

**Politics in the Courtroom:  
International Diplomacy, the Global Anti-Apartheid  
Movement and the Rivonia Trial, South Africa, 1963-64.**

**Sarah Slator**

**Oxford Brookes University**

## ABSTRACT

The Rivonia trial was a seminal event in South African history. In 1964 the defendants, Nelson Mandela and seven of his comrades, were sentenced to life in prison and they were all to serve over twenty years of their sentences. The trial took place at a time of intense political repression in South Africa, which led to the anti-apartheid struggle moving abroad. This thesis offers a novel understanding of the global importance of this trial by advancing two strands of analysis. Firstly, the *international-diplomatic*: the attempts of state actors to utilise diplomacy and negotiation to call for action against South Africa; and secondly the *civic-transnational*: the work of non-governmental groups to build a global movement in opposition to apartheid and on behalf of the defendants. It will be argued that it is only when looking at both of these strands, and recognising the ways in which they intertwined, that the global significance of the Rivonia trial can be properly appreciated.

The focus of this thesis is upon the two closest allies of South Africa, and the base for many significant players in the growing transnational anti-apartheid network – the United Kingdom and the United States. To gain a clear understanding of the two levels of analysis which form the bedrock of this study, records from multiple archives from both these countries, as well as from South Africa, have been utilised. This includes both governmental records and the papers of various organisations involved in the fight to end apartheid. The result is a thesis that pulls together Cold War geopolitics, the impact of decolonisation upon the international system, activism in the UN, the work of organisations to build a transnational anti-apartheid campaign, and contemporary domestic politics within both the UK and the US. By keeping the Rivonia trial at the centre of this work, a novel picture emerges of the significant impact this event in a South African courthouse had the world over.

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## ACKNOWLEDGMENTS

The research and writing of this thesis have taken up over nine years of my life and they have been tumultuous ones, with great sadness and great joy at times interrupting the continuation of my work. In 2019 my lovely, caring, and supportive mum, Pat, became seriously ill and died, leaving a huge hole in the lives of all those who knew her. I have been fortunate to have a wonderful family who came together to grieve her loss and to support each other throughout this incredibly difficult time. My partner Scott, my dad Stuart, my sisters Hannah and Hayley, and my two brothers-in-law Pete and Matt, all helped each other to deal with our loss, even when kept apart during the Covid lockdowns. With their support I was able to pick myself up and come back to my studies after some time away so I would like to thank them all for their contribution to the completion of my PhD.

The supervision I had over the years of my studies has been superb and I cannot imagine having a better experience in this regard. I would like to thank my supervisory team for their immense patience and constant encouragement throughout this long process, and for their invaluable support during times of ill health and bereavement. My heartfelt thanks go to Dr Tom Crook, who has been a consistent source of valuable advice and encouragement throughout this process and who has been key to keeping me moving forward with my work, despite all of the unforeseen challenges and distractions. My thanks also go to Dr Jim Cooper, who has been full of enthusiasm and ideas at all times and a breath of fresh air that helped me to break new ground at times when I was finding the work hard. Many thanks also to Professor Peter Edge who has maintained a constant interest in my work and who has provided much helpful input over this long process. And finally, thanks are owed to Dr Donal Lowry, who was initially part of my supervisory team but who left upon leaving Oxford Brookes University at an early stage of my research. It was a conversation with him, at a long-ago department away day, on a boat on the river Isis, that set me on this path. His sudden passing was a great shock and my thoughts remain with his wife Julie, and all his family.

I was fortunate enough to be awarded grant money for my archival research from a number of sources. In 2016, a postgraduate research grant from Oxford Brookes University gave me the opportunity to visit the US National Archives in College Park, Maryland, the Library of Congress and the New York Public Library. Then, In 2018, I was able to take further trips to the US having been awarded an Arthur M. Schlesinger, Jr. Fellowship from the John F. Kennedy Presidential Library, and a Moody Research Grant from the Lyndon B. Johnson Presidential Library. These allowed me two precious weeks at each Library and I am very grateful to both for their generosity. In the same year, I

received additional funding from Oxford Brookes University which enabled me to spend time at the Amistad Research Centre in New Orleans looking at the papers of the American Committee on Africa.

One final trip in 2018, which in hindsight was a very busy year, was to South Africa. I was awarded a Martin Lynn Scholarship by the Royal Historical Society, giving me the opportunity to visit the National Archives in Pretoria, collections held by the University of Witwatersrand and the museum on the site of the Liliesleaf Farmhouse in Rivonia, Johannesburg. I also had the opportunity to speak with George Bizos, advocate for the defence in the Rivonia trial. It was an immense pleasure to meet him at his home in Johannesburg. This was in addition to a research expenses grant from the Society a year earlier, which allowed me to spend a number of days at the National Archives in Kew. These visits were all crucial in gathering together the necessary material I required for my thesis. The generosity of these institutions gave me the opportunity to visit archives that I would have otherwise struggled to, and my thesis would have been lesser for it, so a heartfelt thanks is owed to all of them. I would also like to show my appreciation for all the archivists at these archives and libraries for all their patience and assistance throughout my visits.

Further appreciation is owed to my partner, Scott, who, through the good times and the bad, has been so invaluable to the completion of this thesis. The joy we had in welcoming into the world our daughter, Eira, in 2021 was another disruption to my studies but was a time of great happiness. Coming back to my PhD after her birth would not have been possible without Scott's support and encouragement. His help and assistance with some of my archival visits also deserves thanks as he assisted me without complaint. Another important support was my wonderful cat Za'Zou who joined our family in 2014. He was a huge comfort throughout the years of my PhD. We lost him suddenly to illness in April 2023 and our household is lesser without his constant and loving presence.

There were many highlights of my time studying, with colleagues at Oxford Brookes organising a number of events for students. I would like to thank Dr Tom Crook, Professor Nicole Pohl and Charmian Hearne for organising the student symposium events and for giving up their weekends to attend and support them. Not only were they an opportunity to hear about the work of other students, it also was a chance to get experience and confidence in speaking in public about our research. The Think Human Festival events organised by the Faculty of Humanities and Social Sciences at Oxford Brookes were, likewise, wonderful events involving staff, students and members of the public. For the first festival I organised a mock Security Council event with help from members of the Oxford Brookes University Model UN Society and it was a very enjoyable experience. For the second, I organised a showing of Sir Nicholas Stadlen's excellent film 'Life is Wonderful: Mandela's Unsung Heroes' which was followed by a Q&A session that Sir Nicholas took part in. It was events such as these that added colour to the course of my studies. For this reason, I would like to thank the

organisers of the Festival, Professor Gary Browning and Laura Baldock, as well as the Model UN students of 2017-18, who so enthusiastically got involved, and Sir Nicholas Stadlen who very generously gave up his time to attend the film showing.

In addition to the above, I owe thanks to multiple others who were part of a network of support that I relied on throughout the years of my PhD. I would like to thank my colleagues in the Executive Office team at Oxford Brookes University who were so supportive of me throughout. My line manager, Lesley Adams, was always supportive of my studying and considerate when ensuring that the demands of my studies and my day job did not clash too much. I want to thank Sarah Matthews for all of the interest she showed in my work and the conversations we had, which I still miss. Also, thanks to Claire Cox, who was undergoing her own PhD journey. During the Covid lockdowns we met online to take about our PhD progress among other things and this was valuable at a lonely and isolating time. Having worked in a University for many years, I have been in close contact with many people who had been through the PhD process and who were able to share their experiences and advice with me and to give me realistic and thoughtful encouragement to keep me going. Many thanks therefore go to colleagues in the School of Social Sciences, where I worked for the majority of my years of study. I am also very grateful to my colleagues at Swansea University who saw me live through the final stressful months of writing and were constantly offering encouragement and support and celebrated with me the day I printed the final copy of my thesis. Particular thanks too to Rob Vale and Vicky Cullen who were a source of practical advice throughout and who very kindly gave me a place to stay near Oxford when we had relocated to Wales.

Finally, I would like to end by paying my respects to all of the Rivonia trial defendants. Learning more about their lives and their sacrifice, alongside that of countless others working to bring an end to apartheid, has been an immensely valuable experience for me. I came to the topic as an era was coming to an end with defence attorney Joel Joffe passing away in 2017, followed by George Bizos, Denis Goldberg and Andrew Mlangeni in 2020. In 2018 I was fortunate to meet George Bizos, but ill health prevented any other meetings. All those directly involved in the trial are now gone. As these events took place long before I was born it was already 'history' to me, but this seems more the case now that all those involved have left us.

In loving memory of Patricia 'Pat' Slator



## LIST OF ABBREVIATIONS

AAM	Anti-Apartheid Movement (the London based organisation)
ACOA	American Committee on Africa
AFL-CIO	American Federation of Labour and Congress of Industrial Unions
ANC	African National Congress
BCM	Black Consciousness Movement
CAA	Council on African Affairs
CAO	Committee of African Organisations
CBC	Congressional Black Caucus
CORE	Congress of Racial Equality
CRO	Commonwealth Relations Office
EEC	European Economic Community
HMG	Her Majesty's Government
HTC	High Commission Territories
ICJ	International Court of Justice
IDAF	International Defence and Aid Fund
MCF	Movement for Colonial Freedom
MK	uMkhonto we Sizwe
NAACP	National Association for the Advancement of Coloured People
NATO	North Atlantic Treaty Organisation
NIC	Natal Indian Congress
OAU	Organisation of African Unity
PAC	Pan African Congress of South Africa
SACOD	South African Congress of Democrats
SACP	South African Communist Party
SACPC	South African Coloured People's Congress
SACTU	South African Congress of Trade Unions
SAFA	South African Freedom Association
SAG	South African Government
SAIC	South African Indian Congress

SANNC	South African Native National Congress
SAUF	South African United Front
UN	United Nations
USSR	Union of Soviet Socialist Republics

**1.**  
**“An Ideal for which I am Prepared to Die”**  
**An Introduction to the Rivonia Trial**

On the 11<sup>th</sup> July 1963, a number of leading members of the African National Congress (ANC), its armed wing Umkhonto we Sizwe (MK) and the South African Communist Party (SACP) met at the Liliesleaf Farmhouse in the suburb of Rivonia in Johannesburg. All three organisations were banned, and four of the men were well known leaders on the run from the police: Walter Sisulu, Govan Mbeki, Raymond Mhlaba and Ahmed ‘Kathy’ Kathrada.<sup>1</sup> Those at the farmhouse were aware that security had been lax about the location of this hideout, with banned people openly visiting for some time.<sup>2</sup> To make matters worse, a number of members of MK had been arrested the month prior. It was only a matter of time before one of them broke down under the interrogation and revealed the location of the farmhouse.<sup>3</sup> The need to move the hideout had been discussed already, but due to Lionel ‘Rusty’ Bernstein’s banning order, meaning that he was limited in how far he could travel, the men were unable to agree a different meeting place.<sup>4</sup> The meeting on the 11<sup>th</sup> July, held to discuss plans for Operation Mayibuye, a plan of sabotage and guerrilla warfare, was intended to be the final meeting at this safehouse.<sup>5</sup>

At 3:15pm a laundry van pulled in and made its way down the drive towards the house and those present were alerted to it by the cackling of the geese that had free rein of the garden. For those meeting in one of the outhouses on the property, the sight of a laundry van coming down the drive raised little concern before members of the security police threw open the back doors of the van and poured out. There was no chance of escape, either for those in the main house or the others in the outhouses. Bob Hepple helped Sisulu, Mbeki and Kathrada out of a back window of the outhouse they were meeting in and awaited the police with Bernstein and Mhlaba, but the three men attempting to flee did not make it far.<sup>6</sup> Others were in the main house, and they too were taken by surprise and were unable to destroy any evidence. Denis Goldberg was arrested while running to the bathroom to flush his notepad.<sup>7</sup> Everyone on the property was rounded up and, as there had been

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<sup>1</sup> Bob Hepple, *The Young Man with a Red Tie: A Memoir of Mandela and the Failed Revolution, 1960-63* (Auckland Park 2092, South Africa: Jacana Media, 2013), chapter three. Kindle edition.

<sup>2</sup> A banned person was one who was subject to banning orders. This meant that they were required to abide by strict limitations to where they could go, who (and how many) people they could meet and were prohibited from publishing their views.

<sup>3</sup> Hepple, *The Young Man with a Red Tie*, chapter three. Kindle edition.

<sup>4</sup> Denis Goldberg, *A Life for Freedom: The Mission to End Racial Injustice in South Africa* (Lexington, Kentucky: The University Press of Kentucky, 2016), 128-9.

<sup>5</sup> Hepple, *The Young Man with a Red Tie*, chapter three. Kindle edition.

<sup>6</sup> Ibid.

<sup>7</sup> Goldberg, *A Life for Freedom*, 131.

little time to destroy any evidence, masses of documentation were gathered, providing the state with a huge amount of incriminating material, including the plans for Operation Mayibuye.

Of those arrested in the raid, six would appear as defendants in the Rivonia trial, which was named after the suburb that was the location of these arrests: Sisulu, Mbeki, Mhlaba, Kathrada, Goldberg and Bernstein. These men were later joined by Nelson Mandela, who was already serving a sentence for leaving the country illegally, and by Elias Motsoaledi, Andrew Mlangeni (both high ranking officials of the ANC) and James Kantor (a lawyer who was not known for being political, but who had close family ties to those who were). The arrested men were put into solitary confinement and subjected to intense interrogation with limited access to representation or access to the outside world, as was permitted by the laws introduced in the years prior to the trial. The state was very keen to obtain one of the men as a witness and they persuaded Bob Hepple to act as a state witness. Upon providing a statement, Hepple was released. Rather than appear as a witness against his comrades, he fled South Africa with his wife and settled in the UK after being granted admission to the country with the assistance of Canon John Collins, a prominent British anti-apartheid campaigner.<sup>8</sup>

The legal team organised by the families was of high calibre and experienced in the defence of those charged with political crimes. The attorney for nine of the ten men who remained after the charges against Hepple were withdrawn was Joel Joffe and he was instrumental in persuading Abram 'Bram' Fischer to be the lead advocate for the defence.<sup>9</sup> As an interesting aside, Fischer was directly involved with the activities that took place at the Rivonia farmhouse and was himself tried and sentenced to life in prison a few years later.<sup>10</sup> Also on the team were Vernon Berrangé, George Bizos and Arthur Chaskalson. These men were experienced in defending anti-apartheid activists and were prominent among a small number of lawyers who were willing to take on such cases.<sup>11</sup> James Kantor obtained an entirely different team for his defence as the charges against him were far more spurious as his connection to the farmhouse and the organisations represented by the defendants was not clearly apparent.

The courts in South Africa were designed to be independent from state interference. The failure of the State to obtain any convictions for the 156 anti-apartheid campaigners tried in the

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<sup>8</sup> Hepple, *The Young Man with a Red Tie*, Prologue, 23<sup>rd</sup> November 1963. Kindle edition.

<sup>9</sup> The role of attorney and advocate in South Africa broadly mirrors the roles of solicitor and barrister, respectively, in other Commonwealth countries.

<sup>10</sup> Bram Fischer's journey towards anti-apartheid activism which led to him spending his final years in prison can be discovered in the biography written by Stephen Clingman: Stephen Clingman, *Bram Fischer: Afrikaner Revolutionary* (Amherst: University of Massachusetts Press, 1998).

<sup>11</sup> When Hilda Bernstein, wife of Lionel Bernstein was looking for legal representation for her husband, by the time she arrived at Joel Joffe's office, she had already approached a number of lawyers who had refused to represent the men due to fear or due to it being against their principles: Joel Joffe, *The State vs. Nelson Mandela* (Oxford: Oneworld Publications, 2007), 11.

mammoth Treason Trial that dragged on between 1956 and 1961 is a demonstration that this separation of powers could work. However, following the Treason Trial, measures were taken to make such outcomes less likely.<sup>12</sup> Still, Judge De Wet, who presided over the Rivonia trial, had maintained a reputation for not being a puppet of the National Party Government.<sup>13</sup> It must be recognised, however, that the position of Judge was restricted to the White population of South Africa. This, together with the fact that laws were decided by members of a White parliament, meant that in the courts the deck was stacked against the Black majority of South Africa and against those fighting for a change in the social and political order maintained by apartheid.<sup>14</sup> In the years preceding the Rivonia trial, a number of increasingly draconian laws criminalising anti-apartheid protest were passed. All the defendants in the Rivonia trial were charged with communism and sabotage offences in contravention of the Suppression of Communism Act (1950) and the Sabotage Act (1962), and all faced possible death sentences as punishment for their crimes. The harsh sentences received by activists guilty of far less meant that this was an outcome that was thought by many to be very likely.<sup>15</sup>

The lead prosecuting lawyer was Dr Percy Yutar; an enthusiastic prosecutor who had a level of distaste for the defendants and what they had aimed to achieve in working for an end to apartheid. In his enthusiasm to secure a conviction, the first indictment that he prepared, in which he failed to detail certain specifics, was thrown out by Judge De Wet. Instead of including these particulars, Yutar avoided the requests of the defence for more detailed information about specific allegations, responding that 'these facts are unknown' or '[t]hese facts are peculiarly within the knowledge of the accused'. This of course assumed their guilt in a system where defendants should be assumed innocent until proven guilty.<sup>16</sup> At the point where the first indictment was quashed, the defendants were technically free. They were however not able to leave the courtroom. They were escorted back to the gaol to await their next day in court. The second indictment served up by Yutar, as argued by the defence team, had the same flaws as the first one did. On this occasion, however, Judge De Wet was keen to get the proceedings going and accepted the indictment.<sup>17</sup>

From the very start, the defendants, with the exception of Kantor, knew that the evidence that was to be arrayed against them was damning. The strategy that the defendants planned,

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<sup>12</sup> Mandela noted in his memoirs that during the Treason Trial of 1956-61 there were no reports of beatings, torture or isolation. Such coercive measures were to become commonplace afterwards: Nelson Mandela, *Long Walk to Freedom* (London: Abacus, 1995), 309-310.

<sup>13</sup> Joffe, *The State vs. Nelson Mandela*, 35.

<sup>14</sup> In his 1962 trial, Mandela chose to wear a traditional leopard skin kaross rather than a suit, to emphasise that he was a Black African walking into a White man's court: Mandela, *Long Walk to Freedom*, 384-385

<sup>15</sup> *Ibid.*, 415-416.

<sup>16</sup> Clingman, *Bram Fischer*, 308.

<sup>17</sup> According to Joffe, the attorney for the defence, De Wet had a reputation of being unsympathetic to delaying tactics. The arguments put forward by Fischer regarding the deficiencies of the new indictment were ignored: Joffe, *The State vs. Nelson Mandela*, 62-63.

somewhat to the dismay of their lawyers, was to use their time in court to argue against the apartheid policies of the state. When entering the court and asked to plead, Nelson Mandela declared ‘not guilty, it is the government who should be in the dock’, and this was repeated by the other defendants, ignoring the judge’s admonition that they refrain from political speeches.<sup>18</sup> Mandela, in the same vein, decided to not go into the witness box but instead to read a speech from the dock. This was an action that could have damaged his chances in the case. His speech lasted a number of hours and ended with the famous lines:

I have cherished the ideal of a democratic and free society in which all people will live together in harmony and with equal opportunities. It is an ideal for which I hope to live for and to see realized. But, My Lord, if it needs to be, it is an ideal for which I am prepared to die.<sup>19</sup>

On the 11<sup>th</sup> June 1964, eight of the ten defendants were found guilty and, on the 12<sup>th</sup> June, they were sentenced to life in prison: Mandela, Sisulu, Goldberg, Mhlaba, Mbeki, Kathrada, Motsoaledi and Mlangeni. Bernstein was acquitted, although he was immediately rearrested before he could leave the courthouse. He later, with the assistance of Vernon Berrangé, was released on bail and left the country ending up in the UK.<sup>20</sup> The case against James Kantor had been dismissed by Judge De Wet much earlier, in April.<sup>21</sup> As stated above, the case against Kantor was weak and it was widely assumed that his arrest was in response to the successful jailbreak and subsequent flight from the country of his brother in law, Harold Wolpe.<sup>22</sup> The defence team were keen for there to be an appeal as they were confident that some of the defendants would be successful, in particular Kathrada. All the men took the political decision to not mount an appeal, counter to the advice of their lawyers. Kathrada preferred to hope for liberation when the apartheid regime collapsed rather than trying through the appeal court.<sup>23</sup>

There was significant interest in the Rivonia trial both within South Africa and across the world. Domestically, developments in the trial were reported frequently in the press, and various politicians and high-ranking members of the police went against longstanding tradition by

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<sup>18</sup> Ibid., 71.

<sup>19</sup> The transcript of the full speech has been made available by the Nelson Mandela Foundation. “I am prepared to die,” Nelson Mandela Foundation, April 20, 2011. <https://www.nelsonmandela.org/news/entry/i-am-prepared-to-die>.

<sup>20</sup> Lionel Bernstein, *Memory against Forgetting: Memoirs from a Life in South African Politics*, 2nd ed. (Johannesburg: Wits University Press, 2017), 251, 255-258.

<sup>21</sup> James Kantor, *A Healthy Grave* (Great Britain: Hamish Hamilton Ltd, 1967), 216.

<sup>22</sup> Harold Wolpe was arrested at the same time as the Rivonia trialists. He was placed in jail, sharing a cell with Arthur Goldreich, who was the owner of the Rivonia Farmhouse. Had they not escaped, it is very likely they would have appeared alongside the Rivonia trial defendants. A brief account of their jailbreak can be found in: Joffe, *The State vs. Nelson Mandela*, 6-9.

<sup>23</sup> Ibid., 261.

commenting on the trial while it was ongoing.<sup>24</sup> White opinion was broadly against the defendants while that of the Black, Indian and Coloured majority was strongly for them.<sup>25</sup> From across the world, South Africa faced near universal criticism, with the trial throwing into the spotlight the inequities and the brutality of the apartheid system. Throughout the trial's duration, representatives from many countries raised objections to the trial and largescale protests were organised by anti-apartheid activists. Whilst there was a great deal of relief across the world that there were no death sentences handed down to any of the defendants, the life imprisonment of the eight men was to have longstanding consequences for apartheid in South Africa with 'Free Nelson Mandela' eventually becoming a rallying cry for future generations of anti-apartheid activists. The outcome of the trial was significant not only at the time but also throughout the remaining years of the apartheid era.

### 1. The Geopolitical Background to the Rivonia Trial

This thesis seeks to offer the first sustained, in-depth analysis of the global significance of the Rivonia trial. Its core aim is to demonstrate that the trial had broad, far-reaching political implications, which extended far beyond South Africa. Its significance in this respect—as a global political event—will be shown by focusing on, and weaving together, two forms of analysis: firstly, the *international-diplomatic* – the way the trial impacted on the relations between some of the key states which were in a position to influence the actions of the South African Government; and secondly, the *civic-transnational* – the way the trial was key to the formation and functioning of networks of anti-apartheid activism that stretched across the world. Crucially, this thesis argues that the global political significance of the Rivonia trial can only be fully grasped by analysing these two strands together, as they fed off and informed one another.<sup>26</sup>

Throughout the chapters that follow, these two strands provide a useful way of understanding the different levels of action being taken against South Africa. They allow for a distinction to be made between the efforts of states to bring an end to apartheid and the non-governmental activism that was growing across the world. This distinction is more than just a differentiation between state and non-state, however. The study of the two allows for exploration of the significance of borders in an

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<sup>24</sup> Ibid., 11.

<sup>25</sup> This was the perception of Joel Joffe after speaking with Hilda Bernstein, wife of Rusty Bernstein, on the subject of how the defendants were viewed by the wider public in South Africa: Ibid., 12-13.

<sup>26</sup> This approach can be also seen in Edward Ramsamy's study which divides work undertaken by states and civil society efforts to end apartheid as two different campaigns but which also examines how they interacted in the forum of the UN. Edward Ramsamy, "The International Community and Transformation in South Africa: From Protest to Engagement," in *Social Justice and Transformative Learning: Culture and Identity in the United States and South Africa*, ed. Sandra M. Tomlinson-Clarke and Darren L. Clarke (Abingdon, Oxfordshire and New York: Taylor and Francis, 2016), 4-23.

increasingly interconnected world. The *international-diplomatic* keeps borders at the centre of the analysis whereas the *civic-transnational*, represented by the growing anti-apartheid movement, transcends such borders with the movement of activists and ideas limiting the restrictions imposed by them.<sup>27</sup>

This approach opens up a potentially vast arena of global actions and actors and the geographical scope of this thesis has therefore been restricted in order to make it a manageable endeavour. In particular, the thesis examines the global-political impact of the Rivonia trial through an Anglo-American lens. It does so for two reasons. On the one hand, the UK and the US were closely tied – politically, culturally and economically – to South Africa. On the other hand, the work of British and American activists, and the connections that they made with South African anti-apartheid campaigners, were among the strongest of those forged at the time outside of other African states.<sup>28</sup> This thesis then, if not comprehensive, nonetheless prioritises those countries which can credibly lay claim to being among the most important from both an *international-diplomatic* and a *civic-transnational* perspective.

The chapters that follow, when detailing the impact that the Rivonia trial had upon both the actions of the UK and US Governments as well as anti-apartheid groups in both countries, will therefore explain the interplay between the governmental and the non-governmental, a differentiation that is key to the two perspectives identified above. The actions of their respective governments were of significant concern to British and American anti-apartheid activists and became a foremost target of campaigning and lobbying. By contrast, the extent of opposition across the world, opposition that domestic groups in both the UK and the US were able to feed into, was a factor that fed into the consideration of both governments to varying degrees. Additionally, the opposition that grew within the United Nations in the years preceding the Rivonia trial was instrumental in the interplay of the *international-diplomatic* and the *civic-transnational* as this organisation acted as a forum where non-governmental anti-apartheid protest could meet with state sources of opposition towards South Africa.

Although the trial is well known and has been richly served by a number of accounts, the reading of its significance and impact advanced in this thesis has not been undertaken before. The next section will consider how scholars have approached the Rivonia trial so far and make clear the limitations of this scholarship as it currently stands – limitations that this thesis will address. Following

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<sup>27</sup> Further discussion of transnational activism and the blurring of borders in an increasingly globalised world and can be found in Margeret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, New York: Cornell University Press, 1998) and Håkan Thörn, *Anti-Apartheid and the emergence of a Global Civil Society* (Houndmills, Basingstoke: Palgrave Macmillan, 2006).

<sup>28</sup> These connections, moreover, were especially consequential on account of the importance of their respective governments' influence over South Africa.



this, subsequent sections will discuss the existing historiography that has been drawn upon, covering the Cold War, the decolonisation of Africa, and the work of the worldwide anti-apartheid network of activists – all of which are entirely relevant to the understanding of the significance of the Rivonia trial on a global level. The final section will outline the sources that have been utilised and provide a brief overview of the chapters that follow.

## 2. The Historiography of the Rivonia Trial

The Rivonia trial has long been recognised as a significant milestone in South African history, leading it to appear in multiple studies of apartheid within the fields of history, politics and law.<sup>29</sup> It is frequently written about as just one key event among many during the unrest of the apartheid era. Its significance is largely seen to rest on the imprisonment of a number of prominent leaders of the ANC, MK and the SACP, the ongoing move of leadership abroad (something already underway but hastened by this trial), and the discovery by the state of the plans for sabotage and guerrilla warfare in Operation Mayibuye.<sup>30</sup> Such studies are certainly valuable as, despite not giving much space to the Rivonia trial, they offer a deeper understanding of how the trial fits the broader history of apartheid in South Africa. Additionally, the many accounts written by those involved in or affected by the trial, including several by the defendants and members of the defence team themselves, provide detailed first-hand accounts of the Rivonia trial and surrounding events.<sup>31</sup> Such first-hand accounts, however, are not designed as broader analyses and, while some touch on the subject of the global attention that the trial received, this is not something that is dealt with in depth.

Kenneth S. Broun, in his 2016 study of the Rivonia trial, on the other hand, does address global attention towards the trial in a short chapter on the outside pressures that resulted. The response of

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<sup>29</sup> Listing the historiography in which the Rivonia trial makes an appearance would be a vast undertaking. Many of the works referred to in this introduction and which will appear in the bibliography are among those that refer to the trial and provide a solid basis for further exploration of the trial.

<sup>30</sup> See for example Tom Lodge, *Black Politics in South Africa since 1945* (Harlow: Longman Group UK Limited, 1983), 297; Dale T. McKinley, *The ANC and the Liberation Struggle* (London: Pluto Press, 1997), 31; P. Eric Louw, *The Rise, Fall, and Legacy of Apartheid* (Westport: Praeger Publishers, 2004), 121.

<sup>31</sup> Hilda Bernstein, *The World that was Ours* (London: Persephone Books Ltd, 2009); Bernstein, *Memory against Forgetting*; George Bizos, *Odyssey to Freedom* (Cape Town: Random House Struik (Pty) Ltd, 2007); Hepple, *The Young Man with a Red Tie*; Goldberg, *A Life for Freedom*; Joffe, *The State vs. Nelson Mandela*; Kantor, *An Unhealthy Grave*; Ahmed Kathrada, *Memoirs* (Cape Town: Zebra Press, 2004); Mandela, *Long Walk to Freedom*. The contemporary account approved by the South African Government is Lauritz Strydom, *Rivonia Unmasked!* (London: Briton, 1965). Through these opposing accounts it is possible to see how politics coloured the perception of the trial in South Africa. Additional studies, biographies and autobiographies of anti-apartheid activists and groups provide a huge wealth of detail see for example: Clingman, *Bram Fischer*; Heidi Holland, *100 Years of Struggle: Mandela's ANC* (Johannesburg: Penguin Books (SA), 2012); Phyllis Naidoo, *156 Hands that Built South Africa* (Durban: Phyllis Naidoo, 2006); Anthony Sampson, *Mandela: The Authorised Biography* (London: Harper Collins, 2000); Joe Slovo, *Slovo: The Unfinished Autobiography* (Randburg: Ravan Press, 1995).

the UN to the trial is summarised as are the difficulties faced by the UK and US Governments.<sup>32</sup> This thesis appreciates the significance of what Broun introduces and will cover the material in far greater depth. The broad lack of attention to the global aspects of the Rivonia trial is a striking omission given the recognition of the global dimensions of the anti-apartheid movement from the earliest days of the apartheid era. Whilst this thesis recognises the importance of, and indeed draws upon, the scholarship above, the argument will be made in the following chapters that, in looking at the Rivonia trial as a domestic political event, as most scholars have so far, its global importance has been obscured.<sup>33</sup>

A similarly domestic understanding of the significance of the Rivonia trial is also apparent in work by legal scholars when looking at how the South African legal system was used by the state in order to suppress dissent.<sup>34</sup> Apartheid was built by legal means and its creation and defence relied on the existence and enforcement of laws. The interplay between law and politics in this process led to a number of proceedings that can reasonably be considered to fall under the definition of a 'political trial', for example the Treason Trial of 1956-1961 and, of course, the Rivonia trial, among many others. It is, therefore, worthwhile considering in more detail the concept of the political trial, specifically in relation to South Africa. Such a concept is contested and difficult to define. Some theorists have argued for a narrow definition of such a proceeding, for example Eric Posner's focus on criminal proceedings and the prosecution of political opponents. Ronald Christenson, by contrast, has worked to break this 'conventional, reductionist mold of thinking' by having a more inclusive understanding of political trials.<sup>35</sup>

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<sup>32</sup> Kenneth S. Broun, *Saving Nelson Mandela: The Rivonia Trial and the Fate of South Africa* (New York: Oxford University Press, 2016), 100-115.

<sup>33</sup> The prior, rather limited, focus can be somewhat explained by the observation that it is only in recent years that 'historiographical attention has begun to shift from the history of resistance 'from below' to the ideas and the international influences and interactions of those 'above'. Simon Stevens, "The Turn to Sabotage by the Congress Movement in South Africa," *Past and Present* 245, no. 1 (2019): 225-226.

<sup>34</sup> Some works that look in depth at the political nature of law in South Africa include: Sydney Kentridge, "The Pathology of a Legal System: Criminal Justice in South Africa," *University of Pennsylvania Law Review* 128, no. 3 (1980), 603-621; C. F. Forsyth, *In Danger for Their Talents: A Study of the Appellate Division of the Supreme Court of South Africa from 1950-1980* (Cape Town: Juta & Co, 1985); Catherine Albertyn, "A Critical Analysis of Political Trials in South Africa 1948-1988," PhD diss., University of Cambridge, UK, (1991); Richard L. Abel, *Politics by Other Means: Law in the Struggle Against Apartheid, 1980-1994* (New York: Routledge, 1995); Michael Lobban, *White Man's Justice: South African Political Trials in the Black Consciousness Era* (New York: Oxford University Press, 1996); George Bizos, *No one to Blame: In Pursuit of Justice in South Africa* (Cape Town: David Philip Publishers, 1998); Michelle Lesley Norton, "Judges and Politics: A Study of Sentencing Remarks in South African Political Trials, 1960-1990," PhD diss., Oxford University, (1999).

<sup>35</sup> Jens Meierhenrich and Devin O. Pendas, eds., *Political Trials in Theory and History* (Cambridge: Cambridge University Press, 2016), 4-5. Further discussion about the term 'political trial' more generally can be found in the following: Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961); Michal Belknap, *American Political Trials*, (Westport, CT: Greenwood Press, 1981); Ron Christenson, *Political Trials: Gordian Knots in the Law* (New Brunswick: Transaction Publishers, 1989); Posner, Eric A. "Political Trials in Domestic and International Law." *Duke Law Journal* 55 (2005).

Many trials that took place against opponents of apartheid can be seen to fulfil the criteria of a narrow definition of a political trial, as they were criminal proceedings for acts of protest undertaken by opponents of the South African Government, but, nonetheless, the question of scope is also relevant when looking at South African trials. John Dugard's *Human Rights and the South African Legal Order* considers the manifestation of political trials in a specifically South African context. Dugard recognises the difficulty in producing an accurate definition of such a trial but argues that a narrow definition based on prosecutions under a security law, i.e. one that is "designed to ensure the maintenance of the status quo" is insufficient. Instead, he argues, defamation actions and prosecutions for ordinary criminal offences can also fit within this definition, and it is, therefore, necessary to look at the motive of the offender, as well as the purpose of the action.<sup>36</sup>

The outcome of legal proceedings against opponents is a matter of interest to those in power and there are ways in which a desired outcome can be achieved without direct interference in the judicial process. From the outset of the apartheid era, various laws were instrumental in effectively prosecuting and silencing opponents of the government despite the courts maintaining a reputation of independence from governmental interference. This independence needs to be caveated, however, due to the position of judge being limited to the White population of South Africa and, over time, judges in South Africa were increasingly handpicked by the government with consideration given to their political affiliation.<sup>37</sup> The Suppression of Communism Act of 1950 was an early example of a law to curtail action taken to oppose apartheid, and this was followed by the Criminal Laws Amendment Act and the Public Safety Act in 1953, the Sabotage Act in 1962 and the 90 Day Detention Law of 1963. The content of these laws will be looked at in more detail in chapter two of this thesis but, together, they curtailed the scope of legitimate acts of opposition and increased the legal tools available to the state to punish its opponents.

The defendants in the Rivonia trial were accused under the Suppression of Communism Act and the Sabotage Act. This proceeding is demonstrably a political trial on this count on the basis of the very crimes they were convicted for. Dugard noted that the sentences handed down also served to mark them out as political prisoners, with the government clear that life sentences for the Rivonia defendants, and others for similar crimes, were really for life with no likelihood of amnesty or remission of sentences.<sup>38</sup> The trial has been seen as politicised on a second level too, due to the motive behind the defendants and the purpose of the proceeding. The trial was used as a tool by both the

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<sup>36</sup> John Dugard, *Human Rights and the South African Legal Order*, (Princeton: Princeton University Press, 1978), 205-206.

<sup>37</sup> Thomas Grant, *The Mandela Brief: Sydney Kentridge and the Trials of Apartheid*, (London: John Murray Publishers, 2022), 5.

<sup>38</sup> Dugard, *Human Rights and the South African Legal Order*, 239-240.

South African Government and the anti-apartheid campaigners themselves to advance their particular agendas. The approach taken by the defence, in the face of the truth of many of the allegations against the defendants, was more a political statement than an attempt to refute the charges, and Mandela's speech in the dock was a thoroughly political testament.<sup>39</sup>

Although most legal works on apartheid repression and the Rivonia trial adopt a largely domestic understanding of politics, we can point to handful of works that have developed an appreciation of the international aspects of political trials. An early example of this is the seminal work by Otto Kirchheimer, *Political Justice*. Kirchheimer's ideas have been an enormous inspiration to the work of this thesis. *Political Justice* was published in 1961, two years ahead of the Rivonia trial, but this work, in its coverage of trials both ancient and modern, includes the Treason trial (1956-1961) in South Africa, albeit briefly.<sup>40</sup> Kirchheimer's work features numerous cases of individuals or groups being tried due to their attempts to change the social and political makeup of a state and it explores how governments have utilised the courts to uphold the balance of power in their favour.<sup>41</sup>

Furthermore, Kirchheimer also contended that, while political trials were once national affairs with limited international impact, this changed over the course of the first half of the twentieth century:

The political trial of the twentieth century takes place within a framework of drastically reduced periods of political germination and on an international basis.... The shrinking of the world, the development of its communication systems, the emergence of a national opposition of principle with supporting casts in foreign government, and the many times enlarged role of intelligence organizations have made the political trial a focal point of political strategy, not only for the trial participants but for many organizations around the world.<sup>42</sup>

This recognition of the increasing internationalisation of the political trial is of direct relevance to this thesis. The importance of developments in communication technologies and of global organisations to public awareness of political trials was significant at the time Kirchheimer was writing, but this only increased further in the years to follow. Developments in the Rivonia trial were closely followed and reported to a wide audience across the world.<sup>43</sup> The growth of organisations such as the United Nations provided a global forum in which concerns could be raised publicly. Moreover, the increased

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<sup>39</sup> Grant, *The Mandela Brief*, 137.

