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INTERNATIONAL SPORTS AGAINST APARTHEID*

OPENING ADDRESS

by

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Commonwealth Secretary-General

The international sporting community finds itself facing a new challenge to its commitment against sporting contacts with South Africa. More severely than ever before, that commitment is being tested by South Africa's shameless campaign to buy its way round the barriers of principle.

I therefore congratulate the United Nations Special Committee Against Apartheid and SANROC on an initiative which will provide us with a timely opportunity to review the effectiveness of the international campaign and to examine ways of strengthening international sanctions against apartheid sport.

And let me at the very outset express commendation of the many thousands of sportsmen and women and sports administrators, sports Ministers and Governments who have respected, applied and upheld these sanctions. Their principled stand, sometimes not without sacrifice, has already made a contribution to the over-all struggle against apartheid. Deviants in the sporting community catch the headlines and appear to loom large but they do so only as exceptions, increasingly as aberrations. As in other fields, it is the silent majority who have been truly effective.

*The bulk of the material information included here consists of excerpts from topics given at the "International Conference on Sanctions Against Apartheid Sport," held in London June 27-29, 1983. The conference was organised by the United Nations Special Committee Against Apartheid in co-operation with the South African Non-Racial Olympic Committee (SANROC). Ufahar obtained the documents by special arrangements through the good offices of Ed Ferguson of the Oregon State University, USA. Sir Ramsamy, the president of SANROC, kindly put the material at our disposal. We are very grateful to Professor Ferguson and Mr. Ramsamy for their assistance in the matter.

TARGET: APARTHEID

Let me start by making it clear that international sanctions against South Africa in the field of sport are directed to apartheid itself; are responsive to the horrors of the whole 'moral deformity' that apartheid represents; are designed to help the many-sided struggle for the eradication of this evil system and the release from bondage under it of the majority people, the black people, of South Africa. Apartheid sport is sport in apartheid South Africa; cosmetic changes in club houses and sports arenas that leave intact the whole hideous apparatus of institutionalized racism do not change the character of apartheid sport or qualify the case for sanctions against it. I cannot stress this too strongly because the tactic of apartheid's architects and apologists is to deflect the international campaign by diverting our gaze from apartheid itself.

And, of course, matters are made easier for them where through encouragement, or apathy, or mere pre-occupation with our own affairs, we avoid looking closely at apartheid. We can feel no sense of outrage over apartheid if we are simply unaware of just how horrendous is the human degradation that the system consciously perpetuates. There are many good people in this country, in Western Europe and in North America who would be outraged were they truly aware of apartheid's realities. Nor are those realities easy to convey in a few words or; indeed, in words alone. In truth; apartheid in South Africa today is as cruel and shameful and evil as was slavery before its abolition under British law 150 years ago this very year; or as was national socialism that surfaced in Germany fifty years ago with its underpinnings of anti-Semitism and fascism. It is beyond comparison with any denial of human rights in any society in the world.

Consider the present reality of apartheid South Africa: 87 per cent of the land reserved for 4.5 million whites; 20-22 million blacks, 70 per cent of the population relegated to the remaining of 13 per cent of scrub land - denied even the right to belong; legislated out of their own country; much less their own city; deemed to be migrant workers from fantasy 'black homelands'; over 3 million men, women and children physically and often brutally uprooted from their homes; over 7 million actually deprived of citizenship itself. As with slavery, apartheid is rooted in 'otherness', the otherness of separate development. As with slavery, it is the 'otherness' of race that sustains apartheid's abominable creed. And underpinning racism is the economic rationale of serfdom.

Both are served by the humiliating and pernicious "pass-laws" system regulating movement, entrenching insecurity, denying any vestige of civil liberty, dividing husbands from wives and

children; the "pass-laws" system is also a feature of plantation slavery. But perhaps the true parallel lies not in colonialism but in more contemporary styles of aggression. The Pretoria regime replicates the authoritarianism, the arrogance, the brutality of an alien force subjugating the people of an occupied land. But prisoners-of-war at least have the protection of international conventions. They are better treated than the blacks in South African jails, as Steve Biko's martyrdom bears grim testimony. And many other political, trade union, even religious leader, has died in South African cells.

But the formal prisons are not South Africa's only cages. Over 5,000 blacks have already been detained without trial under the laws of 'indefinite detention'. Moreover, as we now know from the carefully documented work of the International Defence and Aid Fund, a virtual slave labour force has developed out of the South African prison system. Persons convicted of quite trivial pass-law offences, even the mentally-ill, are being consigned to farmers sworn in as jailers - a labour force work and beaten into subjugation, as the Guardian report of 30 March, 1983 on the death of a twenty-year old shackled black parole prisoner on a farm in Namibia bears witness.

Meanwhile as the black community, the indigenous and majority people of the country, are ruthlessly oppressed and relegated to serfdom, white foreign migrants are assiduously induced, now mainly from Western countries at the rate of some 30,000 a year, nearly half a million since 1972: migrants who must declare on their application forms that they "and all the persons concerned" are of pure white descent and must supply "very clear photographs" by which their colour can be judged. All this because as Chris Child's excellent paper on the 'The Emigration of Skilled Personnel to South Africa' demonstrates: "The logic of apartheid requires that skilled jobs should, as far as possible, be reserved for whites, while the black population is restricted to unskilled levels at starvation wages." Unless, of course, you are a transient black cricketer from abroad willing to help apartheid's propaganda of integrated sport.

Those who would ask "why a boycott of South Africa and not of other dictatorships?" surely miss the point of South Africa's uniqueness, its viciously systematic construction in legal, political, economic and social terms of a society based wholly on discrimination. Apartheid is a system unlike any other in the world whose every function turns on the pernicious factor of racism. It is thus the duty of all who understand the uniqueness of this evil to communicate it more widely and more vigorously. Similarly, those who would argue against the United Nations Black-List of sporting offenders forget that the great majority of the people of South Africa are themselves

black-listed for life by their own government; that the greater boycott is the denial of the most elementary human rights in South Africa, sometimes it seems even the right to life.

MURDER AS A BIRTHDAY PRESENT

Witness the report carried in The Times of 6 June (this very month) from its 'Own Correspondent' in Johannesburg on the "white man who celebrated his nineteenth birthday by going out and beating a black man to death with karate sticks." He was found guilty of culpable homicide by the Pretoria Regional Court and sentenced to "serve only 2000 hours 'periodic imprisonment' at the weekends, of which 800 hours have been suspended conditionally for five years.... He will be free to continue his job on the railways during the week.

And matters only get worse as defense of the indefensible drives South Africa to carry its aggression against its own people at home to the territories of its neighbours; bombing and strafing, within the month, Lesotho and Mozambique; aggression condemned by the whole world outraged by South Africa's arrogance and lawlessness. It was only days before that same global outrage was to be reminded as South Africa hanged three young men, fighting as the West Indian slaves once fought for their freedom from oppression. I was in Yugoslavia the morning of those terrible hangings. I reflected how like the partisans those young men were, how noble we understood their struggle to be; how the West, Britain in particular, shared in the courage and the eventual glory of the partisan victory over fascism and aggression. And I wondered how we could do any other than stand against another oppression, another aggression and in the same cause of human freedom.

What a horrible blot on 20th century civilisation? Can any one who takes pride in that civilisation, or with good conscience reaps the fruits of it, fail to disavow apartheid and do what he or she can, in however small a way, to make a stand against it? Giving support to the sporting boycott, showing understanding of the reasons for it, are important contributions. For sportsmen, of course, the contribution is more direct and involves greater sacrifice. But I appeal to all who value freedom and cherish human dignity - and who enjoy them - to join in this stand which the international community makes against apartheid.

There may be some who are not moved by such considerations, who see nothing 'too' wrong in apartheid, who are able to subordinate all the standards of human conduct they value in their own societies to that sense of 'otherness' which is at the heart of racism. They are inevitably the natural enemies of any effort to dismantle apartheid in South Africa and, therefore, enemies of

the sporting boycott. To join hands with them, to be lured into an alliance with them under one banner or another - sometimes grotesquely under a banner of freedom - is to take a stand with them in support of apartheid. This is the critical issue, whether we are sportsmen or sports administrators or the general public. Are we going to accept the inhumanities of apartheid as tolerable because its victims are 'others'? Or are we going to join in saying to South Africa: "The rights of man are rights whether the man is white or black. We cannot collaborate with you on the sporting fields of the world while you discredit our entire civilisation by the horrible and pernicious system on which you build and sustain your society."

COLLABORATION BY PARTICIPATION

Apartheid has been universally and unequivocally condemned; but it has become abundantly clear that condemnation alone does not bring change to South Africa. Without action, words are as water against the walls of apartheid. The UN Centre Against Apartheid in particular, has been tireless in its quest for international solidarity against the South African regime in translating words into action.

