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SUPPLEMENT I

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Declaration concerning the Policy of "Apartheid" of the Republic of South Africa ¹ Adopted by the International Labour Conference at Its 48th Session

(Geneva, 1964)

Whereas all Members of the International Labour Organisation have, by the Declaration of Philadelphia embodied in the Constitution as a statement of the aims and purposes of the Organisation, solemnly affirmed that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity",

Whereas, by an instrument of ratification of the Constitution as amended in 1946, signed by the Prime Minister of the Union of South Africa at Pretoria on 12 June 1947, the Government of South Africa has undertaken "faithfully to perform and carry out" all the stipulations of the Constitution,

Whereas the Constitution provides that the International Labour Organisation exists for the promotion of the objects set forth in the Preamble thereto and in the Declaration of Philadelphia,

Whereas the Government of the Republic of South Africa has not merely failed to co-operate in promoting the objects set forth in the Preamble to the Constitution and in the Declaration of Philadelphia, but has promulgated and is practising the inhuman policy of *apartheid*, which is wholly incompatible with the aims and principles of the Constitution and the Declaration of Philadelphia, thus creating an alarming situation,

Whereas the Declaration of Philadelphia affirms that the principles set forth therein are fully applicable to all peoples everywhere and recognises that their implementation is a matter of concern to the whole civilised world,

Whereas the application of the principle of equal opportunity for all human beings, irrespective of race, has therefore ceased to be solely the domestic concern of the Republic of South Africa, and whereas the Security Council of the United

¹ Adopted unanimously by acclamation on 8 July 1964.

The Conference likewise unanimously adopted the report of its Committee on the Declaration concerning *Apartheid* and in so doing approved the practical recommendations contained in the I.L.O. Programme for the Elimination of *Apartheid* in Labour Matters in the Republic of South Africa. A recapitulation of these recommendations (paras. 144-150 of the Programme) will be found on pp. 84-88 hereafter. The full text of the Programme appears as Part II of a publication of which Part I contains the text of the Declaration (INTERNATIONAL LABOUR ORGANISATION: *Declaration concerning the Policy of "Apartheid"*, and *I.L.O. Programme for the Elimination of "Apartheid" in Labour Matters in the Republic of South Africa* (Geneva, I.L.O., 1964).

Nations, by Resolution S/5471, adopted unanimously on 4 December 1963, has affirmed the conviction that the situation in South Africa is seriously disturbing international peace and security,

Whereas the Republic of South Africa persistently and flagrantly violates this principle by means of legislative, administrative and other measures incompatible with the fundamental rights of man, including freedom from forced labour, freedom of association, and freedom of choice of employment and occupation,

Whereas such persistent and flagrant violation of the principle has been established by the International Labour Organisation by inquiries relating to forced labour, freedom of association and freedom from discrimination in respect of employment and occupation,

Whereas, for instance, the United Nations-International Labour Organisation *Ad Hoc* Committee on Forced Labour has found that there exists in South Africa "a legislative system applied only to the indigenous population and designed to maintain an insuperable barrier between these people and the inhabitants of European origin", that "the indirect effect of this legislation is to channel the bulk of the indigenous inhabitants into agricultural and manual work and thus to create a permanent, abundant and cheap labour force" and that in this sense "a system of forced labour of significance to the national economy appears to exist in the Union of South Africa",

Whereas, moreover, the Governing Body Committee on Freedom of Association has found that the provisions of the Industrial Conciliation Acts and Native Labour (Settlement of Disputes) Act involve discrimination against workers on grounds of race which is incompatible with the principle that workers without distinction should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation and that all workers should enjoy the right of collective bargaining,

Whereas the Committee of Experts on the Application of Conventions and Recommendations has likewise found, on the basis of information furnished by the Government of South Africa and the relevant legislation, that the legislation and practice of South Africa establish extensive discrimination in employment and occupation on grounds of race,

Whereas the International Labour Conference, by a resolution adopted on 29 June 1961, condemned the racial policies of the Government of the Republic of South Africa and called upon the Republic of South Africa to withdraw from the International Labour Organisation until such time as the Government of the said Republic abandons *apartheid*,

Whereas South Africa, having declined the invitation of the International Labour Conference to withdraw from membership of the Organisation, has nevertheless, as the result of discussions and developments at the 1963 Session of the Conference and the decisions taken by the Governing Body in June 1963, November 1963 and February 1964, stated in a communication dated 11 March 1964 its decision to withdraw from the Organisation,

Whereas paragraph 5 of article 1 of the Constitution of the International Labour Organisation provides as follows:

"No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Con-

vention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto."