<sup>40</sup> Kirchheimer, *Political Justice*, 232.

<sup>41</sup> There is not space here to give full justice to the scope of Kirchheimer's work. A discussion on political trials and how they can be used to defend existing power relations can be found in these pages: *Ibid.*, 47-53.

<sup>42</sup> *Ibid.*, 256.

<sup>43</sup> The importance played by technology in the dissemination of information can be contrasted to the attempts by the National Party Government of South Africa to control the flow of information through increasing censorship of media and through control of access to technology. A television service was not introduced in South Africa until the early 1970s.

mobility and new modes of communication of anti-apartheid activists meant that they were able to disseminate news about the Rivonia trial with a speed not possible in the earlier decades of the twentieth century.

In recent years, some scholars have used these insights when writing of political trials, again providing a rich seam of scholarship to draw upon. Notably, legal historian Mary L. Dudziak has written of the international attention on racial discrimination in the US which was significant during the early Cold War and argues that this informed the Supreme Court decision in *Brown v. Board of Education* 1954, (ruling that segregation in schools was unconstitutional).<sup>44</sup> Until recently, however, there has been little consideration given to the politicised nature of trials in South Africa from a global perspective. The differences in the historiographies of trials in South Africa when compared to that of trials and the politicisation of the judiciary in the United States are significant, and viewing the US literature clearly illustrates the gap in the South African historiography with regard to the international aspect of domestic trials during the Cold War period. This gap has been addressed to a degree by the volume edited by Awol Allo, *The Courtroom as a Space of Resistance: Reflections on the Legacy of the Rivonia Trial* and within Jens Meierhenrich and Devin O. Pendas' *Political Trials in Theory and History*. Whilst Albertyn and Swart in the former and Meierhenrich and Cole in the latter have begun to consider the international significance of the Rivonia trial, their focus is still primarily at the domestic level – looking at how global forces impacted on the trial taking place in South Africa, as opposed to looking at the ways in which the trial had significance on the global stage.<sup>45</sup>

A focus on the international significance of the Rivonia trial, as undertaken by this thesis, opens up possible insights into the behaviour of autocratic regimes and their use of the law to curtail domestic opposition. There is a body of literature on this subject which shows that optimism stemming from the idea that the judiciary is a safeguard against dictatorship frequently is challenged by the actions of autocratic governments when using the courts against rivals and undermining domestic dissent.<sup>46</sup> Autocratic leaders may have varying reasons for utilising the courts to strengthen their position against their rivals, but key to this is the idea of legitimacy, both domestic and on the global stage. A repressive regime is not always precluded from membership of international bodies

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<sup>44</sup> See Mary L. Dudziak, "Desegregation as a Cold War Imperative," *Stanford Law Review* 41, no. 1 (1988), 61-120 and Mary L. Dudziak, "Brown as a Cold War Case," *Journal of American History* 91, no. 1 (2004), 32-42.

<sup>45</sup> Catherine Albertyn, "The Rivonia Trial: Domination, Resistance and Transformation," and Mia Swart, "'The Road to Freedom Passes Through Goal': The Treason Trial and Rivonia Trial as Political Trials," in *The Courtroom as a Space of Resistance: Reflections on the Legacy of the Rivonia Trial*, ed. Allo Awol (Farnham: Ashgate Publishing, 2015), 123-170; Jens Meierhenrich and Catherine Cole, "In the Theater of the Rule of Law: Performing the Rivonia Trial in South Africa, 1963-1964," in *Political Trials in Theory and History*, ed. Jens Meierhenrich and Devin O. Pendas (Cambridge: Cambridge University Press, 2016), 229-262.

<sup>46</sup> Fiona Shen-Bayh, "Strategies of Repression: Judicial and Extrajudicial Methods of Autocratic Survival," *World Politics* 70, no. 3 (2018), 321.

or ratification of United Nations' human rights treaties but, on the contrary, some accept all monitoring and enforcement procedures involved.<sup>47</sup> The use of the courts to deal with opposition provides a smokescreen of legitimacy that allows such membership and an ostensible commitment to human rights.

The South African court system during the 1950s and 1960s was broadly recognised as being independent of political interference, but this was not something that necessarily precluded the possibility of a political trial. Indeed, such a trial can be seen to be contingent upon a level of judicial independence. To use the courts to remove or discourage opposition is to act in a way that can minimise criticism and accusations of abuse of power. More violent and illegal actions, such as extra-judicial murder or detention without trial, can be used by critics as a tool against the government and lead to the wider public withdrawing their support, particularly in a democratic system. When a political opponent goes through the process of a trial, however, legitimacy is bestowed upon their incarceration, if that is the outcome. Overt intervention in the process of justice by a government therefore needs to be avoided to maintain the appearance of independence of the courts.<sup>48</sup> The Rivonia trial was fought with the world watching closely. In order to maintain its reputation as a modern Western democracy, the need for a fair proceeding was crucial and the government of South Africa was clear in its advocacy of the court system. There was a fine line to walk to ensure the law resulted in an outcome that was to the benefit of the National Party government without slipping into the sham tribunals resorted to in other autocracies and, throughout the 1950s and 1960s, South Africa managed this well.<sup>49</sup>

The steps that have been made towards recognising the wider significance of the Rivonia trial are encouraging, but still do not go far enough towards recognising the remarkable extent of the trial's global reach and implications. As has been already established by others, the trial was an important milestone in the history of apartheid in South Africa. Also established, though more recently, is the impact that global attention had upon the course of the Rivonia trial. This thesis will contribute significantly to the existing historiography by allowing a full, and suitably nuanced, understanding of the trial's global political dimensions. By approaching the subject broadly and looking at the impact of trial from both an *international-diplomatic* perspective (in particular, in the context of the Cold War and anti-colonial agitation) and from a *civic-transnational* one (in particular the development and actions of a transnational anti-apartheid movement), as well as bringing out the interrelationship

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<sup>47</sup> Hong, Mi Hwa, "Crafting Reputation before Domestic and International Audiences: Autocratic Participation in the United Nations Human Rights Institutions." PhD diss. University of Michigan, (2016), 4-7.

<sup>48</sup> Dugard, *Human Rights and the South African Legal Order*, 207-208.

<sup>49</sup> Grant, *The Mandela Brief*, 5.

between the two, a properly global picture can be formed of the trial as a political event. We turn now to each of these threads and their respective historiographies.

### 3. The Cold War

The Rivonia trial took place a time of vast global change, with the breakup of European empires and the continuing Cold War serving to restructure the power dynamics of the earlier twentieth century and before. By the postwar period, it had become the consuming prism through which the interests of the major powers were viewed and evaluated. The West and the USSR were engaged in a constant struggle for domination, and the African continent was one among many fronts, with both sides in the conflict trying to influence the paths taken by the newly independent states.<sup>50</sup> It is only in recent years, however, that significant consideration has been given to how the Cold War played out in Africa.

For the West, South Africa seen as was a bulwark of anti-communism on the continent of Africa. The UK and the US were two of South Africa's staunchest allies in the early Cold War period and the country's strategic importance stemmed from its location, and due to it being an important source of uranium.<sup>51</sup> The South African Government was able to refer to the threat of international communism to delegitimise anti-apartheid campaigners, who were routinely dismissed as communist agitators, a tactic noted by Sue Onslow, an historian who has published frequently on the Cold War in southern Africa. The South African Government in Pretoria and the Government of Southern Rhodesia (present day Zimbabwe) in Salisbury both viewed the ANC, MK, the People's Movement for the Liberation of Angola (MPLA) and South West Africa People's Organisation (SWAPO) in South West Africa (present day Namibia), among others, as a threat. They regarded these organisations as 'products of an external and alien agency, rather than as an indigenous response to economic exploitation and varying degrees of political exclusion and suppression'.<sup>52</sup>

Onslow is a prominent name among those who have produced recent works of Cold War history and who have paid increasing attention to how the Cold War unfolded in southern Africa. In this new approach to Cold War studies, the complexities of regions are foregrounded and the idea of the Cold War as a bipolar struggle between two superpowers has been questioned.<sup>53</sup> Onslow, for

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<sup>50</sup> Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge: Cambridge University Press, 2007), 2-4.

<sup>51</sup> Ryan M. Irwin, *Gordian Knot: Apartheid and the Unmaking of the Liberal World Order*, (New York, Oxford University Press, 2012), 7.

<sup>52</sup> Sue Onslow, "The Cold War in Southern Africa: White power, black nationalism and external intervention," in *Cold War in Southern Africa: White power, black liberation*, ed. Sue Onslow (London: Routledge, 2009), 9-10. Kindle edition.

<sup>53</sup> The West cannot be seen as a unified force when it came to Africa, any more than was the case on the other side of the Iron Curtain. There were differing approaches to the continent and Timothy Andrews Sayles' study of the approach of NATO towards Africa goes some way to explaining these differences: Timothy Andrews Sayle,

instance, argues that local actors were more concerned about their own agendas than the wider Cold War. These complexities of power blocs and strategic resources attracted the attention of the superpowers and led to local actors drawing on their assistance to their own advantage.<sup>54</sup> This was certainly the case in South Africa, with anti-apartheid activists frequently maintaining links with the Soviet Union and China, and the South African Government responding to their activities along Cold War lines.<sup>55</sup>

The US response to events in South Africa is a fascinating episode of Cold War history and tensions could, and did, develop when regional frictions clashed with larger Cold War imperatives. The historiography looking at the relationship between the US and South Africa in the 1950s and 1960s is small, but we might identify a general trend in how it has developed over time. Early works of Cold War history, having missed the opportunity to cover US-South Africa relations after the Second World War in depth, often overlooked relations between the two countries as of little importance in the grander context of the Cold War. The few that did include consideration of Africa did so with a broad focus, covering the whole continent of Africa, and tended to overlook the complexities of US-South African relations.<sup>56</sup> Recent works, by contrast, have increasingly focused on particular geographical areas, themes or time periods and have developed a more nuanced analysis of US policy towards Africa generally, and South Africa more particularly. These studies, however, present differing assessments of the significance given to South Africa by the US Government and these more detailed works

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“A Great List of Potential Mistakes’: NATO, Africa, and British Efforts to Limit the Global Cold War,” *Cold War History* 16, no.1 (2016), 19-36.

<sup>54</sup> Chris Saunders and Sue Onslow, “The Cold War and Southern Africa. 1976-1990,” in *The Cambridge History of the Cold War: volume III*, ed. Melvyn P. Leffler and Odd Arne Westad (Cambridge: Cambridge University Press, 2010), 222-243.

<sup>55</sup> The complexity of the continent of Africa is made explicit by Jeremy Friedman when looking at the Soviet-China split in the early 1960s. The fight over Africa was not simply the West versus the Communist Bloc, he argues, but also between the Chinese and the USSR, with China exploiting the dissatisfaction felt by some, including some in South Africa, regarding the support provided for armed struggle by the USSR: Jeremy Friedman, “Soviet Policy in the Developing World and the Chinese Challenge in the 1960s,” *Cold War History* 10 no. 2 (2010), 266. This ongoing work to support exiled South Africans is significant, but tangential, to the focus of this thesis but works that discuss the training camps for exiled South African fighters and the support provided by communist countries include Stephen Ellis, “The ANC in Exile,” *African Affairs* 90, no. 360 (1991), 439-447; Ian Taylor, “The Ambiguous Commitment: The People’s Republic of China and the Anti-Apartheid Struggle in South Africa,” *Journal of Contemporary African Studies* 18, no. 1 (2000), 91-106.

<sup>56</sup> An exception to this is Thomas Noer, who wrote in the mid-1980s linking the actions taken by the US towards South Africa with the anti-apartheid activism of the newly independent states as well as the pressures put upon it by domestic civil rights protests – another example of the domestic and the international meeting. The pressures faced by the Kennedy and Johnson Administrations, to live up to their ideals of racial equality in their foreign policy, as well as the need to cultivate ‘third world’ friendships, clashed with the more immediate geopolitical interests that made South Africa such an important ally: Thomas J. Noer, *Cold War and Black Liberation: The United States and White Rule in Africa, 1948-1968* (Columbia, Missouri: University of Missouri Press, 1985), 126-127. Another example of work that, in the examination of US policy towards the continent of Africa, pays limited attention to US-South Africa relations is Helen Kitchen, *US Interests in Africa* (New York: Praeger Publishers, 1983).



undertaken of Africa, including South Africa, demonstrate more clearly the intricacies of the pressures faced by the US Government. The earlier among such studies tended to downplay the significance of Africa (and South Africa) to successive US Administrations, as resting on the idea of “benign neglect” from the Kennedy era onwards.<sup>57</sup>

There is no new consensus in later works, but this view of ‘benign neglect’ has been challenged by some scholars. Alex Thomson, for instance, has argued that the problems arising in South Africa were directly addressed by the administrations of Kennedy and Johnson, even if this was not apparent publicly.<sup>58</sup> Philip E. Muehlenbeck describes the interest that President Kennedy showed towards Africa, in particular when courting the new heads of state. He describes this as a clear break from the policies of Kennedy’s predecessor, President Eisenhower, and was significant enough that it led to the South African Government becoming unnerved.<sup>59</sup> Christian M. De Vos, on the other hand, argues that the failure of the US Government to engage with resistance groups such as the ANC and the outcome of internal debates within the State department between the Africanists and the Europeanists show an unwillingness to act against South Africa. This reluctance, moreover, was a result of an unwillingness beyond the binds that were caused by Cold War geopolitics.<sup>60</sup>

Successive US Governments had very limited knowledge of countries in Africa and this only began to be addressed in the 1950s. For this reason, the US relied on the knowledge and experiences of its European allies, particularly the UK. The existence of conversations between the UK and the US on the subject of Africa in the context of the Cold War means that consideration needs to be given to the large body of work addressing the subject of the ‘special relationship’ between the two countries. Much of the literature either does not mention Africa or mentions it only in passing.<sup>61</sup> What has been

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<sup>57</sup> Examples of such work include Noer, *Cold War and Black Liberation* and Thomas Borstelmann, “‘Hedging Our Bets and Buying Time’: John Kennedy and Racial Revolutions in the American South and Southern Africa,” *Diplomatic History* 24, no. 3 (2000), 435-463.

<sup>58</sup> Alex Thomson, *US Foreign Policy Towards Apartheid South Africa, 1948-1994: Conflict of Interest* (New York: Palgrave Macmillan, 2008), 31.

<sup>59</sup> Philip E. Muehlenbeck, *Betting on the Africans: John F. Kennedy’s Courting of African Nationalist Leaders* (New York: Oxford University Press, 2014). Further discussion of this historiography can be seen in works including: Richard D. Mahoney, *JFK: Ordeal in Africa* (Oxford: Oxford University Press, 1983); Karen E. Smith and Margot Light, *Ethics and Foreign Policy* (Cambridge: Cambridge University Press, 2001); James Meriwether, “‘A Torrent Overrunning Everything’: Africa and the Eisenhower Administration,” in *The Eisenhower Administration, The Third World, and the Globalization of the Cold War*, ed. Kathryn C. Statler and Andrew L. Johns (Lanham Maryland: Rowman & Littlefield Publishers Inc., 2006), 175-196; Odd Arne Westad, *The Global Cold War*; Anna-Mart Van Wyk, “The USA and apartheid South Africa’s nuclear aspirations, 1949-1980,” in *Cold War in Southern Africa: White power, black liberation*, ed. Sue Onslow (London: Routledge, 2009), 55-83; Odd Arne Westad, *The Cold War: A World History*, (Great Britain: Allen Lane, 2017).

<sup>60</sup> Christian M. De Vos, “Balancing Acts: John Kennedy, The Cold War and the African National Congress,” *Politikon* 32, no. 1 (2005), 104.

<sup>61</sup> Useful works on the topic of the Special Relationship, but which contain little to no mention of either South Africa, or Africa more widely, include Richard E. Neustadt, *Alliance Politics* (New York and London: Columbia University Press, 1970); David Nunnerley, *President Kennedy and Britain*, (London: The Bodley Head Ltd., 1972); WM. Roger Louis and Hedley Bull, *The ‘Special Relationship’: Anglo-American Relations Since 1945*, (Oxford:

written of Africa in this context is in works that have a broad scope. Richie Ovendale, in his analysis of global strategies of the UK and the US in the early years of the Cold War, has begun to explore the importance of countries in the Commonwealth to Anglo-American relations.<sup>62</sup> More recently, Simon Tate has explored in detail the balance of power between the UK and the US, and has argued the US was active in encouraging the UK 'to manage the decolonisation of Africa in a way that would provide a bulwark against communist aggrandisement'.<sup>63</sup>

A significant work that examines the tensions faced by the UK and the US and the need to form a united front thanks to the growing division between apartheid's defenders in South Africa and its opponents in a decolonising world is Ryan Irwin's *Gordian Knot: Apartheid and the Unmaking of the Liberal World Order*. Within this work, the conflict between the nationalism of the newly independent African states and the Afrikaner nationalism of the Government of South Africa is demonstrated and the difficulty that these conflicting ideals had for both the US and the UK throughout the apartheid era is made apparent. Irwin argues that the UK and the US were forced into the role of a 'reluctant referee', trying to manage the demands and expectations of both sides whilst remaining at arms-length from the issue.<sup>64</sup> This work is very significant to the development of this thesis but nonetheless, in the chapters that follow, the argument will be made that rather than standing apart from this ideological battlefield, both the UK and the US were parties deeply involved in the dispute.

The analysis that will follow in later chapters when examining the response of the US and UK Governments to the Rivonia trial will add to the academic debate about the Cold War by providing further detail about, and context for, their actions when faced with global and domestic protest against apartheid. In doing so it will demonstrate the significance that was placed upon South Africa and the concerns for the future of the area. As well as building on existing currents of revisionist historiography relating to the Cold War, this thesis also helps to rectify some significant omissions. In particular, it will help shed light on how South Africa and apartheid featured in the 'special relationship' of the UK and the US by developing a full understanding of how the Rivonia trial, and apartheid, fitted in to the broader, and perhaps more pressing, concerns that were significant to Anglo-American relations at the time.

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Clarendon Press, 1986); C.J. Barlett, *'The Special Relationship': A Political History of Anglo-American Relations since 1945* (New York: Longman Inc., 1992); John Dickie, *'Special' No More. Anglo American Relations: Rhetoric and Reality* (London: The Orion Publishing Group Ltd, 1994); Jonathan Colman, *A 'Special Relationship'? Harold Wilson, Lyndon B. Johnson and Anglo-American Relations 'at the Summit', 1964-68* (Manchester: Manchester University Press, 2004).

<sup>62</sup> Richie Ovendale, *Anglo-American Relations in the Twentieth Century* (Basingstoke: Palgrave MacMillan, 1998), 80-98.

<sup>63</sup> Simon Tate, *A Special Relationship? British Foreign Policy in the Era of American Hegemony* (Manchester: Manchester University Press, 2012), 95.

<sup>64</sup> Irwin, *Gordian Knot*, 6-8.

#### 4. Decolonisation and the United Nations

The Cold War and the special relationship of the UK and the US, however, are not the only contextual elements that shaped the *international-diplomatic* ramifications of the Rivonia trial. We also need to understand the UK's status as a former world power, its close relationship with South Africa, and the changes that came about in a postcolonial world. The UK had a long history in South Africa as a colonial power, stretching back deep into the nineteenth century, and the economic, political, and cultural links between the two countries were particularly strong. English speaking South Africans made up a sizable minority of the white population of South Africa. The UK was also the largest trading partner of South Africa, followed next in size by the US, and South African gold was very important to the stability of both the Pound and the Dollar.<sup>65</sup> Despite the UK's reluctance during the early apartheid era to be critical of South Africa, by the late 1950s there began to be a change in approach towards Africa as a whole. In 1960, Prime Minister Harold Macmillan embarked on a six-week tour of Africa and this culminated in his 'Wind of Change' speech in South Africa, in which he recognised the growing nationalism within many colonies.<sup>66</sup>

Britain's declining status as a world power after the Second World War, and its attempts to mitigate this, is tightly bound to broader anti-colonial developments in Africa. The 1950s–60s was a period in which many countries gained their independence from the countries of Western Europe who had colonised them. The first country in Sub-Saharan Africa to achieve independence was Ghana in 1957. By 1968 almost all of the UK's former colonies in Africa were independent. The historiography

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<sup>65</sup> The historiography of the relationship between the UK and South Africa is sizeable. Such works provide useful context to the subject matter of this thesis. The long relationship between the two countries means that there is a significant body of work on the first years of the twentieth century and earlier, encompassing the Boer Wars among other things. This is largely outside the scope of this thesis but allow nonetheless for some insight into the motivations of the National Party Government and their route into power. The relationship between the two countries during the apartheid era has received some attention by scholars and this is of more direct relevance to this thesis as more immediate background context. These bodies of work include Deon Geldenhuys, "The South African National Party and the British government (1939–1961)," *Politikon* 5, no. 1 (1978), 42-66; Ronald Hyam and Peter Henshaw, *The Lion and the Springbok: Britain and South Africa since the Boer War* (Cambridge: Cambridge University Press, 2003); Patrick J. Furlong, "The National Party of South Africa: A Transnational Perspective," in *New Perspectives on the Transnational Right*, ed. Martin Durham and Margaret Power (New York: Palgrave Macmillan, 2010), 67-84; Asher Lubotzky and Roni Mikel Ariel, "'The Great Trek Towards Nazism': Anti-Fascism and the Radical Left in South Africa During the Early Apartheid Era," *South African Historical Journal* 74, no. 1 (2022), 135-159. This is far from a comprehensive list, however.

<sup>66</sup> More detail about the background to this historic speech can be found in the following works: Richie Ovendale, "Macmillan and the Wind of Change in Africa, 1957-1960," *History Journal* 38, no. 2 (1995), 455-477; Colin Baker, "Macmillan's 'Wind of Change' Tour, 1960," *South African Historical Journal* 58, no. 38 (1998), 171-182; Saul Dubow, "Macmillan, Verwoerd, and the 1960 'Wind Of Change' Speech," *History Journal* 54, no. 4 (2001), 1087-1114; Carl Peter Watts, "The 'Wind of Change': British Decolonisation in Africa, 1957-1965," *History Review* 71, (2011), 13-17.

of the end of colonialism in Africa, and the UK's role in it, is vast and often highly contested due to the nature of such sensitive and recent historical changes. This is largely outside the scope of this work. The presence of these newly independent countries, however, is significant when looking at the global response to apartheid. The existence of White minority rule on the continent of Africa was an affront to those countries who had won their independence and they were leading critics of South Africa.

From the point of its creation in 1963, the Organisation of African Unity (OAU) was the source of calls for action against apartheid.<sup>67</sup> This Organisation was one of several that allowed African leaders to raise publicly their opposition. The Commonwealth, an organisation hugely important to post-imperial Britain and a major part of its international presence, was another.<sup>68</sup> Playing a leading role in this organisation gave the UK a foothold on all continents, something held by no other European country. The countries of the New Commonwealth which joined post-independence repeatedly put the issue on the agenda of the Commonwealth Heads of Government meetings, despite the wishes of the UK.<sup>69</sup> Members of both of both the OAU and the Commonwealth raised concerns about the Rivonia trial, but state opposition to apartheid was particularly evident in the United Nations in the 1950s and early 1960s and, correspondently, there is more available in the academic literature on this subject.

The constant focus put upon South Africa during these years had much to do with power of the collective voice of the representatives of counties who joined the UN after achieving independence. Both the UK and the US would have preferred for this subject to have been less prominent in the UN, but they were forced to confront it head on. The first resolution concerning apartheid passed by the Security Council was in 1960 in response to the Sharpeville Massacre of the 21<sup>st</sup> March of that year – an event that caused shock and concern across the world. There was a pause for some years before four resolutions were passed by the Security Council during the months of the Rivonia trial, including Security Council resolution 190 of the 9<sup>th</sup> June 1964 which specifically called for the release of the prisoners. The extent of literature available relating to this succession of resolutions,

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<sup>67</sup> C. J. R. Dugard, "The Organisation of African Unity and Colonialism: An Inquiry into the Plea of Self-Defence as a Justification for the Use of Force in the Eradication of Colonialism," *International and Comparative Law Quarterly* 16, no. 1 (1967), 157-190.

<sup>68</sup> The Commonwealth was instituted in 1926 with the UK being joined by Australia, Canada, New Zealand and South Africa. These members are on occasion distinguished as the Old Commonwealth. The other countries that would go on to form the Commonwealth joined post-independence, beginning with India, Pakistan and Sri Lanka in the 1940s, then Ghana in 1957, then followed shortly after by other former colonies of the UK in Africa, Asia and the Caribbean.

<sup>69</sup> The involvement of the OAU and the Commonwealth to the fight against apartheid is recognised in academic studies, but frequently as part of a larger narrative. This thesis will follow a similar line by making reference to these organisations as part of a broader study. Studies which discuss the role of the OAU and the Commonwealth include Audie Klotz, *Norms in International Relations: The Struggle against Apartheid* (Ithaca: Cornell University Press, 1995), 55-90; Stuart Mole, "Mandela and the Commonwealth," *Round Table* 106, no. 6 (2017), 611-617.

however, is rather small as there are few works that look at the anti-apartheid movement in the UN with a specific focus upon the early years. One work of particular note is Simon Stevens' 2016 thesis which examined the international movement for boycotts and sanctions against South Africa between 1946 and 1970. Within this work is a considered analysis of how and why the issue of apartheid was brought repeatedly before the Security Council during 1963 and 1964.<sup>70</sup> Building on this earlier study, the chapters that follow will provide a more detailed and complete picture of the Anglo-American negotiations involved behind the passage of these resolutions. By doing so, how these negotiations were tied to broader geopolitical goals and priorities, as well as to the Rivonia trial, will be illustrated.

An interesting strand of inquiry that has become more notable in recent years is that which looks at the interplay of governmental and non-governmental work to end apartheid within the UN. Håkan Thörn has written of the tensions that existed between the dominance of the Security Council when responding to international crises with the larger General Assembly, and its constituent assemblies and committees, that allowed for input by transnational actors.<sup>71</sup> This has been explored further by Anna Konieczna who notes that such 'a decentred analysis of the UN brings into the picture a more complex analysis.'<sup>72</sup> The studies of both Thörn and Konieczna are sweeping examinations of the anti-apartheid movement in the UN from the beginning of apartheid until its end. On the other end of the scale, an example of a very closely bound study of the connections between states and non-governmental actors is Ryan Irwin's study of the work of Enuga Reddy, the first permanent secretary of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. This case study provides detail of how 'specific individuals shaped – and were shaped by – the networks that linked post-colonial politics to human rights movements'. By doing so, Irwin moves away from the focus on 'large structures and intellectual abstractions' which have been the focus of much of the current scholarship.<sup>73</sup>

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<sup>70</sup> Simon Stevens, "Boycotts and Sanctions against South Africa: An International History, 1946-1970," PhD diss. Columbia University, (2016), 227-240. Some other works which make reference to the resolutions passed in the early 1960s on the matter of apartheid See for example Ram C. Malhotra, "Apartheid and the United Nations," *Annals of the American Academy of Political and Social Science* 354, no. 1 (1964), 135-144; Richard E. Bissell, *Apartheid and International Organizations*, (Boulder: Westview Press, 1977); Newell M. Stultz, "The Apartheid Issue at the General Assembly: Stalemate or Gathering Storm?," *African Affairs* 86, no. 342 (1987), 25-45; Newell M. Stultz, "Evolution of the United Nations Anti-Apartheid Regime," *Human Rights Quarterly* 13, no. 1 (1991), 1-23; J. P. Brits, "Tiptoeing along the Apartheid Tightrope: The United States, South Africa, and the United Nations in 1952," *International History Review* 27, no. 4 (2005), 754-779.

<sup>71</sup> Håkan Thörn, *Anti-Apartheid and the emergence of a Global Civil Society* (Houndmills, Basingstoke: Palgrave Macmillan, 2006), 194.

<sup>72</sup> Anna Konieczna, "'We the People of the United Nations': The UN and the Global Campaigns Against Apartheid," in *A Global History of Anti-Apartheid: 'Forward to Freedom' in South Africa* (St Antony's Series), ed. Anna Konieczna and Rob Skinner (Cham, Switzerland: Palgrave Macmillan, 2019), 69.

<sup>73</sup> Ryan Irwin, "Inside the Parliament of Man: Enuga Reddy and the Decolonization of the United Nations," in *The Ends of European Colonial Empires: Cases and Comparisons*, ed. Miguel Bandeira Jerónimo and António Costa Pinto (Houndmills, Basingstoke: Palgrave Macmillan, 2015), 199-200.

Instead of focusing on one individual, this thesis focusses closely upon one particular event. In doing this, additional context will be brought to light that will add depth to these broader studies referred to above. The ways states interacted with each other and with non-governmental actors in their attempts to bring an end to apartheid specifically during the time of the Rivonia trial were tied to the broader developments of the time. As shall be amply demonstrated in the chapters that follow, there was a large volume of communication between the UK, the US and South Africa regarding opposition to the trial and these conversations took place with the Cold War and decolonisation as a backdrop. In seeking to examine how the trial impacted on international diplomacy, the argument developed here builds on, and advances, the historiography of anti-colonialism in Africa, UK-US-South African relations, and the opposition to apartheid in the UN.

## 5. Transnational and Global Histories of the Anti-Apartheid Movement

The above, however, is only half the story. The full importance of the Rivonia trial can only be properly appreciated by understanding how a global anti-apartheid movement mobilised in response to the trial and generated grassroots protests, as well as lobbying to convince politicians of the need for action to be taken. The *international-diplomatic* impact of the Rivonia trial was inextricably linked to the way apartheid had become, and would remain, the subject of *civic-transnational* activism. This is the other major field of historiography that this thesis builds on when advocating a holistic picture of how the Rivonia trial was understood and protested across the world.

Much of the existing historiography regarding apartheid focuses on the domestic sphere and the impact of apartheid policies and enforcement within South Africa.<sup>74</sup> A particularity of the historiography of apartheid is the volume of work prepared and informed by anti-apartheid activists themselves. Some of these works are in the forms of (auto)biographies.<sup>75</sup> Others are broader

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<sup>74</sup> Such studies have been very politicised, with schools of thought of scholarship on the subject of apartheid divided into Afrikaner Nationalist, Liberal, and Marxist. There is not space here to give a complete picture of the historiography of apartheid – a body of work which is extensive. Some works on this subject that provide an introduction to the subject include Gail M. Gerhart, *Black Power in South Africa: The Evolution of an Ideology* (Berkeley: University of California Press, 1978); Shula Marks, "Towards a People's History of South Africa? Recent Developments in the Historiography of South Africa," in *People's History and Socialist Theory*, ed. Raphael Samuel (London: Routledge & Kegan Paul, 1981), 297-308; Shula Marks, *The Ambiguities of Dependence in South Africa: Class, Nationalism and the State in Twentieth-Century Natal* (Johannesburg: Ravan Press (Pty) Ltd, 1986); Paul Maylam, *South Africa's Racial Past: The history of racism, segregation and apartheid* (Aldershot: Ashgate Publishing Ltd, 2001); William Beinart and Saul Dubow, "Introduction: The historiography of segregation and apartheid," in *Segregation and Apartheid in Twentieth-Century South Africa*, ed. William Beinart and Saul Dubow (London: Routledge, 1995), 1-24; Merle Lipton, *Liberals, Marxists and Nationalists* (New York: Palgrave Macmillan, 2007).

<sup>75</sup> Many examples of autobiographies and biographies can be found footnote 32 above. These are works by those involved directly or indirectly in the Rivonia trial. Many of the defendants, and their defence team also, wrote accounts of the trial as part of broader works on their lives.

accounts of organisations by those who had been members.<sup>76</sup> Whilst these works have their limitations, they provide valuable first-hand understandings of the fight against apartheid. Due to the transnational reach of the anti-apartheid movement and the increasingly widespread belief that international intervention would be needed to bring an end to apartheid, many of these works make reference to the global movement. There are also academic works that share an internationalised perspective of South African history. For example Robert Scott Jaster has explored how South African leaders viewed the increasing activism against apartheid as connected to a wider growing black nationalism, which in turn was for them part of a 'global communist strategy directed against the Western world'.<sup>77</sup> The move towards internationalised historical study of South Africa can be seen as being uniquely shaped due to the level of protest directed towards the country stemming from its racial policies.<sup>78</sup>

Anti-apartheid protest took place across the world from the very outset. Much of this centred on South African organisations, such as the African National Congress (ANC) and the Pan African Congress (PAC), but numerous organisations took up the mantle in other countries, for example the Anti-Apartheid Movement (AAM) in the UK and the American Committee on Africa (ACOA) in the US. These organisations, though they may have been based in different countries, worked closely together with multiple groups, but with the ANC in particular, and the connections they formed allowed

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<sup>76</sup> For example Raymond Suttner, who was a member of the ANC, the SACP and the United Democratic Front (UDF) and who has written historical work on the ANC: Raymond Suttner, "The African National Congress (ANC) Underground: From the M-Plan to Rivonia," *South African Historical Journal* 93, no.49 (2003), 123-146.

<sup>77</sup> Jaster noted that the subject of South African diplomacy until this point was approached in a piecemeal manner: Robert Scott Jaster, *The Defence of White Power: South African Foreign Policy under Pressure* (Houndmills, Basingstoke: Macmillan Press Ltd, 1988).

<sup>78</sup> This can be observed when compared to recent studies of the international significance of race in the US, another example of domestic race issues having an international dimension. In a 2005 study, Brenda Gayle Plummer analysed developments in the historiography that have broadened the scope of American diplomatic history since the ending of the Cold War, with increasing openness to the wider contexts in which international diplomacy occurs. She noted that studies addressing the domestic and international implications of race are a rapidly growing area: Brenda Gayle Plummer, "The Changing Face of Diplomatic History: A Literature Review," *History Teacher* 38, no. 3 (2005), 391-393. As one example, legal historian Mary L. Dudziak, whose body of work has already been acknowledged above, has encouraged an internationalised American history, stemming from a more transnational idea of history seeking to transcend national borders: Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press 2011). Dudziak's focus on US civil rights court cases and the international significance that they developed is a model for the work of this thesis when it argues for recognition of the international importance of the Rivonia trial. Thomas Borstelmann is another example of a scholar who has written of the connections between the global and domestic when examining US foreign policy concerning race: Borstelmann "Hedging Our Bets and Buying Time", 435-463; Thomas Borstelmann, *The Cold War and the Colour Line: American Race Relations in the Global Arena* (Cambridge MA: Harvard University Press, 2001). An additional work that addresses the interconnections between domestic racial tensions and US foreign policy is Robert Kinloch Massie, *Loosing the Bonds: The United States and South Africa in the Apartheid Years* (New York: Nan A. Talese, 1997). Michael L. Krenn has argued that this previous oversight can be seen as a result of scholars viewing race solely as a domestic issue, with no implications beyond the nation-state: Michael L. Krenn, ed., *The Impact of Race on US Foreign Policy: A Reader* (New York & London: Garland Publishing, Inc., 1999).

knowledge, experience, and news to move across the world. The study of the global nature of the anti-apartheid struggle has required a new historical approach, one that moves beyond histories that are bound by national borders.<sup>79</sup> Some examination of the anti-apartheid movement has been undertaken by nation-bounded historical study through examination of organisations formed in particular countries, for example Christabel Gurney's study of the origins of the AAM in the UK. Despite the organisation under scrutiny being based in the UK, however, the links to wider anti-apartheid and anti-colonial networks are clearly apparent.<sup>80</sup> Historians of the anti-apartheid movement have had the opportunity to develop a global perspective of the fight to end apartheid and their works fit well into the recent move towards transnational forms of history, which have flourished since the 1990s.

The idea of transnational history is not one with a fixed methodology. Rather, it is an approach to the study of history that has 'the desire to highlight the importance of connections and transfers across boundaries at the sub- or supra state level, the composition of categories, and the character and exploitation of boundaries.'<sup>81</sup> A transnational perspective is therefore invaluable to any analysis of global anti-apartheid activism. It allows for account to be taken of the connections between nations and foregrounds the circulation of ideas and people across national borders, and ultimately across the world. In addition to being a matter of interest to historians of apartheid, the anti-apartheid movement is a prominent example of a global social movement and has been approached as such by scholars of social movements in the social sciences when seeking to move beyond approaches that assume the natural priority of the nation-state and a nation-centred view. Rather than understanding nations as discrete entities, with bounded agents, interests, and identities, as is often the case in the kinds of international and diplomatic history noted above, transnational approaches understand nations as porous entities, composed in part at least of cross-border flows of ideas, information and people.<sup>82</sup> The bodies of literature of both groups of scholars are crucial when understanding what has

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<sup>79</sup> As an intermediary between national and transnational histories, notable works of comparative history were completed for South Africa and the US by George M. Fredrickson and John W. Cell. Both scholars aimed to shed light on the historical racial experiences of both South Africa and the southern states of the US by contrasting and comparing the two. These works by Fredrickson and Cell have been discussed by Shula Marks, a prominent historian of South Africa, who expressed reservations about drawing conclusions between the countries which are too sweeping and which do not fully appreciate the differences existing between the two. George, M. Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981); John W. Cell, *The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South* (Cambridge: Cambridge University Press, 1982); Marks, *The Ambiguities of Dependence in South Africa*, 3-4.