The campaign for action has been and must continue to be fought on a variety of fronts.- against arms sales and nuclear collaboration; against trading, financial and commercial links; against the tacit support for apartheid that political and cultural affiliations inevitably suggest; and against contacts in the field of sport. It is no secret, nor should we try to make it so, that the level of success across these various fronts has been uneven. The reasons for that are well enough known. Major countries with levers of power which can be used to exert pressure on South Africa continue, on the one hand, to plead their preference for persuasion while on the other they disclaim effective power to persuade. It is not merely that they recoil from international economic sanctions but that by the nature and ambience of their relations with the Republic over a wide field they in effect sanction and support the status quo in South Africa.

In their continuing strategy to sustain the withholding of Western pressure, South Africa's rulers flaunt their credentials as a strategic ally of the West. Yet in spite of warnings from their friends in Africa that to be aligned with South Africa is to stand against Africa; in spite of the fact that the case for South Africa's strategic importance is being systematically dismantled, particularly in the economic realm, the West remains ambivalent; condemnatory in words, supportive in deeds. But can it much longer?

A time to choose arises for sportsmen, for sports administrators, for Governments, each time an effort is made, under whatever guise to fraternise with South Africa in sport. So far as Commonwealth countries are concerned the matter is not at large. Commonwealth Governments have taken a specific stand on the side of the sporting boycott, a stand reaffirmed under successive governments in this country and around the Commonwealth; and so has the Commonwealth Games Federation. Unilateral action that flouts those commitments will not be costless, either to the sportsmen or women involved, the sport concerned, sport in general, or even to intergovernmental relations.

There is always, in a sense, freedom to do wrong; freedom to collaborate; freedom to betray. And this, of course, is precisely what is meant when some talk of 'Freedom in Sport'. But there are other freedoms also, freedoms that others have and will exercise if there are significant unilateral breaches of established commitments. The consequences could be serious. Those who call for collaboration with South Africa must have no doubt in their minds of the choice they make. I know that some are ready to choose South Africa even if it means foregoing all others, including, as it will, some they wrongly believe might automatically follow them. They will be doing a great disservice to that silent majority of which I spoke earlier who abhor apartheid sport and want no part in the shabby pantomime they are being invited to join; and they will be doing a great disservice to international sport worldwide.

The Times correspondent in South Africa recently wrote this:

.....the majority of foreigners who seek to get South Africa readmitted are either of a conspicuously right-wing allegiance, or are professionally orientated with a vested interest in the financial potential of the South African market.

Small wonder they would choose South Africa. But they must not be allowed to choose for this country; they will not be allowed to choose for the Commonwealth.

MERCENARY SPORTSMEN

What we are now facing is a direct and coordinated attempt by South African sports bodies acting in tandem with commercial interest and the Pretoria Government to procure the participation of internationally respected sportsmen in the service of apartheid; to shop in the market place of mercenary contact. South Africa is an old hand at illicit dealings; but so far the merchandise has been arms, oil, nuclear technology and such like. Now it is for the bodies and souls of our sportsmen.

At the same time, there are, I am happy to say, encouraging signs that this latest ploy will be met with stiffening resistance. A large number of top international sportsmen, all of whom are to be roundly applauded, have demonstrated an unwillingness to play for apartheid at any price. There are, too, laudable signs that sports organisations are themselves resolved to take rapid and positive action. The response of the Sri Lankan and West Indian cricket authorities in the face of recent rebel cricket tours involving their players was both swift and decisive - as was the earlier response of the British Test and County Cricket Board to a similar tour.

Perhaps even more encouraging has been the strong reaction of a number of governments in confronting these new challenges. The French Government, for instance, has acted courageously and unequivocally to stop the rugby connection with South Africa. West Indian Governments faced with the gravest risk of defections among their cricketers have shown equal resolve. Proposals are currently before West Indian Heads of Government for the establishment of a comprehensive, regional 'regime' on sporting contacts with South Africa, one element of which will be a special fund to help offset the financially disadvantaged position of some West Indian sportsmen, and thus to blunt the financial overtures of South Africa. These are examples which I hope will act as a spur to other governments. Indeed, if they are to protect their own domestic sporting structures then many governments will have no option but to act. Self-interest, as it does in so many other fields, should, thus serve as a powerful inducement to action.

Some sportsmen, sadly, have already succumbed to the temptation to put profit before principle. Many others stand on the brink, waiting for signals, for guidance, for a sense of direction from their governments and sports organisations, and a wider public.....

There is now ample evidence to confirm the importance to the South African regime, in political terms, of sports contacts with its traditional adversaries; of the length to which it will go to preserve its rugby relationships with Britain and New Zealand and of the immense electoral attractions of cricket tests against the world's great cricket nations. It matters not to the South Africans if they split the cricket world on racial lines; that would be, after all, no more than an external expression of apartheid's base purpose.

But the dangers do not all derive from South Africa itself as it struggles to shake off the shackles of isolation. There are voices raised in Western countries - not least in Britain itself - urging a relaxation of the boycott on the grounds that in certain sports South Africa has satisfied this or that condition for a re-entry to the international arena.

To many who know little of South Africa's realities of life this argument offers attractions. But what is unwittingly overlooked or deliberately ignored is that this veneer of change is constructed upon a policy of highly selective dispensation extended only and very obviously for the duration of the sporting encounter and backed up by a massive propaganda campaign abroad. When the match is over and the stumps of convenience are drawn, the dark cloak of apartheid re-envelopes all those who for tactical reasons had temporarily been allowed out from under it. All of the repressive laws of segregation and discrimination come back fully into play and those who flout or deliberately seek to broaden these minimal limits are dealt with swiftly and decisively.

FEELING THE PINCH

To relax the international boycott now in response to largely cosmetic changes in the periphery of the structure of racism in South Africa would be to withdraw the pressure just as it is beginning to be really felt. The masquerade of change is designed to induce just such a respite. It must not be allowed to succeed. Among those who now advocate bridge-building there are some who recognise that what little change has occurred has been provoked by isolation not contact. Even the Editor of Wisden, for long a trenchant critic of the ban on South Africa, was moved to write in this year's edition that "there is no doubt that isolation has forced the South Africans into making changes they would not otherwise have made." Logic surely demands that if we are serious about dismantling apartheid, we must maintain and not relax the ban. To eschew the stick in favour of the carrot is to play directly into South Africa's hands. Experience has overwhelmingly shown that concession is now only wrung by pressure.

Yet (....there are....) pleas for returning South Africa to the fold of international sport, seeking to persuade the unwary, the naive, or the uninformed, that the time for boycott is over; that the time for bridge-building has come; (...that is) the language of conciliation in the mouths of apartheid's uncompromising zealots. It is here that the greatest danger lies; it is here that the massive South Africa propaganda campaign must be met head on. If it is not, then the very foundations of international sport, and more besides, are at risk. In the months and years ahead, the task of bringing the truth of the South African strategems to the attention of parliaments and publics will be of equal importance to the persuasion of individual sportsmen not to sell their talents to the cause of apartheid. We here all know and understand the force of Hassan Howa's argument, shared by the majority in South Africa, that there can be no normal sport in an abnormal society. Others, alas many others, do not and cannot unless they are made aware of the unforgivable realities

underlying the institutionalised racism which binds every aspect of society in South Africa.

.....In contemplating playing with South Africa there are no trade-offs. To participate is to collaborate. It is as simple as that.

In a number of countries the domestic implications of playing host to South African sports teams have been all too forcefully demonstrated in recent years. In New Zealand for instance, which in spite of the objections of a large proportion of its people, witnessed the 1981 Springbok Rugby Tour, the social and political cost is even now being counted. The divisive effects of this massive denial of the international boycott have left many New Zealanders determined that the import of such malignancy must never occur again. The lessons of the New Zealand experience have, I believe, had a salutary effect both within the Commonwealth and beyond it. It is an experience which other countries will I hope wish to take every necessary step to avoid. Here again, self-interest must serve as a powerful deterrent in future - as an aid to doing what is right.

SOLIDARITY AND UNITY OF ACTION

In the face of the challenge now issued by South Africa the need for firmness and unity and consistency throughout the international community is as never before. Without it our solidarity is at risk. Unity of objective is not enough in the absence of unity of action. The end which we all seek is the same; we must coalesce our means of achieving it. For the moment, as we all know there exists areas of disagreement as to the overall strategy and how widely to cast the net of sanction. There remains grey areas in terms of definition in relation to individuals or professionals. These ambiguities and inconsistencies will not be easy to remove. But if we do not remove them we leave South Africa in a position to exploit our differences. Does not the wider cause, the anti-apartheid struggle in South Africa, compel us to seek a modus operandi broadly acceptable to all in the interest of a unified front? Can we realistically expect the international sporting campaign to reach its goal - a goal which is now clearly within sight - in the absence of such harmonisation? Can the sporting campaign realistically continue to act as the cutting edge of the struggle against apartheid if its solidarity is compromised by inconsistencies of approach?