Whereas South Africa continues to violate her undertaking to respect the right of "all human beings irrespective of race, creed or sex" to "pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity",

Whereas the United Nations Declaration on the Elimination of All Forms of Racial Discrimination has called for an end to "be put without delay to governmental and other public policies of racial segregation and especially policies of *apartheid*, as well as all forms of racial discrimination and separation resulting from such policies",

Whereas the Security Council of the United Nations by Resolution S/5471 adopted unanimously on 4 December 1963 expressed "the firm conviction that the policies of *apartheid* and racial discrimination as practised by the Government of the Republic of South Africa are abhorrent to the conscience of mankind and that therefore a positive alternative to these policies must be found through peaceful means" and condemned "the non-compliance by the Government of the Republic of South Africa with the appeals contained in" the resolutions addressed to it by the General Assembly and the Security Council,

Whereas some member States have already taken practical measures in pursuance of certain other decisions adopted by the United Nations to compel South Africa to renounce its odious policy of *apartheid*,

The General Conference of the International Labour Organisation,

Determined to fulfil its responsibility to promote and take its part in securing the freedom and dignity of the people of South Africa, and to oppose the policy of *apartheid* practised by the Government of South Africa,

Acting as spokesman of the social conscience of mankind,

Reiterating that a government which deliberately practises *apartheid* is unworthy of the community of nations but nevertheless making another appeal to the Government of South Africa to abandon its disastrous policy and to co-operate with employers' and workers' organisations in placing the relations between the various elements of the population of South Africa, and the relations between the people of South Africa and the rest of the world, on the basis of the equality of man, justice for all, good neighbourliness and mutual respect—

1. Solemnly reaffirms its fidelity to the fundamental principle of the Declaration of Philadelphia, according to which "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

2. Emphatically reaffirms its condemnation of the degrading, criminal and inhuman racial policies of the Government of the Republic of South Africa, which policies are a violation of fundamental human rights and thus incompatible with the aims and purposes of the I.L.O.

3. Calls upon the Government of South Africa to recognise and fulfil its undertaking to respect the freedom and dignity of all human beings, irrespective of race, and to this end,

to renounce without any further delay its policy of *apartheid* and, in like manner, to repeal all legislative, administrative and other measures which are a violation of the principle of the equality and dignity of man and a direct negation of the inherent rights and freedoms of the peoples of South Africa,

to establish and consistently to pursue the policy of equal opportunity and treatment for all, in employment and occupation, irrespective of race,

to repeal, without delay, the statutory provisions which provide for compulsory job reservation or institute discrimination on the basis of race as regards access to vocational training and employment,

to repeal, without delay, all legislation providing for penal sanctions for contracts of employment, for the hiring of prison labour for work in agriculture or industry, and for any other form of direct or indirect compulsion to labour, including discrimination on grounds of race in respect of travel and residence, which involves racial discrimination or operates in practice as the basis for such discrimination,

to repeal, without delay, the statutory discrimination on grounds of race in respect of the right to organise and to bargain collectively, and the statutory prohibitions and restrictions upon mixed trade unions including persons of more than one race, and so to amend the Industrial Conciliation Acts that all workers, without discrimination of race, enjoy the right to organise and may participate in collective bargaining.

4. Invites the Governing Body to exercise its constitutional power under article 19 (5) (e) and (6) (d) of the Constitution by requesting the Government of South Africa to report annually the position of its law and practice in regard to the matters dealt with in the Forced Labour Convention, 1930, the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, the Abolition of Forced Labour Convention, 1957, the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958.

5. Decides to consider each year a special summary of such reports to be submitted to the Conference by the Director-General in pursuance of article 23 of the Constitution.

6. Invites the Governing Body to request the Director-General to follow the situation in South Africa in respect of labour matters and to submit every year for consideration by the Conference a special report concerning the application of the present Declaration including any necessary recommendations concerning any measures which should be adopted with a view to bringing to an end the policy of *apartheid* in the Republic of South Africa.

7. Makes a pressing appeal to the governments, employers and workers of all States Members of the International Labour Organisation to combine their efforts and put into application all appropriate measures to lead the Republic of South Africa to heed the call of humanity and renounce its shameful policy of *apartheid*.

8. Reaffirms its resolve to co-operate with the United Nations in seeking and guaranteeing freedom and dignity, economic security and equal opportunity for all the people of South Africa.