<sup>80</sup> Christabel Gurney, "A Great Cause: The Origins of the Anti-Apartheid Movement, June 1959 –March 1960," *Journal of South African Studies* 26 no.1 (2000), 123-144.

<sup>81</sup> Patricia Clavin, "Time, Manner, Place: Writing Modern European History in Global, Transnational and International Contexts," *European History Quarterly* 40, no. 4 (2010), 625.

<sup>82</sup> Johan Heilbron, Nicolas Guilhot and Laurent Jeanpierre, "Towards a Transnational History of the Social Sciences," *Journal of the History of the Behavioural Sciences* 44, no. 2 (2008), 147.



been written of the anti-apartheid movement and how campaigns were built and disseminated across the world.<sup>83</sup>

Studies explaining how organisations in both the UK and the US linked with South African activists when joining the movement against apartheid are very significant sources for this thesis. There have been multiple studies undertaken about the anti-apartheid movement in the US.<sup>84</sup> When looking at the growth of this movement, the importance played by civil rights activists becomes very apparent.<sup>85</sup> Frances Njubi Nesbitt analyses the reciprocity apparent in the role played by African-Americans in the global anti-apartheid movement. He argues that Paul Robeson and Max Yergan, two prominent Black radicals involved in the formation of the Council on African Affairs (CAA), were radicalised by their contact with African Nationalists such as Govan Mbeki, many years before Mbeki's arrest at the Liliesleaf Farmhouse.<sup>86</sup> Lewis Baldwin, meanwhile, has examined Martin Luther King's views on South Africa and his work campaigning against apartheid. He notes that there has not been much research undertaken looking at King's international significance, something that he finds puzzling considering the large amount of time and energy that he spent campaigning against the apartheid regime.<sup>87</sup>

An additional body of work that helps to tie in apartheid and broader Cold War considerations in a transnational manner is that which explores the relationship between the anti-apartheid

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<sup>83</sup> This thesis will draw heavily on the existing historiography that is available on this topic as an understanding of the broader protest against apartheid took place is crucial to an understanding of how protest was mobilised towards the Rivonia trial. There are multiple aspects to consider but works that provide background to the move abroad by the ANC and the PAC have been very useful. Once again there are too many to recognise here in a comprehensive list, but some scholars who have been particularly helpful in the writing of this thesis, and who have not been named elsewhere in this introduction include Arianna Lissoni, "Transformations in the ANC External Mission and Umkhonto we Sizwe, c. 1960-1969," *Journal of African Studies* 35, no. 2 (2009), 287-301; Hilary Sapire, "Liberation Movements, Exile, and International Solidarity: An Introduction," *Journal of Southern African Studies* 35, no. 2 (2009), 271-286.

<sup>84</sup> See for example Steven Metz, "The Anti-Apartheid Movement and the Populist Instinct in American Politics," *Political Science Quarterly* 101, no. 3 (1986), 375-395; Donald R. Culverson, "The Politics of the Anti-Apartheid Movement in the United States, 1969-1986," *Political Science Quarterly* 111, no. 1 (1996), 127-149; William Minter, Gail Hovey, and Charles Cobb Jr., eds., *No Easy Victories: African Liberation and American Activists over a Half Century, 1950-2000* (Trenton NJ and Asmara, Eritrea: Africa World Press. Inc., 2007), Kindle edition.

<sup>85</sup> In *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa*, Fredericksson notes that many African-Americans and South Africans did not consider domestic racial oppression in isolation, but instead engaged with international currents of Pan-African discourse and anti-colonialist struggles and doing so led to engagement with each other's experiences of racial oppression: George M. Fredrickson, *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa* (Oxford: Oxford University Press, 1995), 5-6, 277-279.

<sup>86</sup> Francis Njubi Nesbitt, *Race for Sanctions: African Americans Against Apartheid 1946-1994* (Bloomington: Indiana University Press, 2004), 2-3.

<sup>87</sup> Lewis V. Baldwin, *Toward the Beloved Community: Martin Luther King Jr. and South Africa* (Cleveland: The Pilgrim Press, 1995), 1. Francis Njubi Nesbitt also examines the Declaration of Conscience on South Africa, organised by leaders including Martin Luther King in response to the arrest and trial of 156 opponents of the apartheid regime for treason in 1956. The American Committee on Africa (ACOA) attributed the dropping of charges of 61 of the 156 defendants in the Treason Trial to the Declaration of Conscience campaign: Njubi Nesbitt, *Race for Sanctions*, 32-34.

movement and communism. The South African Government was vocal in its dismissal of anti-apartheid organisations as communist fronts. It remains a very contested subject with debates still ongoing about the exact role communists played and how influential they were upon the policies of the ANC. Much of this debate centres on the early 1960s, when the ANC made its turn towards sabotage. The extent to which this was led by the South African Communist Party (SACP) is also contested by scholars studying apartheid in recent years, for example Stephen Ellis and Tsepo Sechaba, David Everatt and Paul S. Landau.<sup>88</sup>

An anti-communist line was frequently taken up in the US, too, during the 1950s and 1960s and the intersection of anti-apartheid campaigning with the strong anti-communist feeling in the US at the height of the Cold War is a fascinating area.<sup>89</sup> Organisations and individuals disposed to become active in the anti-apartheid movement had to face these accusations at a time when the repercussions could be very serious. Brenda Gayle Plummer writes of the hesitation of the National Association for the Advancement of Coloured People (NAACP) when considering showing support towards the ANC. There were concerns that to do so would have a detriment impact on their work in the domestic civil rights movement.<sup>90</sup> Penny M. Von Eschen explores similar ground to Plummer and covers divisions existing between African-American groups resulting from the Cold War red scare with many Black leaders distancing themselves from radical organisations such as the CAA, for their alleged communist links.<sup>91</sup> The fact that some of the defendants in the Rivonia trial were leading members of the SACP coloured the work undertaken to campaign on their behalf, as will be seen in later chapters.

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<sup>88</sup> Works on the subject include but are not limited to South African Communist Party, *South African Communists Speak 1915-1980* (London: Inkululeko Publications, 1981); Henry R. Pike, *A History of Communism in South Africa* (Germiston: Christian Mission International of South Africa, 1988); Stephen Ellis and Tsepo Sechaba, *Comrades Against Apartheid: The ANC and the South African Communist Party in Exile* (London: James Curry, 1992); David Everatt, "Alliance politics of a special type: the roots of the ANC/SACP alliance 1950-1954," *Journal of Southern African Studies* 18, no. 1 (1992), 19-39; Paul S. Landau, "The ANC, MK, and the 'Turn to Violence' (1960-1962)," *South African Historical Journal* 64, no. 3 (2012), 538-563.

<sup>89</sup> For more about links between domestic organisations in the civil rights movement and the international anti-colonial and anti-apartheid movements, and how this connected with Cold War fear of international communism see Hollis Lynch, *Black American Radicals, and the Liberation of Africa: The Council on African Affairs 1937-1955* (Ithaca, NY: Africana Studies and Research Centre, Cornell University, 1978); Kate A. Baldwin, *Beyond the Color Line and the Iron Curtain: Reading Encounters between Black and Red 1922-1963* (Durham, NC: Duke University Press, 2002); Kevin Gaines, "A World to Win: The International Dimension of the Black Freedom Movement," *OAH Magazine of History* 20, no. 5 (2006), 14-18; Jason C. Parker, "'Made-in-America Revolutions?' The 'Black University' and the American Role in the Decolonization of the Black Atlantic," *Journal of American History* 96, no. 3 (2009), 727-750.

<sup>90</sup> Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S Foreign Affairs 1935-1960* (Chapel Hill: University of North Carolina Press, 1996).

<sup>91</sup> Penny M. Von Eschen, *Race Against Empire: Black Americans and Anticolonialism 1937-1957* (Ithaca: Cornell University Press, 1997), 142. Kindle edition.

Anti-apartheid activists in the UK did not suffer from anti-communistic rhetoric to the same extent and were not under the same level of scrutiny when working with activists from South Africa who were known to have communist ties. The South African exile community in London included many prominent communists who were able to continue with their work with little opposition caused by their political views, although the South African Government campaigned to portray the exiles as ‘violent, communist-dominated, self-interested, unstable criminal agitators.’<sup>92</sup> Much that is written on the anti-apartheid movement in the UK focuses on this community of South African exiles who largely based themselves in London; a number that increased in the 1960s following the Sharpeville Massacre.<sup>93</sup> There were many others from the UK who became involved in the movement. Rob Skinner has written extensively of the origins of the anti-apartheid movement in the UK, connecting the movement to the earlier missionary networks of the nineteenth century and the Christian humanitarianism of figures including Michael Scott and Trevor Huddleston, both of whom became influential figures in the anti-apartheid movement.<sup>94</sup>

The Rivonia trial took place in a period where the anti-apartheid movement, while still active, was less prominent and it is perhaps for this reason the trial does not appear to any significant degree in many scholarly works on the subject. As an example, Håkan Thörn’s otherwise excellent and comprehensive 2006 study of the anti-apartheid movement overlooks the trial entirely. The reason for this can be reasonably explained by his focus on events and themes occurring outside of South Africa. He separates activists into a first generation, who were active at the beginning of apartheid and who frequently had a church background and access to existing international church networks, and a second generation, which stemmed from the international student movement in the later years of the 1960s.<sup>95</sup> This timeline fits neatly with studies, such as that of Rob Skinner, that treat the Sharpeville Massacre in 1960 and its immediate aftermath as the end of one era, with the sports boycotts of the late 1960s, the Black Consciousness Movement and the outcry following the death of Steve Biko in custody in the 1970s ushering in a new.<sup>96</sup>

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<sup>92</sup> Mark Israel, *South African Exile in the United Kingdom* (Hampshire: Macmillan Press Ltd, 1999), 184.

<sup>93</sup> See for example: Denis Herbstein, *White Lies: Canon Collins and the Secret War against Apartheid* (Oxford: James Currey Publishers, 2004).

<sup>94</sup> Rob Skinner, *The Foundations of Anti-Apartheid: Liberal Humanism and Transnational Activists in Britain and the United States c. 1919-64*, (Hampshire and New York: Palgrave Macmillan, 2010). See also Stephen Howe, *Anticolonialism in British Politics: The Left and the End of Empire 1918-1964* (Oxford: Oxford University Press, 1993), 238-239; Philip D. Morgan and Sean Hawkins, eds., *Black Experience and the Empire* (Oxford: Oxford University Press, 2004).

<sup>95</sup> Thörn, *Anti-Apartheid and the emergence of a Global Civil Society*, 35-36.

<sup>96</sup> Rob Skinner, “The Anti-Apartheid Movement: Pressure Group Politics, International Solidarity and Transnational Activism,” in *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945*, ed. Nick Crowson, Matthew Hilton and James McKay (Houndmills, Basingstoke: Palgrave Macmillan, 2009), 133-134.

This thesis takes inspiration from transnational historical scholarship as it looks at how organisations based in the UK and the US formed close ties with campaigners across the world as part of their campaigns to free the Rivonia trialists. By focusing on the trial, during the period which has received little scholarly attention, further insight will be developed regarding the international dimensions of apartheid and the work that was undertaken by non-governmental sources and, in doing so, contribute to knowledge of the anti-apartheid movement for scholars in both history and in the social sciences. The above scholarly approaches are integral sources for what this thesis aims to achieve: a fusion of the *international-diplomatic* with the *civic-transnational*, with the goal of providing a holistic account of the global political significance of the Rivonia trial. Researchers focused on the anti-apartheid movement without consideration of the diplomacy that was involved miss the full international importance that the Rivonia trial held. Equally, if conversely, diplomatic historians and historians of the Cold War who overlook the activities of campaigners in the anti-apartheid movement miss the transnational dimensions. As has been suggested above, it is only by bringing these two perspectives together that we can fully grasp the global political significance of the trial.

## 6. Sources and scope

Because this is the first study of its kind, focusing in a sustained fashion on the global significance of the Rivonia trial, much of the source material utilised has been gathered from various archives in the UK, the US and South Africa. The national archives of the three countries have been valuable resources for gaining an understanding of the diplomacy that surrounded the trial and the communication that was ongoing between these three countries directly and also in the forum of the United Nations. The John F. Kennedy Library and the Lyndon B. Johnson Library were additional repositories of information that have been helpful to understand the position taken by the US Government as well as the competing views that existed within it with regards to apartheid and Africa more broadly. Much of the discussion taking place at the time about South Africa was not done in the public domain. With the trial ongoing there was reluctance from both the UK and US Governments to discuss it publicly. When examining the records of departments in the governments of both countries, however, it becomes clear that the trial was being followed closely and its wider implications to Southern Africa and the Cold War progress assessed.

Gaining a broad perspective on the work undertaken by groups and individuals to call for an end to apartheid and to the Rivonia trial required visits to multiple additional archives in the three countries that are the focus of this thesis. In the UK the records of the London Based Anti-Apartheid Movement and the World Campaign for the Release of South African Political Prisoners are available at the Bodleian Library in Oxford. Records of the National Association for the Advancement of

Coloured People (NAACP) and the American Committee on Africa (ACOA) are available in the Library of Congress, Washington DC and the Amistad Research Center, New Orleans respectively. Finally, some records of the ANC in addition to the papers of other significant figures are available in South Africa, at the University of Witwatersrand and the University of South Africa, Pretoria.<sup>97</sup>

The chapters of this thesis will be broadly divided into themes with each chapter aiming to fulfil an objective which will contribute to the broader aim of this thesis. There is an aspect of chronological organisation too as chapter two will examine the period of time immediately preceding the commencement of the Rivonia trial in order to provide the reader with an introduction to many of the important themes that will be running through the chapters that follow. It will demonstrate that apartheid was an increasingly fraught issue during the 1950s and early 1960s for South Africa, as well as for the UK and the US. This was largely due to the pressure that was placed on all three countries to end apartheid policies. South Africa was alone in the world in its defence of its racial policies. Even its closest allies were reluctant to support these policies in public, even if they were willing to overlook them in the pursuit of broader geopolitical interests, and the country was faced with a backlash that became louder over the years.

This chapter will also introduce the reader to the global anti-apartheid network that grew in significance at this time as avenues of dissent within South Africa were closed. This network was a loose collection of individuals and organisations, bound by a single overarching goal: the dismantling of the apartheid regime in South Africa. The most prominent of these organisations and will be explored, together with the ways in which ideas and actions were shared across borders by activists around the world. In doing so, light will be shone upon the global environment and priorities of the UK and the US and reasons provided for why the situation in South Africa had become such a growing matter of concern by the time of the Rivonia trial.

Chapters three and four will provide an opportunity for an in-depth study of the *international-diplomatic* response to the Rivonia trial. This response will be viewed through an Anglo-American lens. Chapter three will focus on the diplomacy that the UK, the US and South Africa maintained with each other as a result of the global outcry in response to the trial. Over the course of the chapter the responses of the UK and US Governments to international pressure rising in response to the Rivonia

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<sup>97</sup> The above paragraphs give an idea of the breadth of research that has been undertaken for this thesis. Material has been gathered from the National Archives of three countries which served to illuminate the discussions taking place within and between the governments at the time of the Rivonia trial. Additionally, records of non-governmental organisations based in each country have been consulted. This has provided details about the extent of the anti-apartheid movement at the time and the ties that existed and were strengthened as a result of the trial. To tie all of this information together has been challenging at time but the chapters that follow have been structured in such a way that details the two approaches to campaigning against apartheid one at a time, whilst always keeping in mind for the reader the ways in which the two approaches were linked.

trial and the complexities that resulted due to global changes stemming from countries achieving their independence from colonial rule as well as broader Cold War interests will be examined. Chapter four, meanwhile, will explain to the reader the significance of the Rivonia trial within the United Nations. How the UK and US governments responded to protest in the UN; protest that was beginning to build in the early 1960s and which peaked during the months of the Rivonia trial, will be explained. This chapter will end with some consideration being given to the involvement of non-governmental actors within the UN and the way they utilised mechanism that allowed their input, and this will serve as a steppingstone to more detailed attention being given to this aspect of study.

Chapters five and six will consider two aspects of *civic-transnational* anti-apartheid protest in turn. Chapter five will focus on the work undertaken by anti-apartheid activists and organisations to build a vast public outcry in response to the Rivonia trial. In doing this, the development of the anti-apartheid network will be sketched out in order to explain how organisations in the UK and the US worked within this network. How organisations in both respective countries worked to organised campaign actions and demonstrations will be examined and the differences between the actions in both countries will be identified and explained. Chapter six will focus on the political lobbying aspect of work that organisations in both the UK and the US undertook, looking at how this manifested in both countries, with consideration given to the very different domestic political structures and the particular obstacles that they faced.

To conclude, the thesis will pull together all the threads woven above and summarise the major points covered in the preceding chapters in order to coalesce the arguments supporting the idea that the Rivonia trial must be viewed as a seminal moment in the fight against apartheid, one that had a far-reaching impact across the world both during the trial and after its end. The interrelationship of the two approaches – the *international-diplomatic* and the *civic-transnational* – will be summarised and the argument made for the importance of looking at both together in order to obtain a full picture of how the Rivonia trial, and opposition to it, unfolded. In detailing this particular moment in the history of South Africa, this thesis will take its place among other recent works on the Cold War, decolonisation, and the global fight against apartheid and argue for the significance of the Rivonia trial to the wider diplomatic actions of the UK and the US.

**2.**  
**“A Choice of Evils”**  
**An Anglo-American Perspective of Apartheid and its Opponents**

The Rivonia trial was not the first event that caused global consternation and condemnation against South Africa. Rather, the trial should be seen as the culmination of what had been building up over the previous decade, both on a domestic and an international level. On more than one occasion, events in South Africa caught the attention of a global audience and caused widespread disquiet and growing opposition. The Treason trial (1956-61) and the Sharpeville Massacre (1960), introduced in the previous chapter, were two such events. Broader anti-colonial developments meant the policies of apartheid in South Africa were thrown into sharper relief as it was an outlier set against a global trend towards racial equality and self-determination.<sup>1</sup> Much of the diplomatic communication that took place during the Rivonia trial, as we shall see, was an extension of conversations about apartheid that had already been underway due to rising protest as the South African Government took increasingly draconian measures to suppress dissent.

The aim of this chapter is, therefore, to provide an outline of the background against which the Rivonia trial took place. Providing this contextual information is a crucial first step for what this thesis aims to achieve – recognition of the full global significance of the trial. The apartheid era was the era of Cold War and decolonisation. Understanding how countries responded to the global outcry against apartheid, and against the Rivonia trial more particularly, also requires understanding the broader Cold War imperatives of the time. The clash of Cold War priorities with the rising global acceptance of the ideas of racial equality and self-determination led to South Africa being a battle ground for conflicting geopolitical interests for both the UK and the US. The 1950s and 1960s was also an era of massive strides in technology and the movement of people leading to unprecedented information exchange. The capacity of information to travel across the world in ever decreasing time was able to be utilised by anti-apartheid activists to good effect.<sup>2</sup> This chapter will examine this background and, in doing so, provide the necessary context for the more analytical chapters that follow.

The chapter will begin by addressing two very primary topics that underpin this thesis. The development of apartheid in South Africa is covered in the first section. The use of law in the creation and support of apartheid will be detailed, together with efforts to oppose these policies. Racial

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<sup>1</sup> This was very evidently the case within the United Nations: Audie Klotz, *Norms in International Relations: The Struggle against Apartheid* (Ithaca: Cornell University Press, 1995), 45.

<sup>2</sup> Håkan Thörn dedicates a chapter to ‘The Struggle over Information and Interpretation’. While much of his focus is on developments in the 1970s and 1980s, it is recognised that the use of media to mobilise public opinion occurred as early as the 1960s, with the Anti-Apartheid Movement in the UK developing contacts with journalists at publications such as *The Times*: Håkan Thörn, *Anti-Apartheid and the emergence of a Global Civil Society* (Houndmills, Basingstoke: Palgrave Macmillan, 2006), 99.

inequality in South Africa had a very long history from the earliest days of colonial occupation. Organisations such as the African National Congress, the South African Indian Congress and the Communist Party of South Africa (later the South African Communist Party) all predated the apartheid era. Campaigns against racial inequality became more salient following 1948 however as did the state's response to this opposition. The Treason Trial will be looked at in particular, as a forerunner to the Rivonia trial.

The second section moves outward to look at how international law and the United Nations were significant to South Africa in the earliest years of the organisation's existence. Two aspects will be focused upon. Firstly, the early attempts to use the United Nations as a tool to criticise South Africa for its treatment of its Indian population. This was a significant issue for the Afro-Asian bloc, a group which was to gain in prominence over the following decades. Secondly, the international response to South Africa's efforts to annex the territory of South West Africa will be examined. Following World War II, there was a move from colonial states to place their colonies in UN trusteeship. South Africa moved in a different direction to this and instead wished to further absorb the territory that it had administered following WWI. This was fiercely criticised in the UN and led to the issue being put to the International Court of Justice repeatedly.

The sections following will have a tighter focus and consider opposition to apartheid from an Anglo-American perspective. Firstly, the strategic and economic interests of the two countries will be laid out and background provided to explain the close ties that existed between the West and South Africa. Both the UK and the US had additional interests in countries which were fiercely opposed to South Africa. Background for the conflicting interests will be picked up here and how these impacted the respective countries' approach to South Africa will be demonstrated. Secondly the response of the two countries to events in the United Nations will be detailed. At the start of the 1960s, there was a move away from resolutions in the General Assembly to attempts to bring the issue of apartheid to the Security Council. The Council was the body whose resolutions were binding and enforceable and so any attempt to respond to a Security Council resolution was a matter that required a more careful response from both governments.

The penultimate section of this chapter will give consideration to non-governmental sources of opposition to apartheid. This will include a brief introduction to the work of anti-apartheid activists in both countries and begin to show the interrelationship that existed between the *international-diplomatic* and the *civic-transnational* responses to apartheid in South Africa. To conclude, the argument will be made that the growing pressures which were appearing from multiple sources were reaching a pinnacle when the Rivonia trial began. Whether leaders of governments, representatives of anti-apartheid organisations, or prominent individuals passionately advocating for the cause,



apartheid drew them all together in condemnation of such injustice. The Rivonia trial amplified this and served as a focal point for this rising opposition.

### 1. The Law and Apartheid 1948-1961

Long in advance of apartheid, racial relations in South Africa were contested and frequently violent. The nineteenth century was a period of conquest, with successive African chiefdoms crushed as White settlers looked for new lands. This led to a huge social change. Self-sufficient African lifestyles were disrupted with forced removals onto reservations and pressure placed upon Africans to work as a cheap source of labour on White farms and in gold and diamond mines. Such changes required enforcement in laws, for example the 1913 Land Act, which prevented Black Africans from owning rural land, dispossessing many landowners. In response to the injustices they faced, the South African Native National Congress (SANNC) was formed on the 8<sup>th</sup> January 1912 at a meeting of over 60 prominent Africans.<sup>3</sup> This organisation was renamed as the African National Congress (ANC) in 1923.

Meanwhile, in response to their own grievances, the South African Indian Congress (SAIC) was formed in 1921. There was a substantial minority of Indians in South Africa due to historical immigration of indentured servants from the subcontinent (although it should be noted that the term 'Indian' was often used to refer to all inhabitants of Asian descent).<sup>4</sup> The origins of the SAIC can be traced earlier with the establishment, by Gandhi, of the Natal Indian Congress (NIC) on the 22<sup>nd</sup> May 1894. The NIC was one of several Congresses that would join to form the umbrella organisation of the SAIC. Again, particular laws were a significant cause of protest, with the first campaign of the NIC an opposition to the Disenfranchisement Bill and the Poll Tax of 1894 which denied basic civil and political rights to new Asian immigrants.<sup>5</sup> Later, the NIC conducted a mass passive resistance campaign in response to the Asiatic Land Tenure Act (also known as the Ghetto Act) of 1946. This campaign lasted for two years and received support from the ANC and its Youth League.<sup>6</sup>

It was with this background of racial tensions and injustice that the apartheid era began with the election victory of the National Party in 1948. The system of apartheid required support from a further raft of laws and it was these pieces of legislation, together with their administration and interpretation in the courts, that aimed to control race relations in South Africa as apartheid was

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<sup>3</sup> Raymond Suttner, "The African National Congress centenary: a long and difficult journey," *International Affairs* vol. 88 number 4, (2012), 719-720.

<sup>4</sup> Elizabeth S. Landis, "South African Apartheid Legislation I: Fundamental Structure," *The Yale Law Journal* 71 no. 1 (1961), 5-6.

<sup>5</sup> Corrie Gerald Haines, "A Political History of the Congress Alliance in South Africa 1947-1956," PhD diss. School of Oriental and African Studies, (1981), 6-7.

<sup>6</sup> Nelson Mandela, *Long Walk to Freedom* (London: Abacus, 1995), 118-119.

entrenched.<sup>7</sup> While no one article of law was responsible for the setting up of apartheid, some of the most significant include those passed shortly after the Nation Party victory: the Mixed Marriages Act (1949), the Population Registration Act (1950), the Group Areas Act (1950) and Immorality Act (1951).<sup>8</sup> Together, these Acts extended deeply into the lives of all those in the country, controlling where people could live, and who they could live with. The official opposition party, the United Party, found itself unable to oppose these developments forcefully as it was split between conservatives who leaned towards ideas of white supremacy and a small but vocal group of progressives who fiercely defended the rule of law and who supported a non-racial qualified franchise.<sup>9</sup>

This move towards apartheid, and lack of opposition to it in parliament, led to the development of a significant opposition movement outside of formal politics, particularly from those who were not given the right to vote. The congresses were at the centre of this opposition, with experience of campaigning from the last few decades. They included the ANC and the SAIC, but also the South African Coloured People's Congress (SACPC), the Congress of Democrats (COD) for White activists, the South African Congress of Trade Unions (SACTU), the South African Communist Party (SACP) and the Federation of South African Women (FEDSAW).<sup>10</sup> These organisations mostly worked independently of each other and the move towards the Congress Alliance, formed in June 1955, was gradual and a result of increasing ties between their members and leaders. This alliance was not popular with all members of the ANC as working with other racial groups and with communists alienated the Africanist faction within the ANC. This led to a split, with Robert Sobukwe leaving the ANC and setting up the Pan African Congress (PAC) in 1959. However, the increasing coordination of opposition to apartheid led to the state taking strong action to contain it.

In response to this rise in domestic opposition to apartheid policies, the South African Government passed laws to criminalise opposition and to create an environment in which political activism became increasingly difficult. An early attempt to address the opposition the Government faced was through the passage of the Suppression of Communism Act of 1950. This Act criminalised

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<sup>7</sup> Landis, "South African Apartheid Legislation I: Fundamental Structure," 4.

<sup>8</sup> Richard L. Abel, *Politics by Other Means: Law in the Struggle against Apartheid, 1980-1994*, (London & New York, Routledge, 1995), 14

<sup>9</sup> F. A. Mouton, "'No Prime Minister Could Want a Better Leader of the Opposition': Sir De Villiers Graaff, the United Party and the Apartheid State, 1956-1977," *African Historical Review* 46 no. 1, (2014), 50.

<sup>10</sup> Throughout this thesis, terms that may be viewed as offensive will be utilised. This is done solely the case for historical accuracy. The National Party Government took a firm line when dividing the population into races. There was the Black majority and the White Minority. But additional to these two groups, there was also a minority of Indians, mainly as a result of indentured labourers being transported to South African from India and settling. There was also a minority of Coloureds, who mainly lived in the Cape province and who were the descendants of the mixed marriages between the early settlers and native African women. The South African Government would often group Blacks, Indians, and Coloureds as 'Non-Whites'. For historical accuracy, it is necessary for this thesis to use these terms, even though they can reasonably be recognised as problematic in the present day.

the Communist Party of South Africa (CPSA) but, further to this, when it was introduced, the Minister of Justice noted that its scope was to criminalise subversion in general, not just subversion by communists.<sup>11</sup> This Act allowed the Government to ban organisations and individuals opposing apartheid. A 'ban' on an individual involved restrictions on a person's movements by requiring them to check in daily to a police station, limitations on their attendance at meetings and gatherings, and restrictions on their words being quoted or printed.

The powers granted by the Suppression of Communism Act were supported by later laws, for instance the Criminal Laws Amendment and the Public Safety Act, both of 1953. The Criminal Laws Amendment Act was particularly significant in the suppression of protest as it criminalised protest against any law, with penalties including fines, imprisonment up to three years, and/or whipping. This Act was a response to the 1952 Campaign for the Defiance of Unjust Laws led by the ANC and the SAIC which involved acts of mass civil disobedience, with Blacks, Indians and Coloured using Whites only entrances and Whites only areas. This campaign did not achieve its goal, which was the repeal of a number of National Party Laws, including the Suppression of Communism Act and the Group Areas Act, but it served as a new chapter in the struggle with membership of the ANC swelling to 100,000.<sup>12</sup> The Public Safety Act had the same goal, the end of passive resistance, through the government gaining the power to declare a state of emergency.<sup>13</sup>

Despite this increase in repression, there was also a degree of tolerance to opposition in the 1950s, even though this toleration by the Government was often grudging. Legal rights broadly remained respected and police practices were held in check.<sup>14</sup> The mammoth Treason Trial of 1956-1961 is a case in point where the legal rights of apartheid opponents were observed. One hundred and fifty-six activists were arrested. Over one hundred of the defendants were African, with the remainder being White and Indian, and a small number of Coloured South Africans. Some were known to be communists, some were followers of Gandhi, but the most important organisations represented by the defendants were the ANC and the other organisations of the Congress Alliance.<sup>15</sup> The arrests took place across the country in December 1956, but the security forces had spent a number of years preceding this collecting the evidence that would be used for the prosecution's case.<sup>16</sup> Once the

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<sup>11</sup> John Dugard, *Human Rights and the South African Legal Order*, (Princeton: Princeton University Press, 1978), 155.

<sup>12</sup> Mandela, *Long Walk to Freedom*, 142-160.

<sup>13</sup> Dugard, *Human Rights and the South African Legal Order*, 110, 174-175.

<sup>14</sup> Sheridan Johns, "Invisible Resurrection: The Recreation of a Communist Party in South Africa in the 1950's," *African Studies Quarterly* 9, no 4, (2007), 8.

<sup>15</sup> Thomas G. Karis, "The South African Treason Trial," *Political Science Quarterly* 76, no. 2 (1961), 218

<sup>16</sup> Karis, "The South African Treason Trial," 221.

proceedings were underway, the defendants were released on bail and allowed home, albeit with restrictions on their movements.<sup>17</sup>

The law of high treason in South Africa grew from Roman-Dutch common law and was vague in comparison to equivalent statutes found in the UK and the US. The crime was defined as that which was 'committed by those who with a hostile intention disturb, impair or endanger the independence or safety of the State, or attempt or actively prepare to do so.'<sup>18</sup> Any defendant found guilty of treason faced the possibility of a sentence of death. Over the course of the five years of the Trial, the case of the prosecution floundered. In December 1957, the Attorney General withdrew the charges against 61 of the defendants, and, by August 1958, a further four had been discharged. Further difficulties faced the prosecution with the withdrawal of its indictment. The trial resumed in January 1959 when a new indictment was presented to the court, framed against just thirty of the defendants, but it was not until August of that year that the defendants were arraigned due to the defence team challenging the indictment. The trial rested on the prosecution arguing for the evidence of the 'hostile intent' of the defendants as part of an international communist-inspired movement. The defence, on the other hand, challenged the prosecution's assumption that there was no middle ground between voting for change and committing treason when campaigning for change outside of the ballot box.<sup>19</sup> Finally, in March 1961, the remaining accused were unanimously acquitted by the Special Criminal Court, which ruled that the prosecution had failed to prove that the ANC, and the other Congress organisations, had a policy to violently replace the existing system with a communist state.<sup>20</sup>

The outcome of the Treason Trial was not what was aimed for by the South African Government but, despite the loss of the trial, there were positives that could be taken from it. There was definite logic in starting such a trial against its political opponents. Having such a large proceeding against so many defendants allowed the state to interfere with the work of activists, as well as to show the scale of opposition both to a home audience and to those abroad. By doing this in the court, they were able to demonstrate the fairness of the justice system. Should the state have won the case, it would have removed the threat posed by leading members of opposition groups. However, in losing, it could both point to the independence of the judiciary as well as lament the inadequacy of current laws and argue for the need for new legislation.<sup>21</sup> This indeed was the action that was to be taken by the South African Government, with the passage of new laws to stifle dissent – the Sabotage Act of 1962 and the 90 Day Detention Law of 1963. The first widened the definition of sabotage and, in

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<sup>17</sup> Mandela, *Long Walk to Freedom*, 418.

<sup>18</sup> Karis, "The South African Treason Trial," 221-222; F.G. Gardiner and C. W. H. Lansdown, *South African Criminal Law and Procedure, vol. II* (Cape Town: Juta & Co., 1957), 987.

<sup>19</sup> Karis, "The South African Treason Trial," 223-230.

<sup>20</sup> Dugard, *Human Rights and the South African Legal Order*, 213-214.

<sup>21</sup> Karis, "The South African Treason Trial," 232.

practice, put defendants in the position of being assumed to be guilty and having to prove their innocence, running counter to the fundamental principle of being innocent until proven guilty.<sup>22</sup> The second allowed for protestors to be detained for unlimited successive 90-day periods with no access to legal representation.<sup>23</sup> Unsurprisingly under these conditions, there were accusations of torture and mistreatment aimed at the security services.<sup>24</sup> The restrictions allowed by earlier laws, moreover, continued to be extensively applied.

The Rivonia trial followed two years after the Treason Trial and it was within this environment of strict repression and sweeping police powers that the defendants were arrested in July 1963. The Treason Trial can be understood as a precursor to the Rivonia trial as it was a significant, though ultimately unsuccessful, attempt by the South African Government to remove the leaders of the rising opposition it was facing regarding apartheid. The Rivonia trial was conducted in a very different legal environment to the earlier trial as the state utilised the new statutes available to it, noted above. The failure to convict leading anti-apartheid campaigners for treason in the earlier trial was significant to the charges placed against the Rivonia trial defendants and they were charged using the Sabotage Act and the Suppression of Communism Act as the burden of proof required for a conviction was less.<sup>25</sup>

The Treason Trial can be seen as a forerunner to the later trial in another sense as it became, like the Rivonia trial did in turn, a cause célèbre across the world. The trial was followed by many abroad and the arrests of the Treason Trial defendants widely reported. Labour MP Barbara Castle was an observer from the UK and the opening of the trial led to a delegation of MPs handing in a letter of protest to the South African Consulate in London.<sup>26</sup> From the US, Professor Thomas Karis, a State Department Official who was to become a prominent historian of the South African liberation movement, attended as well as fellow American Erwin Griswold, Dean of Harvard Law School, whose attendance was arranged by the American Committee on Africa (ACOA) in attempt to bring global scrutiny to the trial.<sup>27</sup> Moreover the trial, involving as it did so many defendants and lasting such a long period of time, required a significant source of funding to cover the cost of their defence. A significant area of work and campaigning undertaken by anti-apartheid activists at this time was to

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<sup>22</sup> Dugard, *Human Rights and the South African Legal Order*, 264-265.

<sup>23</sup> "General Laws Amendment Act 37 of 1963," South African Government, <https://www.gov.za/documents/general-law-amendment-act-2-may-1963-0000>, accessed September 17, 2023.

<sup>24</sup> It was after 1961, when anti-apartheid campaigners went underground, that torture began to be used on a regular basis as a way to obtain information from political prisoners. Lodge, *Black Politics*, 237.

<sup>25</sup> Joel Joffe, *The State vs. Nelson Mandela* (Oxford: Oneworld Publications, 2007), 230-231.

<sup>26</sup> Christabel Gurney, "A Great Cause: The Origins of the Anti-Apartheid Movement, June 1959 –March 1960," *Journal of South African Studies* 26, no. 1 (2000), 130.

<sup>27</sup> Mary Rayner, "Law, Politics, and Treason in South Africa." *Human Rights Quarterly* 8, no. 3 (1986), 477; David L. Hostetter, *Movement Matters: American Apartheid Activism and the Rise of Multicultural Politics* (Abingdon: Routledge, Taylor and Francis Group, 2006), 24.

support the defence of those on trial. This led to the formation of funds to support the defendants, coming both from within South Africa and abroad.

Prominent individuals in the church played a significant role in the raise of funds to support the legal costs of the proceedings. Ambrose Reeves, the Bishop of Johannesburg (1949-1961) was vocally opposed to apartheid and instrumental in the creation of the Treason Trial Defence Fund. In the UK, Canon John Collins read of the arrests in a British newspaper and as soon as he was able, he contacted Reeves to pledge financial support and to request that the best barristers were obtained as their defence. He immediately wired over all the Christian Action fund that were available.<sup>28</sup> Support also came from the US, with the ACOA starting a South Africa Defense Fund in response to the appeal from South African apartheid opponents Alan Paton and Reeves and arranging fundraising tours for both.<sup>29</sup> The existence of the Defence and Aid Funds was a significant aspect of the global movement against apartheid and a mechanism for people to support the cause. These funds were to be continued throughout the decades to follow. The British Defence and Aid Fund created by Collins was later a key support for the legal costs of the Rivonia trial defendants, raising the £19,500 needed for their legal costs.<sup>30</sup> The repression used by the South African state was, therefore, as much a source of global opposition and action as the racial injustice of apartheid itself, and the use of legal means to suppress opposition was instrumental in this development.