This Conference can do no better than to send forth the strongest message from London that there can be no compromise on contact with South Africa in the realm of sport so long as apartheid itself persists; that the answer to isolation from

international sport lies at home, not abroad; that one day the international community will sit down at the table of fraternity with South Africa - but only after South Africa has first permitted its own people to sit around that table from the Limpopo to the Cape.

.....

AN ANALYSIS OF THE PRESENT SITUATION
IN
SOUTH AFRICAN SPORT
(EXCERPT)

In South Africa today the sport situation is difficult and complex even for the comprehension of a well-informed South African. The whole sport set-up is fraught with contradiction, justification, innuendo and cold blooded lies. One thing is absolutely clear and unambiguously certain - sport in South Africa is inextricably interwoven with the political situation in this country and can definitely not be divorced in any way.

TERMINOLOGICAL DISTORTION.

In order to begin to understand the sporting situation in South Africa it is absolutely necessary to understand the meaning of terms used in this country which have a totally different connotation in other countries. All over the world the word "multi-national" applies to an event such as the Olympic Games, the European Games or the World Cup Soccer, which are international events and which of necessity involve teams from different nations. In South Africa a multi-national event is an event consisting purely of South Africans defined in their various racial or ethnic groups according to the race classification of the Population Registration Act. A "multi-national" event in South Africa therefore can consist of teams or players made up of white South Africans; Black South Africans, Coloured South Africans or Indian South Africans. In the case of Coloured, Indian or Black South Africans, they are people born and bred in South Africa whose parentage determine their specific race or ethnic classification. White South Africans are determined by their skin colour - it matters not whether their parents are resident in or originally from England, Spain, Portugal, Germany, Holland or Japan. The White immigrant who signs naturalising papers on arrival in South Africa becomes part of the establishment immediately and qualifies for a South African passport. Such an immigrant has the right and privileges to vote and to be voted for in the highest forum of South African policy making forums. This right and privilege is specifically denied to any South African who is not white and who does not know any other country of origin.

It is a historical fact that no white South African claims to have a lineage which indicates that his or her roots originated in South Africa. This country was originally inhabited by black South Africans only. In terms of historical facts therefore, it is really the whites of South Africa who are the foreigners and not the blacks, who have been made foreigners by political manoeuvring.

The multi-national concept in South African sport was conceived initially to accommodate so-called international rapport for white South Africans who were being isolated from real international sport. It was being rationalised at Parliament level that the "independent black homelands" are in fact "sovereign independent states and therefore when sports contact took place between "white South Africa" and these "homeland states" then such competition would amount to bona fide "international sports contact." The one big problem confronting this particular political manoeuvre was the fact that the majority of able-bodied blacks of the "homeland states" work in so-called "white South Africa" as contract labourers. This problem was overcome by creating so-called "umbrella" sports bodies such as the Football Council of South Africa of which George Thabe is president. This "umbrella" Sports Council has as its members the black South African National Football Association (SANFA); the white Football Association of South Africa (FASA); the South African Coloured Football Union (SACFU); and the South African Indian Football Union (SAIFU). The coloured and Indian Unions are at present only existing in name. The multi-national rugby situation is a bit more complex. The "umbrella" body is known as the South African Rugby Board (SARB) which is in fact a "white" Board under the presidency of Dr. Danie Craven. The "coloured" South African Rugby Federation (SARF) under Cuthbert Loriston and the "black" South African Rugby Association (SARA) under Curnick Mdyesha, have associate membership of the South African Rugby Board and have been given the voting power of an ordinary white provincial unit to the national body.

Both Loriston and Mdyesha have held nominated positions on the SARB selection Committee which has been increased to seven to accommodate one "coloured" and one "black" member, who have "protected nominated" positions. These two are not democratically elected on the merit of their knowledge and ability as judges of the game and its players. The inference must now be tragically clear, exactly as it is meant to be, that so-called "black" and "coloured" opportunists and collaborators are "used" by the multi-national sports bodies to give it an air of respectability, international acceptability and credibility. On their own sporting merit and ability these "non-whites" do not deserve to hold the positions they have been "given," but since they were the only ones willing to "take" the positions offered, well.....

TRAGEDY

The position outlined above at administrative level underscores the tragedy of multi-national sport at playing level. The "Coloured" Rugby Federation is an autonomous "coloured" rugby playing unit with its own club competition and inter-unit competition; they even play as a "coloured national unit" in South African Rugby Boards interprovincial affiliates of the SARB. This exact position also prevails with the "black" South African Rugby Association.

The "coloured" South African Rugby Federation is concentrated in country district areas of the Western Cape and is nowhere near "national" in character or make-up. In order to give the Federation a bit of body and "self respect" some of the so-called provincial units have been included in the special "Town Challenge" competition of the white Western Province Rugby Union. This is also a special concession to so-called "provincial units" to play in a lesser white club competition. The anomaly which confuses most people, especially foreigners, is that while "coloured" rugby players play in their own "coloured" competition at club "provincial" and "national" levels, any of their players can be called up by the white provincial units in whose areas they live or play. Two such players, viz. Avril Williams and Wilfred Cupido have in fact been called up by Western Province this season. It is worthy of note that the best known black player, Errol Tobias, has not been called up by any white provincial unit this season or last season. He is "used" virtually exclusively for "international exhibition" matches. It is for this reason that most people in South Africa believe that his selection is definitely not on merit but rather for the fact that his "blackness" is unmistakable and with him the "multi-national" aspect of the team is beyond dispute.

This is precisely the tragedy of the "multi-national" or "multi-racial" sports system. In order to gain credibility internationally and appease its coloured and black satellites, the white South African Rugby Board has to pick at least one coloured or black player irrespective of his or their individual merit as player or players in the position or positions at the direct expense of numerous so-called "white" players, who might merit selection purely on ability in those positions.

DECREE

It has recently been decreed by the Commissioner of Police in the Prisons Department that all prison personnel, i.e. warders must play sport in "recognised" sport bodies. Prison Department teams who have been affiliated to the non-racial South African Rugby Union (SARU) were forced to resign and join up with the "coloured" Rugby Federation, and, impossible as it may seem, this even embarrassed Cuthbert Loriston.

As long ago as 1976, police teams and soldiers were "recognised" sports bodies. Members of these "recognised" multi-national sports bodies in the Government service are given special concessions to train, practise and play their sport while on full pay. While members of non-racial sports bodies are specifically discriminated against, they are not allowed practice and training opportunities or facilities. It is also a fact that non-racial sports persons are specifically compromised by the Services authorities by being "forced" to take part in so-called "multi-national" or "normal" sports events as representatives of Services teams. Refusal to take part in these events is considered as refusal to do "duty" and renders the "dissident" liable to dismissal. This is part of the more overt harassment of non-racial sportsmen in South Africa.

HARASSMENT

Beside the hideous harassment of Services personnel in non-racial sport, there is also the more subtle and covert harassment that is going on all over the country and even in the so-called "Independent Homeland States."

In the Cape Town Municipality, which controls most of the "open" sports facilities in the Cape Peninsula and vicinity, there has been a report by the City Engineer, Jan Brand, to the Executive Committee that City Council facilities should be refused to the members and affiliates of the non-racial SACOS. This report came as reaction to direct statements in the same vein by the Nationalist Minister of Constitutional Development, Mr. Chris Heunis, and the Administrator of the Cape Province, Mr Eugene Louw.

The institution of direct discrimination against non-racial sportsmen and organisations is nothing new, as long ago as the early sixty's when Mr. Dave Marais, the former President of the white FASA and former United Party member of Parliament, was Mayor of Johannesburg, facilities all over the West Rand were denied to non-racial sportsmen in various codes. Stringent political barriers have been created for non-racial sport with consistent regularity.

Sport, is after all, the one means in which people of different political views can find a common ground and affinity. The influence and need for sport can also be the basis by which persons of differing views can find unanimity and this apparently spells danger to the "Powers that be" in South Africa."

BARRIERS

Tremendous artificial and physical barriers have been created by the Nationalist Government and its satellites to

prevent the non-racial sport with consistent regularity, from having its "total equality concept in a united democratic South Africa" being accepted in all grass-roots organisations of the people. It is for this reason that the totally unacceptable permit system was instituted especially to enter urban black townships within so-called "white" South Africa.

