door of South African apartheid policy, which experience shows we presently lack either a key to open or the strength to break.

Another positive evil from such litigation is the continued freezing of adversary postures, the increase of tensions, with little if any resulting advantage, when the best hope of progress towards solutions may lie in the reduction of tensions, as a step towards extracting the kind of piecemeal advances above envisaged.

To say all this is not to impugn the sincerity of Liberia and Ethiopia in beginning these proceedings, much less to justify apartheid policies. But must we not be more concerned with feasible long-term approaches to the ending of apartheid rather than with mere release of indignation, however genuine, concerning it? And, conversely, must we not concern ourselves with the effects of a course of action on international law and institutions, rather than with the gratification or humiliation of particular States or viewpoints?

Let me now put these matters in more general terms. The South West Africa Case, like the Goa Case before it, raises in acute form the problem of "nonjusticiable" disputes brought before the International Court. By this I mean disputes in which the States concerned regard the interests involved as important enough to override any existing condition of the law, and any obligations based on it.

We need reminding, I believe, that the fact that the term "vital interests" has become rather old-fashioned and discredited does not release our generation from the hard truths to which the term referred. These hard truths are still with us. One of them is that with any nation, a frontal verbal attack on what it sees as its major commitments of policy or principle is likely, unless that verbal attack is backed by manifest power, to meet (and indeed to provoke) only intransigence. Another is that many of the disputes which have built up the present tensions between the great powers are precisely of the "nonjusticiable" nature here under discussion. State refusal to entrust such conflicts, which are the ones which most threaten peace, to third party determination, is another hard fact of international life. When we act or even believe this wishfully as if this fact of life did not exist, life has its revenge. For the belief is no mere innocuous illusion. It is not merely that we do not in fact settle such conflicts by these unavailable means. It is also that often we thereby fail to do what might be possible to mitigate them by other means, for instance, by abating or diverting or transmuting or delaying demands, and extracting and re-

ceiving compensating concessions for this. Whether we consider particular conflicts like those of Goa or South West Africa, or international conflicts in general and their threats to survival, the hard truths and their consequences remain in the peace-threatening conflicts. If decisive power to cut through them is not available and direct paths are blocked by power, movement towards adjustment is unlikely to come from speciously tidy and definitive designs for decision by impartial judges under "the rule of law."

It is more likely to come if peoples and their governments, whether Western or African or Asian, while still moving towards the highest principles, learn to move towards these as opportunity offers through more specific goals and demands. Of the various lines of General Assembly and Organization of African Unity efforts against South Africa in the past, those which have focused on such specific improvements are surely now the most hopeful for the future. On this and other problems such efforts should be persistently intensified with endless patience, as well as endless courage. This kind of counsel may seem to turn hard legal and political questions into mere appeals to the heart and spirit. But I believe the very opposite is the truth. What such a view finally leads to is really rather tough thinking, in which idealism is disciplined and attuned to work in the environment which it cannot in any case escape and can only slowly mold.

If in these conflicts with South Africa demands could be narrowed and reframed in terms of more specific and more step-by-step objectives, major gains, instead of mere tension-ridden stalemates, might yet be registered. I mean, of course, objectives of progressively improving standards of life, educational advancement and employment opportunity, and training for self-government, to be assured to the Bantus according to negotiated and then persistently renegotiated timetables.

One gain might be that a South African government might feel able to negotiate and make concessions on such particular matters, whereas at present, in terms of the apartheid principle, a government which was even disposed to make concessions would fear that it could not maintain itself in office. There might then be some hope of escaping from the kind of dilemma in which we seem at present caught, at least on the general apartheid issue, namely, that a South African government which is to maintain itself domestically feels that it must stand pat on an issue framed in terms of apartheid; while conversely, the

survival of a government which did not so stand would be dubious.

Such Bantu advancements in standards of life, educational advancement, employment and organizing capacity must obviously be important factors in the eventual defeat of apartheid, however and whenever this is to come. Even in terms of ending apartheid it would be an indubitable gain for instance to increase the number of Africans in South Africa who receive an education at all from the levels (as offered by Robert Kennedy in 1966) of one in three, or those who enter high school from the level of one in 26, or those who enter the university from one in 762. Pressures in this direction could make wise use of rather adamant imperatives of the South African economy itself, which demand progressive integration of the indigenous labor force for increasing levels of skilled tasks, and the higher educational standards thus implied.

United Nations activity before and even during the 1960-66 litigation has (as above observed) addressed itself to some specific matters of Bantu welfare and development, alongside the general anti-apartheid campaign. There was, for example, a proposal for an education and training program for indigenous peoples of South Africa in the Secretary-General's Report of 1964. Since 1961 the General Assembly has also interested itself in affording overseas educational facilities for South West African students; various specialized agencies have addressed themselves to helping victims of apartheid; and attempts have been made (ineffectually as yet owing to legal difficulties) to bring South West Africa, as well as Angola and Mozambique, within the ambit of the Economic Commission for Africa. My present plea is for systematic intensification, elaboration, continuance and extension of range of such efforts.

III. Apartheid and Our Moral Duties

I share the indignation with which African and Asian as well as Western States and peoples, confront the spectacle of law degraded into a mere tyrannical instrument of a selfish *status quo*. Let me now turn, therefore, from issues of law, politics and power directly to certain issues of moral duty.