## 2. South Africa and International Law 1946-61

South Africa's domestic implementation of apartheid was not the only cause of global opposition, however. Its actions on the international stage also were a major source of criticism and the field of international law was an additional tool that could be, and was, utilised against South Africa. The United Nations was a significant outlet for concerns about South Africa's racial policies from the outset, but this came as something of a surprise to the South Africa and the UK, both founding members of the organisation. Commonwealth countries ensured that article 2.7, a duty not 'to intervene in matters which are essentially within the domestic jurisdiction of any state' was included in the United Nations' Charter in order to ensure that the UN would not have the opportunity to discuss their racially

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<sup>28</sup> Denis Herbstein, *White Lies: Canon Collins and the secret war against apartheid*, (Oxford: James Currey Publishers, 2004), 27.

<sup>29</sup> David L. Hostetter, *Movement Matters: American Apartheid Activism and the Rise of Multicultural Politics* (Abingdon: Routledge, Taylor and Francis Group, 2006), 24-25.

<sup>30</sup> Joffe, *The State vs. Nelson Mandela* (Oxford: Oneworld Publications, 2007), 16.

discriminatory practices and policies. South African Prime Minister Jan Smuts sought and received specific reassurance that the UN would not be able to discuss the treatment of Indians in the country.<sup>31</sup>

Some of the grievances facing the Indian population of South Africa have been explained in the previous section, when looking at the creation of the South African Indian Congress [SAIC]. The second-class status that Indians were allowed was a matter of significance to the Indian Government and there was a sense of moral responsibility as the governments of India and South Africa had agreed certain conditions for Indian indentured labourers when moving to live in South Africa. Additionally, in the Cape Town Agreement of 1927, South Africa had agreed 'to encourage the progress of Indians aspiring to 'Western standards''. In India's view, the Ghetto Act was contrary to this Agreement and just eight days after its passage, India withdraw its High Commissioner from the country and turned to the United Nations for a resolution.<sup>32</sup>

The main forum that was available to India when raising its concerns was the General Assembly. In the inaugural meeting of this body, resolution 44 was passed calling for South Africa to ensure that its Indian population was treated in conformity with the obligations existing in agreements between the two countries. This public challenge to South Africa's racial policies, even before the apartheid era, led to India being recognised as a leading member of the Afro-Asian bloc in the United Nations.<sup>33</sup> The Indian Government's successful request for the UN to discuss the treatment of Indians in South Africa left the UK in the position of watching two countries of the Commonwealth quarrelling. Although the UK was theoretically responsible for India's foreign policy decisions in 1946, in reality, there was little scope for the UK to do more than note their objections to the plans of the Indian Government. India was unable to ultimately improve the treatment of Indians by South Africa, but it did succeed in shining a spotlight upon the country's racial policies.<sup>34</sup> This attention was to continue and grow in prominence during the apartheid era.

Another very significant issue for South Africa in the first decades of the United Nations was its continuing administration of the territory of South West Africa (present day Namibia). In the early twentieth century, the violent German occupation of the area led to genocidal policies against the Herero, Berg-Damara and Nama peoples. Following the defeat of Germany in World War I, the victors, having formed the League of Nations, decided that all German and Turkish dependences, of which South West Africa was one, should be a concern of the whole international community. South Africa had wanted to annex the territory outright after the war but were prevented from doing so by the US.

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<sup>31</sup> Lorna Lloyd, "'A most auspicious beginning': the 1946 United Nations General Assembly and the question of the treatment of Indians in South Africa," *Review of International Studies* 16 (1999), 131.

<sup>32</sup> *Ibid*, 133-134.

<sup>33</sup> Alanna O'malley, "India, Apartheid and the New World Order at the UN, 1946-1962," *Journal of World History* 31, no. 1 (2020), 195-196.

<sup>34</sup> Lloyd, "'A most auspicious beginning'", 132.

It did gain control over it, however, subject to some restrictions through a mandate agreement with the League. A stipulation of their control was the promotion of the 'material and moral wellbeing and the social progress' of those living there.<sup>35</sup>

From the outset, South Africa moved to extend its grip over South West Africa and its aim for it to form the fifth province of the Union of South Africa was facilitated when the Legislative Assembly of South West Africa passed a resolution allowing for it to be administered as a fifth province subject to the provisions of the mandate. This was allowed to pass unchallenged by the League of Nations as, in practice with few exceptions, not much effort was made to interfere with South Africa's activities in the territory. This situation came to a close after World War II, with the dissolution of the League leaving the status of South West Africa unclear. This issue was contentious for the first two decades following the creation of the United Nations. South Africa argued consistently that, following the end of the League, it had full control over the territory and was not accountable to the UN regarding its administration. In marked contrast to the actions of other colonial powers, South Africa announced its future intention to annex South West Africa in the first meeting of the General Assembly in 1946. Prime Minister Smuts was a respected statesman with a great deal of prestige among the West, and he was broadly successful in utilising this leverage in support of this annexation. The majority of the members of the General Assembly disagreed and argued that the UN had succeeded the powers that had been held by the League of Nations.<sup>36</sup>

South Africa's actions in South West Africa had been met with concern for many years. A 1936 report by a South African investigatory commission wrote that there had been a failure to 'advance the welfare of the inhabitants' through 'a policy of race domination and ruthless exploitation'.<sup>37</sup> Further concerns about the situation in South West Africa were aired in the United Nations from the outset, with the Liberian delegate raising doubts about South Africa's depiction of the territory in 1946. South Africa's plans for annexation were made more challenging by the simultaneous efforts of India to raise opposition to South Africa's treatment of its Indian population, something which cast a shadow over Smut's efforts to utilise his prestige on the global stage. Due to the opposition that was growing in the UN in response to its plans, South Africa undertook measures to counter these objections in the second meeting of the General Assembly in the autumn of 1946, submitting a report on conditions in South West Africa and providing details on a referendum of the White population in the territory that

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<sup>35</sup> Elizabeth S. Landis, "South West Africa in the International Court of Justice." *Africa Today* 11, no. 4 (1964), 10; Maria Geisa Rocha, *In Search of Namibian Independence: the Limitations of the United Nations* (New York: Routledge, 2018), 34.

<sup>36</sup> Carol Anderson, "International Conscience, the Cold War, and Apartheid: The NAACP's Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946-1951," *Journal of World History* 19, no. 3 (2008), 298-300; Rocha, *In Search of Namibian Independence*, 35-36.

<sup>37</sup> Rocha, *In Search of Namibian Independence*, 35.



had taken place regarding the annexation. The referendum result was in favour of the plans, and Smuts claimed, moreover, that the African population too was strongly in favour of the plans, something that he credited to the good governance provided by South Africa.<sup>38</sup>

The attempt by South Africa to annex territory was a direct challenge to the authority of the United Nations and for this reason was a concern for the organisation. This was just one decade after the annexations of territory by Nazi Germany, which had illustrated the weakness of the League of Nations. The UN wished to avoid making the same mistakes as the League. Ensuring that an alternative narrative about South West Africa was heard at the United Nations was difficult due to the ability of South Africa to refuse to allow independent organisations in and their successful quashing of a US recommendation for a UN team to investigate the territory. It was therefore up to non-governmental actors to get information onto the international stage. British priest Michael Scott together with the NAACP in the US played a significant role in ensuring a picture of life in South West Africa was made available. Their efforts, together with the cooperation of the growing Afro-Asian Bloc, led to Michael Scott attending UN sessions as a representative of the Indian delegation and, in 1947, Scott was able to ensure petitions from the Herero, Berg-Damara and Nama peoples were accepted as official UN documents. Following the information provided by Scott, the UN submitted fifty questions regarding the territory. Predictably the South African Government hit back hard, arguing that the matter was out of the scope of the UN and the report they submitted following the meeting of the General Assembly in 1946 was a courtesy only.<sup>39</sup>

This aggressive approach was one that South Africa continued to use over the next decades during the apartheid era, with the National Party Government just as hostile to attempts by the UN to interfere with their administration of South West Africa as its predecessors, if not more so. The attempted interference by the UN was in itself a reason for South Africa to persist in its occupation of the territory, with National Party Prime Minister Daniel Malan claiming in a speech in 1949 that the actions of the UN 'was an indication to South Africa of what could be expected if South West Africa was put under trusteeship ... South West Africa under such a council would be nothing but a festering sore in the body of South Africa.'<sup>40</sup> In the 1949 General Assembly session, the South African delegate informed the organisation that it would no longer send reports about the administration of the territory on the basis that they were used to criticise South Africa's actions. At this time, the South African Government took definite steps towards the incorporation of the territory when the White population were given representation in the South African parliament.<sup>41</sup>

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<sup>38</sup> Anderson, "International Conscience, the Cold War, and Apartheid, 301-2.

<sup>39</sup> Ibid, 303-312.

<sup>40</sup> Ibid, 314.

<sup>41</sup> Rocha, *In Search of Namibian Independence*, 37-38.

South African plans to extend apartheid policies to the area was a matter of great concern and continued to contribute to the growing divide that existed between South Africa and the rest of the world. The significance of this issue, and the lack of easy resolution, led to it being taken before the International Court of Justice repeatedly in the years to come. From 1949 to 1971, the Court considered various aspects of the problem in both its advisory and its contentious capacities.<sup>42</sup> The General Assembly first sought an advisory opinion from the ICJ to help resolve the stalemate that grew from the uncertainty that existed regarding the how the former mandate system, of which South West Africa was one, linked to the new trusteeship system of the UN. The wording of article 77 of the UN Charter led to arguments being made both to support the idea that the transfer of the mandate to the trusteeship system was compulsory, and the idea that it was entirely voluntary and at the discretion of the of the mandatory power.<sup>43</sup>

On the 11<sup>th</sup> July 1950, the Court came to their decision and, instead of their advisory opinion resolving the matter, it resulted in further difficulty. While the opinion stated that the mandate for South West Africa had not lapsed, and that South Africa was accountable to the UN in respect of its actions in the territory, it also decided that South Africa had no obligation to place the territory under trusteeship. In the years that followed, the General Assembly continued to pass resolutions calling upon South Africa to place South West Africa under trusteeship, but any force that these resolutions may have had was lost following the Court's decision. Attempts of the General Assembly to create a new supervisory framework for Namibia led an Ad Hoc Committee negotiating with South Africa, with little progress. South Africa suggested the negotiation of a new mechanism with its Western allies the UK, the US and France as a way to avoid accountability to the UN, but this was not acceptable to the Committee. Two further advisory judgments by the ICJ in 1955 and 1956 upheld the requirement of a two thirds majority in the General Assembly when considering questions to do with South West Africa (as opposed to unanimity) and upheld the right of the Committee on South West Africa to supervise the administration of the territory.<sup>44</sup> Towards the end of the decade, little progress had been made, with South Africa adamantly refusing to accept the validity of UN involvement. A new approach was needed and the 1960s opened with the move to seeking a binding judgment from the ICJ, as opposed to the advisory opinions which had been so easily ignored.<sup>45</sup>

This section has illustrated two major issues that faced South Africa on the international stage and which contributed to the growing divide between it and the countries of the Afro-Asian bloc.

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<sup>42</sup> Michla Pomerance, "Case Analysis: The ICJ and South West Africa (Namibia): A Retrospective Legal/Political Assessment," *Leiden Journal of International Law* 12, no 2. (1999), 425.

<sup>43</sup> Rocha, *In Search of Namibian Independence*, 38-41.

<sup>44</sup> *Ibid*, 40-42.

<sup>45</sup> Pomerance, "Case Analysis," 426-427.

Explanation of developments in the 1940s and 1950s will provide background context to the events taking place in the early years of the 1960s, which will be the main focus of the sections that follow. The UK and the US, as allies of South Africa, had worked to try and ease the difficulties faced by South Africa due to the importance of the close relationship maintained between the countries of the West and South Africa. The increasing tensions caused by the racial policies of apartheid were to become a difficult problem for both the UK and the US to negotiate and this will be looked at in more detail below.

### 3. The Anglo-American Response to Anti-Apartheid Protest

By the 1960s, South Africa, due to its racial policy of apartheid and its actions in South West Africa, had become the focus of a significant, sustained campaign of protest that was to last for decades. This protest took many forms, from diplomatic communiqués expressing concerns and objections, to peaceful protest, campaigning and boycotts, to calls for economic sanctions, expulsion from international bodies and even armed invasion. Both the UK and the US Governments were following events in South Africa and the global responses to them closely in the first years of the 1960s and, on occasion, they were publicly, but cautiously, critical of apartheid. The governments of both countries would have preferred to not have had to deal with the conflict that existed between their economic and strategic interests with South Africa and the rising opposition to apartheid. Due to their position as powerful allies of South Africa, however, they were not able to avoid the calls for them to become involved.<sup>46</sup> The tensions between the need to respond to anti-apartheid protest while at the same time following their own wider interests with regards to Cold War global imperatives, as well as domestic pressures, will be unpicked in the remainder of this chapter.

#### *3.1 Geopolitics and Apartheid Protest*

The relationship of the West with South Africa during the early years of the Cold War rested on its strategic and economic importance. South Africa's unpopularity in the world due to their racial policies was mitigated due to the country's strong economic position. Broadly self-sufficient, with the important exception of oil, of which it had no domestic supplies, South Africa was a key global supplier

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<sup>46</sup> This will be covered in detail in the two chapters that follow. Both the UK and the US received requests to act on the matter of apartheid by the leaders of African states. The issue was also significant in the United Nations and the UK and US were challenged to respond to apartheid with the passage of multiple resolutions in the General Assembly and the Security Council.

of minerals such as gold, diamonds and uranium.<sup>47</sup> This meant that much of the global economy was reliant upon its exports and, as a primary source of gold, the currencies of the pound sterling and the US dollar relied upon South African supplies. Additionally, the location of South Africa was strategically significant for the West and the Simonstown naval base was a significant outpost for defending the Cape Route to the Middle East, along which significant supplies of oil, tea, tin, and rubber were carried to Europe.<sup>48</sup> Any damage to relations with South Africa had potential to have far-reaching geopolitical implications for the countries of the West.

The UK was the world's largest consumer of South African goods as well as being South Africa's closest and most important ally. The economic, historic, and strategic ties between the two countries were significant and transcended the historical antagonism that had existed between the Afrikaners and the British, even preceding the Boer Wars in the late nineteenth and early twentieth centuries.<sup>49</sup> Over the course of the 1950s, with the creation of independent states in Africa, these historic ties with South Africa had to be reconsidered in light of a more complex set of geopolitical priorities. While the value of economic ties with South Africa was significant for the UK Government and something that was assessed closely, trade with other countries in Africa was also valuable. In a situation where economic sanctions were being increasingly called upon as a mechanism to secure domestic change in South Africa, the UK was alert to the importance of responding in a way that would have the minimal negative impact on its interests.

In response to the growing protest against South Africa, a study was commissioned by the UK Government in July 1963 to examine the impact of economic sanctions on South Africa. Within this report was an assessment of the value of trade with South Africa in comparison to trade with other African countries, together with consideration of the likelihood that 'Black African' countries would risk damage to their own economies by organising reprisals against the UK should the UK Government continue to support South Africa. This assessment, prepared by the Commonwealth Relations Office (CRO), concluded that such reprisals from 'Black Africa' would be roughly of the same magnitude as those that South Africa might implement should the UK cooperate with calls for economic sanctions

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<sup>47</sup> By the early 1960s, South Africa produced over half the world's gold, 80% of the world's diamonds and was selling large quantities of uranium to both the UK and US. National Strategy Series – South Africa, October 28 1963, 4. National Security Files, Countries, Box 159, "South Africa", 10/08/63; Folder 2 of 3." JFKL.

<sup>48</sup> T. G. Ramamurthi, "Southern Africa and the Indian Ocean," *India Quarterly: A Journal of International Affairs* 28, no. 4 (1972), 341-346. It was also a facility readily available to US ships: Alex Thomson, *U.S. Foreign Policy Towards Apartheid South Africa* (New York: Palgrave Macmillan, 2008), 17.

<sup>49</sup> The Union Party led by globally respected statesman Jan Smuts promoted "South Africanism", a creed stemming from cooperation in the Cape between the English and the Afrikaners in the nineteenth century and which recognised the contributions of both to the creation of the South African nation: Hilary Sapire and Albert Grundlingh, "Rebuffing Royals? Afrikaners and the Royal Visit to South Africa in 1947," *Journal of Imperial and Commonwealth History* 46, no. 3 (2018), 527.

against them.<sup>50</sup> This analysis by the CRO, however, was challenged by F. W. Ridley from the Board of Trade. Ridley argued that the CRO report overestimated the economic importance of 'Black Africa' to the UK as well as underestimating the vulnerability of their economies should they cut economic ties with the UK.<sup>51</sup> The conflicting interests that the UK had across the continent demonstrates the difficult situation faced in the early 1960s when the UK Government was under increasing pressure regarding apartheid. Working out the possible consequences of taking a side, or indeed failing to take a side, were hard to predict as is evidenced by the conflicting views held by the CRO and the Board of Trade.

There were, again, differing opinions within the UK Government regarding the benefits and disadvantages of maintaining defence facilities in South Africa, in particular, the Simonstown naval base. In 1955, control of this Royal Navy base was transferred to the South African Government in exchange for a promise that Royal Navy ships would be permitted to dock at the base. The South African Government agreed to this but requested that the UK supply large arms and equipment, i.e. ships and aircraft, in return.<sup>52</sup> Some British officials focused on the importance of the facilities in other countries in Africa, particularly Libya, the Sudan and Kenya, and it was recognised these could be at risk should the UK continue to stand by South Africa.<sup>53</sup> Others, such as Edward Heath, the Lord Privy Seal, were of the view that defence links with South Africa should continue to be the priority of the UK Government.<sup>54</sup> It remained an important military objective of the UK Government to maintain the Simonstown outpost despite the pressure being placed on the UK to cut ties with South Africa and the mounting calls for an arms embargo.<sup>55</sup>

Moving across the Atlantic, the commercial and strategic links between the US and South Africa had grown during the Truman administration and the US viewed the country as a valuable Cold War ally. During the first term of Eisenhower administration, ties between the US and South Africa deepened, with more weight given to the communist threat than concerns about the immorality of apartheid.<sup>56</sup> President Eisenhower, however, became reluctantly involved in what was happening in South Africa through the increasing diplomacy that was required with the newly independent states

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<sup>50</sup> Enclosure in Snelling to Wilkinson, 24 July 1963. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>51</sup> Ridley to Snelling, 26 July 1963. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>52</sup> The opposition under Harold Wilson in March 1963 stated that they would not seek to end the Simonstown agreements even though they would reconsider the supply of arms to South Africa; something that would require a review of the agreements: Undated Aide Memoire: Relations between the Republic of South Africa and the United Kingdom in Regard to Defence Matters. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>53</sup> "In the developing conflict between the Government of South Africa on the one hand and Black Africa and the rest of the world on the other, where does the balance of our interest lie and how can we best minimise damage to them," enclosure to Caccia to Trend, 14 October 1963, paragraphs 11 to 13. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>54</sup> 'South Africa and the United Nations' (c (63) 59), Cary to PM, 3<sup>rd</sup> April 1963. TNA: PREM 11/5113.

<sup>55</sup> Foreign Office to New York, tel. no. 2446, 3 Aug 1963. TNA: FO 371/167566, JSA2281/30.

<sup>56</sup> Ryan M. Irwin, *Gordian Knot: Apartheid and the Unmaking of the Liberal World Order* (New York: Oxford University Press, 2012), 60-61.

in Africa and Asia. He had to field increasing demands from this quarter for concrete action to be taken against South Africa and it was important to keep them friendly to the West.<sup>57</sup> In the 1960s, global events were leading to the necessity of a change in US policy towards South Africa. Pressure upon the US to take a stance against South Africa continued upon the commencement of the Kennedy administration in 1961. Kennedy's inauguration resulted in high expectations on the part of many newly independent African states that stronger action would be taken in response to apartheid.<sup>58</sup>

As early as March 1961, McGeorge Bundy, the National Security Advisor, wrote to Dean Rusk, the Secretary of State, saying that South Africa's withdrawal from the Commonwealth, in addition to actions by the UN against Angola (a country in southern Africa colonised by the Portuguese which erupted in February 1961 into a war of independence that would last over a decade), meant that provisions encouraging private investment in South Africa and the continued purchase of gold and other raw materials would need to be reconsidered.<sup>59</sup> The US Government's actions towards South Africa were, indeed, frequently dictated by wider regional considerations. The countries of southern Africa - South Africa, South West Africa, Angola and Rhodesia - were often considered as a whole, with actions towards one country, i.e. South Africa, having ramifications to policies directed at the others:

The US must promptly take significant action with respect to both apartheid in South Africa and self-determination in Portuguese Africa. I firmly believe that a complete arms embargo against South Africa is both justified and necessary to prevent more extreme action with respect to both South Africa and Portugal.<sup>60</sup>

This approach made sense, particularly when the White minority governments of the Portuguese territories, including Angola, and South Africa were considered together by the Security Council in 1963.<sup>61</sup> Regarding US defence priorities in the early 1960s, the Secretary of Defence, Robert McNamara, wrote to Secretary of State, Dean Rusk, with an assessment of US facilities in Africa. He was of the view that defence facilities in South Africa, while important, were not crucial. Meanwhile there were facilities in other African countries that would have been more difficult to replace if lost, for example the Wheelus Airbase in Libya and various communication facilities in Morocco. He was

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<sup>57</sup> Thomson, *U.S. Foreign Policy Towards Apartheid South Africa*, 26.

<sup>58</sup> Peter J. Schraeder, *United States Foreign Policy towards Africa: Incrementalism, Crisis and Change* (Cambridge: Cambridge University Press, 1994), 200; Thomson, *U.S. Foreign Policy Towards Apartheid South Africa*, 33.

<sup>59</sup> McGeorge Bundy to Secretary of State, National Security Action Memorandum No. 33, March 22 1961. National Security Files, Box 329, "NSAM 33 – Review of US Policy Toward South Africa." JFKL.

<sup>60</sup> Attachment, G. Mennen Williams to John F. Kennedy, July 15 1963, "Trip Report: Governor Williams' Visit to West and West Central Africa," 9. President's Office Files, "State, 1963: June-July." JFKL. Digital Identifier: JFKPOF-088a-007-p0026. Accessed, September 25, 2023, <https://www.jfklibrary.org/>.

<sup>61</sup> Richard D. Mahoney, *JFK: Ordeal in Africa*, (Oxford: Oxford University Press, 1983), 236-241.

keen to work with the Department of State to attempt to avoid alienating either side as far as possible.<sup>62</sup>

The correspondence between the UK and the US at this time covered the major issues of the day, and with few exceptions this did not include events in Africa. Among these exceptions, however, were discussions about how to respond to the criticism of South Africa, particularly in relation to the objections directed at South Africa within the UN from the Afro-Asian Bloc – objections referred to earlier in this chapter. Both countries were keen to shake the complacency shown by South Africa on this matter.<sup>63</sup> Anglo-American talks took place in London on the 5-6<sup>th</sup> December 1962 where “it was agreed ... that the two Ambassadors in Pretoria should be asked to examine the possibilities of bringing some influence to bear on the South African Government.”<sup>64</sup>

Several months later, in a 1963 telegram to the Foreign Office, the then British Ambassador to South Africa, Sir John Maud, wrote that he was in agreement with the suggestion that the South African Government would remain complacent unless they were given reason to think that the UK and the US may be willing to support measures damaging to South Africa. To disabuse South Africa of the idea that the UK and the US would resist calls for measures to be taken against her, he concurred that parallel representations from the Ambassadors of both countries would be the most effective way forward.<sup>65</sup> These attempts to raise concerns about apartheid, however, were increasingly recognised as being futile at best and counterproductive at worst. In August 1963, Sir Hugh Stephenson, Maud’s replacement as Ambassador to South Africa, wrote in his turn to the Foreign Office recognising the need for him to make a representation to the South African Government about apartheid but stating his belief that any approach would have no influence on the Government, unless perhaps a negative one.<sup>66</sup>

To a degree, the South African Government was receptive to advice offered by British and American representatives, whether made independently or as a coordinated representation. South Africa wished to be considered as one part of the industrialised, anti-communist West. Its alliances with the UK and the US were valued and so criticism from this quarter was not as easily dismissed as it was from other sources.<sup>67</sup> The South African Government was not above showing its displeasure at

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<sup>62</sup> Robert McNamara to Dean Rusk, 11 July 1963, Document 6a. National Security Files: Countries, Box 159, “South Africa, General 6/3/63 – 7/12/63.” JFKL.

<sup>63</sup> Du Boulay to Foster, 24 January 1963. TNA: FO 371/167570, JSA 2291/4.

<sup>64</sup> Further clarification regarding how to take forward the proposals that were the outcome of these talks was requested by the British Embassy in Cape Town: W. H. Young to G. R Millard, 1065/2, 24<sup>th</sup> January 1963. TNA: FO 371/167570, JSA 2291/4.

<sup>65</sup> Maud to Foreign Office, tel. no. 57, 28 February 1963. TNA: FO 371/167570, JSA 2291/18.

<sup>66</sup> Stephenson to Foreign Office, tel. no. 242, 30 August 1963. TNA: DO 181/1, UN4/31/1A, Part A.

<sup>67</sup> In a conversation between Foreign Minister Louw and the US Ambassador Satterthwaite, it is clear that good relations between the two countries is important despite the strain growing due to the policies of apartheid: Joseph Satterthwaite to Secretary of State, section one of three, Jul. 1, 1961; 611.7OV/10-1460; Box 1288;

being criticised, however, as the US Government found out when G. Mennen Williams drew the ire of Eric Louw, the South African Minister of Foreign Affairs, after making a public statement that Africa should be for the Africans. This statement concerned the South African Government greatly and Louw declared that Williams would not be allowed to visit South Africa. Surely enough, his visa application was denied and South Africa was the only independent African country that Williams failed to visit in his career.<sup>68</sup>

Much of the coordination between the UK and the US Governments regarding South Africa concerned measures proposed within the UN. The next section will move away from examination of bilateral relations and cover in more detail how the UK and the US responded to debates and resolutions discussed in UN bodies, namely the General Assembly and the Security Council. The UN was a forum that allowed issues to be raised with the international community and was a focal point for both government and non-government protest about apartheid. Debates and resolutions passed by organs within the UN allowed countries and organisations around the world to demonstrate the widespread opposition to apartheid despite the importance South Africa had to the West in the Cold War international environment. Both the UK and the US Governments had to navigate a difficult path in the first years of the 1960s as the UN became a major site of anti-apartheid protest.

### 3.2 Anti-Apartheid Protest in the United Nations

The most vocal opposition against South Africa in the 1950s and 1960s came from the newly independent states of Africa and Asia and, in a bipolar world, it was international organisations such as the UN, as well as regional organisations such as the Commonwealth and the OAU, that would help to raise the influence of these countries more so than if they spoke out as individual states. There were multiple forums in which this opposition was expressed, with differing degrees of impact. The Bandung Conference in 1955 was an opportunity for the so-called Third World's longstanding opposition to colonialism to find its voice and for the mainly Asian delegates to support the fight for Algerian independence and the anti-apartheid struggle.<sup>69</sup> Meanwhile opposition to apartheid from Commonwealth countries was so forcefully stated in meetings of the Heads of Governments that it led to South Africa leaving the Commonwealth in 1961.<sup>70</sup> Following South Africa's departure, and in

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Central Decimal File, 1960-63; General Records of the Department of State, Record Group 59 (RG 59); National Archives at College Park, MD (NACP).

<sup>68</sup> Philip E. Muehlenbeck, *Betting on the Africans: John F. Kennedy's Courting of African Nationalist Leaders* (New York: Oxford University Press, 2014), 183-184.

<sup>69</sup> Frank Gerits, "Bandung as the call for a better development project: The US, British, French and Gold Coast perceptions of the Afro-Asian (1955)," *Cold War History* 16, no. 3 (2016), 258-259.

<sup>70</sup> New members of the Commonwealth who had joined upon achieving independence and who were staunchly opposed to the racial policies of South Africa, and adamant in their opposition to apartheid, were a significant source of opposition toward South Africa. This was a division that no amount of diplomacy on the part of the UK



light of the UK being unwilling to support significant action against South Africa, however, member countries were limited to making statements of condemnation.<sup>71</sup>

The extent of opposition from African states was also made clear with the creation of the Organisation of African Unity (OAU) in 1963, a development that led to a new phase in international protest against apartheid.<sup>72</sup> This organisation of states was fiercely opposed to colonialism and viewed the White minority governments in southern Africa as little different. In the inaugural meeting in May of that year, apartheid was on the agenda. Opposition to all forms of colonialism can be seen in the Charter that was approved at the meeting and apartheid was viewed as equally as objectionable and a cause that the member states could rally around despite other differences.<sup>73</sup> The most effective international forum that was available to the newly independent states, however, was the United Nations. How the UN looked and functioned changed over the course of the 1950s and 1960s as a result of newly independent states joining the organisation, and in the years in the run up to the Rivonia trial, the UN began to look very different to how it was envisaged by its founders.<sup>74</sup>

Between 1945 and 1963 the size of the General Assembly increased from 51 to 109. Whereas the Security Council was dominated by the five permanent members, all states could debate and vote in the forum of the General Assembly and this forum allowed for the voices of newly independent countries to be heard when they formed an Afro-Asian bloc which meant they could put matters on the international agenda that were significant to them. By using their time in the General Assembly and the Security Council, the issue of apartheid returned repeatedly to the international agenda in the 1950s and early 1960s. South Africa was not in a position to prevent criticism being aired against

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Government could solve and something that was difficult to ignore. This increase in membership of the Commonwealth was responsible for a large amount of the pressure facing the UK with regards to events in South Africa. This was exacerbated by South Africa needing to reapply for membership after becoming a Republic in 1961 following a referendum in 1960. It quickly became clear the majority of members of the Commonwealth would not accept South Africa's application to remain as one of them while it maintained apartheid policies and so Prime Minister Verwoerd decided to not go through the application process only to be rejected. This was a step that the UK had been keen to prevent. In a conversation between Macmillan and Verwoerd in February 1960, prior to the referendum, both the UK Government and the South African Government indicated their wish for South Africa to remain part of the Commonwealth: 'Note of a discussion between the Prime Minister and Dr Verwoerd at Groote Schuur, Cape Town, on Thursday, February 4, 1960, at 10.00am', 2-3. TNA: PREM 11/3072.

<sup>71</sup> Marc Keech and Barrie Houlihan, "Sport and the End of Apartheid," *Round Table* 349, no. 1 (1999), 114-115.

<sup>72</sup> Simon Stevens, "Boycotts and Sanctions against South Africa: An International History, 1946-1970," PhD diss. Columbia University, (2016), 227.

<sup>73</sup> Dugard, "The Organisation of African Unity and Colonialism," 157.

<sup>74</sup> After the end of WWII, there was a move by the Allies to prevent such carnage and such atrocities happening again. The creation of the United Nations, out of the former League of Nations, together with a commitment to inalienable human rights for all, was designed to prevent the carnage and such atrocities in the future. South Africa had had an integral role in the creation of the UN after the Second World War. Jan Smuts, the wartime Prime Minister of South Africa was deeply involved and was the author of the preamble of the UN's Charter. During the 1950s and the 1960s, this relationship became under increasing strain as a result of the criticism South Africa faced due to apartheid.

apartheid, despite arguing against the appropriateness of the UN discussing what was, in their eyes, a purely an internal affair.<sup>75</sup>

#### *A. The General Assembly*

As explained above, concerns about South Africa's racial policies were raised in the forum of the General Assembly even before the advent of the apartheid era, and these concerns continued to be aired. From 1952 to 1963, apartheid in South Africa appeared on the agenda every year in the General Assembly.<sup>76</sup> Broadly speaking, the developments in the General Assembly were not troublesome for either the UK or the US as no resolution in this body was binding on any state. What was passed could be viewed as an indication of opinion, rather than a guarantee for action to be taken. Resolutions passed in the 1950s therefore had little impact on the domestic policies of the South African Government. This lack of effectiveness led to African countries calling for more definite action to be taken. Resolution 1761 of November 1962 called for countries to observe sanctions, including economic sanctions, against South Africa as well as for the setting up of the 'Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa' (hereafter the 'Special Committee on Apartheid'), to review the situation in the country.<sup>77</sup> This passed with sixty-seven countries in favour, sixteen noes and twenty-three abstentions. The UK and the US both voted against it along with some countries of the Commonwealth and most European countries. Following the reluctance of many to support resolution 1761, there were accusations of Western complicity due to the apparent reluctance to take concrete action to end apartheid within South Africa.<sup>78</sup>

After the passing of resolution 1761, the UK Government was the target of lobbying by countries requesting support for its implementation. For example, after the UK voted against it, Ghana wrote to the Commonwealth Relations Office (CRO) asking for the UK Government's support for

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<sup>75</sup> The South African Government found criticism in the UN so objectionable that it threatened to leave the organisation in protest at its treatment, in the same way as it left the Commonwealth in 1961. This was a threat that was never carried out, but nonetheless it was an option that was seriously considered: "South Africa and the U.N.," draft telegram recording the Secretary of State's talk with the South African Ambassador 18 July 1963, 22 July 1963, TNA: FO 371/167578, JSA 2291/168.

<sup>76</sup> Beginning with "265 (III), Treatment of people of Indian origin in the Union of South Africa," May 14, 1949, UN Digital Library, <https://digitallibrary.un.org/record/210183?ln=en>.

<sup>77</sup> The text of resolution 1761 can be found on the following link. The President of the General Assembly appointed the following countries to the Special Committee: Algeria, Costa Rica, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, Nepal, Nigeria, Philippines, and Somalia.: "1761 (XVII). The policies of apartheid of the Government of the Republic of South Africa," November 6, 1962, United Nations Digital Library, <https://digitallibrary.un.org/record/204274?ln=en>.

<sup>78</sup> Dean to Home, 1517/1/63, 15 January 1963, TNA: FO 371/167570.

actions taken.<sup>79</sup> While the initial response suggested for this request was a simple acknowledgment of the letter, J. D. B. Shaw in the CRO felt that a more complete response would be necessary to appear more forthcoming on the matter, and also to make the most of an opportunity to make clear the repugnance felt by the UK Government towards apartheid.<sup>80</sup> This was accepted as a sensible response and this is a good example demonstrating the fine line that was being walked by the UK Government in the UN. Despite not having supported Resolution 1761, the UK Government was keen to demonstrate its opposition to apartheid.

The Special Committee on Apartheid was set up as stipulated in resolution 1761 and would go on to publish reports about apartheid in the coming years. The first interim report of the Special Committee was adopted on the 6<sup>th</sup> May 1963 and its conclusions was that South Africa's attitude and actions were a danger to international peace and security.<sup>81</sup> The Committee recommended that states should end diplomatic relations with the country. The Addis Ababa Conference of the African Heads of State followed shortly after on the 22-26<sup>th</sup> May 1963 and here the Heads of State passed their own resolution on apartheid in which they agreed to support the recommendations of the Special Committee.<sup>82</sup> The second interim report of the Special Committee of the 18<sup>th</sup> July 1963 (a week after the arrests of the Rivonia trial defendants) recommended that the Security Council demand release of political prisoners in South Africa.<sup>83</sup>

Due to the ability of South Africa to ignore the resolutions passed by the General Assembly with no sanctions or negative impact on trade with its major trading partners, the next step taken was to get the issue raised in the Security Council; a development that proved to be more problematic for both the UK and the US. Whereas the General Assembly was opened up to states in a way not anticipated by the founders of the UN, membership of the Security Council remained stable, with the five permanent members – the UK, the US, the USSR, France and China – as well as six rotating seats for other states represented in the Council for the period of two years.<sup>84</sup> Only the five permanent members of the Security Council possessed a veto. No resolutions about apartheid in South Africa

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<sup>79</sup> Letter from the Ghana High Commission to the CRO, 28 December 1962. TNA: FO 371/167570, JSA2291/1.

<sup>80</sup> Shaw to Foster, 22 January 1963. TNA: FO 371/167570, JSA2291/1.

<sup>81</sup> "Interim Report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa," May 9, 1963, 24, United Nations Digital Library, <https://digitallibrary.un.org/record/540603?ln=en>.

<sup>82</sup> "Resolutions Adopted by the First Conference of Independent African Heads of State and Government Held in Addis Ababa, Ethiopia, from 22 to 25 May 1963," 5-6, African Union, [https://au.int/sites/default/files/decisions/32247-1963\\_cias\\_plen\\_2-3\\_cias\\_res\\_1-2\\_e.pdf](https://au.int/sites/default/files/decisions/32247-1963_cias_plen_2-3_cias_res_1-2_e.pdf).

<sup>83</sup> "Second Interim Report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa," July 17, 1963, 9, United Nations Digital Library, <https://digitallibrary.un.org/record/540818?ln=en>.

<sup>84</sup> The six rotating seats were designated according to geographical location. Two for Latin America, one for a country of the Commonwealth, one from Eastern Europe, one from the Middle East and one from Western Europe.

were debated in the Security Council in the 1940s and 1950s in large part due to the limited membership of the Council. It was only following the Sharpeville Massacre in 1960 that matters took a significant turn, with apartheid becoming a topic that would be discussed on numerous occasions in the Security Council during the first half of the 1960s.

### *B. The Security Council*

The slaughter of the unarmed protestors at Sharpeville was universally condemned and pushed South Africa further down the road towards being an international pariah. Both the UK and the US openly declared their disapproval at the shootings whilst not criticising South Africa or apartheid policies more widely.<sup>85</sup> Within the UN there was widespread condemnation and calls for action to be taken against South Africa again arose - namely for an arms boycott and for economic sanctions.<sup>86</sup> Caution at the prospect of such a development is apparent even before the events in Sharpeville, however. In conversations held between the Prime Ministers of the UK and South Africa as early as the 8<sup>th</sup> February 1960, Macmillan was careful to parry recommendations from South Africa about how the West should respond to developments in the Security Council by not committing to any course of action when pressed on the subject by Prime Minister Verwoerd.<sup>87</sup> The massacre was an extra push towards already existing momentum for further and more comprehensive action to be taken against South Africa.