The applicant for a permit tacitly admits that he does not belong in a black township by virtue of his own racial background and ethnicity. He therefore admits to his own racial difference and agrees that he is allowed into the black township as a concession by the "grace and goodness" of the authorities. This is totally and unequivocally unacceptable to all non-racial sports persons at any level of consciousness. This is the basis of the case against Frank van der Horst, the President of SACOS, who is shortly to appear in the Port Elizabeth Magistrates Court charged with illegal entrance in a black township.

The non-racial sportsmen in the so-called "independent black state" of the Ciskei have been experiencing a particularly harrowing time at the hands of Major General Charles Seve. They are being denied sports facilities; and are ordered to stop matches against so-called non-blacks from outside the Ciskei; are denied fund raising facilities and amenities in the Ciskei; and those top sports administrators who have "defied" the authorities by carrying on with their non-racial sport activities, have been detained in police barracks, deported from the Ciskei; and yet others have been suspended and dismissed from their jobs that they have worked at all their working lives. Major General Charles Seve is the brother of the President of the Ciskei, Lennox Seve; he is the Chief of Security in the Ciskei and received his training from the South African Security Police.

SCHOOL SPORT FUNDS

A most significant statistic was revealed during the current session of the South African Parliament. It concerns the amount of money spent on the promotion of sport at school and was significantly revealed by the Minister of Education with the responsibility for Sport - Dr. Gerrit Viljoen. We have always been of the considered opinion that as long as there is discrimination in education along racial lines, there can never be non-racial sport in South Africa.

If children cannot be allowed to grow up naturally accepting all other children as equals in the classrooms and in the playground, they can never be expected to accept each other as equals in later life. Prejudice and resentment are inculcated in children in their formative years while at schools in the racially separate education system, which is a non-negotiable cornerstone of the South African Nationalist Government Apartheid policy.

Any fair and right thinking educationist anywhere in the world must admit that in South Africa the Education system leaves the bulk of South African school children with minds that are slightly crippled and definitely demented to the extent that they are prevented consciously from appreciating the equality of "man" irrespective of race, colour or creed.

A recent Master of Education thesis researched by a white Pretoria housewife revealed, in fact, that racial prejudice with special reference to the superiority of the white Afrikaaner and the virtual animal-like inferiority of blacks are being inculcated in South African school children through text books especially in history.

Against this background Dr. Gerrit Viljoen revealed in Parliament the amount of money being spent annually on white school children and black school children. Members of the Opposition in Parliament broke this down to mean that the amount of money spent on each white school child in South Africa for sport is R9.93 cents; and for each black child it amounts to 32 cents.

Critics of the system indicate that that figure should be nearer to 6 cents per black pupil. In other words, in the real school for the promotion of sport.

Under such circumstances how can sport in South Africa be normal?

SPONSORSHIP

Sports missions to South Africa over the past few years have attempted to justify the South African situation by pointing out the completely "non-racial" professional soccer scene as organised by the National Professional Soccer League (NPSL) under the "distinguished" Chairmanship of George Thabe. Besides having already shown Thabe's role as president of the "Umbrella" body, we would also like to make the very pertinent point that the NPSL runs a first division of about 20 teams which can at the most accommodate about 300 professional soccer players in a population of close to 30 million people, which amounts to about 0.0001% of the total population. Is such a percentage any justification?

Conversely what is the position of thousands, maybe millions of amateur soccer players in this country? Have the international sports missions ever investigated the conditions and facilities of amateur soccer players in South Africa? Have they investigated the grassroots sports organisations in all codes of sport, its administration and playing facilities? The evidence in all this sport would be shatteringly revealing! The most revealing factor of all would be the amount of sponsorship avail-

able from business houses for the "recognised" NPSL as against the closed shop policy adopted against the non-racial Federation Professional League.

Investigators would be totally bewildered by the detailed information available from non-racial sports organisations on appeals to business houses for sponsorship and the type of excuses made why no sponsorship is available, only for the same business houses to announce some months later some fantastic sponsorship for racist multi-national sports bodies in one code or another.

It is because of such sponsorship and support by business houses, that the "multi-national" South African Cricket Union (SACU) of Joe Pannensky has managed to bring cricketers from other countries to play in South Africa. Even cricketers of the calibre of Geoff Boycott and Gragam Gooch will admit to the financial lure rather than a love for South African cricket or the Government System.

The financial lure for the black cricketers from Sri Lanka and the West Indies is even more irresistible. The money is used to "buy international sport credibility" - it does not indicate social and political change in South Africa. Black sportsmen coming to South Africa are accorded "honorary white" status and are not treated like the local blacks.

If South African can really afford that amount of millions offered to international sportsmen to visit this country, then how do we explain the proven and scientifically researched fact that at least 4 children - that is black children - die of malnutrition (Kwashiorkor) every hour of every day of every week of every month throughout the year? Nothing has changed in South Africa, more smokescreens have been created but behind those smokescreens the positions and conditions are the same, if not worse than ever.

The much publicised Constitutional changes which are being discussed do not indicate an improvement of conditions for people, and especially sportsmen, in South Africa. The present situation in South African society is being maintained and consolidated - if anything the situation would be worse, but definitely not better. Black South Africans remain outsiders and foreigners in the land of their birth!

INTERNATIONAL LAW
AND

THE STRUGGLE AGAINST APARTHEID IN SPORT

by
Kader Asmal

..... The United Nations has succeeded in establishing legal norms which have legitimated at a different level the struggle against apartheid; the legal arguments, not irrelevant in societies which piously incant support for 'law and order', are important tools in this campaign as there is now a higher law which can be invoked to support campaigns for the isolation of apartheid sport, to raise the consciousness of sporting administrators and, especially, to enable them to recognise the special nature of the apartheid system. Finally, the international legal aspects are not irrelevant when the white sports administrators of South Africa challenge their suspension or expulsion from international sports bodies, such as the current action in London against the International Amateur Athletic Federation. If English courts decide such cases on technical rules of English law, then there will have to be an irresistible movement to transfer the headquarters of such federations to countries which are more receptive to the legal changes which have taken place at the international level.

The law, therefore, is a new weapon for the campaign. Neither this Conference nor the United Nations is concerned with a study of the academic aspects of international law, nor with the techniques of rule creation. But we should be concerned with the arguments raised by our opponents, so as to raise the debate to a higher plane.

INTERNATIONAL ACTION

Since 1968, the United Nations, especially through the General Assembly, has condemned apartheid in sport, demanded respect for the Olympic principles and proposed various kinds of action. The culmination of UN activity was the adoption, at the XXXII session in 1977 of resolution 32/105M, described as the International Declaration against Apartheid in Sports, with 125 votes in favour, 14 abstentions. Not a single state voted against.

The General Assembly has used the form of a Declaration on a number of important occasions when it has decided to embark on an authoritative interpretation of the Charter of the UN, (see the famous Decolonisation Declaration, Resolution 1514 of 1960) or the Declaration on the Definition of Aggression (Resolution 3314 of 1974), or when it has desired to concretise the pledge (under Article 56 of the Charter) to 'take joint and separate action in pursuit of the protection of human rights' as exemplified in the first preambular paragraph of the International Declaration against Apartheid in Sport.

The Declaration, the most comprehensive and systematic demand of the General Assembly in the area of sport, has to be seen in the context of developments not only at the level of

the Security Council or the General Assembly of the United Nations but also in the context of the cumulative effect of developments at the level of the OAU, UN specialised agencies, the Commonwealth and a whole host of international bodies. The effect of these interventions has shown that the new law of the world order reflects the dynamic aspects of international society, expressed in the statement of the Nuremburg International Tribunal of 1946 that the 'law is not static' but conforms to the needs of society.

The preamble to the 1977 Declaration against Apartheid in Sports presents, in non-technical language, the insights into the legal developments since 1960 and therefore firmly posits the legal basis for the action proposed in the resolution in its 18 articles.

These preambular statements in the Declaration can be summarised as follows:

- (a) The General Assembly recalled that under International Convention on the Elimination of All Forms of Racial Discrimination, 'States undertake not to sponsor, defend or support racial discrimination.'

This Convention of 1965 is now one of the most highly ratified conventions of all time. As of July 1, 1982, 115 states had ratified the Convention. Of the 'western' states, only the United States, Ireland and Turkey have not ratified the Convention. In any event, the development of the equality principle has resulted in the identification of the norm of non-discrimination. Freedom from racial discrimination has been one of the most striking contributions of the law in the past three decades and the International Court of Justice, in the Barcelona Traction Case (1970) provided this right as one of the examples of what constitutes jus cogens, certain peremptory and basic rights which states are not free to amend by treaty but which, because of their fundamental importance to the international community, can only be altered by the development of another rule of jus cogens.

