



The Washington Office on Africa Educational Fund

FACT SHEET

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Apartheid Laws and Institutions Still in Effect

'Pillars of Apartheid'

1. **Land Acts of 1913 and 1936** — entrench white ownership in 87 percent of the land area, where Blacks are forbidden to own land.
2. **Group Areas Act of 1950 and Blacks (Urban Areas) Consolidation Act of 1945** — provide for segregation by race even in the urban areas assigned to white ownership. Blacks living in these areas to work in white industry are assigned to separate 'township' areas.
3. **Population Registration Act of 1950** — provides for classification of all South Africans by race. This classification in turn determines their place in the apartheid system.

Security

1. **State of Emergency** — provides for detention without trial, bans unauthorized meetings (still in effect for Natal province)
2. **Internal Security Act** and supplementary legislation provides for detention without trial, allows for bans on individuals or groups, includes broad definition of political crimes and sweeping powers for police with immunity from prosecution for abuses.

Constitutional Arrangements

1. Entrench white domination by giving dominant power to executive president chosen by white Nationalist Party.
2. Provide for tricameral parliament with separate houses for white, mixed race and Indian representatives, but none for Africans.
3. Provide for ten separate 'homelands' for rural blacks, four of which have been granted 'independence.' This system assigns the majority of blacks to impoverished rural areas, and divides them by ethnic categories.

Separate Institutions

Health, education and other social services are still segregated by race, although actions have been taken to allow some Blacks into white facilities when local whites do not object.

Mandela's Stated Position on Basic Issues

- The aim of the African National Congress is a free democratic South Africa, with a common nonracial voters roll in a unitary state.
- While de Klerk's moves are steps in the right direction, the international community should maintain sanctions until the movement towards democracy is irreversible. Letting up pressure before negotiations have reached this decisive point would be a mistake.

African National Congress (ANC) Preconditions for Negotiations

- Ban lifted on prescribed and restricted organizations and individuals
- State of emergency lifted and all repressive legislation rescinded
- All political prisoners released unconditionally
- All political trials and executions ceased
- South African troops removed from Black townships

What De Klerk Has Not Done

- Remove security legislation
- Stop police violence
- Release remaining political prisoners
- Accept the goal of nonracial democracy with majority rule
- Abandon the legislative pillars of apartheid
- Change the racially divided constitutional system

Conditions for Modifying or Suspending Sanctions Under U.S. 1986 Anti-Apartheid Act

- Release Nelson Mandela and all other political prisoners; make substantial progress towards dismantling apartheid and establishing a nonracial democracy; and three of the four below:
 - Repeal state of emergency
 - Unban democratic organizations and permit free political expression and participation
 - Repeal Group Areas Act and Population Registration Act
 - Agree to enter into good-faith negotiations with representatives of the Black majority