A debate took place in the Security Council following the massacre and both the UK and the US had to address this with increased seriousness as Security Council resolutions were more binding in nature than those of the General Assembly. A resolution passed condemning the killings, resolution 134, on the 1<sup>st</sup> April 1960. As well as condemning the South African Government, the resolution also raised concerns at the danger posed to international peace and security, in addition to calling upon the South African Government to 'initiate measures aimed at bringing about racial harmony based on equality'.<sup>88</sup> The resolution was general enough to have avoided the necessity of any of the permanent members using their veto, but the UK and France both decided to abstain, whereas the US voted for

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<sup>85</sup> The US State Department released a statement to say that the US 'regretted the tragic loss of life'. This was done without the permission of the Secretary of State, Christian Herter, or of Eisenhower and both later apologised to the South African Government for 'a breach of courtesy between nations': Westad, *The Global Cold War*, 133.

<sup>86</sup> 29 African and Asian states official requested a meeting of the Security Council on the matter on the 25<sup>th</sup> March, over objections from the UK: Alanna O'malley, "India, Apartheid and the New World Order at the UN, 1946-1962," *Journal of World History* 31, no. 1 (2020), 217.

<sup>87</sup> Draft telegram to C.R.O., Track 108, summary of discussion on UN points between Prime Minister and Dr Verwoerd, 8 February 1960. TNA: PREM 11/3072.

<sup>88</sup> "134 (1960). Resolution of 1 April 1960," United Nations Digital Library, <https://digitallibrary.un.org/record/112105?ln=en>.

it.<sup>89</sup> There was support for such measures from many African and Asian states, as well as the USSR, who knew very well that the two countries that would bear the greatest burden of sanctions would be the UK and the US. The South African Government was, not surprisingly, hostile to any critical resolutions passed by the Security Council and refused to acknowledge the resolution.<sup>90</sup>

After the 1960 resolution about the Sharpeville Massacre, pressure within the Security Council abated, but this was only a temporary respite. As the South African Government was able to continue with apartheid despite its critics and, despite the passage of resolution 134, calls to bring a new resolution to the Security Council gained momentum. Concerns about South Africa continued to be expressed in 1961 and 1962 but it was not until 1963 that a second resolution was debated in the Security Council.<sup>91</sup> Within the UK Government, there was no agreement on the best way to respond to the debates in the run up to the passing of the resolution. The CRO and the West and General Africa Department of the Foreign Office argued that the use of the UK's Security Council veto should be avoided as far as possible. Within the Defence Departments though, opinions differed significantly.<sup>92</sup> The CRO focused more on the importance of the links to Commonwealth countries whereas those in the Defence Departments did not view these with the same urgency and were more concerned with maintaining defence links with South Africa and were hesitant about the prospect of any support of arms sanctions.

In April 1963, in a memorandum to the Prime Minister, it was noted that the Lord Privy Seal, Edward Heath, was of the opinion that the UK should use its Security Council veto to prevent the application of sanctions on South Africa. He argued that not doing this would mean the UK risking losing defensive facilities in South Africa; or on the other hand, if a resolution passed in support of sanctions that the UK would be unable to honour, this would put her in breach of the United Nations Charter.<sup>93</sup> Heath, in the same memo, advised the Cabinet that pressure in the UN against South Africa was likely to increase over the course of the year and that two matters were likely to become more

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<sup>89</sup> The US voting in favour of the resolution was seen as an indication of the growing importance US officials were giving to UN representatives from the third world: O'malley, "India, Apartheid and the New World Order at the UN, 217.

<sup>90</sup> South Africa was not going to give up on the United Nations easily, despite the criticism it faced. In a 1960 meeting with Macmillan and Verwoerd, Foreign Minister, Eric Louw, warned that South Africa was determined to gain the Commonwealth seat in the Security Council, a step that would have allowed it to influence debates: "Record of a discussion held at Groote Schuur, Cape Town, on Tuesday, 2 February 1960, at 10:00a.m.," 12. TNA: PREM 11/3072. South Africa applied in 1962 for a seat in the Security Council. They were unsuccessful however, with the General Assembly voting for the Commonwealth seat to go to Sri Lanka instead.

<sup>91</sup> The matter came back to the Security Council at the request of 32 African states: Ram C. Malhotra, "Apartheid and the United Nations," *Annals of the American Academy of Political and Social Science* 354, no. 1 (1964), 140.

<sup>92</sup> Le Breton to Shaw, 15 July 1963. TNA: DO 181/82, UN 37/4/7.

<sup>93</sup> "South Africa and the United Nations (c (63) 59)," Cary to PM, 3 April 1963. TNA: PREM 11/5113.

pressing challenges: calls for the application of sanctions on South Africa due to apartheid as well as the difficulties stemming from the status of South West Africa. He viewed it as a 'choice of evils'.<sup>94</sup>

The US Government aimed to avoid a resolution that would lead to using the veto but was more accepting of the possibility of arms sanctions than many in the UK Government were. In July 1963, officials in the State Department were planning to speak with the South African Ambassador, Willem Naude, to the US to inform them of the planned steps that were to be taken, including support for a voluntary arms embargo, and asked for South Africa's assistance to 'moderate the actions of the Security Council'. The Department also planned to speak with representatives from African states and to work out a way forward with the creation of a moderate resolution within Chapter VI of the UN Charter.<sup>95</sup> The possibility of needing to veto a Security Council resolution proposing economic sanctions was a matter of some concern at the highest level of the US Government and there was some reluctance at the thought of this eventuality:

President Kennedy said that he hoped that it would not be necessary for the US Government to veto a resolution in the Security Council. It would look odd if he was preaching desegregation at home and voting in favour of apartheid abroad. The British and American Governments should keep in close touch on this question.<sup>96</sup>

In advance of the next Security Council resolution on apartheid, representatives of the UK Government and the US Government held multiple discussions with the aim to coordinate their responses in order to show a united front when faced with representatives from the Afro-Asian bloc. Both shared some red lines and were unwilling to support a draft prepared by African countries calling for an oil embargo and South Africa's suspension from the UN.<sup>97</sup> The approach the UK and the US were taking regarding an arms embargo, however, was starting to diverge. During discussions, the UK was informed by the US Government that, while they would try to achieve a resolution for a partial arms embargo, they would not oppose a full arms embargo if it meant using their veto. The Americans hoped that a moderate resolution would win support of waverers in the Council and mean an extreme resolution, i.e. one requiring the imposition of economic sanctions, would be avoided but thought that this would need the support of the UK.<sup>98</sup> For this reason, the US Government spent time working to convince the UK that this was the best way forward. The willingness of the US to support arms

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<sup>94</sup> "South Africa and the United Nations (c (63) 59)", Cary to PM, 3 April 1963. TNA: PREM 11/5113.

<sup>95</sup> Memo, George Ball to John F. Kennedy, "Next Steps with South Africa re Security Council Meeting," July 16 1963. National Security Files, Countries, Box 159, "South Africa, General 7/13/63-7/31/63." JFKL.

<sup>96</sup> "Record of a Meeting at Birch Grove House at 3:30pm on Sunday, June 30, 1963 (Extract)." TNA: PREM 11/5113.

<sup>97</sup> Dean to Foreign Office, tel. no. 1160, 2 August 1963. TNA: FO 371/167566, JSA 2281/26.

<sup>98</sup> Millard to Lord Dundee, "Apartheid and the Security Council," 27 June 1963. TNA: FO 371/167565, JSA 2281/1.

sanctions was a matter of concern to the UK Government. The CRO, however, recommended that the UK should not stick out its neck by opposing a resolution calling for an arms embargo without backing from others in the Security Council, but instead to agree to such a measure.<sup>99</sup>

Norway, a member of the Security Council in 1963-64, was keen for measures to be taken with regards to South Africa even to the extent of supporting economic sanctions.<sup>100</sup> However, the Norwegian Foreign Minister recognised that any economic sanctions laid down by the UN would be ineffective without the support of the UK and the US and any such proposed resolution would be vetoed.<sup>101</sup> A resolution that was not strong enough in its condemnation of South Africa, however, would equally be unlikely to pass as it would be voted against by a majority on the Council and possibly vetoed by the USSR and/or China. This is demonstrated by the failure of an initial draft for this resolution, supported by the UK and shared with the US and France, which limited itself to a call for a partial arms boycott against arms that could be used for the internal enforcement of apartheid, and avoided a stronger call for more comprehensive economic sanctions.<sup>102</sup>

The final version of the resolution 181 was passed on the 7<sup>th</sup> August 1963. The text of the resolution raised concerns about the build-up of arms by the South African Government and regretted that some states were providing indirect encouragement to South Africa and its policies of apartheid. It called for all states to commit to an arms embargo.<sup>103</sup> The resolution passed, with abstentions from the UK and France, showing that, although some within the UK Government advised that voting should be along the same lines as the US, the UK Government would vote independently of them if necessary.<sup>104</sup> Having dealt with the August 1963 Security Council resolution, both the UK and the US successfully avoided having to respond to a resolution that they would have needed to veto. They had managed to do this without alienating either South Africa or those countries most strongly opposed to South Africa. This gave them some respite, but the calls for action were far from done as can be

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<sup>99</sup> Enclosure in Ridley to Snelling, "Policy Towards South Africa, Memorandum by the Secretary of State for Commonwealth Relations," 26 July 1963. TNA: DO 181/82, UN 37/4/7.

<sup>100</sup> Although there is not space here to give much consideration to the domestic pressure facing the Norwegian Government to take action against apartheid in South Africa, it should be noted that this is a good example of where non-governmental protest had a definite impact on the actions of a government, in particular within the UN. Tore Linné Eriksen, "The Origins of a Special Relationship: Norway and Southern Africa," in *Norway and National Liberation in Southern Africa*, ed. Tore Linné Eriksen (Stockholm: Nordiska Afrikainstitutet, 2000), 23-32; Stevens, "Boycotts and Sanctions against South Africa," 233.

<sup>101</sup> Clinton-Thomas to Foster, 2226/20/63, 14 May 1963; Walker to Foster, 2226/28/63, 18 June 1963. TNA: FO 371/171808.

<sup>102</sup> Enclosure in Acland to Foster, 1829/240/63, 10 July 1963. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>103</sup> "Resolution 181 (1963)," 7 August 1963, United Nations Digital Library, <https://digitallibrary.un.org/record/112181?ln=en>.

<sup>104</sup> Significant effort was given to ensure agreement on the terms of a moderate resolution with the US and Norway: Foreign Office to Moscow, tel. no. 2515, 6 August 1963. TNA: FO 371/167566, JSA 2281/32.

seen when the Rivonia trial began in October 1963, and protests and calls for further, more significant action continued to build.

### 3.3 Non-Governmental Opposition to Apartheid<sup>105</sup>

The above sections have focused on bilateral diplomacy and negotiations within the UN – the *international-diplomatic* aspect of this thesis. The difficulties facing the UK and the US due to rising protest against apartheid have been demonstrated throughout. Whilst this is a major factor in the actions taken by the two governments, it is also necessary to account for the pressures facing them on the domestic level. Activists based in the UK and the US worked within the growing *civic-transnational* network of anti-apartheid protest and the growing prominence of this network was something both governments were conscious of alongside the diplomacy they were engaging in. For differing reasons, which will be examined below, non-governmental anti-apartheid protest was treated with seriousness by both governments and added to the difficulty that was faced when deciding upon a way forward.

Throughout the 1950s, opposition to apartheid was growing on a non-governmental level across the world with an increasing number of organisations taking it up as a cause. This was in large part thanks to the efforts of South African organisations and individuals to make it a matter for global protest. Both the ANC and the PAC were banned by the South African Government in 1960. Working in exile, they made their headquarters in Dar Es Salaam, Tanganyika (present day Tanzania). Both also had additional offices in other countries including in London, where the headquarters of the SACP were based. Even prior to the banning of the ANC and the PAC, there was already anti-apartheid activism being heard in both the UK and the US in addition to in many other countries around the world. Global non-governmental action had been viewed for some years as an important mechanism to change policies of the South African Government.<sup>106</sup> Activists in the UK and the US raised their voices in conjunction with others across the world in response to events in South Africa. The Defiance Campaign of 1952 and the Treason Trial of 1956-1961 were rallying points, but the Sharpeville Massacre raised opposition to new heights. Activists held protests outside of South African Embassies across the world, petitions were signed and sent to South African representatives, and activists spoke at the UN to call for action.<sup>107</sup>

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<sup>105</sup> This section will provide a very brief overview of the work of the anti-apartheid movement. Far more space will be given to this in chapters five and six of this thesis. The focus of this section is to provide a brief introduction to the interplay between governmental and non-governmental protest against apartheid.

<sup>106</sup> For example, the Government of Norway felt that, in the absence of any meaningful response by South Africa's major trading partners (namely the UK and the US), the pressure of public opinion would be the most effective way of bringing about change in the country: P.F. Hancock to the Foreign Office, tel. no. 17 Saving, 26 April 1963. TNA: FO 371/171808, N103201/1.

<sup>107</sup> This has not yet been focussed upon but will be examined in detail in chapter five of this thesis.



The global dimensions of non-governmental protest are significant, and difficult to give full credit to in the scope of this thesis. Activists such as Oliver Tambo, head of the ANC overseas operation (later the Acting President after the death of Chief Luthuli in 1967), travelled ceaselessly to mobilise support. During the first decades of apartheid, London became a common destination for exiled South African activists, with an active community building up and maintaining their fight for an end to apartheid. The US, while less of a common destination for South African activists, nonetheless was significant due to the civil rights struggle. In the early years of apartheid, common cause was found between the civil rights movement and the anti-apartheid movement. Chief Albert Luthuli, President of the ANC from 1952 to his death in 1967, linked the anti-apartheid struggle in South Africa to the wider struggle for decolonisation in Africa, Asia and the Caribbean as well as the US civil rights movement.<sup>108</sup> The struggle can be seen as one prominent battle in a broader pan-African fight for independence and equal rights regardless of race.<sup>109</sup>

The significance that the UK and the US had to the anti-apartheid movement meant that this was not an issue that could be kept at arm's length as an issue of diplomatic complexity that could be dealt with separately to matters at home. The anti-apartheid movement both as a global movement and as one that worked to promote the issue among politicians and members of the public had a wide impact in both countries, albeit for differing reasons. This was due to the differing internal challenges faced by each government, as was the nature and the scale of protest that they faced from groups campaigning domestically.

In the UK, there was a blurring of lines between activists and politicians. The issue of apartheid was a matter that was discussed within the House of Commons multiple times in the early 1960s with Labour Party MPs among the most vocal anti-apartheid campaigners in the House of Commons.<sup>110</sup> The Labour Party, as the main opposition, was increasingly supportive of taking action in response to South

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<sup>108</sup> Robert Trent Vinson, "Up from Slavery and Down with Apartheid! African Americans and the Black South Africans against the Global Colour Line," *Journal of American Studies* 52, no. 2 (2018), 307.

<sup>109</sup> There were numerous pan-African conferences in the decades preceding the Rivonia trial and activists in South Africa, from various organisations, followed these conferences closely. Representatives from the ANC, the PAC and the National Liberation Front (NLF) found these conferences a useful way to exchange ideas and to garner support. The Algerian fight for independence was followed closely and members of MK tried to use the experience of the Algerians to plan for their own independence struggle: Allison Drew, "Visions of Liberation: The Algerian war of independence and its South African reverberations," *Review of African Political Economy*, 42, no. 143 (2015), 22-43.

<sup>110</sup> Criticism of apartheid was not a major concern though for all Labour MPs. In the early days of apartheid, much of the concern engendered by it was restricted to the most left-leaning MPs in the Labour Party. As the years passed and policies of the South African Government became increasingly draconian in the late 1950s and early 1960s, events such as the Sharpeville Massacre led to support for the activists fighting to bring an end to apartheid becoming more common in the Labour Party and the Liberal Party. Christabel Gurney, "A Great Cause: The Origins of the Anti-Apartheid Movement, June 1959 – March 1960," *Journal of South African Studies* 26, no. 1 (2000), 130-140.

Africa's racial policies. They used parliamentary time on multiple occasions to question the Conservative Government on its policies towards South Africa and to demand for action to be taken. Prominent figures from the Labour Party to do so included Barbara Castle and Fenner Brockway. As well as being sitting MPs, both were also among the leaders of organisations involved in anti-apartheid campaigning. Barbara Castle was president of the London based Anti-Apartheid Movement (AAM) while Fenner Brockway was heavily involved in the Movement for Colonial Freedom (MCF). These links allowed the anti-apartheid movement to challenge the UK Government directly.

In the years to follow, concerns about the UK Government's response to apartheid in South Africa was returned to multiple times. Following the Sharpeville Massacre, the UK Government was challenged as to the source of the weapons used to kill the protesters as it was possible that they had been made in UK factories.<sup>111</sup> Debates were later instigated by Fenner Brockway in 1961 and 1962 regarding events in the UN and the restrictions facing anti-apartheid protestors in the UK.<sup>112</sup> Events in the UN were frequently the motivation behind apartheid returning to the House of Commons. Barbara Castle strongly challenged the UK Government's failure to do more to put political and economic pressure upon South Africa. She noted that moderate African states had called upon the UK, the US and France to do more and argued that the UK Government was risking alienating these states.<sup>113</sup>

The situation facing the US Government was significantly different to that of the UK. There was a disconnect between anti-apartheid activists and the US Government. This was a reflection of a broader lack of interest towards Africa from the legislature. When looked at in comparison to the UK, the anti-apartheid sentiment demonstrated by Senators and Congressmen and women was slight throughout the 1950s and 1960s, only slowly growing to reach a peak in later decades.<sup>114</sup> Organisations such as the ACOA would therefore struggle to build significant opposition to apartheid via the route of the legislature. There was enough interest to cause the killings at Sharpeville in 1960 to be a matter that was raised in the Senate, with Senator Javits, a Republican Senator who was on the liberal wing of his party, calling attention to the bloodshed and describing it as 'one of the evil fruits of the policy of apartheid.' Tellingly, he linked this violence, and its significance across the world, to the civil rights issue in the US because he viewed the struggle for racial equality as 'a great world issue'.<sup>115</sup>

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<sup>111</sup> *Hansard* HC Deb. vol. 620 cols. 648-650, 24 March, 1960. [Online], [Accessed 24 September 2023] Available from: <https://hansard.parliament.uk>.

<sup>112</sup> *Hansard* HC Deb vol. 642 cols. 1653-1654, 22 June, 1961. [Online]; *Hansard* HC Deb. vol. 667 cols. 25-26, 12<sup>th</sup> November 1962. [Online], [Accessed 21<sup>st</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>113</sup> *Hansard* HC Deb. vol. 652 cols. 687-688, 29 January 1962. [Online], [Accessed 21<sup>st</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>114</sup> Steven Metz, "Congress, the Antiapartheid Movement, and Nixon," in *The Impact of Race on US Foreign Policy: A Reader*, ed. Michael L. Krenn (New York & London: Garland Publishing, Inc., 1999), 288.

<sup>115</sup> Jacob Javits (NY). "The Tragedy at Sharpeville," March 22, 1960. *Congressional Record*, Senate, 106, Part 5 p6214. (Text from *Congressional Record Permanent Digital Collection*); Accessed: April 1, 2023.

Two days later, on the 24<sup>th</sup> March, Senator Wayne Morse joined his colleague in criticising the violence in South Africa and supporting the formal objection released by the US State Department.<sup>116</sup> These statements stopped short of calling for specific action to be taken against South Africa and, in the years immediately following Sharpeville, the issue of apartheid retreated in importance.

Whereas the executive branch of government was not facing significant pressure from the legislative or domestic groups such as the ACOA, the ongoing domestic civil rights issues at the time indirectly impacted upon the consideration given to apartheid in South Africa. In the US, a major domestic concern at this time was the civil rights struggle. This was also a significant issue on the global stage too, with the leaders of many African countries following events in the US closely. The inequality facing many Black Americans was frequently linked to colonial issues in Africa. Milton Obote, Prime Minister of Uganda wrote an open letter to Kennedy regarding the violence in Birmingham, Alabama in 1963.<sup>117</sup> In it he wrote:

“We in Africa who have borne the White-man’s burden for decades and centuries, who have fought for and attained the selfsame rights that the American Negroes are now striving for, feel that our own freedom and independence would be a mere sham if our Black brethren elsewhere in Africa and in the United States still remain in the political, social and economic bondage.”<sup>118</sup>

Although it was normal practice to not respond to open letter like this, an exception was made in this case as it was felt it could be useful for a statement to be released that would be tailored to both domestic and foreign audiences and which could be widely distributed in Africa.<sup>119</sup> In his response, Kennedy acknowledged the racial problems faced by the US and vowed, to all nations of the world, to overcome the challenges facing those working to end racial inequality in the US.<sup>120</sup> This was done as the international reputation of the US with regards to racial matters was becoming a matter of increasing significance, and this was to make apartheid a particularly difficult issue to navigate.

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<sup>116</sup> Wayne Morse (OR) and Jacob Javits (NY), “Rioting and Killing in South Africa.” March 24, 1960, Congressional Record, Senate, 106, Part 5, p6443-6445. (Text from *Congressional Record Permanent Digital Collection*); Accessed: April 1, 2023.

<sup>117</sup> This violence resulted from a non-violent protest led by a number of civil rights leaders including Martin Luther King Jr. Young Black students were met with water cannons and police dogs and the reports of the violence reached all around the world.

<sup>118</sup> Addis Ababa to Secretary of State, tel. no. 678, May 23 1963, 2. National Security Files, Carl Kaysen, Box 366, “Civil Rights Circular, 4/63-5/63.” JFKL.

<sup>119</sup> Memo Kaysen to Marshall, May 27 1963. National Security Files, Carl Kaysen, Box 366, “Civil Rights Circular, 4/63-5/63.” JFKL.

<sup>120</sup> Memo to Carl Kaysen, “Draft reply to Prime Minister Obote of Uganda,” 17 June 1963. National Security Files, Carl Kaysen, Box 366, “Civil Rights Circular, 4/63-5/63.” JFKL.

#### 4. Conclusion

Everything introduced above is significant to the forthcoming analysis of the global significance of the Rivonia trial that will begin in the next chapter. What has been made clear is the complex geopolitical environment in the late 1950s and the first years of the 1960s which faced the UK and the US Governments. The ongoing Cold War and the decolonisation of countries in Africa was significant to the actions of the UK and the US towards South Africa. The strength of opposition shown by the newly independent African states towards South Africa meant that continuing with a close alliance with that country was no longer straightforward for either the UK or the US. The possibility that the Soviet Bloc could use the issue of apartheid to drive a wedge between countries in Africa and the West was taken seriously as it would have had significant repercussions to the broader Cold War. The UN was the forum where tensions between South Africa and the rest of the continent of Africa became most clearly apparent. It was also the site of significant pressure upon the UK and the US as the gap widened between the condemnation of apartheid that the UK and the US Governments were willing to express, (and the actions they were willing to take), and the expectations of the opponents of apartheid.

The growth of domestic anti-apartheid protest, and the increasing globalisation of this protest as anti-apartheid activists continued to build links across borders, was an additional strain upon the UK and US governments. The links that were developed between state and non-state opponents of apartheid, meant that this opposition was harder to ignore. Also significant to the importance placed upon non-government anti-apartheid activism was certain particularities in the domestic situation of the UK and the US at this time. The strong links the Labour Party had with prominent anti-apartheid organisations in the UK meant that the British Government was frequently challenged about its actions towards apartheid South Africa. Across the Atlantic, the international attention given to the US civil rights struggle that meant the US Government's approach to racial issues internationally were the focus of particular attention and this had an impact upon the country's actions in response to apartheid.

The broader Cold War and post-colonial environment, the debates taking place in the UN, to domestic protest within both the UK and the US, all were significant, therefore, in placing an increasingly bright spotlight upon South Africa in the months and years prior to the arrests at the Liliesleaf farmhouse. All, more importantly, continued upon the commencement of the Rivonia trial. The actions of both the UK and US Governments are best viewed with an understanding of how their actions towards South Africa in the preceding years were decided upon. For every successive protest or trial in South Africa, with every increasingly draconian measure taken by the South African Government to suppress dissent, global protest became louder and the calls for something more to be done than had already been tried became harder to ignore. The concessions that the UK and the US

made in the years prior were increasing insufficient. The argument will be made in chapter three that the events of the Rivonia trial served to further increase the international tensions towards South Africa that had already been building and led to increased pressure on both the UK and the US as they tried to avoid alienating both South Africa and the many countries fiercely opposed to apartheid policies.

### 3. “The Most Important South African Trial Yet Staged” Dilemmas of Diplomacy: the Politics of the Rivonia Trial

The preceding chapter has provided context to what will follow in the remainder of this thesis by introducing the growing opposition to apartheid between 1948 and 1963, both within South Africa and across the world. Numerous events taking place in South Africa were followed closely and used as rallying points for protest. Some of the most significant on the global arena have been identified, notably the Treason Trial and the Sharpeville Massacre. But, behind these, there was a catalogue of other arrests, claims of torture, and reports of deaths in custody. The first person to die in custody during the apartheid era in South Africa was ANC campaigner Looksmart Ngudle in 1963. The official story was that Ngudle had committed suicide, but officials prevented investigation into his death by announcing a banning order post-mortem. He was the first person to be banned after his death.

It is important, therefore, to note that the Rivonia trial was not the only trial of political dissidents that was underway in South Africa during the first years of the 1960s. Although other arrests and trials cannot be looked at in any more detail, they were important to South Africa becoming a frequent object of criticism. The Rivonia trial took place when the pressure building against South Africa in the early years of apartheid was reaching a peak. Several of the ten men who were on trial for their lives were prominent anti-apartheid campaigners, and well known both at home and abroad. Their arrests and subsequent trial garnered a massive amount of attention, both on its own merit, but also in the context of already rising levels of protest due to the events of the preceding years.<sup>1</sup>

Some of this attention came from states, and this included both the UK and the US. Both governments discussed the ongoing trial among themselves and with each other. The *international-diplomatic* significance of the Rivonia trial can therefore be clearly observed when looking at these discussions and the concerns raised about its potential impact upon wider geopolitical considerations resulting from the Cold War and from the post-colonial environment. As the previous chapter has

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<sup>1</sup> In the early 1960s, the South African Government was intent on utilising the full might of the law to preclude legal anti-apartheid protest. In January 1964, Justice Minister Vorster reported in the House of Assembly that 3,355 people had been detained using the General Law Amendment '90 Day Detention' Act and the Suppression of Communism Act, among other legislation that criminalised anti-apartheid protest: “Report of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa,” (A/5692), March 3, 1964, 10, United Nations Digital Library, <https://digitallibrary.un.org/record/840242?ln=en>.

The Rivonia trial was frequently considered to be the most important due to the position of many of the defendants in the leadership of the ANC. Other trials around this time include the ‘Yu Chui Chan’ trial of 11 people underway in Cape Town; the ‘Little Rivonia’ trial of 74 people taking place in Pretoria; a trial of 26 people in Grahamstown and of 77 in Port Elizabeth; multiple trials in the Eastern Cape involving 106 defendants; two trials involving 29 people in Pietermaritzburg, as well as many other trials that received less publicity and which the was little knowledge of outside of those directly affected: Enclosure, Minford to Dunrossil, 5 December 1963, Ref:5011, 1. TNA: FO 371/167542, JSA 1641/60.

demonstrated, in response to apartheid, the UK and the US found themselves walking a delicate line between irreconcilable pressures, balancing immediate economic and strategic priorities against less tangible, but still significant, reputational priorities and possible future benefits. The respective situations and ensuing priorities of both governments meant that how they responded to the trial differed in some respects but coincided in others. This chapter will tease out these similarities and differences and look to explain the reasoning behind actions taken and decisions made. By doing so, the impact that the global attention had upon the trial, at the *international-diplomatic* level, as well as the significance that the trial had upon wider geopolitics, will become clear.

The first section below will begin by returning to the Rivonia trial, with a focus on the global attention given to the trial in order to show how the defence team hoped to utilise this interest in the proceedings. The extent of the global support for the defendants will be demonstrated as significant to the strategy they planned with their defence team. Section two, on the other hand, will approach the question of the significance of the Rivonia trial from a different angle. It will look not at the impact that global attention had upon the trial, but instead focus on the impact the trial had across the world. This section will focus closely upon the reports of the trial requested and received by both the UK and US Governments and how the governments responded to the information they received. Together, these sections will pave the way to more in-depth analysis of the global significance of the trial.

Section three will begin by examining how South Africa defended itself against criticism by representing the Rivonia trial as a Cold War event; painting the Rivonia trial defendants as saboteurs working to destabilise the West. The second part of this section will move to explore the reasons which led the UK and the US to reject this picture presented by South Africa, with particular focus given to the challenge posed by the actions of African states. Despite both the UK and the US Governments wishing to avoid damaging their relationship with South Africa, the pressure upon them both to take some form of action against apartheid was becoming increasingly relentless and difficult to ignore. The chapter will close by looking more widely still with an examination of the broader interests of the UK and the US at the time of the Rivonia trial. Events in South Africa had the potential to impact on a range of other geopolitical priorities and this meant that the UK and US Governments had to negotiate a careful path through what was a difficult diplomatic episode.

## 1. The Commencement of the Rivonia Trial

After the arrests at the Liliesleaf farmhouse – and the arrests that followed of the other men who were to appear among the defendants in the Rivonia trial – representatives of the South African Government were vocal in their celebrations. In the months between the arrests and the trial there was a media campaign against the defendants. The State was leaving nothing to chance when building a case both

in the courtroom, as well as in the court of public opinion, at least among the White population of South Africa.<sup>2</sup> On the other hand, the defendants were kept in solitary confinement, with limited access to family members and their legal representatives, and with no opportunity to speak publicly on the case.<sup>3</sup> Due to the extensive secrecy that the state and the prosecution insisted upon, the defence team were not certain exactly how many people would be waiting for them when they travelled to the jail to meet the defendants on the 7<sup>th</sup> October 1963.<sup>4</sup> The trial began two days later on the 9<sup>th</sup> October. The state had built the trial up as one of intense importance for the future of the country and for apartheid, and the trial commenced with appropriate fanfare. On the day the trial opened, the Church Square in front of the court building was swarmed by police, as was the courtroom itself. The defendants were transported the mile from the jail to the courthouse in an armed convoy to repel any attempt to free them.<sup>5</sup>

Due to the vast amount of documentary evidence the security police had found at the Liliesleaf farmhouse, the defence lawyers anticipated that a strong case would be put against their clients and, moreover, they were aware of the strong political principles that the defendants would be likely to stand by. In a situation where the defendants were clearly guilty of what the state was accusing them of, the strategy used was to challenge the legitimacy of the laws that were broken and of the government that had passed them. Their clients were eager to use their time on trial to promote their cause, above and beyond trying to claim innocence. As one historian has put it:

There would be no attempt by the accused to deny responsibility for their actions; rather they would take every opportunity to explain their case, and to discriminate the truth from the falsity. The trial had been set up as a political forum, and that, in a fitting reversal, was how the defendants would use it, not only describing but also defining the nature of their struggle.<sup>6</sup>

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<sup>2</sup> The defence team applied for *Die Vaderland*, a newspaper with ties to the National Party Government, to be charged with contempt of court. The paper had printed statements from the Minister of Justice, senior police and the prosecutor about the guilt of the defendants. These statements were argued as prejudicing the courts: Joel Joffe, *The State vs Nelson Mandela* (Oxford: Oneworld Publications, 2007), 69.

<sup>3</sup> Hilda Bernstein recounted the difficulties she faced when trying to see her husband when he was being held in solitary confinement for 23 hours a day in accordance with the 90 Day Detention Act. Arguments resulted with the prison guards when trying to take food to the prisoners and books were not permitted at all and Bernstein was only able to visit her husband after continuing to insist on it in the face of the anger of Colonel Klindt, Chief of the City Security Branch: Hilda Bernstein, *The World that was Ours* (London: Persephone Books Ltd, 2009), 134.

<sup>4</sup> Joffe, *The State vs Nelson Mandela*, 21-28.

<sup>5</sup> *Ibid* 32-33.

<sup>6</sup> Stephen Clingman, *Bram Fischer: Afrikaner Revolutionary* (Amherst: University of Massachusetts Press, 1998), 313.



The defendants, and the men representing them, were acutely aware of the importance of global attention to the trial.<sup>7</sup> The defence team was comprised of men who frequently took on cases of this nature. Lawyers who undertook to defend those accused of political activities against the state were a small band as many were not willing to risk their professional reputations and livelihoods by taking on such cases. For this reason, they were familiar with what such a trial would entail.<sup>8</sup> The defence team worked tirelessly to ensure that, if any of the defendants were put to death, it would be in full view of the rest of the world. They were active in spreading information about the trial and about the defendants, to representatives from other countries, including the UK and the US.<sup>9</sup> It was a calculated challenge to the South African Government, whose goal was to remove the influence of the leaders of the resistance from within South Africa.

Watching the trial were plain clothes policemen, family and friends of the defendants, journalists from South Africa, and also international observers from multiple countries.<sup>10</sup> The global support for the defendants meant that the South African Government found itself in the dock, much as the defendants were themselves. Knowing this, the South African Government was keen for the trial to be run to a high standard as the quality and independence of its judicial system was a matter of pride for the country.<sup>11</sup> Both the UK and the US were represented over the course of the proceedings with official and unofficial observers in attendance.<sup>12</sup> This source of information for

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<sup>7</sup> George Bizos, advocate for the defence, recalled the importance of the international attention throughout the course of the trial in an interview in 2018.

<sup>8</sup> Reports were received by the West and Central African Department indicating that many young attorneys in Port Elizabeth were put off defending those facing charges under the General Law Amendment Act and the Suppression of Communism Act as they were worried that to do so would risk jeopardising their future: Isherwood to Dunrossil, 506/63, 6 December 1963, 2. TNA: FO 371/167542, JSA 1641/57. There was also an instance in East London where an attorney, a Black South African man, was arrested for providing legal advice to defendants. The formal indictment noted that ‘... the Accused is charged with the offence of attempting to defeat or obstruct the course of justice in that at Alice he did wrongfully and unlawfully induce eight named persons... to refrain from giving evidence for the State.’ Minford viewed this as a charge that ‘strikes at the whole base of an attorney’s right to give his clients legal advice’: Minford to Dunrossil, 5013, 19 November 1963. TNA: FO 371/167542, JSA 1641/46, JSA 1641/57.

<sup>9</sup> Satterthwaite noted the success that Berrangé had in enlisting diplomatic interest and the world press towards the Rivonia trial: Joseph Satterthwaite to Department of State, tel. no. Cape Town 164, p.1, section 2 of 2, Apr 20, 1964; POL 29 Arrests, Detentions S AFR 3/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, Record Group 59 (RG 59); National Archives at College Park, College Park, MD (NACP).

<sup>10</sup> The trial was held in Pretoria rather than Johannesburg. The Treason Trial of 1956-61 was also transferred to Pretoria from Johannesburg due to crowds of supporters of the defendants gathering outside holding anti-government demonstrations. Pretoria, the residence of many civil servants and a strongly pro-government city, would make it easier to control crowds and demonstrations: Joffe, *The State vs Nelson Mandela*, 21.

<sup>11</sup> Throughout the apartheid era, when responding to external criticism, ‘Officials and other apologists constantly boasted about the government’s respect for the rule of law and the exalted reputation of its judiciary, both within the country and outside: Richard L. Abel, *Politics by Other Means: Law in the Struggle against Apartheid, 1980-1994* (London: Routledge, 1995), 12.

<sup>12</sup> Though there were journalists present in the press gallery, there were no members of the international press represented. The only diplomatic observers present were those from the UK, the US and the Netherlands: Miles to Department of State, Airgram no. A-289, Subject “Rivonia Trial Progress,” p.3-4, March 10, 1964; POL 29

foreign governments was briefly interrupted in February 1964 when the prosecution requested that all overseas observers be removed to the public gallery where they were unable to follow the proceedings properly. It was not until the beginning of March that Judge de Wet was made aware that the security police were preventing the use of the jury box, the area of the courthouse situated close enough to allow observers to follow the course of the proceedings, and this was reversed with diplomatic observers allowed back in.<sup>13</sup>

Both the defendants and their defence team viewed this attention as significant to the way they were approaching the trial, but the willingness of the defence to discuss the trial and share material with UK and US representatives was beneficial to both these governments also. Over the months of the trial, attention across the world continued to grow and the UK and US Governments continued to rely on up-to-date information to keep them abreast with the trial's proceedings. The information, assessments and recommendations that were received allowed both governments to respond effectively to protest arising in response to the arrests and the trial. They were also instrumental in the UK Government and the US Government responding to the trial as, without these first-hand accounts, they would have been reliant on press reports and information from the South African Government. Clarification of developments in the trial was viewed as important in estimating worldwide and domestic reactions.<sup>14</sup>

## 2. Reports of the Rivonia Trial by UK and US Representatives in South Africa

### 2.1 *The Commencement of the Trial*

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Arrests, Detentions S AFR 3/1/64; POL 19 Gov't of Dependences S. AFR to POL 29 Arrests Detentions S. AFR; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP. Unofficial observers from the UK and then US included politicians, lawyers and academics. From the UK this included Labour MP John Mendelson and John Arnold QC. From the US, observers included sociologist Dr Gwendolyn Carter. Unofficial observers included representatives from the Netherlands, Sweden and Japan as well as the UK and the US: Satterthwaite to Secretary of State, tel. no. Cape Town 53, April 23, 1964, p.1; POL 29 Arrests, Detentions S AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>13</sup> Their removal was in response to Dr Gwendolyn Carter waving at Nelson Mandela. This sign of familiarity and support was met with fierce disapproval from the prosecution and the security services. John Miles commented that the actions of the Security Police regarding access to the jury box as well as other instances of intimidation reflected badly on the state: Miles to Department of State, Airgram no. A-289, "Subject: Rivonia Trial Progress," p.1-2, March 10, 1964; POL 29 Arrests, Detentions S AFR 3/1/64; POL 19 Gov't of Dependences S. AFR to POL 29 Arrests Detentions S. AFR, Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>14</sup> Department of State to American Consulate General, tel. no. Cape Town 179, April 14, 1964; POL 29 Arrests, Detention S.AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State; RG 59; NACP.