If even the most elementary principles of humanity and of political and civil liberty could marshal their own self-vindicating power, the inhumanities of apartheid, like those of Nazi race doctrine, and many other state barbarisms, could be dealt with through traditional doc-

trines of intervention on grounds of humanity. Yet history unhappily suggests that States which marshal decisive military power, such as the United States, the Soviet Union, the United Kingdom, and France, are most unlikely to accept major military commitments merely for the vindication of these great principles. Even with the still unparalleled Nazi barbarisms, what brought military commitments was not Nazi abominations at home, but their ambitious adventures abroad.

The hard core of the problem which now confronts the world in South Africa was well posed by the Soviet representative M. Fedorenko on June 15, 1964, at the 1131st meeting of the Security Council. He quoted the then recent words of South Africa's Ambassador in London, Mr. de Wet: "My Government stands immovable on our birthright as a distinct white nation to survive and rule in those parts of South Africa which we have settled and civilized." Mr. Fedorenko commented: "But does the indigenous population not have the right to stand and battle for the vital interests acquired by birth in that very country . . . ?"

It is only after we have given an emphatic positive answer to this rhetorical question, that we face the core problem—What can be the effective strategy and tactics of such a battle, where each domestic antagonist regards its very survival as at stake, and yet the outside supporters of the weaker party either lack the power, or lack the motivation, to undertake the major military commitments necessary to change the situation?

To evade the questions whether the strategy and tactics of the past 19 years have failed, and have even entrenched further the domination of the South African Government, without much material, social or political advancement of the indigenous population, and what focal change may now be necessary, may be to sacrifice these peoples to the indulgence of our emotions. It is here that we confront certain moral perplexities to which I finally come.

If, indeed, continued evasion of the above questions threatens these peoples with future decades as barren for them as the two past, does not this impose a duty on everyone concerned to re-examine the present situation with full honesty even at some risk of initial misunderstanding by others? It can be hoped, perhaps that at any rate the more thoughtful opponents of apartheid will not misunderstand, and that, for the rest, initial misunderstanding may finally yield to more fruitful second thoughts. What is morally important, in any case, is not the danger of misunderstanding, but that use be made of the present

critical stage to explore openmindedly what next steps are feasible for furthering the human and international concerns which move us.

The readjustment of focus called for does not require us to abandon long-term visions of the abolition of apartheid and the triumph of human brotherhood over hate and fear and cruelty. What it seeks is enhancement of the understanding, resourcefulness and patience, by which these visions can be approached. On this approach it would be more than ever essential that those states which are in a position to do so should use their special bonds with South Africa both within United Nations collective effort, and in bilateral contacts, to promote and press for that State's acceptance of concrete measures implied in the long-term vision.

Such efforts should concentrate, in the first instance, on achieving a settlement of the future of South West Africa, on which South Africa's position may be somewhat less adament than on the apartheid issue at home. Advances in South West Africa should be seen as important both for their own sake and as bearing also in the long term on the apartheid policy generally. Further, inability or unwillingness of the great powers to join in military enforcement of demands on South Africa for abolition of apartheid, imposes on them a heavy duty of ensuring progress by other means. Their responsibility then becomes even heavier to secure South African cooperation in limited but cumulating measures for the material, social, educational and organizational advancement of the indigenous peoples.

Finally, collective United Nations efforts should, while maintaining the basic principles at stake, also direct themselves urgently to bridging the gap, by the kind of concrete proposals of which I have spoken, between the present impasse and the future vindication of these principles. For this purpose there is need to formulate carefully but imaginatively, and to press upon the South African Government, concrete measures which, though limited to what is feasible from year to year will still, as the developing situation permits, produce an ever fuller realization of the U.N. Charter's ideals of equality and liberty of all men.

The moral perplexities which thus face all of us who oppose apartheid cannot lightly be brushed aside. As far as can be seen, the end of apartheid cannot be brought about for at least a decade, if not a generation. Are we not required in the interim to do all that is humanly possible to improve the conditions of the indigenous peoples, especially in those respects implied in our very opposition to apartheid?

This, I would submit, is a moral imperative which neither impairs, nor is impaired by, recognition of the imperatives demanding full human equality and freedom, and therefore the full abolition of apartheid. For the choice of values *now* (when this full abolition still lies beyond existing or foreseeable power) is not between action that can end apartheid and assure full liberty and equality, on the one hand, and the assurance, on the other, of the kind of advancements here discussed. It is rather a choice between abandoning the peoples concerned to an apartheid we admittedly lack any early power to end, on the one hand, and striving on the other to assure to them by all available pressures maximum advancements at maximum pace in abatement of apartheid; advancements which may also, if wisely planned and steadily pressed, bring the day of abolition nearer.

This approach does not naively presuppose any sudden change of heart by those who govern South Africa. Nor does it assume naiveté in their preception of the drive of our demands. What it assumes is that confrontation is more likely to give results on issues on which the men in power can yield and still survive in power. It also assumes that South African leaders will buy time at a price helpful to the cause of the Bantus, if we direct sufficient pressures at issues of this kind. Conversely this approach should forbid us to reject proposals out of hand merely because they are made by South African leaders and fall short of full demands for abolition of apartheid. Be these proposals for limited self-rule as in the Transkei within South Africa, or for assistance to new states like Botswana, or current proposals for assisting Ovamboland in South West Africa towards self-government, we have a duty (I believe) to seek and seize from them whatever gains they offer for the indigenous peoples.

Moral duty towards the Bantu peoples, in short (it seems to me) demands immediate primacy for whatever partial but cumulative steps we can make towards their emancipation. And this is so especially when (as I believe) mere indulgence of our deep moral repugnance to apartheid and all its works can promise them but further barrenness of years.