There can, therefore, be little doubt that the continuation of membership of South African apartheid bodies in international sporting codes is a form of 'sponsorship' of racialism; the apartheid system, based on the maintenance of racialism as part of the official policy of the state, thrives on such 'defence' and 'support'. The provision of Article 2 of the Convention demands that collaborative links with apartheid South Africa be broken in order to carry out a 'peremptory obligation under the Charter of the United Nations'.....

CRIME AGAINST HUMANITY

- (b) The Declaration recalled, secondly, one of the most important developments concerning the international law aspects of apartheid. The Declaration referred to the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted by the General Assembly in 1973, wherein apartheid is described as a crime 'violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations and constituting a serious threat to international peace and security.'

There are two distinct features about this preambular statement. Firstly, there is the reference to the crime of apartheid. The Convention is not solely responsible for such an identification. It is important to note this; although the Convention has now (July 1, 1982) been ratified by 67 states, not a single 'western' state has done so. There are important provisions in the Convention, the definition of apartheid being based on the definition of genocide, arising out of the Convention of 1948. The major differences are: firstly, that organisations, institutions and individuals committing the crime of apartheid are declared to be criminal, following the precedent of the Nuremberg War Crimes Tribunal. Secondly, all State parties to the Convention are entitled to try and punish persons, regardless of their nationality, who are guilty of committing, participating, inciting or conspiring in the commission of the crime of apartheid and also persons who 'directly abet, encourage or co-operate in the commission of the crime of apartheid.' This has implications for those who continue to support South Africa and its policies.

However, it must be remembered that the Convention on Apartheid is not the sole basis for describing the policy of apartheid as a crime against humanity. Such a description has obtained general validity in international law so that states not parties to the Convention are bound to recognise the special nature of the apartheid regime. States which prevent sanctions against South Africa being taken by the Security Council, cannot deny the special nature of the regime. This assessment of the apartheid regime, referred to in a number of General Assembly resolutions, prior and subsequent to 1973, has led the prestigious and highly-respected International Law Commission, in its recent draft on the International Responsibility of States, to name apartheid, side by side with aggression, the forcible maintenance of colonialism, slavery and genocide, as typical examples of an international crime as the 'wrongful act which infringes international obligations that are essential for the protection of fundamental interests of the international community as a whole.'

This part of the preamble also refers to another exceptional aspect of the apartheid system which distinguishes it from other States' peccadilloes and transgressions. This is that by its very nature it threatens international peace and security (editorial emphasis). Apart from the inherent evil of the system which is highly objectionable to others and, especially, neighbouring states, the apartheid regime has carried out systematic acts of aggression against its neighbours which have been roundly condemned by the General Assembly and the Security Council, culminating in the adoption in 1977 of the mandatory arms embargo, the first time that such enforcement action has been taken against a member state of the UN. The fact that more comprehensive and mandatory action has not been taken under Chapter VII of the Charter arising out of the systematic and illegal violence of the South African regime has not been due to any legal reasons but due solely to the use of the veto by the United States, France and Britain on successive occasions.

Since 1973, the General Assembly in particular, recognising the particular form of racialism and colonialism in South Africa, has described the regime as illegitimate because of the persistent flouting of the right to self-determination of the people of South Africa. The credentials of the South African delegation to the United Nations have therefore not been recognized; the institution of the so-called independent Bantustans, beginning with the Transkei in 1976, has not been recognised by any State, at the behest of the General Assembly, as these are seen as part of the attempt not only to balkanise South Africa, but also to deprive the population of their right to self-determination.

RIGHT TO REVOLT

- (c) Thirdly, the Declaration reaffirms the 'legitimacy of the struggle of the people of South Africa for the total elimination of apartheid and racial discrimination.'

This has important implications. It recognises - as has been more explicitly recognised in the General Assembly Declaration on Friendly Relations between States of 1970 and the Declaration on Aggression of 1974, passed without dissent, - that there is a right to revolt against racist, colonial and alien occupation.

The struggle against apartheid is assimilated to a struggle against colonialism because of its special features in South Africa. The recognition of the right to revolt implies not only a right to the protection of the laws of war but also includes a duty not to assist in the perpetuation of the crime.

The right to revolt therefore accepts the special feature of the apartheid and colonial system. This is specifically recognised in the paragraph of the Declaration which recognises that 'there can be neither adherence to the principle of merit selection nor fully interpreted non-racial sport in any country practising apartheid until the apartheid system itself is eradicated!'

This echoes aspects of other UN resolutions which recognise that the struggle against apartheid is a struggle for the overthrow of the system as it is not reformable in any way as the system denies nationality, humanity and decency simply on the basis of skin colour. This paragraph was a reaction to the Koornhof claim in 1977 that South Africa was 'normalising' sport and the appointment of a 'motivating committee' of three whites, three blacks and three Indians resulted in a recommendation for 'normal sport' by the end of 1977. The whimsical double-think which proposed 'normal sport' in a segregated society was, and still is, aimed at obtaining the support of cricket and rugby administrators and some journalists who latch on to the 'tremendous strides' made by these sports, including soccer, in order to rehabilitate them in international competition.

The argument by the UN and those who oppose collaboration with apartheid has never been that sport could be integrated in South Africa. For integration to occur, the apartheid edifice would have to be dismantled.

- (d) Hence, the Declaration refers to the general area of collaboration with apartheid, including sport, which has evoked a unique response of condemnation from the international community in general, and from the General Assembly in particular. The continued series of resolutions are certainly normative and it is no longer open for some of the Western countries to opine that the whole series of resolutions do not give rise to legal obligations. In any event, these western critics are selective and discriminatory in their choice of evidence, for certain resolutions dealing with such matters as Uniting for Peace in 1950 and Outer Space in 1963 were considered to be declaratory of international law. International custom can be formed in different ways and there is no reason why a resolution, adopted by very large majorities and without any significant dissent cannot be evidence of a developing consensus in the international community that a norm has been

established as a customary rule of international law. It is clear from recent international practice that consensus on a customary rule may develop in a short time. It is this approach that led Judge T.O. Elias to write (in *Africa and the Development of International Law*, 1972, pp. 74-75): *"If there is unanimity in the Assembly during a vote, all are bound.... Those that abstain are also bound on the ground of acquiescence and tacit consent, since abstention is not a negative vote...."*

After all, we are not referring to a once-off vote. Votes on the sporting issue have now formed a consistent pattern of General Assembly decision-making. A few random examples will reflect the strength of the international consensus on this issue, reflecting a greater determination than any other issue in relation to Southern Africa.

INTERNATIONAL CONSENSUS

In 1976, Resolution 31/6F was adopted by 128 votes to none, with 12 abstentions. In 1977, the Declaration, as noted above, was adopted by 125 votes in favour, with 14 abstentions. In 1978-79, Resolution 33/183N was adopted by 112 votes to none, with 15 abstentions. The 1975 session saw resolution 34/93N adopted by 131 votes to none, with 14 abstentions. In 1981, there was a shift. Resolution 36/1721 was adopted by 124 votes to 5, with 14 abstentions, reflecting the new 'toughness' in the United States, New Zealand and Great Britain. But it is firmly suggested that they do not have a late veto in the creation of new norms, especially as they had acquiesced in the earlier consensus.

- (e) In any event, apart from the specific calls for disengagement from collaboration with apartheid sport posited by these resolutions, there are other rules of international law which impose responsibility of those who artificially keep alive the criminal regime. The preambular statement of the Declaration recognises this feature by stating that participation in sports exchanges with 'teams selected on the basis of apartheid' directly 'abets and encourages the commission of the crime of apartheid' as defined in the Apartheid Convention of 1973 and 'encourages the racist regime in its pursuit of apartheid.' Other General Assembly resolutions have opposed collaboration with the racist regime and have not limited themselves to states but have

specifically singled out organisations, trans-national corporations and other institutions which continue to collaborate with the racist regime.

These resolutions proceed on the basis that, after the apartheid regime has been exposed as a crime against humanity, the very fact of support given to that regime suffices to establish responsibility for participation in the crime. The Nuremburg Principles, accepted by western governments as establishing rules of international law following the War Crimes Tribunal in 1946, listed not only individuals but also organisations and corporations as criminals.