Leslie Minford, the British Consul General based in Pretoria, was active in forging ties with anti-apartheid campaigners during his time in the country. He was known personally to some of the Rivonia trial defence team because, as previously explained, they regularly undertook the defence of those charged for their work to bring an end to apartheid.<sup>15</sup> Minford used his connections to obtain and then forward on information about the Rivonia trial in his reports to the Foreign Office.<sup>16</sup> Minford was convinced of the importance of the trial, both for South Africa and for its wider implications across the world and wrote as such in his reports:

This trial is liable to be the most important South African trial yet staged, for its own intrinsic revelations and counter-revelations, for its powerful influence on internal and international opinion, for its repercussions on race and political relations inside South Africa and its possible effect on H.M.G's policy vis-à-vis South Africa, bilaterally, intra-Commonwealth and at the United Nations. It is probably no exaggeration to say that this (and the accompanying trials of over 100 accused on similar charges) may prove to be as important a contributory factor to sharpening the animosities and the drive for action as any other simple issue at stake between South Africa and her international opponents. The conduct of this trial and its outcome, therefore, are of considerable concern to us, given the 106-1 vote in the United Nations General Assembly calling for the ending of political trials and the freeing of political prisoners.<sup>17</sup>

From the trial's commencement, in the reports he prepared, Minford argued that the governments of the UK and US should consider intervening and to communicate to the South African Government their apprehension arising from the possibility that the prosecutor would demand the death sentence for a number of the defendants. He believed that the UK and the US, as powerful allies of South Africa, would have the ability to influence the South African Government to the benefit of the defendants.<sup>18</sup>

Minford's views in this respect were in the minority and were likely coloured by his connections with the men directly involved. Other representatives of the UK, and those of the US too, recommended caution from their respective governments when crafting a response to the commencing trial. Lord Dunrossil, a British diplomat in South Africa, advised that it would not be appropriate to intervene officially with the South African Government about the trial since to do so would appear inconsistent with the UK Government's position taken in the United Nations when abstaining from paragraph two of General Assembly resolution 1881 on the 11<sup>th</sup> October 1963 – the

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<sup>15</sup> He met regularly with Vernon Berrangé and George Bizos over the course of the proceedings: Kenneth S. Broun, *Saving Nelson Mandela: The Rivonia Trial and the Fate of South Africa* (New York: Oxford University Press, 2016), 114.

<sup>16</sup> This information included legal documents such as the defendants' affidavits about their treatment under the 90 Day Detention Act that he received from defence attorney Arthur Chaskalson: Minford to Dunrossil, 21 November 1963. TNA: FO 371/167542, JSA 1641/49.

<sup>17</sup> Minford to Dunrossil, 18 October 1963, 5011/63, p.1. TNA: FO 371/167541, JSA 1641/34.

<sup>18</sup> *Ibid.*, 4.

paragraph which called for an end to the Rivonia trial and the release of prisoners detained for their opposition to apartheid.<sup>19</sup> The US Ambassador, Joseph Satterthwaite, in his initial reports to his Government regarding the trial, took a rather unsympathetic line towards the defendants, emphasising the crimes they were accused of as well as their communist links. On this basis, he counselled against showing support for them in forums such as the United Nations.<sup>20</sup>

The UK Ambassador to South Africa, Sir Hugh Stephenson, was similarly hesitant at the prospect of a formal intervention on the subject of the trial and argued for a cautious approach. Discussions between officials in the UK Government at this point demonstrated the difficulties experienced when forming a response to the Rivonia trial. A number of weeks into the proceedings, Stephenson was asked by the Foreign Office to raise the matter with the South African Government on the grounds of the strength of feeling in the UK about the injustice of the trial. Stephenson did so but with reluctance after his advice against such action was overruled.<sup>21</sup> Stephenson counselled against making any suggestion that the trial was unjust and advised that if he must raise the issue, it should be on the basis of the injustice of the laws that the defendants were charged under, rather than any suggestion that the trial itself would be conducted unjustly. He strongly advised that even this measure was inadvisable. The Foreign Office overruled him on the grounds that not taking action could expose the UK to 'charges of inconsistency or even hypocrisy'. The balance of advantage was decided in favour of speaking of the matter, in as lowkey a manner as possible, to the South African Government.

Despite his initial caution, by December Ambassador Stephenson had begun to recognise the possible need for the UK Government to make a representation to the South African Government should death sentences be handed down by the Judge. Properly reflecting his cautious approach to this matter, he recommended that this be done informally and not at the express instruction of the UK Government, and to be couched in terms of concern about 'the seriously adverse consequent effect

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<sup>19</sup> Dunrossil to Foster, 19 October 1963. TNA: FO 371/167541, JSA 1641/34. This resolution of the General Assembly passed 106-1, with only South Africa voting against the measure. The resolution called for an end to repression of those opposing apartheid and called for South Africa '...to abandon the arbitrary trial now in progress and forthwith to grant unconditional release to all political prisoners and to all person imprisoned, interned or subjected to other restrictions for having opposed the policy of *apartheid*.' The trial referred to was the Rivonia trial, which began just days before. "Resolution 1881 (1963)," 11 October 1963, United Nations Digital Library, <https://research.un.org/en/docs/ga/quick/regular/18>.

<sup>20</sup> Satterthwaite to the Dept. of State, tel. no. 464, October 11, 1963; Pol 15-3 Judiciary S AFR; Box 4030; Central Foreign Policy Files, 1963, From: Pol 7 Visits Meetings S AFR To: POL 15-3 Judiciary S AFR; 1963 Alpha- Numeric Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>21</sup> Foreign Office to Pretoria, tel. no. 591, 4 November 1963; Stephenson to the Foreign Office, tel. no. 396, 6 November 1963; Foreign Office to Pretoria, tel. no. 649, 15 November 1963; Stephenson to the Foreign Office, tel. no. 423, 16 November 1963; Foreign Office to Pretoria, tel. no. 669, 19 November 1963; Stephenson to Foreign Office, tel. no. 428, 21 November 1963; "Discussion at the United Nations of South Africa's Racial Policy,". TNA: DO 181/1, UN4/31/1A, Part A.

on public opinion in Britain and elsewhere in the Western world of an execution of sentence.<sup>22</sup> Officials in the Foreign Office were in broad agreement with Stephenson's proposed informal approach but were open to the possibility of a more formal representation should there be a serious outcry in response to harsh sentences.<sup>23</sup> These arguments both for and against making an intervention to the South African Government regarding the trial is a good example of the interplay between the *international-diplomatic* and the *civic-transnational*. The evident reluctance to upset a close ally was weighed up against the broad opposition to apartheid and to the trial in the UK and across the world.

## 2.2 The Outcome of the Trial

The possibility of any of the defendants being sentenced to death was a key concern throughout the course of the trial. In December, Minford wrote '[h]owever much the Judge may wish to avoid passing the extreme sentence of death on the Accused it may in fact be difficult for him to do so.'<sup>24</sup> In the first months of the following year, British officials in the UK Embassy undertook research into death sentences handed down in trials where defendants were charged with sabotage, in order to establish if there was any precedent to assist in judging the likelihood of death sentences in the Rivonia trial. The precedent that was identified was that death sentences in recent cases had only been handed down when the actions of defendants had led to loss of life.<sup>25</sup> It was not certain if Judge De Wet would have been aware of such precedent and so the decision was taken to ask Minford to pass on the 'gist' of the research to the Defence team 'so they can make the best use of the facts they can'.<sup>26</sup> This demonstrated the willingness of the UK Government to move away from merely observing and recording, but also to work to influence the process of the trial to the benefit of the defendants and, indeed therefore, for themselves.

At the beginning of April, Ambassador Stephenson was maintaining his approach to the issue. He continued to recommend that no official representation should be made to the South African Government regarding the trial until sentences were passed in order to avoid the accusation of attempting to interfere with justice taking place.<sup>27</sup> Officials in the Foreign Office were, at this point, in

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<sup>22</sup> Stephenson to Harrison, 20 December 1963, p2. TNA: FO 371/177122, JSA 1641/1.

<sup>23</sup> Harrison to Stephenson, 2 January 1964. TNA: FO 371/177122, JSA 1641/1.

<sup>24</sup> Enclosure, Minford to Dunrossil, 5 December 1963, Ref: 5011, 3. TNA: FO 371/167542, JSA 1641/60. Two months later, in February 1964, Minford reported that the defence team expected death sentences for all but Goldberg, Kathrada and Bernstein, with a possibility of President Swart commuting this to life imprisonment: Minford to Dunrossil, 3 February 1964. TNA: FO 177122, JSA 1641/5.

<sup>25</sup> Stephenson to the Foreign Office, tel. no. 149, 4 April 1964. TNA: PREM 11/5113, 1963-1964 – South Africa.

<sup>26</sup> Snodgrass, "Confidential minutes, 'Rivonia Trial'," 12 May 1964, 10120/68; Snodgrass to Minford, 15 May 1964, 10120/67. TNA: FO 1117/3, 10120, Rivonia, Vol. II, papers 51-100.

<sup>27</sup> Stephenson to the Foreign Office, tel. no. 149, 4 April 1964, document 240. TNA: PREM 11/5178.

agreement that it would not be appropriate to make representations about death sentences in advance, though they continued to advise that it may be desirable to do so should this be the outcome of the trial.<sup>28</sup> Not long after this, however, in mid-April, discussions were taking place within the US State Department regarding whether or not to raise concerns on this subject with South African officials in a joint representation with the UK and, if so, how best to approach the topic. Upon hearing of a possible intervention, Stephenson noted the likely detrimental impact such an attempt could have. The South African Government was well known to be averse to yielding to external pressure and so any intervention risked making a commutation of death sentences more unlikely.<sup>29</sup> The UK Foreign Office agreed to the idea of a joint representation, however. It requested that Ambassador Stephenson recommend to the South African Government that it not delay a commutation of sentences should any of the defendants be given the death penalty, in order to avoid any impression of acting under pressure.<sup>30</sup>

The US State Department instructed Ambassador Satterthwaite to communicate to the South African Government the widespread concerns existing in the US about the trial and about apartheid more generally. The suggested wording of this was fairly strong, directly asking about the possibilities in South African law and practice to ensure clemency and avoid the death penalty.<sup>31</sup> Satterthwaite advised against this approach and recommended instead that reference to the trial should be watered down to merely noting the concern in the US at the possibility of death sentences.<sup>32</sup> By this time, Satterthwaite had become sceptical of the possibility that the Judge would pass down death sentences in the trial. He noted the success of the defence team in mobilising world opinion in support of the defendants, a success that he believed had a very definite impact on the actions of Prime Minister Verwoerd, leading him 'to advise prosecution through channels available to him without affronting dignity of court to avoid [the] ultimate penalty'. Satterthwaite added though that such a claim had to be tempered with the consideration that, if the defendants were to be sentenced to death, this would be a departure from the previous trend of death sentences only being handed down in sabotage cases

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<sup>28</sup> Foreign Office to Washington, tel. no. 4659, 3 April 1964, document 241. TNA: PREM 11/5178.

<sup>29</sup> Stephenson to the Foreign Office, tel. no. 176, 17 April 1964. TNA: FO 371/177122, JSA1641/14.

<sup>30</sup> Foreign Office to Cape Town, tel. no. 225, 20 April 1964. TNA; FO 371/177122, JSA 1641/13.

<sup>31</sup> Ball to American Embassy Cape Town, tel. no. Cape Town 116, p.1-2, April 17, 1964; POL 29 Arrests, Detentions S AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense General Records of the Department of State, RG 59, NACP.

<sup>32</sup> Joseph Satterthwaite to Department of State, tel. no. Cape Town 164, p.1, section 1 of 2, April 20, 1964; POL 29 Arrests, Detentions S AFR 3/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

that involved murder, which was not the case with the Rivonia trial defendants.<sup>33</sup> As such, this could have decreased the likelihood of death sentences with no need for political intervention.

After the prosecution had laid out their case and called all their witnesses, it was time for the defence to make theirs, and this began on the 20<sup>th</sup> April. One by one the defendants had their chance to give evidence and to be cross-examined by the prosecution. Nelson Mandela opted to make a speech from the dock. The substance of Mandela's speech was very significant to the trial and a lot of care was given to its preparation, but it remained a great worry to the defence team.<sup>34</sup> Mandela did not wish to deny the charges against him when on the stand. He wanted instead to use his time in court as an opportunity to defend his position and the aims of anti-apartheid protesters in South Africa.<sup>35</sup> Having an opportunity to speak at length in court was a valuable opportunity to air the grievances of the ANC and Mandela had no intention of letting it pass him by.<sup>36</sup> This was a development that was not welcomed by the State, with Attorney General Rein indicating in private to UK and US representatives the irritation he felt at the Judge allowing Mandela to read his 'political tract full of lies'.<sup>37</sup> The defence team were successful in ensuring that Mandela's statement was distributed widely and it became a rallying point for the global anti-apartheid movement and cemented Mandela's status as an icon in the fight against apartheid.<sup>38</sup>

Minford, thanks to his links with the defence team, was one such official who obtained a copy of Nelson Mandela's speech in advance of Mandela taking the stand. He passed the document on to the UK Foreign Office as he felt it 'may throw light on certain aspects of A.N.C. and Umkonto We Sizwe activities about which even the experts did not know anything previously'.<sup>39</sup> The US Government in

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<sup>33</sup> Joseph Satterthwaite to Department of State, tel. no. Cape Town 164, p.1, section 2 of 2, April 20, 1964; POL 29 Arrests, Detentions S AFR 3/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>34</sup> The team of defence lawyers, despite their misgivings, helped by giving some suggestions to the speech that Mandela prepared. It was George Bizos' suggestion that Mandela changed the closing line from 'My Lord, I am prepared to die' to 'My Lord, if need be, I am prepared to die.' This was in order to soften the challenge posed to the State and by doing so reducing any possible resort to a capital sentence. George Bizos, *Odyssey to Freedom* (Cape Town: Random House Struik (Pty) Ltd, 2007), chapter 22. Kindle edition.

<sup>35</sup> While the Afrikaans press paid only cursory attention to Mandela's statement, the English language Rand Daily Mail printed a nearly complete version of the speech and other papers printed shorter extracts: Joseph Satterthwaite to Secretary of State, tel. no. Cape Town 53, April, 23 1964, p.1; POL 29 Arrests, Detentions S AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>36</sup> The option of reading a statement as a witness did not have the same weight as an ordinary testimony and Mandela's decision to take this route precluded any cross-examination by the prosecution: Mandela, *Long Road to Freedom*, 430.

<sup>37</sup> Joseph Satterthwaite to Secretary of State, "Rivonia Trial," April 23, 1964, p.2; POL 29 Arrests, Detentions S AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>38</sup> Even today, the speech 'I am prepared to die' remains known as one of the great speeches of the twentieth century.

<sup>39</sup> Minford to Gordon, ref. 5011/64, 8 April 1964. TNA: FO 177122, JSA 1641/10.

their turn also received a copy of Mandela's speech in advance through the Counsellor to the US Embassy, John Miles. The US was aware that copies of this statement had been given to other diplomats in South Africa with the intention of enlisting 'as much diplomatic and world opinion support as possible'. The act of accepting this document was a matter for concern as there were fears that the defence team could choose to reveal that the statement was given to US representatives, thereby linking the US Government overtly to the defence's efforts.<sup>40</sup> As the US was walking a fine line between remaining allied with South Africa while at the same time being critical of apartheid, such linkages were treated warily in case they disrupted the US Government's careful diplomacy on this matter.

During the last weeks of the trial, speculation grew about how it would end. More specifically, the likelihood of death sentences continued to be raised and what action to take in response was discussed. On the 2<sup>nd</sup> June, Minford wrote to the British Embassy requesting permission to speak to Bram Fischer and Vernon Berrangé. He believed it would be helpful to inform them that the UK had made a confidential representation in April to the South African Government raising concern about the possibility of death sentences being the outcome of the trial. He also argued that it could be beneficial for the UK Government to be able to inform Commonwealth Prime Ministers that this action had been taken. He understood, however, that if it did so, this was something that was bound to leak and reach the ears of the South African Government.<sup>41</sup> This request was turned down as it was believed it could be detrimental to the defendants due to the 'almost pathological aversion to appearing to act under pressure' shown by the South African Government over the years preceding the trial.<sup>42</sup> Whilst it was recognised that it would be unfortunate for the defence team to think that the UK Government was not interested in the fates of the defendants, wider factors that called for no public intervention before the sentences were passed were paramount.<sup>43</sup>

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<sup>40</sup> Edward Clark to Secretary of State, Airgram A-61, "Mandela Defense, Rivonia Trials," March 25, 1964, p.1-2; POL 29 Arrests Detentions S. AFR, 3/1/64; POL 19 Gov't of Dependencies S. AFR to POL 29 Arrests Detention S. AFR, Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>41</sup> Minford suggested speaking with Berrangé and Fischer in the following terms: 'H.M.G. and the British Ambassador have followed the Rivonia case very closely indeed since its inception. You will be the first to realise that any publicised intervention by them with the South African Government could only have harmed your Defendants. You will also agree that, in these last few days before the Judge gives his judgement and sentences, it might be most harmful for your Defendants if it were to be known to anyone but yourselves that in fact the British Ambassador has spoken very confidentially to the South African Government about his and the British Government's concern over the possibility of death sentences. In telling you this therefore I must ask you to ensure that this information does not come to the ears of any South African authority. This is not only in the present interests of your Defendants but also in the future interest of any other non-White leader who may be tried for equally serious offences.' Minford to Gordon, ref. 5011/64, 2 June 1964. TNA: FO 371/177123, JSA 1641/45.

<sup>42</sup> Gordon to Minford, ref. 10120/86, 5 June 1964, 1. TNA: FO 371/177123, JSA 1641/45.

<sup>43</sup> When meeting with George Bizos shortly after, Minford did share his view that there would not be death sentences in the trial. While he did not go into any more detail and Bizos did not question him further, Bizos



Contrary to any public appearance of apathy, the outcome of the trial was indeed a matter of concern at the highest level of government in the UK, with Prime Minister Douglas-Home enquiring whether or not to send a private message to Verwoerd on the subject of the Rivonia trial. This was discouraged in light of advice received from Ambassador Stephenson, and Foreign Secretary Rab Butler recommended that this should be an option held in reserve in the event of death sentences being passed down.<sup>44</sup> On the 4<sup>th</sup> June, Stephenson requested authorisation from the UK Government to speak informally with the South African Government between sentencing and any appeals lodged in the event death sentences were handed down to the accused. The Foreign Office agreed this approach, although they recognised that in the event of death sentences being imposed additional, more formal, representation was likely to be necessary.<sup>45</sup> The reason behind recommending such an intervention was directly related to the anticipated protests that would arise as a result of death sentences, in both the UK and in the wider Western world. In the event of death sentences being passed, the UK Government was willing to make public their efforts to prevent this outcome. However, if death sentences did not result, the UK Government was keen to keep any actions private as making them known would antagonise the South African Government.<sup>46</sup>

### *2.3 The Repercussions of the Rivonia Trial*

After the trial ended on the 12<sup>th</sup> June, with eight defendants receiving life sentences and one being acquitted, no appeals were lodged by the defendants. The UK Government was aware of the pressure that it was sure to face to assist in securing a reduction in sentences and requested advice from its representatives in South Africa.<sup>47</sup> Ambassador Stephenson believed that ‘since the men themselves had said they can see no benefit from appeal and do not intend to appeal, there may be little to no advantage in action by the UK Government designed to effect reduction in sentences.’ This was a view that US Ambassador Satterthwaite agreed with, when Stephenson informed him of the advice he was providing to the UK Government.<sup>48</sup> Moreover, Stephenson and Satterthwaite agreed that it was absolutely essential neither the UK nor the US Government make any suggestion that external

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thought it possible that he may have received reliable information about the case: Bizos, *Odyssey to Freedom*, chapter 23. Kindle edition.

<sup>44</sup> Bridges to Wright, 14 May 1964. TNA: FO 371/177122, JSA 1641/37.

<sup>45</sup> Foreign Office to Stephenson, tel. no. 373, 9 June 1964. TNA: FO 371/177123, JSA 1641/43.

<sup>46</sup> John Wilson, “South Africa: Rivonia Trial”, 9 June 1964, 1. TNA: FO 371/177123, JSA 1641/43.

<sup>47</sup> Foreign Office to Pretoria, tel. no. 194, 26 June 1964. TNA: FO 371/177124, JSA 1641/70.

<sup>48</sup> Stephenson to the Foreign Office, tel. no. 302, 26 June 1964. TNA: FO 371/177124, JSA 1641/75; Joseph Satterthwaite to Secretary of State, tel. no. Secstate 1276, June 27, 1964; POL 29 Arrests, Detentions S AFR 6/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense General Records of the Department of State, RG 59; NACP.

pressure impacted on the Judge's decision, for this could lead to a serious adverse reaction from both the South African Government and the South African judiciary.<sup>49</sup> Stephenson was instructed, however, to inform Hilgard Muller, the South African Foreign Minister, of the strength of feeling in the UK regarding the harshness of the sentences handed down to the eight men.<sup>50</sup> Upon the conclusion of the trial, the UK Government was willing to be more forthcoming about the actions taken on behalf of the defendants, which suggests that the earlier concern expressed for the wellbeing of the men on trial was genuine, and resulted, at least in part, from the broad support for the men among the British public.

The attempts at intervention described above, however mild, risked souring the relationship between the countries. Throughout the trial, both the UK and the US were aware of the delicacy that was needed when raising this matter with the South African Government and both were familiar with the hostility that was displayed when concerns about apartheid were raised to South African officials. As anticipated, any attempted interventions by both the UK and the US regarding the Rivonia trial, both before and after the proceedings concluded, were not met favourably by the South African Government. Prime Minister Verwoerd remained adamant that the trialists were 'communist criminals' and that the overseas reaction to the trial was a result of communist planning.<sup>51</sup>

South African officials argued that ridding the country of the influence of those trying to bring about social change using methods of widespread protests, demonstrations, riots, and sabotage was a legitimate and just use of power by a government. For example, during Ambassador Stephenson's representation regarding the trial on the 20<sup>th</sup> November 1963, he was told that 'every government had not only the right but the duty to provide, through due process of law, adequate and timely protection for its citizens against forces of sabotage and subversion.'<sup>52</sup> Additionally, the South African Government challenged other countries to look towards their own domestic problems. For example, the US executed Julius and Ethel Rosenberg as communist spies in 1953 and Foreign Secretary Jooste questioned how the US Government would respond to South Africa joining other countries calling for clemency, to prove the point of the inappropriateness of attempted intervention by foreign governments on a domestic court case.<sup>53</sup>

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<sup>49</sup> Stephenson to the Foreign Office, tel. no. 281, 12 June 1964, 1. TNA: FO 371/177123, JSA 1641/59.

<sup>50</sup> Muller took up the post of Foreign Minister upon the resignation of Eric Louw in December 1963.

<sup>51</sup> American Embassy Cape Town to Secretary of State, tel. no. dept.273, June 17, 1964; POL 15-1 Head of State. Executive Branch. 1/1/64, S AFR; Box 2632; Central Foreign Policy Files, 1964-1966, Political and Defense, PO 14 S.AFR to POL 15-1 Head of State EXE. BR. S. AFR; General Records of the Department of State, RG 59; NACP.

<sup>52</sup> "United Nations General Assembly Resolution Adopted on 11 October 1963, Relating to So-Called Political Trial in South Africa," November 22, 1963, 2. 109/5 Vol 1, Subversive Activities, UN-South African Activities, 27/8/62 – 20/12/63; BTS 109/5 Vol.1 – 109/5 Vol.2, 2, Departement van Buitelandse Sake/Department of Foreign Affairs. National Archives of South Africa, Pretoria.

<sup>53</sup> Satterthwaite was of the belief that any further US representations would only be counterproductive: Joseph Satterthwaite to Department of State, tel. no. 168, p.1-2, April 22, 1964; POL 29 Arrests, Detention S.AFR 4/1/64;

This anger was not limited to Governmental officials but was widespread across the White population. Newspapers supporting both the government and the opposition in South Africa agreed that the foreign interference was inappropriate as the trial of the defendants was legitimate and independent of politics.<sup>54</sup> This predictable response by the South African Government, and the majority of White South Africa, was a major reason for the hesitation shown by both the UK and the US at the thought of raising concerns about the Rivonia trial. Neither government seriously expected that their words would successfully influence South Africa to make any changes to their racial policies or the increasingly draconian measures to suppress dissent.<sup>55</sup> And yet both governments nonetheless felt the need to. To understand why this was, it is necessary to look further afield at the position that the two countries found themselves in and the complex global factors and domestic pressures that both governments faced.

### 3. The Rivonia Trial in a Cold War World

From the outset, the South African Government worked to frame the Rivonia trial as an event of more than domestic significance, arguing that ‘the Rivonia case should be seen as an incident in the cold war.’<sup>56</sup> The communist links of the defendants and the organisations they belonged to were used in order to cast doubt on the motives of the defendants and their legal team and to allege that there was a communist plot to subvert the prosecution.<sup>57</sup> Upon the conclusion of the trial, the South African Prime Minister, Verwoerd, argued that ‘South Africa was being used by the Communists as the easiest tool with which to undermine the power of the West’. By arresting the men in the Rivonia trial, he

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Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG59; NACP.

<sup>54</sup> Telegram, American Embassy, Pretoria to Dept of State, 30 July 1964; POL 15-3 Judiciary S AFR; Box 2633, POL 15-2 Legislature S AFR to PL 18 S AFR,; Central Foreign Policy Files, 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>55</sup> As an example, on 20th May 1964, a Special National Intelligence Estimate ‘Short-Term Prospects for South Africa, was prepared by the CIA and the intelligence organisations of the Departments of State, Defense and the National Security Agency. This report covered both the domestic and the international implications of apartheid. Increasingly severe international actions were expected, but the writers of the report believed that it would be unlikely that any outside pressures would cause South African Government to change their domestic policies. However, the authors believed that the South African Government considered the influence of US attitudes to international pressures to be significant and, despite the above, the US believed that it would be very hard to convince African states that the US was not able to force South Africa to change their policies regarding Apartheid: Report, “Special National Intelligence Estimate Number 73-64, Short-Term Prospects for South Africa,” 5/20/64, p.1 and 5-6; “73. South Africa,” NSF, National Intelligence Estimates, Box 8, LBJ Library.

<sup>56</sup> Stephenson to the Foreign Office, tel. no. 295, 17 June 1964. TNA: PREM 11/5178.

<sup>57</sup> Yutar, the prosecutor for the State, tried to discredit the defendants during the proceedings by accusing them of being ‘...untruthful opportunists, terrorists who had no respect for human life, lackeys of international communism, impostors who represented a tiny minority of the otherwise docile and happy ‘Bantu peoples’’: Bizos, *Odyssey to Freedom*, chapter 21. Kindle edition.

argued, they had prevented the destruction of South Africa and more than this, the end of the West itself.<sup>58</sup> While accepting a certain amount of hyperbole from the South African Government on this matter, as it was defending its actions against almost unanimous criticism, there is a kernel of truth to its linking of the Rivonia trial to the Cold War.

Despite South Africa's efforts to undermine the men on trial and the cause they fought for, the view of the defendants as communist saboteurs did not take hold outside of South Africa. Early in the trial, the communist links of the defendants were indeed noted by representatives of both the UK and the US. The wisdom of intervening on behalf of the men on these grounds was naturally a matter for discussion by both countries. The political orientation of those involved in the defence was raised as a potential obstacle to the UK committing to wider support for the prisoners. Dunrossil wrote to Peter Foster in the Foreign Office, confirming the communist affiliations of many of the defendants as well as of Bram Fischer, noting that this would likely preclude a great deal of sympathy from the White population of South Africa.<sup>59</sup> The UK Government recognised, however, that accusations of communism levelled at both the defendants and the defence team had little impact on the wide support that was growing across the world, with Geoffrey Harrison, Deputy Under-Secretary of State in the Foreign Office, accepting that the South African Government had 'by legislative action... systematically closed... every normal avenue of political expression. The fact that a number of them are Communists or have Communist sympathies is unlikely to be seen as a mitigating factor.'<sup>60</sup>

The same was the case within the US Government when the communist backgrounds of Sisulu, Kathrada and Mbeki were reported to the State Department.<sup>61</sup> The US Government recognised that the justice of the defendants' cause had the effect of making any communist affiliations less relevant. Satterthwaite, in his reports to the State Department, took note of the communist membership of some of the defendants but this was done in a way that was often uncritical. For example, comments regarding the willingness of communists to recognise Black South Africans as 'responsible upright human beings' in a way that most White South Africans were not willing to before the 1950s, as noted by Govan Mbeki in his testimony during the trial, were passed on to the Department of State.<sup>62</sup> Thomas L. Hughes, Director of the Bureau of Intelligence and Research, also wrote sympathetically of the motivations of South Africans to become involved with communism:

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<sup>58</sup> Stephenson to the Foreign Office, tel. no. 295, 17 June 1964. TNA: PREM 11/5178.

<sup>59</sup> Dunrossil to Foster, 19 October 1963. TNA: FO 371/167541, JSA 1641/34.

<sup>60</sup> Harrison to Stephenson, 2 January 1964, 10120/2. TNA: FO1117/2, 10120, Rivonia, Vol. I, papers 1-50.

<sup>61</sup> Joseph Satterthwaite to Department of State, tel. no. 464, October 11, 1964; POL 15-3 Judiciary S AFR; Box 4030; Central Foreign Policy File 1963, Political & Defense; General Records of the Department of State, RG 59; NACP.

<sup>62</sup> Joseph Satterthwaite to Department of State, tel. no. Pretoria 1133, p.1, May 15, 1964; POL 29 Arrests, Detentions S AFR 5/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

The communist connections of a number of African nationalist leaders is largely the product of individual frustration with the South African apartheid system. Communist inroads have reached major proportions in ANC ranks only within the past several years, and primarily because the African nationalist feels that this is the only meaningful white alternative available in the Republic. An outstanding example of African frustration is Nelson Mandela.<sup>63</sup>

The justness of the defendants' opposition to apartheid was, therefore, widely viewed as more compelling than any other political convictions that they held, even among South Africa's allies, and this acted to prevent the UK and the US accepting the argument of South Africa regarding their interpretation of the impact the Rivonia trial in the context of the wider Cold War. Instead of viewing the Rivonia trial as preventing the rise of communism on the continent of Africa, they instead feared that the proceedings were 'a club with which to beat the "imperialistic, neo-colonial and anti-Socialist" West'.<sup>64</sup> The geopolitical ramifications of the trial, and the broad support that existed for the men, meant that the UK and the US hesitated to support the actions taken by South Africa to remove a domestic threat. To gain more understanding of the reasons behind this, it is necessary to look at the actions of the newly independent states of Africa as they called for an end to the trial. In doing so, the geopolitical significance the Rivonia trial had to the Cold War interests of the UK and the US will become apparent.

### *3.1 Anti-Apartheid Protest in Africa*

Support for the Rivonia trial defendants came from multiple quarters, both governmental and non-governmental, but some of their most vocal supporters were the newly independent countries in Africa. However, in the first years of the 1960s, no African country that did not have a White minority leadership maintained diplomatic relations with South Africa and so had no route to make direct representations regarding the Rivonia trial.<sup>65</sup> African leaders therefore looked for influential allies who would have the leverage that they did not have to persuade South Africa to change its racial policies

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<sup>63</sup> Hughes to the Secretary of State, "Background on South African Sabotage Trial," October 11, 1963, p.2; Political Affairs and Rel. 1964, POL 29 Arrests – Detention – TRIAL; Box 51; Records of the Bureau of African Affairs 1958-1966, General Records of the Department of State, RG 59; NACP.

<sup>64</sup> Report "8. Southern Africa," #5 -6; "Chapter 5 (Africa): Section C," Administrative History, Department of State Volume I, Chapters 5 -6; Box 2 (2of2), LBJ Library.

<sup>65</sup> The Charter of the Organisation of African Unity (OAU) was approved at the Addis Ababa Summit Conference in 1963. Also agreed was 'the termination of diplomatic and consular relations between member States of the OAU and the governments of Portugal and South Africa... this resolution has been widely implemented': C. J. R. Dugard, "The Organisation of African Unity and Colonialism: An Inquiry into the Plea of Self-Defence as a Justification for the Use of Force in the Eradication of Colonialism," *International and Comparative Law Quarterly* 16, no. 1 (1967), 159-160.

and to release political prisoners. The UK and the US were recognised as two countries with the connections and the influence to persuade South Africa to change their racial policies and thirty-two African countries called upon the UK and the US to use their influence with South Africa to ensure that none of the defendants were sentenced to death.<sup>66</sup>

As one example of an African country calling upon the UK and the US to raise the matter of the Rivonia trial with the South African Government, in April 1964, Jaja Wachuku, the Nigerian Foreign Minister, asked that the UK and the US pass on a statement from Nigeria on the subject of the trial.<sup>67</sup> Unlike many of the countries in Africa at this time, Nigeria was viewed as being fairly moderate in its approach towards South Africa and this request was therefore significant as it showed that opposition to apartheid was not limited to a radical fringe, but instead stretched throughout the continent of Africa.<sup>68</sup> The main motivation of Wachuku was to prevent death sentences being passed for any of the Rivonia defendants as, should the trial result in executions, then it would be a challenge for him, and other leaders like him, to encourage moderate tendencies from the African states.<sup>69</sup>

Both the UK and the US agreed to this request, but they, nonetheless, had some reservations about the content of the message that they were asked to convey; namely Wachuku's remarks about 'abuse of processes of justice', which Ambassador Stephenson believed would not have been well received by the South African Government.<sup>70</sup> The UK and the US agreed to make a parallel approach on this matter to South Africa. They met to discuss how best to pass on this message effectively and the US approved the UK's suggestion for the UK to pass on the message to the Foreign Ministry level while the US would intervene by raising the subject with a lower-level official.<sup>71</sup> Stephenson met Foreign Minister Muller and Ambassador Satterthwaite met with Foreign Secretary Jooste.

Satterthwaite met with Jooste on the 21<sup>st</sup> April and read out the statement provided by Wachuku. Following this, he added some additional words about the US position regarding the trial. When reporting on the encounter, Satterthwaite noted that Jooste responded calmly to the statement

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<sup>66</sup> Robert Kinloch Massie, *Loosing the Bonds: The United States and South Africa in the Apartheid Years* (New York: Nan A. Talese, 1997), 168.

<sup>67</sup> Gordon, "Mr Wachuku and the Rivonia Trial," 16 April 1964, 10120/2. TNA: FO 1117/2, 10120, Rivonia, Vol. I, papers 1-50.

<sup>68</sup> Ghana is an example of a country that had a more radical approach to apartheid in South Africa. Kwame Nkrumah was fiercely opposed to apartheid and strongly supportive of the liberation struggles in southern Africa, providing weapons and military training to exiled freedom fighters: Emmanuel Asiedu-Acquah, "Anti-apartheid activism in Ghana's universities, 1960s-1980s," *Safundi* 23, no. 1-2 (2022), 20.

<sup>69</sup> Mathews to Department of State, tel. no. Lagos 1835, April 9, 1964; POL 29 Arrests, Detention S.AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State; RG 59; NACP; Gordon, "The Rivonia Trial," 16 April 1964, 10120/2, 1. TNA: FO 1117/2, 10120, Rivonia, Vol. I, papers 1-50.

<sup>70</sup> Stephenson to the Foreign Office, tel. no. 175, 17 April 1964. TNA: FO 371/177122, JSA 1641/13.

<sup>71</sup> Joseph Satterthwaite to Department of State, tel. no. Cape Town 158, p.2, April 17, 1964; POL 29 Arrests, Detention S.AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State; RG 59; NACP.

from Wachuku but reacted violently in response to comments about the building concern in the US regarding the trial, even though this wording was more diluted than what was originally suggested by the State Department. When reporting to the US Government, Satterthwaite noted that Jooste was a man of moderate views and that his strong reaction to observations given by Satterthwaite convinced him that any further representations about the trial would be counterproductive.<sup>72</sup> This particular example shows very clearly the difficult position that both the UK and the US were in. They both were the focus of appeals from other countries demanding action to be taken. The response that Satterthwaite received in this instance, however, clearly shows that worries about the futility and possible counter-productive outcome of representations to the South African Government were not an excuse to take no action. It was a genuine and valid concern that could potentially harm the prospects of the defendants.

The discussions instigated by Wachuku took place behind closed doors and for this reason the risk that the outcome of the trial could lead to protests at the door of the UK and the US due to a perception of inaction remained. In May 1964 the US Government received a warning that the UK and US Embassies across Africa would be targeted by protestors if Mandela was executed as part of wider demonstrations.<sup>73</sup> Reports received from Lagos suggested that death sentences in the Rivonia trial would lead to serious disturbances which would possibly have British expatriates as the target.<sup>74</sup> These threats were another way that both the UK and US were bound to these events in South Africa. This pressure was a major reason behind the actions identified above, taken in order to intervene with the South African Government about the trial. Even though their representations had to be secret while the trial was ongoing, being able to point to action taken at a future date would demonstrate to the world their opposition to the trial.<sup>75</sup>

At the closing of the Rivonia trial, protests took place across the world in response to the life sentences handed down by the judge. At one protest rally in Kenya, Prime Minister Kenyatta addressed the crowd and accused both the UK and the US of merely paying lip service to the cause of racial equality, while at the same time supporting the South African economy with investment. He was also

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<sup>72</sup> Joseph Satterthwaite to Department of State, tel. no. Cape Town 168, p.1-3, April 22, 1964; POL 29 Arrests, Detentions S AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>73</sup> O'Shaughnessy to Department of State, tel. no. London 5528, May 7, 1964; POL 29 Arrests, Detentions S AFR 5/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense General Records of the Department of State, RG 59; NACP.

<sup>74</sup> Browne to Wilson, 12 June 1964. TNA: FO 371/177124, JSA 1641/62.

<sup>75</sup> The importance of secrecy meant that the full extent of what was happening behind the scenes could not be known by those working outside of governments. The decision was taken to not share the representations made on behalf of Wachuku with the Special Committee on Apartheid in the United Nations due to the need to keep such approaches secret while the trial was ongoing. The UK Government did note, however, that following the trial it would be useful to be able to inform Parliament or the UN about these measures in order to make them public knowledge: Foreign Office to Cape Town, tel. no. 225, 20 April 1964. TNA: FO371/177122, JSA 1641/13.

critical of their reluctance to support sanctions against South Africa.<sup>76</sup> In an official statement, Kenyatta condemned the Rivonia trial sentences as resulting from the “... evil, racist philosophy” of [the] minority rulers [of] SA and pledged that Kenya would make any sacrifice necessary to assist the liberation [of] SA.<sup>77</sup> Kenya had become fully independent in December 1963 and its future relationship with the UK as its former coloniser, and therefore the West more broadly, was a matter of negotiation immediately following. Kenyatta was viewed as less radical as some African leaders who were open to forging closer relations with the communist bloc.<sup>78</sup> His criticisms of the West therefore were significant as another indicator of how widespread such feeling was and how broadly relations with Africa could be affected due to events in South Africa.<sup>79</sup>

The US Ambassador to Kenya, Philip A. Heller, viewed Kenyatta’s words as representative of Kenyans everywhere. He did, however, note that these attacks on the UK and the US were demonstrative of a sense of helplessness and frustration felt by many Africans as a result of African boycotts being mostly a symbolic gesture and their threat of violence largely toothless against the strength of the South African state. Demands for the UK, the US and other countries of the West, to take affective action against South Africa, and criticism when these demands were not met, provided a scapegoat to target frustration at.<sup>80</sup> The Rivonia trial’s potential to lead to disillusionment about the stance taken by the UK and US on colonialism and racism was the crux of the concerns that were growing within both governments and key to their belief that South Africa’s actions could benefit the Soviet Union by pushing African states away from the West. Though it may not have strictly been in the interests of these states to distance themselves from the West, the extent of passion that existed on the issue of apartheid was considerable and increased the likelihood of such an outcome.

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<sup>76</sup> Attwood to Secretary of State, Circular Telegram no. 2282, June 23, 1964; POL 29 Arrests, Detentions S AFR 6/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>77</sup> Ruchti to Department of State, Secstate 2333, June 19, 1964; POL 29 Arrests. Detention. S AFR 6/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>78</sup> James Gibbs, “Uhuru na Kenyatta: White Settlers and the Symbolism of Kenya’s Independence Day Events,” *Journal of Imperial and Commonwealth History* 42 no. 3 (2014), 521.

<sup>79</sup> Shortly after the trial ended, the UK Government faced some criticism for its actions regarding the Rivonia trial from some Conservative MPs who believed that action taken by the UK Government was an ‘...unwarranted interference with South Africa’s internal affairs.’ John Wilson, of the West and Central African Department recommended strongly defending the actions taken by the UK Government on the basis of the wider impact that the trial was expected to have, particular in the eventuality of death sentences: ‘Had they been executed this might well have provoked an explosion of feeling in Africa and elsewhere, have driven the moderates among the Africans into the arms of the extremists and produced great pressures in New York for strong action against South Africa.’ Wilson to the Foreign Office, “South Africa: The Rivonia Trial,” 1-2, 25 June 1964. TNA: FO 371/177124, JSA 1641/77.

<sup>80</sup> Heller to Department of State, Deptelcirc 2282, June 27, 1964, p.4; POL 29 Arrests, Detentions S AFR 6/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.



The Rivonia trial, therefore, was immensely significant across Africa, both for countries viewed as leading opponents of South Africa and those that were more moderate. That the Rivonia trial would disrupt Western interests in Africa was viewed as a very real possibility. Even when the trial was not specifically mentioned in broader discussions taking place at the time about apartheid, it can be seen as an implicit influence since officials in both the UK Government and the US Government had identified the trial an event that was increasing protest and pressure against them. The calls the UK and the US were facing to take action in response to the trial, as described above, risked disrupting their broader interests on the continent of Africa and further afield. These Cold War implications were noted by both the UK and the US as part of a broad recognition of the difficulties that the trial could cause them, as we shall discover below.

### *3.2 The Rivonia Trial and the Geopolitical Priorities of the UK and US*

Despite standing on the same side in the Cold War, the particular geopolitical priorities of the UK and the US differed with regards to the newly independent countries of Africa. For example, the US did not have to manage the expectations of the Commonwealth, as the UK did, and they lacked the historical links and responsibilities of the UK which stemmed from their imperial legacy on the continent of Africa. For this reason, the UK had to deal with pressure to take action about the Rivonia trial on more fronts than the US.<sup>81</sup> As explained above, even those African countries that the UK Government viewed as more moderate were becoming increasingly concerned about the situation in South Africa during the unfolding of the Rivonia trial. The ramifications of protests, therefore, had the potential of damaging relations with a number of countries in the Commonwealth, an organisation that still was significant to the UK's foreign policy interests. Opposition to apartheid, and to the trial, was not limited to African states, however. Representatives in South Africa from the 'Old Commonwealth' countries Australia and Canada were planning to make representations to the South African Government as these countries too shared the concerns felt across the world.<sup>82</sup>

Information gathered by the Overseas Coordinating (Official) Committee in July 1963 was used for a further report on the subject of apartheid by the Foreign Office and considered by the Defence and Overseas Policy Committee on the 14<sup>th</sup> October titled *'In the developing conflict between the Government of South Africa on the one hand and Black Africa and the rest of the world on the other,*

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<sup>81</sup> Although opposition to apartheid was widespread among countries in the Commonwealth, there was some division in the importance placed upon this among the member states. Broadly the group can be divided into the Old Commonwealth; i.e. Australia, New Zealand, Canada, India and Pakistan and the New Commonwealth, made up of countries gaining their independence in the mid twentieth century.

<sup>82</sup> Stephenson to the Foreign Office, 9 June 1964. TNA: FO 371/177123, JSA 1641/46.

where does the balance of our interest lie and how can we best minimise damage to them?’<sup>83</sup> The UK’s relationship with South Africa was expected to become a source of increasing embarrassment and had the potential to become a liability, with possible negative ramifications for UK relations with other countries in the West and those in the Commonwealth.<sup>84</sup> The conclusion to this report was that the UK had limited freedom of manoeuvre with both options having significant downsides, and with its material interests likely to be adversely affected whatever path was taken. It was noted that aligning with the White South African Government by abstaining on the issue of apartheid could lead to the worst-case scenario: the emergence of a hostile Black Government aligned with the Communist Bloc.<sup>85</sup>

The UK Government was additionally concerned about the wider implications that events surrounding the Rivonia trial may have to the wider southern Africa area, which encompassed Southern Rhodesia, and the High Commission Territories (HCTs) of Basutoland, Bechuanaland and Swaziland.<sup>86</sup> Southern Rhodesia and the HCTs had particular significance to the UK Government due to British colonial presence in both.<sup>87</sup> They all either adjoined South Africa or, in the case of Lesotho, was surrounded by South African territory. The South African Government for some years had been of the opinion that they were in a better position to manage the HCTs than anyone else and were waiting for the time when they would pass to them.<sup>88</sup> Strained relations with the South African Government would inevitably have a detrimental effect on the UK’s administration of these territories.<sup>89</sup> The removal of good relations between the states allowed the possibility of South Africa extending their control over them, and with that, extending apartheid into new territories.<sup>90</sup>

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<sup>83</sup> The Official Committee on Defence and Overseas Policy was a committee responsible for considering questions of defence and overseas policy and was chaired the Secretary of the Cabinet and membership included high ranking civil servants from the Foreign Office, the Treasury, the CRO, The Colonial Office, the Ministry of Defence and the Board of Trade.

<sup>84</sup> Enclosure in Caccia to Burke, “In the developing conflict between the Government of South Africa on the one hand and Black Africa and the rest of the world on the other, where does the balance of our interest lie and how can we best minimise damage to them?” 14 October 1963, p.1. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>85</sup> *Ibid.*, 7-8.

<sup>86</sup> In response to possible comparisons between other countries in southern Africa with South Africa, Burke Trend, Cabinet Secretary, emphasised to the Foreign Secretary the importance of maintaining a distinction between South Africa and Southern Rhodesia and the HCTs. He recognised that maintaining such a distinction would not be easy, but that it was nonetheless important to argue for the uniqueness of apartheid in South Africa: Trend to the Foreign Secretary, “South Africa (D. O. (63) 7),” 14/15/18 Part 3, 26 November 1963. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>87</sup> These territories were seen as important to the UK, not necessarily economically, but rather ideologically: *Hansard* HC Deb. Vol. 592, col. 1766, July 31, 1958. [Online], [Accessed September 22, 2023]. Available from: <https://hansard.parliament.uk/>.

<sup>88</sup> John Maud, “The Challenge of the High Commission Territories,” *African Affairs* 63, no. 251 (1964), 95-96.

<sup>89</sup> Enclosure in Caccia to Burke, “In the developing conflict between the Government of South Africa on the one hand and Black Africa and the rest of the world on the other, where does the balance of our interest lie and how can we best minimise damage to them?” 14 October 1963, p.7. TNA: CAB 21/5070, 14/15/18, Part 3.

<sup>90</sup> Margaret Roberts, “High Commission Territories: In Pawn to Apartheid,” *Africa Today* 10, no. 9 (1963), 12.

Despite the greater distance from Africa maintained by the US, the US Government did, nonetheless, have broad geopolitical interests that were impacted by its actions towards South Africa, and towards the Rivonia trial more specifically. The issues arising from South Africa, and southern Africa more broadly, however, were considered items of secondary priority, below Soviet relations, Cuba, South East Asia, nuclear weapons bans and multi-lateral force proposals, Latin America, the EEC and NATO, and the Middle East.<sup>91</sup> Although US interests in Africa were not great when viewed in comparison to their interests in several other parts of the world, there were areas in Sub-Saharan Africa of strategic importance to the US Government in addition to South Africa. When discussing the internal problems that plagued a number of the new states in Africa with the South African Ambassador, U. Alexis Johnson, the Under Secretary of State for Political Affairs, noted that the US was keen to maintain friendships with them despite these internal issues and ‘...so long as these new states are truly independent and do not become tools of Moscow and Peking, U.S. interests are served.’<sup>92</sup> There was therefore significant overlap between Cold War interests and developments that resulted from the wave of independence sweeping through Africa at this time.

In July 1963, when the Rivonia trial defendants had been arrested and this was a factor in growing pressure facing South Africa and its allies, the US Secretary of State met with South African Ambassador Willem Naude. At this meeting the Secretary asked Naude ‘... to tell the South African Government that the South African problem is a heavy burden to the United States and is creating problems for our strategic interests throughout the world.’<sup>93</sup> In a further conversation held at the South African Embassy in Washington DC in April 1964, US representatives made clear that, although the moral aspect of opposition to apartheid was significant, the US position towards the issue was primarily based on their self-interest. The alienation of South Africa from the rest of the world, something that was exacerbated by the Rivonia trial, meant that ‘... the United States would lose much more by choosing South Africa, and therefore would probably not choose South Africa.’<sup>94</sup> By June 1964, work was well underway to plan for alternative tracking facilities for in case it was necessary to evacuate facilities in South Africa at short notice. The US aimed to do this as unobtrusively as possible

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<sup>91</sup> Memo, McGeorge Bundy to Mr Schlesinger, “Items of Interest to President Kennedy in the Field of National Security Affairs,” 1/16/64, #42-1, “Chron File, January 1964 [1 of 3],” Files of McGeorge Bundy, NSF, Box 1, LBJ Library.

<sup>92</sup> Record of a meeting attended by Johnson, Naudee, Dunn and Hall, “Some Current World Problems,” p.2, March 12, 1963; POL 17 S AFR-US; From POL 15-5 Constitution S AFR to POL 24 Subversion, Espionage, Sabotage S AFR, Box 4031; Central Foreign Policy Files, 1963; General Records of the Department of State, RG 59; NACP.

<sup>93</sup> Coote to Fredericks, “Your Appointment with the South African Ambassador,” July 29, 1963; POL 17 S AFR-US; From POL 15-5 Constitution S AFR to POL 24 Subversion, Espionage, Sabotage S AFR, Box 4031; Central Foreign Policy Files, 1963; General Records of the Department of State, RG 59; NACP.

<sup>94</sup> Memcon from G. Mennen Williams, “Notes on Conversation, Sunday April 19, 1964, Embassy of South Africa,” April 21, 1964, p.3; POL 1 Gen. Policy. Background. S AFR, 1/1/64; POL 19 Gov’t of Dependencies RYU – IS to POL 1 Gen. Policy Background S. AFR., Box 2627; Central Policy Files, 1964-1966, Political and Defense; General Records of the Department of State; RG 59; NACP.

as they expected that the South African Government would react very unfavourably when they discovered the development of these facilities.<sup>95</sup>

The above examples make clear how Anglo-American interests in Africa were more than just regional concerns. The growing opposition to apartheid, which reached a peak in response to the Rivonia trial, threatened to impact upon wider geopolitical interests. At this point, it seemed that the need to pick a side in the matter was going to be increasingly inevitable as the two sides dug into their respective positions. How to best address this was not straightforward for either country, but particularly for the UK, considering the closeness that the country still had with many countries in Africa. How the future would unfold was by definition unknown, therefore, how to respond was not a simple question. This led to there being continued differing perspectives apparent between staff within particular government departments whether between the CRO and the Foreign Office, the Ministry of Defence and the Board of Trade of the UK or between the Africanists and the Europeanists in the US.<sup>96</sup> These were issues that were had to be grappled with, and this was nowhere more apparent than within the United Nations and the next chapter will examine in detail the negotiations that were necessary within this forum.

#### 4. Conclusion

The objective of this chapter has been to examine the *international-diplomatic* significance of the Rivonia trial when viewing the proceedings through an Anglo-American lens. The UK and the US, both allies of South Africa who nonetheless maintained reservations about the apartheid system, had to address the trial as the culmination of increasingly restrictive measures to suppress internal opposition. The first task of this chapter was, therefore, to look at the Anglo-American reaction to the Rivonia trial. By doing so the importance of the trial has been amply demonstrated as a key focus of much of the opposition towards apartheid at this time. The position of the trial as a prominent example of the

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<sup>95</sup> Dean Rusk to US Embassies in London, Madrid, Paris, Pretoria and Tananarive, tel. no. 54, 1-2, #27, "Africa, General, Volume 1 2/64-6/64 [1 of 3]," Country File, Africa, NSF, Box 76 [1 of 2], LBJ Library.

<sup>96</sup> In general, as explained in the preceding chapter examining the period in the run up to the Rivonia trial, the CRO was more supportive of the non-White population of South Africa than many staff other UK Government departments. Meanwhile, the tensions between the differing approaches between the Africanists and the Europeanists in the US were significant and led to Satterthwaite (known as the latter) writing to the Secretary of State to object to the instructions sent to him and rebuffs he had experienced from the State Department. He argued that these instructions gave the 'impression that Department distrusts my loyalty and that of my staff and feels that FSO's and other career officials assigned to SA are soon infected with apartheid virus and cannot therefore be trusted to carry out USG policy unless waned by frequent admonitions.' Joseph Satterthwaite to Department of State, tel. no. Secstate 720, December 11, 1963; SOC 14-1 Discrimination. Protection of Minorities. 9.1.93, S AFR; From SOC-Social Conditions Portugal to: SOC-14-1 Discrimination Protection of Minorities 9/1/63 S AFR; Central Foreign Policy File 1963, General Records of the Department of State, RG 59; NACP.

injustice of apartheid, and as a rallying point for protest across the world, is apparent in the assessments of both the UK and US Governments. The second focus of this chapter was to provide an explanation of why the UK and the US were expected to become involved in an ongoing South African trial. Namely, the position of both the UK and the US as prominent and powerful allies of South Africa meant that both were called upon to intervene. Despite concerns from a number of UK and US representatives that any intervention would risk aggravating the South African Government, and thereby put the Rivonia defendants at risk, ultimately, the need to make official representations on the subject were judged as compelling. At various points during the Rivonia trial, UK and US representatives noted their concerns to South Africa in the face of a hostile reception.

The third and final task of this chapter was to demonstrate the geo-political considerations of both the UK and the US in order to show how these broader considerations impacted upon the Anglo-American response to the Rivonia trial. In the previous chapter, the geopolitical priorities of both the UK and the US stemming from the Cold War and the ongoing decolonisation of Africa in the years running up to the trial were examined. The Rivonia trial, as a pivotal event in apartheid South Africa, had the potential to push some states away from the West and into the sphere of the Soviets. This exacerbated the existing concern of the UK and the US that there would be a negative impact upon other geopolitical interests being pursued. The UK and the US had different geopolitical priorities due to their particular histories, but both believed that the ongoing tensions between South Africa and the rest of Africa, and indeed the world, had the potential to negatively impact upon other interests.

Much of the focus of this chapter has been on bilateral diplomacy, as a significant aspect of the Anglo-American response to the Rivonia trial. What has only been touched upon, however, is the United Nations, a significant forum for anti-apartheid protest at this time. To complete a picture of the *international-diplomatic* response to the Rivonia trial it is necessary to pay significant attention to how the United Nations was used to focus pressure on South Africa, and by extension, on the UK and the US. To this end, the following chapter will focus upon the UN and examine closely the diplomacy that took place to work to bring an end to apartheid and to campaign for the Rivonia defendants, along with all others imprisoned for their anti-apartheid work, to be freed. These discussions took place on a more public stage and therefore required a potentially different response from the UK and the US. Additionally, study of events in the UN allows for an opportunity to observe the response of non-governmental organisations and individuals when protesting the Rivonia trial, enabling closer consideration of the interplay between the work of the *civic-transnational* anti-apartheid network and the diplomacy that was ongoing between states.

4.  
“The Trying Days Ahead”  
The Rivonia Trial and the United Nations

The United Nations was a significant forum for international negotiation throughout the apartheid era and protest against apartheid was well underway at the time of the Rivonia trial within many of the constituent assemblies, councils and committees that made up the organisation. Chapter two of this thesis has illustrated the careful path that was being walked by both the UK and the US within the UN as they managed competing demands from the apartheid government of South Africa and from its opponents in the years before the trial. Previous resolutions that had been passed had had little impact upon the South African Government, as we have seen, and there were growing calls for more significant measures to be taken. The Afro-Asian Bloc, leaders in demanding for action to be taken against South Africa, used their voices in the UN to push the matter up the international agenda and to ensure the issue continued to return repeatedly.<sup>1</sup> For this reason, events taking place in the UN are integral in demonstrating the *international-diplomatic* dimensions of the global response to apartheid during the Rivonia trial. The increasing demands directed at South Africa were countered with a continued resistance to external interference. This left both the UK and the US Governments struggling to effectively bridge the growing divide.

Upon the trial’s commencement, the Rivonia men became symbols of the impossible situation that the non-White population of South Africa found themselves in, and the very real danger faced by those trying to bring an end to apartheid. Its prominence served as a significant catalyst that led to the issue of apartheid being debated by the General Assembly and the Security Council numerous times while the proceedings were underway.<sup>2</sup> The increased use of the law to suppress dissent in South Africa received significant mention in the resolutions of 1963 and 1964.<sup>3</sup> The bilateral diplomacy

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<sup>1</sup> The Afro-Asian Bloc, which played such a pivotal role in pushing the apartheid issue to the forefront at this time, was a disparate group of countries often with little in common to bring them together. The issue was one of particular significance to the African nations within this Bloc and they were more united on this than on any other matter before the UN: Enclosure, Handyside to Brubeck, “United States Strategy at the 18<sup>th</sup> General Assembly, Part One: The Political Climate,” August 9 1963, 10, document 1 and 1a. National Security Files, William H. Brubeck, Box 388 “United Nations – 18<sup>th</sup> General Assembly.” JFK Library (JFKL).

<sup>2</sup> The prominent role the Rivonia trial played in the UN in the international outcry about apartheid is borne out by how the situation was viewed at the time. US Ambassador Satterthwaite noted the near universal condemnation directed towards South Africa stemmed from the Rivonia trial and he recorded the difficulties this caused with South Africans indignant at the interference: Joseph Satterthwaite to Secretary of State, tel. no. 472, October 14, 1963; POL 15-3 Judiciary S AFR; Box 4030; Central Foreign Policy Files, 1963 From: POL 7 Visits Meetings S AFR to POL 15-3 Judiciary S AFR, 1963 Alpha-Numeric Political and Defense; General Records of the Department of State, Record Group 59 (RG 59); National Archives, College Park, MD, (NACP).

<sup>3</sup> It is not a straightforward exercise to untangle the response to the Rivonia trial from the existing rising tide of global opposition towards South Africa that grew throughout 1962 and the first half of 1963, and which was related to this increased repression. The question of whether or not the issue would have been raised had there not been a Rivonia trial is impossible to know for sure. There were indeed other trials that did receive an amount of global protest, for example the trial of Mini, Mkaba and Khayinga that ended with death sentences being

that has been detailed in the last chapter has demonstrated the impact the Rivonia trial, as an emblem of the injustice of apartheid, had upon the Cold War, post-colonial environment and the wider geopolitical interests of the UK and the US. The same factors can be seen when looking at how news of the Rivonia trial was received in the UN. Whilst the discussions taking place outside the UN were sensitive and undertaken behind closed doors, the debates within the UN brought the matter into the open, requiring additional tact and diplomacy. As such, careful thought needed to be given to the Anglo-American response, with expectations for the UK and US to take action against South Africa, as part of the *international-diplomatic* campaign that was underway, increasingly unavoidable. Both the UK and the US had lines that they were unwilling to cross, however. Ensuring these lines were maintained, whilst minimising any criticism aimed against them, was a challenge for both.

The first three sections of this chapter will provide a broad picture of the anti-apartheid diplomacy in the UN that took place during the Rivonia trial and relate this to the geopolitical interests of the UK and the US. The focus will be upon the General Assembly and the Security Council as they were the forums where much of the debate about apartheid took place. The increased calls for more significant action against South Africa will be illustrated and the centrality of the Rivonia trial to these calls will be made apparent. The final section will move the focus onto additional arenas within the UN involved in anti-apartheid campaigning and towards the opportunities that the UN gave to non-governmental campaigners to lobby on behalf of the non-White population of South Africa. The work done by on these fronts was an additional complication for both the UK and the US as the line between the governmental and non-governmental was repeatedly crossed and the lobbying from non-governmental sources given significant prominence. This section serves as an introduction to the *civic-transnational* aspect of this thesis, something that has been touched on at points already, but which will go on to form the focus of the next two chapters of this thesis.

## 1. Background to Anglo-American Coordination within the United Nations

Much of the coordination of the UK and the US within the United Nations which took place during the course of the Rivonia trial was carried over from discussions that have been examined earlier in this thesis. The debates that preceded General Assembly resolution 1761 (1962) and Security Council resolutions 134 (1960) and 181 (August 1963) have been detailed and the difficulty they posed to the UK and US demonstrated. This was a foretaste of what was to come, as multiple resolutions on

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handed down in March 1964 and the trial of some Yu Chi Chan Club members, also in 1964. But the attention that these received was not comparable to that of the Rivonia trial. Moreover, the timing of some of the resolutions, and the content of the debates, supports the idea that the Rivonia trial was a significant factor behind these resolutions.

apartheid were debated and passed by the General Assembly and the Security Council during the Rivonia trial proceedings. The failure of the earlier resolutions to affect change in South Africa meant that there was an increasing push for measures such as economic sanctions to be placed upon the country.<sup>4</sup> Both the UK and the US would have been adversely affected in the event a resolution requiring economic sanctions was passed in the Security Council. The UK had the most to lose due to its position as South Africa's leading trading partner, but the extent of US trade was also extensive.

On the 26<sup>th</sup> September 1963, just days before the trial began, the then British Foreign Secretary Alec Douglas-Home (soon to be Prime Minister) met with US Secretary of State, Dean Rusk, and the US Representative to the United Nations in New York, Ambassador Adlai Stevenson II. During this meeting, the possibility of economic sanctions against South Africa being pressed for in the Security Council was addressed. Stevenson noted that the Latin American members of the Security Council, at the time, Brazil and Venezuela, were increasingly inclined to stay aligned with countries in Africa, as South Africa was becoming increasingly rigid with its policies of apartheid.<sup>5</sup> Shortly after, in early October, Douglas-Home met with President Kennedy, where he raised his concerns about the possibility of a resolution requiring 'strategic sanctions' being placed upon South Africa. The UK was determined that, in such an event, it would be necessary to use their veto to prevent this outcome. There was concern, however, at the possibility that sanctions would be something that the US would vote in favour of. Kennedy conceded that, while the US had voted in favour of an arms embargo (in August 1963), they would not vote in favour of economic sanctions and reassured Home that the UK Government should not be worried at the idea of casting a veto.<sup>6</sup>

The Afro-Asian Bloc within the UN was broadly in favour of imposing sanctions on South Africa on the basis that the issue of apartheid was one that fell under Chapter VII of the UN Charter.<sup>7</sup>

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<sup>4</sup> The increasing condemnation present in proposed resolutions sponsored by African representatives was an indication of the frustration felt at the lack of response on the part of the South African Government to all earlier resolutions: "Provisional Agenda Supplementary Item No. 8: The Policies of Apartheid of the Government of the Republic of South Africa," Steering Committee on International Organisations - United Nations General Assembly: 18<sup>th</sup> Session Provisional agenda: Item No. 31 – The Policies of Apartheid of the Government of South Africa, I.O.C. (63) 136, 27<sup>th</sup> September 1963, document 8. The National Archives of the UK (TNA): DO 181/1, UN4/31/1A, Part A.

<sup>5</sup> Memorandum of Conversation, "Secretary's Delegation to the Eighteenth Session of the United Nations General Assembly, New York," September 26, 1963; POL 18 Provincial Municipal & State Government UK to POL UK-US; Box 4081; Central Foreign Policy Files, 1963; 1963 Alpha-Numeric Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>6</sup> Memorandum of Conversation, October 4 1963, 2d. National Security Files – Countries, Box 171a, "United Kingdom General 10/7/63 – 10/16/63." JFKL.

<sup>7</sup> The Rivonia trial can be effectively linked to the argument that the situation in South Africa fell under Chapter VII. In a draft General Assembly resolution proposed by the Afro-Asian Bloc, the claim was made that the trials of political prisoners under laws providing for the death penalty, of which the Rivonia trial was the most significant, would lead to 'a further deterioration of the already explosive situation in South Africa and would thereby dangerously aggravate the threat to international peace and security.': Dean to the Foreign Office, tel. no. 1707, 10 October 1963. TNA: DO, DO181/1, UN4/31/1, Part A.



Sanctions brought under this chapter of the Charter are taken with 'Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression'. Articles 41 and 42 allow for a number of measures to be taken to restore international peace and security, including economic sanctions, severance of diplomatic relations and, failing the former, military intervention.<sup>8</sup> This framing, in addition to the growing calls for the imposition of economic sanctions and the expulsion of South Africa from the UN, was not acceptable to either the UK or US Government. The UK, when considering tactics in advance of the General Assembly session of 1963, planned to work to ensure that the US joined them in holding the line against supporting any resolution that called for sanctions under Chapter VII.<sup>9</sup> The UK Government did not need to be concerned on this front, however, as the US, too, did not agree that South Africa posed a threat to international peace and security. The US was not overly concerned, moreover, at the prospect of a resolution passing on these lines as they did not believe that such a resolution would receive the necessary seven votes to pass in the Security Council, meaning it would not be necessary to veto it.<sup>10</sup>

Attempts to force increasingly harsh measures against South Africa through the General Assembly and the Security Council meant that the proposed resolutions required serious consideration as both governments recognised that, in opposing such measures, they risked being accused of preventing meaningful action against apartheid.<sup>11</sup> The UK Government was particularly keen to ensure that there was consistency in their approaches in both forums and, before any decisions were made, UK officials were asked to find out the strategy planned by the US Government.<sup>12</sup> The US, in its turn, was also interested in discussing strategy with the UK before committing to a course of action, although

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<sup>8</sup> United Nations Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, United Nations, accessed 25 September 2023, <https://www.un.org/en/about-us/un-charter/chapter-7>.

<sup>9</sup> "Provisional Agenda Supplementary Item No. 8: The Policies of Apartheid of the Government of the Republic of South Africa," Steering Committee on International Organisations - United Nations General Assembly: 18<sup>th</sup> Session Provisional agenda: Item No. 31 – The Policies of Apartheid of the Government of South Africa, I.O.C. (63) 136, 27<sup>th</sup> September 1963, document 8. TNA: DO 181/1, UN4/31/1, Part A.

<sup>10</sup> Enclosure in Dean Rusk to John F. Kennedy, "US Policy for the Next Security Council Meeting on South Africa," Memorandum for the President: Subject: Security Council Meeting on South Africa, 6<sup>th</sup> November 1963, 1. National Security Files, William H. Brubeck, Box 387, "South Africa 9/93-11/63." JFKL.

<sup>11</sup> The final report of the Special Committee on Apartheid of September 1963 was aimed at countries, such as the UK and the US, who had not supported previous resolutions and who had not acted to put into effect their provisions as much as it was aimed at South Africa. Further pressure on this line was expected in the coming months. "Provisional Agenda Supplementary Item No. 8: The Policies of Apartheid of the Government of the Republic of South Africa," Steering Committee on International Organisations - United Nations General Assembly: 18<sup>th</sup> Session Provisional agenda: Item No. 31 – The Policies of Apartheid of the Government of South Africa, I.O.C. (63) 136, 27<sup>th</sup> September 1963, document 8. TNA: DO 181/1, UN4/31/1, Part A.

<sup>12</sup> As an example, the UK representative was given discretion to vote in favour of resolution 1881 of the 11<sup>th</sup> October 1963 if the US Representative did so: Dean to Foreign Office, tel. no. 258, 12 October 1963, 1, document 23a. TNA: DO 181/1, UN4/31/1, Part A.

this did not necessarily lead to a change in tactics.<sup>13</sup> In the two sections that follow below, the debates that took place in advance of the resolutions passed by the General Assembly and the Security Council will be examined. Additionally, the discussions held between officials within the UK Government and the US Government, as well as with each other, in response to these debates will be explained. While anti-apartheid feeling had been building for a number of months, the Rivonia arrests and trial brought the matter firmly to a head. In the rounds of diplomacy over the course of 1963-64, the UK and the US had to work to reconcile opposing views that had only grown more divergent.

## 2. The General Assembly

The ongoing discussions regarding apartheid during the first part of 1963 meant it was clear that this was going to be a significant focus in the forthcoming Eighteenth Session of the General Assembly. The position of the majority of African countries was entrenched and the level of support they possessed meant that the UK and the US were facing a great deal of scrutiny on the matter. Many African leaders were expected to attend, leading to appeals for action to be taken against South Africa.<sup>14</sup> The UK and the US were aware of this and hoped to ease the tensions they expected would arise. The stated objectives of the US Government for the session were to prevent the expulsion of South Africa from the General Assembly and to work to encourage 'a dialogue with South Africa which would have some possibility of leading to a fundamental alteration of its racial policies.'<sup>15</sup> US Ambassador Satterthwaite in Pretoria, nonetheless, had doubts about the approach planned by the US. He wrote to the Dean Rusk, the Secretary of State to explain his concerns and his hope that the 'Department will deal with apartheid as objectively as possible in the trying days ahead.'<sup>16</sup>

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<sup>13</sup> For example, in advance of the issue going back to the Security Council in December 1963, the US let the UK Ambassador know that they had reached 'a fairly firm position' and were planning to support the Norwegian draft resolution. Ambassador Dean advised the UK Government of the problems that could arise if they did not work together with the US and Norway. Namely that without the UK's support, it would be necessary to negotiate around a draft provided by African countries and also draw attention down upon the UK as rigidly in its reluctance to act against apartheid: Dean to the Foreign Office, tel. no. 1931, 5 November 1963. TNA: CAB 21/5070.

<sup>14</sup> There were other issues that the West would have preferred to focus on and therefore the insistence of the African countries to bring the issue of apartheid back for discussion was a source of frustration: Enclosure in Handyside to Brubeck: "United States Strategy at the 18<sup>th</sup> General Assembly, Part One – The Political Climate," 1-3, document 1a. National Security Files, William H. Brubeck, Box 388 - Reference Copy, "United Nations – 18<sup>th</sup> General Assembly." JFKL.

<sup>15</sup> "United States Strategy at the 18<sup>th</sup> General Assembly, Part Two – U.S. Approach on Particular Issues, (first draft)," 11, document 1b. National Security Files, William H. Brubeck, Box 388 – Reference Copy, "United Nations – 18<sup>th</sup> General Assembly." JFKL.

<sup>16</sup> Joseph Satterthwaite to Secretary of State, tel. no. 374, September 18 1963. Personal Papers of Arthur M. Schlesinger Jr., Subject File 1961-1964; White House Files, Box WH-1, "Africa, 9/17/63-9/27/63." JFKL.

The Eighteenth Session ran from the 17<sup>th</sup> September to the 17<sup>th</sup> December 1963. As anticipated, the matter of apartheid was at the top of the agenda with a resolution on apartheid the first to be debated. President Kennedy attended the Assembly for the opening of the session and gave a speech touching on many areas of geopolitical interest to the US. Within the speech he pledged to end racial discrimination in the US and noted his opposition to apartheid, in recognition of the importance of this issue.<sup>17</sup> Tensions were running very high between the South African delegation and those from various African States from the outset. When the Representative of South Africa rose to speak at the end of the Assembly's business on the 20<sup>th</sup> September, the African, Arab, Communist and some Asian delegations left the room in protest.<sup>18</sup>

Although the Afro-Asian bloc were solidly in opposition to apartheid, there was a visible distinction between the approach of the generally moderate demands of the Indian delegation and the delegations of many other Asian countries on the one hand, and that of the more extreme demands called for by African delegations on the other.<sup>19</sup> Despite these differences of approach, African countries, with their more radical demands, were looking very likely to be able to command a majority in the General Assembly. Nearly all members of the Afro-Asian bloc were expected to vote in favour of the resolution that the Guinean Representative was due to propose.<sup>20</sup> The saving grace of this particular forum for the UK and the US was that the Assembly had little recourse to mechanisms for the implementation of the demands within the resolutions passed. The more extreme outcomes that both countries wanted to avoid were not in the power of the Assembly to arrange.

The Rivonia trial defendants were sitting in their jail cells when this session commenced and had been for a number of months. Despite being removed from view, they were still visible across the world as symbols of the repression that the South African Government was utilising to keep a lid on domestic protest against apartheid. The Afro-Asian bloc were keen to get a resolution passed quickly to register their concern about political detention in South Africa. On the 8<sup>th</sup> October, a debate was

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<sup>17</sup> Office of the White House Press Secretary (New York, N. Y.), "Address of the President to the 18<sup>th</sup> General Assembly of the United Nations New York, N. Y. (as actually delivered)," September 20 1963, 5, document 5. National Security Files, William H. Brubeck, Box 388, "United Nations – 18<sup>th</sup> General Assembly.": JFKL.

<sup>18</sup> Dean to the Foreign Office, tel. no. 1502, 21 September 1963, document 4. TNA: DO 181/1. UN4/31/1, Part A.

<sup>19</sup> "Provisional Agenda Supplementary Item No. 8: The Policies of Apartheid of the Government of the Republic of South Africa," Steering Committee on International Organisations - United Nations General Assembly: 18<sup>th</sup> Session Provisional agenda: Item No. 31 – The Policies of Apartheid of the Government of South Africa, I.O.C. (63) 136, 27<sup>th</sup> September 1963, document 8.; "Provisional Agenda Item No. 31: The policies of apartheid of the Government of the Republic of South Africa: report of the Special Committee on the Policies of Apartheid of the Government of South Africa (Resolution 1761 (XVII) of 6 November 1962," Department of External Affairs, Wellington, 11 September 1963, 1, document 1b. TNA: DO 181/1, UN4/31/1, Part A.