Even as early as the XXIII Session in 1968, the General Assembly decided to draw up a 'register of acts of brutality by the Government of South Africa and its officials against opponents of apartheid.' This development of trying to identify individual culprits was legitimately extended to cover those who aid and abet in the crime of apartheid. The work of the Human Rights Commission of the UN in relation to corporations and individuals have been rightly complemented by the activities of the UN Special Committee Against Apartheid which has published since May 1981 a periodic Register of Sports Contacts with South Africa. This is a logical outcome of the legal developments identified above. Far from victimising sports administrators, sportsmen and women, this Register, and the action taken by Governments and individuals against those whose names appear on the Register, is a vindication of the law. For the choice before those who collaborate with apartheid sport is very clear: uphold the legal, moral and sporting principles reflected in the Declaration and in other normative prescriptions or face the consequences. The consequences are not as serious as those faced by the Nazi war criminals or the treatment meted out to those who oppose apartheid.

'GLENEAGLES' AND THE COMMONWEALTH

The impact of collaboration with racism and apartheid has not left the Commonwealth untouched. Apart from the threat to this institution, which arms sales to South Africa in the early seventies and the flirtation by the British Government with the Muzorewa-Smith regime in 1979 had brought about, the sharpest test to the fragile unity of the Commonwealth occurred in 1977 during the London meeting of the Commonwealth Heads of Government. The threat to the Edmonton Commonwealth Games, arising out of the continued British and New Zealand sporting links with the regime resulted in the adoption of the Gleneagles Agreement on sporting contacts with South Africa.

It is commonplace among international lawyers that a treaty between States does not depend on the particular designation or description assigned by the parties to the agreement. Some 'agreements' such as the Helsinki Accord or the Atlantic Declaration of 1941 are not binding agreements because of the intention of the parties, partly identified by the language used. These are political documents.

Commentators have not paid sufficient attention to the background to the Gleneagles Agreement and the objectives to be achieved by the agreement. The Agreement does not adhere to the usual style of treaties, with a preamble followed by the usual numbered articles. The fact that the text is in a continuous narrative does not detract from the legal significance of the Agreement. The states were represented by heads of government or state. They 'agreed' to such a remedy for previous misunderstandings which were 'partly the result of inadequate inter-governmental consultations'. In the context of the international campaign against apartheid they accepted the 'urgent duty of each of their Governments vigorously to combat the evil of apartheid' by taking the now well-known series of actions. Finally, the Agreement referred to the the national methods of discharging these commitments, (my emphasis in all cases).

Terms such as 'duty' and 'commitments' are consonant only with legal obligations undertaken by states. It is a trite observation that such treaty obligations must be carried out in good faith in international law and that one government may not repudiate such obligations because its predecessor government had entered into them. Such an observation is not unwarranted as, following the defect of the Labour Government after the Gleneagles Agreement, there was some talk in Britain that the Tory Government, not having been a 'party' to the Agreement, could not be 'bound' by it. Wiser counsel prevailed it seems, but it is important to assert that until the Gleneagles Agreement is mutually terminated or replaced by another series of obligations, the Governments, parties to it, continue to be bound by its terms and continue to be obliged to carry out its terms in good faith. The Agreement is a concrete example of the much wider legal obligation to refrain from aiding and abetting the apartheid system.

The Commonwealth Games Code of Conduct of 1982 on the other hand, is an agreement between private organisations. Its basis is the contractual arrangements forming the rules of the Commonwealth Games Federation, imposing duties on national Commonwealth Games Associations to discourage contact or competition with South Africa.

SELF-INTEREST AND OPPORTUNISM

States which are unwilling to take meaningful action in relation to the apartheid situation, and which often refer to the lack of legal basis in relation to disengagement from collaboration, have had little difficulty in imposing cultural, sporting and economic sanctions in other situations, necessitated either out of self-interest, opportunism or as a gesture of 'solidarity'. Some of these actions have been of doubtful legality either in their own law or at the level of international law. But this has not deterred the countries of the European Economic Community or the United States from imposing, at some stage or another, economic, cultural and sporting sanctions in situations as disparate and different as the Argentine/Falklands situation, the Iranian hostage crisis, the Polish and Afghanistan situations. The response has been determined by the presence of a political will and determination to act.

The refusal to act by taking meaningful measure is part of the process of surrender to South African pressures. Freedom of movement of nationals does not have higher priority than disengagement from collaborating with the crime of apartheid. Western states do not have to await a mandatory demand from the Security Council under Chapter VII of the Charter in order to carry out what are undoubted moral and legal obligations.

The agenda for action by states, organisations and individuals is provided in the 18 Articles of the Declaration which lay down in detail the kind of activities and demands of the international community concerning collaboration in sport. Many states, inter-national sports federations, national federations and individuals have undertaken action under these Articles, often at great cost to themselves. Some Western states have begun to give more serious consideration to their obligations, but their responses have not been consistent or systematic.

The work of the Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sports, (for latest press release see UN document GA/AP/1404 of 20 January 1983) is a useful attempt to consolidate the progress over the past decade in relation to the isolation of apartheid sport. Regrettably, the completing of its work has been delayed by lack of progress on the adoption of Article 10, which obliges State parties to the convention to ensure that their nationals refrain from participating in sports events 'with or which include individuals or teams from a Country practising apartheid! The alternative version - the 'third-party clause' - would then go on to exclude participation with countries whose teams or nationals collaborate with apartheid sport.

It would be regrettable if this impasse over the 'third-party' principle were to detract attention from the undoubted legal principles which exist at the present time. Even if the Convention were adopted with the inclusion of the 'third-party' principle, the history of the Apartheid Convention of 1973 clearly illustrates that the very states which ought or need to ratify the Convention would not do so. Effort, imagination and pressure might, therefore, be more usefully spent in campaigning for the recognition and implementation of the present norms of international law which provide a clear basis for the removal of apartheid from the world sporting scene.

THE CAMPAIGN AGAINST APARTHEID IN THE COMMONWEALTH:
BOYCOTTS THAT WORKED

By

Bruce Kidd

In the wake of the American-led boycott of the Moscow Olympics, there is a widespread notion that sports boycotts are generally ineffective in achieving their goals and that the only interests to suffer from the tactic of dramatized non-participation are those of the athletes who voluntarily, or at the command of their governments and sports governing bodies, give up their opportunities to compete. The 1980 boycott failed to get Soviet troops out of Afghanistan, nor did it appear to make a dint upon Soviet public opinion. Yet not all sports boycotts have ended in failure. In the past 15 years, the black African nations have repeatedly used the boycott weapon to advance their campaign to bar the South African sports bodies which practise apartheid from international competition. In this, they have been remarkably successful. They had had South Africa expelled from the Olympic Games, and either expelled or restricted in the competitions it can enter in all but one of the 28 international federations in the Games and in 22 other federations. (Ramsamy 1982, 88-100).

Last fall, after threatening to boycott the 1982 Commonwealth Games, they achieved perhaps their most far-reaching victory to date when the governing body for these Games-- the Commonwealth Games Federation--approved constitutional changes which require member associations to assume responsibility for preventing sporting contacts with South Africa at the risk of suspension if they do not. The measure of this achievement is that in 1976, 31 non-white nations felt obliged to boycott the

1976 Olympics precisely because such a mechanism did not exist in the International Olympic Committee. Henceforth it will not be African athletes who will lose prestigious competitive opportunities if the cordon sanitaire around South African sport is broken, but the athletes of the nation directly involved. In Johannesburg, the vice-president of the South African Olympic Committee (SANOC) called the Code "the worst thing to have happened to South Africa since our expulsion from the Olympic movement." (The Times, Oct. 9, 1982).

THE COMMONWEALTH CAMPAIGN

The efforts by non-white sports persons in South Africa to bring about international sanctions against discriminatory sporting practices actually predated the imposition of apartheid or "separate development" by the Nationalist Government in 1948. In 1946, a group of black weightlifters unsuccessfully appealed to the British Amateur Weightlifters Association to use its influence to force the South African association to accept non-white members (Lapchick 1975, 20-1). During the 1950s and early 1960s, the strategy of black athletes focused on domestic reforms. They sought international support for full integration within South African sport. It was only with the realization that the intractable opposition of the Government doomed this strategy to failure that they redirected their efforts toward the international isolation of the all-white South African federations. The primary proponents of this strategy were the South African Non-Racial Olympic Committee, formed in 1963, and the Supreme Council for Sport in Africa, created in 1967. The boycott weapon was first employed in 1968 after the IOC had voted to accept South Africa's entry for the Games in Mexico. SCSA announced that 32 African national Olympic committees would boycott any Games in which South Africa participated, and the IOC quickly reversed itself. In 1970, SANOC was expelled from the Olympic movement (Lapchick 1975, 196).

The Commonwealth has always been an important battleground in the struggle against apartheid, for even though South Africa left the association in 1961, economic and sporting ties continued with Britain and the white settler dominions of Australia, New Zealand, and Canada. In rugby and cricket, and to a lesser extent tennis, squash, golf and track and field, South Africa's most frequent contacts have been with these countries. As a result, while track and field is the only one of these sports actually contested, the Commonwealth Games has become a pressure point for the anti-apartheid campaign. In 1970, a South African cricket side was scheduled to tour England at the same time as the Games were to take place in Edinburgh. Thirteen African Commonwealth nations, supported by India, Jamaica, Trinidad, Guyana and Barbados, announced they would boycott the Games if the tour were to proceed. After a scramble of meetings, the

Labour Government of Harold Wilson pressured the MCC to cancel the tour (Lapchick 1975, 168-181). In 1973, a South African rugby tour was planned for New Zealand, where the Games were to take place the following January. Again, the African nations announced they would not compete if the tour took place. Again, a Labour Government intervened, the tour was cancelled, and the games were held with full attendance, with African athletes contributing to the high standard of performances. (Lapchick 1975. 213).

In 1976, the New Zealand rugby team toured South Africa at the time of the Montreal Olympics. Although rugby is not an Olympic sport, and the tour had nothing to do with Canada, the host country, 29 African countries plus Guyana and Iraq left Montreal on the eve of the Games to protest the IOC's alleged indifference to the rugby tour and its refusal to bar the New Zealand Olympic Team from competition. Widely criticized by the western press (Chorbajian and Mosco, 1981), the boycott nevertheless achieved both immediate and long-term results. Within days, the international federations in track and field and soccer expelled South Africa from membership. In the Commonwealth, the maintenance of the boycott led to the adoption of the 1977 Gleneagles Agreement, by which member states:

"undertook as an urgent duty... vigorously to combat the evil of apartheid by withholding any form of support for, and by taking every practical step to discourage contact or competition by their nationals with sporting organisations, teams or sportsmen from South Africa or any other country where sports are organised on the basis of race, colour or ethnic origin;" (Great Britain 1977, 51-2).

Understandably, the Canadian Government, which had committed some \$18 million to the capital and operating cost of the 1978 Commonwealth Games in Edmonton and did not wish to play host to a white-only Games, took the lead in persuading the other dominions to accept this new obligation. Although at the last minute Nigeria decided to boycott the Games, the rest of the non-white members attended and competed with distinction. Once again, the adoption of specific measures to isolate South Africa in sport had been a pre-condition of a successful Games.

The Gleneagles Agreement, reaffirmed in the 1979 Lusaka Declaration of the Commonwealth Prime Ministers on Racism and Racial Prejudice, did not stop all Commonwealth ties with South Africa, however. In 1981, despite unprecedented pressure from the rest of the Commonwealth and the withdrawal of a Finance Ministers' Conference scheduled for Wellington, the New Zealand Government permitted a South African rugby tour to take place (Newnham, 1981). Events soon followed the now familiar pattern.

The African countries threatened to boycott the 1982 Games unless New Zealand were barred. At the prompting of Australia, the Games host, a special meeting of the CGF's General Assembly was held in London on May 5, 1982 and a compromise struck. Since no procedures existed for denying the New Zealand Olympic and Commonwealth Games Association competitive privileges-- although it had not opposed the rugby tour--New Zealand would be allowed to compete in Brisbane. But a policing mechanism for the Gleneagles Agreement would be placed in the Federation's constitution. So the Code of Conduct became the condition of African participation. It was approved in Brisbane without a dissenting vote, only England, New Zealand, and Nigeria abstaining.

THE CODE OF CONDUCT

The Code of Conduct is unprecedented in the scope of its undertaking. First, it defines "a breach of Gleneagles," a task the original declaration did not attempt. Commonwealth sportspersons are barred from competing in South Africa, and from competing anywhere against South African teams or individual South Africans who are "competing in a representative capacity for his country or sports body." (According to one interpretation, an athlete is "representative" when he or she needs the sanction of his/her sports body to compete abroad.) Secondly, it calls upon the national Commonwealth Games associations to enforce Gleneagles, whereas previously the obligation rested solely upon governments. Thirdly, it requires member associations to take action to prevent sporting contacts with South Africa, even if they are about to occur in a non-Commonwealth Games sport; and it provides for the penalty of suspension for individuals, national sports governing bodies, and member associations if it can be proven they "condoned" such contacts. Although other sports bodies have developed rules prohibiting contact with "outlaw" organizations, to the best of my knowledge none has ever required its members to act to stop such contacts. The code means, for example, that the Commonwealth Games Association of Canada which has contented itself with fund-raising and sending a team to the Games, will now have to begin lobbying other sports governing bodies and government to end those Canada - South African sporting ties (in golf, tennis, boxing, etc.) which still continue.

One result of all this is a dramatic change in the underlying symbolism of the Games. As the British Empire Games, they were held together by the Imperial connection and a common love of sport fostered by colonialism and overseas settlement. Now their effective basis is a united stance against apartheid and other forms of racism in sport. While this change has not yet been expressed in the language of the opening and closing ceremonies, it is clear from the new provision in the CGF con-

stitution. In 1976, the African boycotters were condemned for disrupting the Olympics. Now the constitution labels the act of playing with apartheid disruptive. Under Article 11.6a:

The General Assembly may by Special Resolution: With a view to ensuring that future Commonwealth Games are not impaired and where it is satisfied for good cause that there has been gross non-fulfillment of the objectives of the Gleneagles Declaration 1977 by the action of a country in relation to its obligations under the Gleneagles Declaration or of its Commonwealth Games Association, and such imperil the forthcoming Commonwealth Games suspend the right to participate in future Commonwealth Games of that country's Commonwealth Games Association.

Full explanation for the above changes is beyond the scope of this paper. Consideration must be given to a complex of interacting changes: the shift in voting power on international organizations as the colonial era was brought to a halt; the persistent and courageous leadership of organizations like SANROC and SACOS, the non-racial sports federation within South Africa; the support campaigns conducted by church, labour, and political organizations in the western countries. But one circumstance can be singled out: unlike the Moscow Olympic boycott, the anti-apartheid boycotts have focused on injustices in sport. This meant that issues could be readily understood by sportspersons and the campaign could appeal to the ideology of fair play and equal opportunity so essential to the claims for sport. It also meant that sportspersons could settle the issue themselves, for it dealt with the conditions of participation in sport.

It remains to be seen how faithfully the new Code will be observed. Those who feel it places too great an obligation upon member associations will no doubt seek to reduce its scope at the next CGF meeting in 1984. Recently, the (British) Central Council of Physical Recreation announced it would urge the English association to seek such an amendment. But for now, it's the Third World associations which have the power and they are sitting tight. "We don't have to worry about the Commonwealth anymore," SANROC chairman Sam Ramsamy has said. "The Code is in the constitution and we have the votes to keep it there. England can stay away if it wants, but the Commonwealth Games will go on all the same." (Ramsamy, 1983).

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THE LONDON DECLARATION ON APARTHEID SPORTS
(EXCERPT)

The International Conference on Sanctions against Apartheid Sports, the first international gathering of its kind, brought together sportsmen and women, sports administrators, government representatives, and national and international bodies committed to the abolition of apartheid. The Conference, which was organised as a sequel to the 1982 United Nations International Year of Sanctions Against Apartheid, was called to consider current and future action against apartheid sport in the context of the overall campaign against apartheid itself. The commitment to withhold collaboration from South Africa in the sporting and other fields was recognised by all participants as vital to the efforts to the great majority of the South African people to liberate themselves from the crime of apartheid.

The Conference expressed great satisfaction at the extent to which the world's sportsmen and women have recognised the importance of not competing against South Africa. It commended the measures taken by governments and sports organisations throughout the world in helping to bring about the complete isolation of South African sport. It recognised in this context the important role played by the United Nations Special Committee Against Apartheid, the Supreme Council for Sport for Africa, the South African Non-Racial Olympic Committee and the South African

Council on Sport, together with the mass campaigns of the anti-apartheid movements, in bringing to the attention of the world the continuing realities of apartheid sport in South Africa.

The Conference congratulated in particular the many sportsmen and women who have made considerable personal sacrifices, in some cases financial, in order to avoid collaborating with South Africa on the sports field.

PRICE OF APARTHEID

The success of the campaign to isolate South Africa has provoked the Pretoria regime to extreme measures of desperation and has exposed its willingness to wreck international sport as part of the price of sustaining apartheid. The immense financial blandishments offered by South Africa to international sportsmen and women to induce them to defy the international campaign are visible symbols of this desperation and pose a new challenge to the solidarity of world sport. These offers are extended against the background of a massive and unprecedented propaganda campaign, aimed not only at sportsmen, but at governments, the public and the media, particularly in countries which have traditional links with South Africa. The object of this propaganda campaign is to create an illusion of change in the appearance of apartheid.

The Conference strongly condemns this systematic attempt to deceive the outside world as to the realities of apartheid, which remain fundamentally unchanged. In spite of claims to the contrary by the Pretoria regime and its sports administrators, all of the laws of apartheid remain substantially intact, including the pass laws by which the life of every black South African is controlled. The whole fabric of South African society remains deeply rooted in a system of institutionalised racism. In legal, political, economic and social terms, South Africa functions entirely on the basis of racial discrimination and oppression. The Conference emphasises that the very uniqueness of South African racial dictatorship calls for a wholly unique response from the international community. It is the responsibility therefore of all who understand this uniqueness to communicate it more widely and more vigorously.

The Conference notes that special efforts are being made by representatives of the apartheid regime to convince the world's sporting community that apartheid is being removed from sport in South Africa in an attempt to justify South Africa's re-integration with international sport. This façade of change, which is based solely on temporary exemption from the law, is in fact a direct result of the international campaign, and the Conference considers that it would be a negation of past sacrifices to relax the campaign at a point when success is within reach and efforts should be redoubled.

The Conference therefore urges all sportsmen and women to recognise the fact that there can as yet be no question of South Africa's rehabilitation as it is impossible to dismantle apartheid in sport without at the same time abandoning apartheid in all its aspects.

The Conference expresses its strong support for the International Declaration Against Apartheid in Sport adopted by the General Assembly at its thirty-second session in 1977 as providing a suitable basis for action against apartheid sports, and calls for its full implementation by all states and organisations.

DISQUALIFY COLLABORATORS

Convinced that a Declaration on Apartheid in Sports emanating from this Conference will make it possible to take more effective measures at the international and national levels in order to isolate South Africa and eliminate apartheid, THE CONFERENCE HEREBY DECLARES:

- All efforts should be made to support the positive contributions made by sportsmen and women who refuse to collaborate with apartheid sports and that the examples of these people be used to persuade others also to refuse to collaborate.
- The general public should be provided with accurate information and the media should give the widest possible publicity to the reality of apartheid and apartheid sports in order to counter the propaganda offensive being undertaken by the South African racist regime.
- The South African Non-Racial Olympic Committee should be given the maximum possible assistance to expand its efforts in the campaign against apartheid in sport.
- The principles behind the publication of the United Nations Register of sportsmen and women who participate in sports events in South Africa should be fully implemented so that athletes and teams that choose to collaborate with apartheid disqualify themselves from further international competition.
- Those few states that still allow their sportsmen and women to collaborate with South Africa should take positive actions designed to prevent all future sports contacts.

- The concept of the Third Party principle, which provides for sanctions against those who collaborate with South Africa, should be supported by all countries as part of the overall campaign totally to isolate the apartheid regime.
- Appropriate organisations should concentrate their efforts on the major sports in which South Africa still participates - among them rugby, cricket, boxing, tennis, motor-sports and golf.
- States should pursue a vigorous programme of public education aimed at securing strict adherence to the Olympic principle of non-discrimination in sports and widespread national acceptance for the spirit and letter of United Nations resolutions on apartheid in sports and the Gleneagles Agreement.
- Sports bodies should be actively encouraged to withhold any support from sporting events organised in violation of the Olympic principle and United Nations resolutions. To this end, States should convey the United Nations resolutions on apartheid in sports to all national sports bodies, urging them:
 - To disseminate such information to all their affiliates and branches;
 - To take all necessary action to ensure strict compliance with those resolutions.
- States should deny visas and/or entry to representatives of sports bodies, members of teams or individual sportsmen from South Africa.
- States should establish national regulations and guidelines against participation with apartheid in sports and ensure that effective means exist for bringing about compliance with such guidelines.
- Given the determination of certain countries to continue contacts with South Africa despite its exclusion from the International Olympic Committee, the IOC should take action against these countries in a form no less rigorous than that taken by the Commonwealth Games Federation. The Special Committee against Apartheid should establish contact with the President of the IOC with a view to carrying out this request. Further, the Special Committee Against

- Apartheid should consider holding a meeting in Los Angeles early in 1984 to assess the impact of any action taken by the IOC on this request and to determine what this would imply for the 1984 Games.
- Sport organisations opposing racism in sport, and anti-apartheid movements throughout the world, should co-operate in their campaigns and intensify their activities against all forms of collaboration with racism in sport.

In particular the campaign to expel apartheid South African sports bodies from international sports federations should be pursued with great vigour.

APPEAL TO SPORTSMEN AND SPORTSWOMEN
(EXCERPT)

The participants in the International Conference on Sanctions against Apartheid Sport,..... earnestly appeal to sportsmen and women throughout the world to respond positively to the appeal of the international community for the total elimination of any kind of contact with apartheid South Africa.

The Conference, salutes those countries, organisations and individual sports personalities who, over the past two decades, have provided moral leadership by boycotting racist sport in South Africa and opposing collaboration with those who continue their links with apartheid. The sports isolation of racist South Africa, one of the great successes in international solidarity, has established an overwhelming consensus among the peoples of the world which has found its reflection in 1977 in the International Declaration against Apartheid in Sports, adopted by the General Assembly of the United Nations and in the Gleneagles Agreement of Commonwealth Heads of Government.

Confronted by the success of the campaign in support of the principles of the Olympic Charter, the South African Government and its supporters among the apartheid sports in South Africa, have now embarked on a world-wide strategy to disrupt international sport by using the financial resources of the apartheid regime to recruit individual sportsmen and women to tour South Africa. The desperation of the South African regime to rehabilitate itself is reflected in millions of Rands it is prepared to spend, directly and indirectly, to seduce foreign sports visitors.

The Conference therefore asks individual sportsmen and women to consider that:

(a) The international community has aptly described the system of apartheid as a crime against humanity, akin to slavery for the vast majority of the population of South Africa and, based as it is on a policy of racial supremacy, similar to Nazism. In recent years, millions of Africans have been forcibly resettled; under the Bantustan policy establishing the so-called independent home-lands, where some foreign sports stars have performed, eight million Africans have lost their citizenship rights in their own country; no fundamental change in the 300 laws which affect every aspect of the organisation of sport and life in that country has taken place; cosmetic changes have been based on temporarily exempting overseas teams and stars from the application of apartheid laws, rather than any substantive change.

(b) The repression of the great majority of the people of South Africa and the attempts to destroy the independence of countries adjoining South Africa are intensifying. While apartheid sports advocates are encouraged to go overseas, as part of the propaganda organised by their government, the representatives of the truly non-racial sports bodies, such as the South African Council on Sport, are denied a passport to travel to international gatherings, and were prevented from attending this Conference, proving that the regime has a great deal to hide and emphasising yet again that apartheid has not been relaxed.

(c) The illusion of change, carefully fostered by the South African regime and cultivated by distorted reports in the media, obscures the reality of apartheid which has been viciously applied and further strengthened in recent years.

(d) Those sportsmen and women who are offered the opportunity of going to South Africa should recognise the implications; that any visit to South Africa helps perpetuate the continuing denial of the right of most South African sportsmen themselves freely to travel abroad and compete in sport as well as provides the regime with the kind of support it urgently requires for its survival.

In the light of these considerations, the Conference appeals to all sportsmen and women, including administrators and coaches:

TO refuse, and continue to refuse, to tour South Africa, either individually or as members of official or unofficial teams, until the apartheid system is dismantled.

NOT to compete against South African representatives anywhere in the world, and to refuse to take part in national, regional or international activities where sporting codes allow South African participation in any form.

TO support the expulsion of South Africa from all international competition and from its continued membership of international federations and sports bodies such as rugby union, and to ensure that bodies affiliated to SACOS are admitted into membership of all international sports federations.

TO support the work of the people in South Africa under the leadership of the South African Council on Sport, who courageously oppose apartheid in sport and who are establishing non-racial sporting bodies in South Africa.

TO recognise and commend the initiatives of governments who have provided leadership by carrying out their moral and legal obligations under international law to stop sporting links with South Africa, and to encourage those few governments who have not yet done so, to do likewise.

TO ensure that individual sportsmen and women who have refused the blandishments of money and privilege by refusing to play or compete with South Africa are publicly supported in their stand, and to support the actions of governments and sports administrators who impose sanctions on those who collaborate.

This Conference is convinced that individual sportsmen and women have a creative role to play in support of the struggle for freedom and justice in South Africa. There may be sacrifices involved in supporting this Appeal, but all can look forward to the day when South Africa can take its rightful place in international sport. All who support this Appeal will have assisted in this historic process. ■