<sup>20</sup> Dean to the Foreign Office, tel. no. 1707, 9<sup>th</sup> October 1963, p1; document 13. TNA: DO 181/1, UN4/31/1, Part A.

held in the Special Political Committee.<sup>21</sup> The Guinean Representative, Diallo Telli, argued that it was the Western supporters of apartheid, in particular the UK, who needed to ensure progress was made on the subject of apartheid.<sup>22</sup> The suggestion of imminent retaliation by African states against the West should they not cooperate with measures taken on apartheid was leading Latin American and Asian delegations to believe it was not worthwhile to resist their calls for strong action to be taken against South Africa. It also cast doubt on the chances of success for any opposition raised by countries from Latin America, Asia or the West.<sup>23</sup>

The same representative planned to raise a point of order while the South African Representative spoke at the plenary meeting on the 10<sup>th</sup> October, in order to request the question of political trials in South Africa, including the Rivonia trial, be made a matter of urgency. In the event, this action was not taken and the South African representative was allowed to speak, albeit to a hall that was not full, with many members of the Afro-Asian Bloc meeting elsewhere at this time.<sup>24</sup> The unorthodox tactics used by the Afro-Asian bloc, including bypassing procedural requirements, troubled many representatives to the UN, the representatives of the UK and the US among them. Even up until the day before the vote in the plenary meeting, a number of countries, mainly from the West, were reluctant to vote in favour of the proposed resolution.

The draft resolution sponsored by fifty-five states in the Afro-Asian Bloc was brought to the Special Political Committee on the 10<sup>th</sup> October. This draft directly labelled the ongoing trials in South Africa as a threat to international peace and security, requested South Africa end them and urged all other countries in the UN to 'exert every effort' to ensure this was done.<sup>25</sup> Counter to normal procedure, the customary twenty-four hours was not allowed for consideration of the text of the resolution. A vote was taken and eighty-seven countries were in favour, one against (Portugal) and nine abstained – mostly from the West (including the UK and the US) and the Old Commonwealth. The British Representative present, Roger Jackling, explained this abstention was due to the lack of time given to consider the resolution. The US Representative explained that his Government supported the motives of the resolution's sponsors, but there were some wording issues with the first

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<sup>21</sup> This Committee had a history of calling for action to be taken on apartheid. In 1961, twenty-six African states proposed a motion for sanctions against South Africa, including the breaking of diplomatic relations and end of exporting goods to South Africa. After repeated attempts to get this motion passed, resolution 1761 was passed by the General Assembly a year later in November 1962: Newell M. Stultz, "The Apartheid Issue at the General Assembly: Stalemate or Gathering Storm," *African Affairs* 86, no. 342 (1987), 32.

<sup>22</sup> Dean to Foreign Office, tel. no. 1692, 9 October 1963, document 11. TNA: DO 181/1, UN4/31/1, Part A.

<sup>23</sup> Adlai Stevenson II to Secretary of State, tel. no. 1239, October 9, 1963. Personal Papers of Arthur M. Schlesinger Jr.; Subject File 1961-1964; White House Files, Box WH-1, "Africa, 10/1/63-10/10/63." JFKL.

<sup>24</sup> Dean to Foreign Office, tel. no. 1706, 9 October 1963, document 13. TNA: DO 181/1, UN4/31/1, Part A; Dean to Foreign office, tel. no. 1711, 10 October 1963, document 18. TNA: DO 181/1, UN4/31/1, Part A.

<sup>25</sup> Dean to Foreign Office, tel. no. 1707, 9 October 1963, document 14. TNA: DO 181/1, UN4/31/1, Part A.

two operative paragraphs.<sup>26</sup> Ambassador Satterthwaite in the US Embassy in Pretoria was in agreement with the need to abstain on this resolution and wrote to the State Department to note the alleged communist affiliations of Sisulu, Kathrada, Mbeki and Mandela. He argued that a 'vote for [the] resolution would be [a] vote for [the] release of leaders of Communist-led sabotage.'<sup>27</sup>

The vote in Special Political Committee was a way to assess support for the draft, but it was the vote in the plenary meeting the following day that would go on the record. Here, the text provided by the African delegation was broadly accepted with no attempts to materially alter it and with no alternative drafts offered for consideration. The representatives of Panama, Belgium and the Netherlands had abstained from the vote the day before, but having had time to reflect, had decided to vote in favour.<sup>28</sup> On the 11<sup>th</sup> October 1963, resolution 1881 was passed in the General Assembly with 106 countries voting in favour and only South Africa voting against. The Rivonia trial was significant to the substance of this resolution and was referred to in both the introductory and operative paragraphs:

*The General Assembly ... Considering reports to the effect that the Government of South Africa is arranging the trial of a large number of political prisoners under arbitrary laws prescribing the death sentence, Considering that such a trial will inevitably lead to a further deterioration of the already explosive situation in South Africa, thereby further disturbing international peace and security, ... 2. Requests the Government of South Africa to abandon the arbitrary trial now in progress [the Rivonia trial] and forthwith to grant unconditional release to all political prisoners and to all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid.*<sup>29</sup>

Although this resolution passed, it was not without reservations from a number of countries regarding some of the wording. Both the UK and the US took the decision to vote in favour of this resolution. However, this was with a proviso. The US Representative noted that they could only vote in favour of the resolution provided that a separate vote could be held on operative paragraph two, the paragraph concerning the Rivonia trial.<sup>30</sup> The UK noted similar reservations as the US Representative, despite emphasising its support for 'the spirit of the resolution' as a whole.<sup>31</sup> When

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<sup>26</sup> Dean to Foreign Office, tel. no. 1717, 10 October 1963, document 20. TNA: DO 181/1, UN4/31/1, Part A.

<sup>27</sup> Joseph Satterthwaite to Department of State, tel. no. 464, October 11, 1964; POL 15-3 Judiciary S AFR; Box 4030; Central Foreign Policy File 1963, Political & Defense; General Records of the Department of State, Record Group 59; NACP.

<sup>28</sup> Dean to Foreign Office, tel. no. 1725, 12 October 1963, document 22. TNA: DO 181/1, UN4/31/1, Part A.

<sup>29</sup>The policies of apartheid of the Government of the Republic of South Africa, UN. General Assembly (18<sup>th</sup> Sess. 1963), 11 October 1963, United Nations Digital Library, <https://digitallibrary.un.org/record/203968?ln=en>.

<sup>30</sup> Dean to the Foreign Office, tel. no. 258 Saving, 15 October 1963, document 23a. TNA; DO; DO 181/1, UN4/31/1, Part A.

<sup>31</sup> Dean to the Foreign Office, tel. no. 1726, 12 October 1963, 2, document 23. TNA UN4/31/1, Part A; DO; DO 181/1, UN4/31/1, Part A.

the vote concerning paragraph two was taken separately, it passed with 102 in favour, one against (South Africa) and four abstaining (the UK, the US, France and Australia).<sup>32</sup> The Rivonia trial was a useful point of criticism against South Africa as the increasing repression in the country was widely condemned. It was a straightforward matter for countries to vote in favour of the resolution broadly, even if some countries had reservations regarding operative paragraph two. This resolution managed to pass with such a high level of support due to its focus upon the ongoing trials in South Africa and omitting any attempt to impose sanctions. While this lessened its significance somewhat, the isolated position that South Africa now found itself in was a cause for celebration for its opponents. This jubilation would have been short-lived, however, as once again, South Africa did not respond to the resolution.

The decision by the UK and US to vote against resolution 1761 of 1962 but in favour of resolution 1881 a year later was due to the differing substance of the two resolutions. Supporting economic sanctions, as called for in resolution 1761, was a line that they would not cross. The UK continued to make clear that this remained its position in the Special Political Committee meeting on the 17<sup>th</sup> October 1963.<sup>33</sup> The US Government was pleased to be able to vote in favour of resolution 1881 and believed that their vote, together with Under-Secretary of State George Ball's visit to Lisbon to engage in talks about Portugal's territories in Southern Africa, had led to an improved standing with African states.<sup>34</sup> As a note of caution, while recognising the positives of the outcome of this vote, British Permanent Representative to the UN, Sir Patrick Dean, acknowledged that the African states had used their majority as a 'steam roller' forcing the West to give way to them. Dean also feared that such concession would only 'encourage the Africans in future negotiations to assume that they can always beat the Americans down through a series of public appeals for their support.'<sup>35</sup>

Both the UK and the US understood that their responses to events in the UN would be followed closely by South Africa. The anger that the outcome of this resolution led to within South Africa was considerable and conversations between South Africans and staff at the US Embassy in Pretoria were reported to be heated. Western states were accused of supporting ill-conceived actions in their wish to 'carry favor with African states'. The UK and US's abstention on paragraph two of the resolution was

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<sup>32</sup> Dean to the Foreign Office, tel. no. 1725, 12 October 1963, 2, document 22. TNA: DO 181/1, UN4/31/1, Part A.

<sup>33</sup> Dean to the Foreign Office, tel. no. 1765, 18 October 1963, 3-4, document 25. TNA: DO 181.1, UN4/31/1, Part A.

<sup>34</sup> Central Intelligence Agency: Office of Current Intelligence, "Current Intelligence Memorandum; Subject: 'African Reactions to US Positions in Security Council Debates on Portuguese Territories and South Africa'," OCI no. 2375/63, October 23 1963, 5, Document 11a. National Security Files, Countries, Box 3a, Reference Copy, "Africa General 8/63-11/63." JFKL.

<sup>35</sup> Dean to Foreign Office, tel. no. 258 Saving, 15 October 1963, 2-3, document 23a. TNA: DO181/1, UN4/31/1 Part A.

useful in allaying the concerns of South Africans and the US Embassy was able to provide some reassurance that the position taken on this resolution was little different to the earlier Security Council resolution of August 1963.<sup>36</sup> How the UK and the US managed the expectations of South Africa as well as those of other African countries, however, was soon to become more severely tested in the Security Council.

### 3. The Security Council

Between August 1963 and June 1964, four resolutions calling for action to be taken against South Africa were debated and passed in the Security Council.<sup>37</sup> The number of resolutions passed make clear the prominence of the issue of apartheid at this time at the *international-diplomatic* level, as well as the significance of the Rivonia trial as a focal point for opposition. Before the trial ended with eight life sentences and two acquittals, there was serious concern that a number of the defendants would be executed. Each of the four resolutions called upon South Africa to free prisoners arrested for their opposition to apartheid. The harsh sentences that anti-apartheid campaigners in South Africa were facing added urgency to the issue of apartheid and the trial was key to this. Resolution 190 of the 9<sup>th</sup> June 1964 made explicit mention of the Rivonia trial, but its significance, as the most prominent of all the political trials underway in South Africa at this time, was implicit in all the resolutions with their focus upon the release of political prisoners.

With each successive resolution, and with each failure to convince the South African Government to act, calls were renewed for definite, concrete, and convincing action to be taken against the country. On each occasion, manoeuvring between the African countries, with the support of the Soviet Bloc, on one side and countries of the West, including the UK and the US, continued.<sup>38</sup> One side hoped the Security Council would vote for sanctions against South Africa and the other worked to

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<sup>36</sup> Joseph Satterthwaite to Secretary of State, tel. no. 472, October 14, 1963; POL 15-3 Judiciary S AFR; POL 7 Visits Meetings S AFR to POL 15-3 Judiciary S AFR; Box 4030; 1963 Alpha-Numeric; Central Foreign Policy File, 1963, Political and Defense; General Records of the Department of State, RG 59, NACP.

<sup>37</sup> The Security Council during the early 1960s was comprised of eleven countries; five permanent members, China, France, the UK, the US and the USSR, and six others elected on a temporary basis and representing particular areas of the world. For the majority of the trial, in 1964 these six countries were Bolivia, Brazil, Czechoslovakia, Ivory Coast, Morocco and Norway. Until the end of 1963 Ghana, Venezuela and the Philippines were in the Council before being replaced with the Ivory Coast, Bolivia and Czechoslovakia respectively.

<sup>38</sup> In addition to the African countries in the Security Council, it was anticipated that the Eastern bloc countries would be keen to promote measures such as economic sanctions as an option as it could allow for increased Soviet influence in Africa while also leading to the largest burden being placed upon the West: Dean to Foreign Office, tel. no. 1179, 8 June 1964, document 87-89. TNA: PREM 11/5178; Enclosure in memo George Ball to John F. Kennedy, "Subject: U.S. Policy on Apartheid in South Africa and U.S. Strategy in UN Security Council," July 13 1963, 4, document 6a and 6b. National Security Files, William H. Brubeck, Box 387, "South Africa 3/63-8/63." JFKL.

ensure this was not a matter that reached the point where a vote on this matter was necessary. Despite any changes of tactics or specific demands, throughout the debates of 1963-64, these basic positions did not change. During these months, pressure was growing upon both the UK and the US within this forum as well as outside of it, to demonstrate their opposition to apartheid. Managing these demands required tact and significant diplomatic negotiation.

### *3.1 The Resolutions of 1963*

In the General Assembly, all countries had a voice and the Afro-Asian Bloc continued to forcefully dominate this forum with the matter of apartheid. The presence on the Security Council of Morocco throughout the trial and of Ghana in 1963 and Ivory Coast in 1964 gave the Afro-Asian Bloc a voice in this forum too. There was no real risk at this time of economic sanctions being placed upon South Africa because both the UK and the US had the power, as permanent members of the Security Council, to veto any such demands contained within a resolution. The major concern of both Governments, however, was being placed in a position where it was necessary to use a veto against a resolution about apartheid, as it would risk appearing as a defender of South Africa and of apartheid.

Chapter two of this thesis has already given some attention to the debates and passage of resolution 181 in August 1963. The UK and the US, with the assistance of Norway, managed to negotiate a resolution that avoided compulsory sanctions and which did not require either to use their veto. The inclusion of an arms embargo was something that had been anticipated by the US and, by July of that year, the US had already begun to prepare to end the sale of weapons that could be used domestically to support apartheid.<sup>39</sup> The UK on the other hand had been reluctant to engage supportively with the resolution due to the extent of her arms exports to South Africa and the loss this would involve. The risk of being isolated on the international stage in this matter was viewed as more detrimental to the UK's interests, however. The UK Government had no wish to be the sole country preventing the passing of a resolution concerning an arms embargo through her use of her veto. On balance, it was judged that '...the balance of advantage lies in endorsing the view of Commonwealth Africa, if the Americans incline that way.'<sup>40</sup>

South Africa, as expected, did not take any action in response to resolution 181 in August. By October, twenty-seven countries of the Afro-Asian Bloc were requesting for the matter to be considered again at the Security Council. The US had voted in favour of the resolution in August in

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<sup>39</sup> Memo, McGeorge Bundy to Secretary of State, July 17 1963, document 4. National Security Files, Countries, Box 159, "South Africa General 7/13/63 – 7/31/63." JFKL.

<sup>40</sup> Memo, Burke to Prime Minister, "Policy towards South Africa (c. (63) 346)," 31 July 1963. TNA: CAB 21/5070, 14/15/18, Part 3.



order to show support for the aims of those countries opposed to apartheid. The return of apartheid to the Council was viewed with concern as it was recognised that this was ‘... a result of the continued determination of the Afro-Asian bloc to obtain meaningful turns of the screw against South Africa.’<sup>41</sup> For the UK’s part, the return of the issue led to the need for a different approach and one that was more in line with the US. Between August and December, the UK (and also France) became increasingly reluctant to abstain on a resolution calling for an arms embargo against South Africa, as can be seen by their approach to the debates that followed at the end of the year.

Debate recommenced in November 1963. Both the UK and the US supported a resolution drafted by the Norwegian representative as an alternative to a more radical African resolution. The UK worked in conjunction with the US and Norway to convince other countries, namely Brazil, the Philippines and Venezuela, on the Security Council to support this draft resolution. They had some success, but the Representative of the Philippines noted that any moderate resolution would need to be acceptable to African countries on the Security Council, while Venezuela had not ruled out supporting a more extreme resolution.<sup>42</sup> Brazil, on the other hand, was willing to support the Norwegian resolution, but not to co-sponsor it due to the inclusion of the setting up of a Group of Experts to study the ongoing racial situation in South Africa, which they thought would be futile as the South African Government would take no notice of any recommendations.<sup>43</sup>

The UK Government had additional concerns about the final wording of draft resolution due to the inclusion of the creation of the Group of Experts. The Foreign Office was worried that if the UK was closely associated with the Group, the outcome could be recommendations that would embarrass the UK, i.e. the setting up of economic sanctions, which it was very clear, and had been for some time, was not something that it could sign up to and that would require the use of its Security Council veto. It was, however, recognised that involvement in the Group could be one possible concession to Black African opinion without too much fear of reprisals by the South Africans, as well as being an opportunity to influence the direction of the discussions.<sup>44</sup> It should be noted, however, that there were also concerns from the African states about the proposed Group of Experts. This matter was discussed during a meeting at which Oliver Tambo was also present. While the UK was concerned that

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<sup>41</sup> Enclosure in note to McGeorge Bundy from National Security Council, “UN Policy for the Next Security Council Meeting on South Africa: Second Revised Draft,” October 30 1963, document 2 and 2a. National Security Files, Countries, Box 159, “South Africa, General 10/30/63-11/19/63.” JFKL.

<sup>42</sup> Manila to Foreign Office, tel. no. 814, 22 November 1963. TNA: FO 371/167563, JSA 2251/63a.

<sup>43</sup> Rio De Janeiro to Foreign Office, 22 November 1963, tel. no. 209. TNA: FO 371/167563, JSA 2251/65; Rio De Janeiro to Foreign Office, 4 December 1963, tel. no. 222. TNA: FO 371/167563, JSA 2251/65a.

<sup>44</sup> Burke Trend to Prime Minister, “South Africa (C.P.(63) 6,8 and 10),”; Michael Cary to Burke Trend, “South Africa, (D.O. (O) (63) 5),” 19 November 1963. TNA; CAB 21/5070, 14/15/18, Part 3.

the Group's recommendations would be for sanctions, the Africans worried the recommendation would be for partition of the country.<sup>45</sup>

The acceptance of resolution 182 by the African states and its unanimous passage on the 4<sup>th</sup> December was unexpected but welcome.<sup>46</sup> This resolution built upon the demands of resolution 181 of August 196. It urged South Africa again to end policies of apartheid and to free political prisoners, condemned the country for not complying with the earlier resolutions of the Security Council and the General Assembly, called upon all Member States to observe the arms embargo in the earlier resolution in August, and requested the Secretary-General to establish a Group of Experts to examine methods of resolving the situation in South Africa and to consider what part the UN could play in these efforts.<sup>47</sup> The passage of this resolution was a victory for the UK and the US as it avoided the stronger measures against South Africa that African countries would have preferred, whilst also being strongly worded enough that a unanimous vote was the outcome. It won them a few months of respite, but this was not to last.

### *3.2 The Resolutions of 1964*

Both the resolutions of 1963 calling for arms embargos were unsuccessful in their attempts to secure change in South Africa. Frustration remained at the ability of the South African Government to continue with apartheid policies despite the resolutions passed in the UN. Many countries in the Afro-Asian bloc were not willing to concede on the matter and were gearing up to continue fighting the issue in 1964. As the Rivonia trial continued, stronger measures were discussed, including economic sanctions and action to force South Africa to leave the UN. Both of these possibilities remained unacceptable to the UK and the US. As 1963 drew to a close, the South African Government believed that neither the UK nor the US would support attempts to impose economic sanctions any more than they would support calls for South Africa to be expelled from the UN.<sup>48</sup>

The discussions that resulted in advance of the next Security Council resolutions took place in May and June as the Rivonia trial was reaching its conclusion and concern for the fate of the defendants was at its peak. The US counted protest against the likely harsh sentences facing the Rivonia trial

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<sup>45</sup> Dean to Foreign Office, tel. no. 2129, 29 November 1963. TNA: FO 371/167568, JSA 2281/69.

<sup>46</sup> Simon Stevens, "Boycotts and Sanctions against South Africa: An International History, 1946-1970," PhD diss. Columbia University, (2016), 233.

<sup>47</sup> "Resolution 182 (1963)," United Nations Digital Library, 4 December 1963, <https://digitallibrary.un.org/record/112182?ln=en>.

<sup>48</sup> "Press Statement by Mr Eric Louw, Minister of Foreign Affairs," December 28, 1963, p.3, enclosure in Witt to Department of State, Embtel 766, "Transmitting Speeches by Verwoerd and Louw", January 7, 1964; Political and Defense, POL 2 S. AFR to POL 7-1 S. AFR; Box 2628; Central Foreign Policy Files 1964-1966, General Records of the Department of State, RG 59; NACP.

defendants as a factor that would lead to considerable pressure being placed upon the West to act against South Africa.<sup>49</sup> How to handle these deliberations was a difficult question for both the UK and the US. The importance of having an agreed position before the debates begun was important. Patrick Dean argued that ‘... [i]f we go into the debate disunited and unclear, this will soon become apparent and we shall be driven into a corner by ourselves. I think this would be disastrous for our position here and I would have thought in Africa.’<sup>50</sup>

These debates were to result in two separate resolutions passed just days apart. Calls for further sanctions were again on the table due to South Africa’s continued immovability. One of the conclusions of the Group of Experts, set up in response to resolution 182, was that without a satisfactory response to their recommendations from the South African Government, the Security Council would be left with no other alternative than the application of sanctions. The Group viewed the UK Government, and to a lesser extent the US Government, as ‘key to the effective application of these sanctions’.<sup>51</sup> In light of this, discussions were underway for a resolution that included the setting up of a new study group, comprised of representatives from the countries on the Security Council, to look at options that could be taken by the Council regarding the situation in South Africa. But before this resolution was debated, another was tabled specifically concerning the Rivonia trial defendants and calling for their release.

The UK would have wished for there to have been a postponement of further discussion about apartheid in the Security Council until the International Court of Justice (ICJ) was ready to give judgement in the ongoing matter of South Africa’s administration of South West Africa (present day Namibia). This was not possible due to how significant the Rivonia trial was across Africa and more widely and this led to the matter returning to the Council prior to this.<sup>52</sup> There was concern from the countries of the West that a badly worded and poorly received appeal passed by the Security Council regarding the Rivonia trial could inadvertently increase the likelihood of death sentences as well as appearing to be a call for the South African Government to interfere with its judiciary.<sup>53</sup> The draft resolution prepared by Morocco and the Ivory Coast was discussed by the countries of the West and Latin America on the day before the vote was taken and it was viewed as containing problematic wording and as an example of ‘shock tactics’ on the part of the African states. However, despite the

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<sup>49</sup> Report, “Special National Intelligence Estimate Number 73-64, Short-Term Prospects for South Africa,” 5/20/64, 7. “73, South Africa,” National Intelligence Estimates, NSF, Box 8, LBJ Library.

<sup>50</sup> Dean to Harrison, 13 May 1964, 1-2. TNA: FO371/177173, JSA2252/81.

<sup>51</sup> Millard, “Apartheid,” 13 May 1964, 1. TNA: FO371/177173, JSA2252/82.

<sup>52</sup> Lord Harlech to the Foreign Office, tel. no. 1876, 20 May 1964, 1. TNA: PREM 11/5178.

<sup>53</sup> Wilson, “South Africa: Security Council Debate,” 9 Jun 1964, 2. TNA: FO 371/177180, JSA2282/4.

problems identified, most delegates believed their respective Governments would instruct them to vote in favour of the resolution, with the exception of the UK and US delegations.<sup>54</sup>

Patrick Dean recommended that the UK align with the US however they voted; and, if voting in favour, he recommended making any necessary criticisms of the text of the resolution when explaining his vote.<sup>55</sup> The Foreign Office disagreed with this course of action as they remained sure that if the UK and the US voted in its favour without substantial amendments being made to the text then this would be to the detriment of the defendants and would lessen the impact any future representations would have on the South African Government once the trial was ended. Dean was instructed to speak with the US representatives again to persuade them to abstain along with the UK.<sup>56</sup>

Resolution 190 passed on the 9<sup>th</sup> June 1964 and urged South Africa to renounce the executions of those sentenced to death for acts resulting from their opposition to apartheid and to bring an end to the Rivonia trial. It also called for an amnesty for all those imprisoned, interned or subject to restrictions for their opposition to apartheid, called upon all Member States to exert all possible influence to ensure that the South African Government complied with this resolution, and requested that the Secretary General monitor the implementation of this resolution and report back to the Security Council.<sup>57</sup> This resolution was adopted with seven votes in favour, none against, and four abstentions from Brazil, France, the UK and the US. In his explanation of the UK vote, Dean recognized the sincerity of the humanitarian motives behind the resolution but reported the timing of this resolution had been weighed very carefully, along with how a UK vote in favour of it could impact on the prospects of the defendants.<sup>58</sup>

Following the passage of resolution 190, attention could return to the more substantial resolution that was being discussed. The US Government supported plans to set up a study group as an acceptable alternative to economic sanctions. There were many arguments in favour of this plan. Although there was a risk that this would lead to the recommendation of economic sanctions, it was still a delay to the immediate possibility of such sanctions being brought to a vote and would be an effective, and reasonably non-committal way, to align with countries calling for an end to apartheid policies. Additionally, if all member states of the Security Council took part in the group, there would be the possibility to lead the discussions away from economic sanctions.<sup>59</sup>

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<sup>54</sup> Dean to The Foreign Office, tel. no. 1182, 8 Jun 1964, 1-2. TNA: FO371/177180, JSA2282/2.

<sup>55</sup> Dean to the Foreign Office, tel. no. 1182, 8 June 1964, document 85. TNA: PREM 11/5178.

<sup>56</sup> Foreign Office to New York, tel. no. 3379, 9<sup>th</sup> June 1964, document 80. TNA: PREM 11/5178.

<sup>57</sup> Resolution 190 (1964), 9 June 1964, United Nations Digital Library, <http://digitallibrary.un.org/record/112231?ln=en>.

<sup>58</sup> Dean to Foreign Office, tel. no. 1193, 9 June 1964, 1. TNA: FO 371/177180, JSA2282/7.

<sup>59</sup> There were additional domestic considerations for the Johnson administration that were leading the US to wish to use such a study as a delaying tactic. If the study could be extended so that the outcome was after the US election at the end of 1964, it would remove the risk of the matter returning to the Security Council. If the

This aspect of the proposed resolution, however, was a major sticking point that led to the UK hesitating to give its support. The objective of the proposed study group was to examine options available to the Security Council regarding apartheid in South Africa and this did not preclude the imposition of economic sanctions, an outcome that the UK would be unwilling to support. This was a concern that the US Government agreed was a possibility, with Francis Plimpton, the Deputy Representative to the UN, recognising that involvement could be the start of a slippery slope towards economic sanctions.<sup>60</sup> The planned study group was also a point that African countries felt lukewarm about, as it was an alternative to the imposition of mandatory sanctions. Representatives of African countries advised the Norwegian representative that they were considering tabling an alternative draft resolution including economic sanctions in opposition to the more moderate one being prepared by Norway and the US.<sup>61</sup> This was a tactic they were dissuaded from attempting.

There was disagreement within the UK Government about the best way to respond to the Norway resolution, with some officials willing to consider being involved in the group and others firmly against the idea.<sup>62</sup> There was a great reluctance from ministers, including the Prime Minister, to support these plans as there was concern this compromise measure could lead to the paving of the way towards economic sanctions against South Africa.<sup>63</sup> To counter this, there were benefits to taking part. Most obviously, being involved in the discussions of any such group would allow the UK to influence their outcome. Additionally, as was the case with the Group of Experts in 1963, the involvement of the UK could serve as a warning to South Africa about the UK Government's position on apartheid, allow them to curry favour with African Commonwealth countries, and also serve to be a useful method of procrastination.<sup>64</sup> The formal position was that the UK ought to remain aloof from these initiatives and, as late as the 21<sup>st</sup> May, the advice from the Foreign Office was to abstain from a resolution that recommended a study of sanctions and also to abstain from involvement in the work of any such study group set up. This was not universally agreed with, with Foreign Office official, Guy

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matter returned, the risk of a resolution calling for economic sanctions did too. This could then lead to Johnson casting a veto on a racial matter at the height of the election campaign: Wayne Fredericks to George Ball, Information Memorandum, "Why the U.S. Should Support Study on Sanctions by UN Security Council," May 20, 1964, p.1-2; SOC14-1 SC Meeting on APARTHEID, SOC – SOCIAL CONDITIONS 1964; Box 51; Records of the Bureau of African Affairs, 1958-1966; General Records of the Department of State, RG 59, Entry 5235, NACP.

<sup>60</sup> Dean to Foreign Office, tel. no. 1040, 19 May 1964. CAB 21/5070, 14/15/18. Part 3.

<sup>61</sup> Dean to Foreign Office, tel. no. 1199, 10 June 1964. TNA: FO 371/177180, JSA2282/13.

<sup>62</sup> For example, Lord Dundee noted that the UK should refuse to be involved in such a group: Lord Dundee, "International Conference on Economic Sanctions For South Africa," 13 May 1964, 1. TNA: FO 371/177173, JSA2252/58.

<sup>63</sup> Harrison to Dean, 15 May 1964, 1. TNA: FO 371/177173, JSA2252/81.

<sup>64</sup> Snelling to Duke of Devonshire, "South Africa, Apartheid and the Meeting of Commonwealth Prime Ministers," 21 May 1964, 3. TNA: FO371/177173, JSA2252/71.

Millard, deeply concerned that it could create bad feeling with the US as well as the African and Asian countries in the Commonwealth.<sup>65</sup>

The position taken by the US Government was that support for appeals for clemency for the Rivonia trial defendants and for a study group to look at measures including sanctions were minimal concessions that would buy the West some time on this matter.<sup>66</sup> Despite the evident reluctance of the UK Government, the US Government was keen for the UK to be involved in this group as they felt it the best option but were reluctant to follow this line without the support of the UK.<sup>67</sup> The UK Ambassador to the US, Lord Harlech, supported the arguments given by the Americans and informed the UK Government of his belief that UK involvement in the group was wise. He also pointed out that another reason for being involved was, should the UK and/or US not take part, this would have the effect of giving the South African Government confidence to carrying on apartheid with impunity.<sup>68</sup> The South African Ambassador, Stephenson, however, was more reluctant. Writing to the Foreign Office in May, he recommended that, before making a decision, the UK and US Governments should undertake a secret joint study.<sup>69</sup> Lord Harlech in Washington saw wisdom in this as it could act as a delaying tactic that would give both governments time to prepare, but advised that it would not take the place of more public action.<sup>70</sup> At the beginning of June, talks were held covering the means of enforcement of sanctions against South Africa, the impact upon the South African economy, the stoppage of South African gold supplies, and the effects on international trade and the HCTs.<sup>71</sup>

The arguments of the US were found to be persuasive and the UK Government did in the end accede to the arguments in favour of taking part and decided to instruct Patrick Dean to vote in favour of this resolution.<sup>72</sup> Resolution 191 was passed on the 18<sup>th</sup> June 1964, with abstentions from Czechoslovakia, France and the USSR. The final text of the resolution condemned apartheid policies and the laws that supported them, including the ninety-day detention clause of the General Laws Amendment Act. It called again for the release of political prisoners, the abolition of the practice of

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<sup>65</sup> Millard, "Apartheid," 21 May 1964, 3-4. TNA: FO 371/177173, JSA2252/83.

<sup>66</sup> Memo, William H. Brubeck to the President, 5/4/64, #131, "Chron File, May 1-15, 1964 [2 of 2]," Files of McGeorge Bundy, NSF, Box 2, LBJ Library.

<sup>67</sup> Department of State to the American Embassy, the Hague, tel. no. 06304, May 12, 1964. POL 25 Demonstrations. Protests. Riots. S AFR.; POL 19 Gov't of Dependencies S. AFR to POL 29 Arrests Detentions S. AFR; Box 2635; Central Foreign Policy Files 1964-1966; Political and Defense; General Records of the Department of State; RG 59; NACP.

<sup>68</sup> Lord Harlech to the Foreign Office, tel. no. 1922, 25 May 1964. TNA: PREM 11/5178.

<sup>69</sup> Stephenson to the Foreign Office, tel. no. 243, 22 May 1964, 2, document 109. TNA: PREM 11/5178.

<sup>70</sup> Harlech to the Foreign Office, tel. no. 1922, 25 May 1964, 2-3, document 105-106. TNA: PREM 11/5178.

<sup>71</sup> Memorandum of Conversation, "US-UK Talks on Sanctions Study," 6/3/64. "United Kingdom Memos, Volume I, 11/63-10/64 [1of2]," Country File, Europe and the USSR, United Kingdom, NSF, Box 206, LBJ Library.

<sup>72</sup> Lord Harlech, the UK Ambassador to the US strongly recommended that the UK follow the US line on this point and helped to convince the Government to take this route: Harlech to the Foreign Office, tel. no. 2139, 10 June 1964, document 68-69. TNA: PREM 11/5178.

imprisonment without charge, the renunciation of death sentences, as well as setting up a group to undertake a technical and practical study of what measures could be taken by the Council towards South Africa.<sup>73</sup> The growing calls for economic sanctions were once again averted.

The USSR was very critical of the countries of the West in their explanation for why they were abstaining:

As the Security Council has seen, the Western Powers – primarily the United Kingdom and the United States of America – by objecting to the application of economic sanctions against the racist regime of the Republic of South Africa have once again revealed their predatory colonialist nature. They have shown that their own selfish interests and the profits they derive from the victims of an inhuman racist policy – surely a monstrous form of enrichment – are much more important to them than any humanitarian or moral principles.<sup>74</sup>

These comments are a helpful reminder of the broader Cold War significance of the Rivonia trial when contributing to the prominent position anti-apartheid feeling held within the UN at this time. Despite the criticism from the USSR, however, from the point of view of the West, the outcome was a significant achievement for the UK and the US and the result of a great deal of manoeuvring and diplomacy. The resolution was robust enough to get the votes of the two African countries on the Council – the Ivory Coast and Morocco – although both did have reservations about the failure of the resolution to impose sanctions against South Africa.<sup>75</sup> That the resolution was limited to a call for the release of political prisoners in addition to stipulating for the creation of the study group was a significant achievement and a result of a great deal of manoeuvring and diplomacy by the UK and her allies.

#### 4. Specialist Committees in the UN and their Role in Anti-Apartheid Protest

The General Assembly and the Security Council were the domain of state representatives and the principal forum for the assertion of *international-diplomatic* agency. During the 1960s, the newly independent countries of Africa utilised both to ensure apartheid was a prominent issue, but they were aided by other mechanisms set up within the UN, such as the Special Committee on the Apartheid Policies of the Republic of South Africa (hereafter the Special Committee on Apartheid), which was formed in 1962, and the work undertaken by the Secretary General. Although less of a demanding problem than the debates in the General Assembly and the Security Council, the actions of the Special Committee on Apartheid and the Office of the Secretary General served to keep pressure

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<sup>73</sup> “Resolution 191 (1964),” 18 June 1964, UN Digital Library, <https://digitallibrary.un.org/record/112232?ln=en>.

<sup>74</sup> “Security Council Official Records, Nineteenth Year, 1135<sup>th</sup> Meeting,” 18 June 1964, p.7, United Nations Digital Library, <https://digitallibrary.un.org/record/608080?ln=en>.

<sup>75</sup> *Ibid.*, 3-6.

upon the UK and the US. This will be the focus of much of the remainder of this chapter, allowing a more complete understanding of the work that was underway within the UN to end apartheid. Moreover, as will be shown, it was mechanisms such as these that allowed a greater involvement from non-governmental quarters and the *civic-transnational* campaign against apartheid.<sup>76</sup>

The President of the Special Committee on Apartheid throughout its existence was a representative from an African country and it was an arena where the goals of African countries could be discussed and promoted.<sup>77</sup> From the start, it was a useful focal point for anti-apartheid campaigners, both governmental and non-governmental, having been keen from the outset to expand the role that it was initially envisaged with – that of a watchdog.<sup>78</sup> The first Secretary of the Special Committee on Apartheid was Enuga Reddy. He was a significant figure in the transnational mobilisation of the Anti-Apartheid movement, maintaining a close relationship with members of the ANC, in particular with Oliver Tambo.<sup>79</sup> These connections made with leading members of the ANC helped to build upon the sense of urgency that existed around the Rivonia trial.

The Rivonia trial was a significant focus in two reports circulated on the 27<sup>th</sup> February and the 4<sup>th</sup> March 1964 by the Rapporteur of the Committee. These reports examined the repressive measures being utilised against opponents of apartheid in South Africa.<sup>80</sup> A significant portion of the Committee's report of the 25<sup>th</sup> March 1964 was dedicated to various political trials that were ongoing in South Africa, with the Rivonia trial featuring prominently and many details of the ongoing trial covered in depth.<sup>81</sup> Following on from this report, the Chairman of the Special Committee on Apartheid, Guinean politician Diallo Telli, wrote to all heads of state in the UN urging them to:

...exert all possible influence to induce the Government of South Africa;

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<sup>76</sup> The Special Committee on Apartheid was an important link in the creation of the transnational anti-apartheid campaign. The Chairman, Diallo Telli, organised a meeting with the African Group to discuss the arrests of the Rivonia trial defendants and lobbied the Western delegates in the UN: Anna Konieczna, "We the People of the United Nations': The UN and the Global Campaigns against Apartheid," in *A Global History of Anti Apartheid: Forward to Freedom' in South Africa* (St Antony's Series), ed. Anna Konieczna and Rob Skinner (Cham Switzerland: Palgrave Macmillan, 2019), 73.

<sup>77</sup> At the time of the Rivonia trial, the Chairman of the Special Committee on Apartheid was Diallo Telli, from the Republic of Guinea.

<sup>78</sup> Richard E. Bissell, *Apartheid and International Organizations* (Boulder: Westview Press, 1977), 57.

<sup>79</sup> Håkan Thörn, "The Meaning(s) of Solidarity: Narratives of Anti-Apartheid Activism," *Journal of South African Studies* 35 no. 2 (2009), 425.

<sup>80</sup> Campbell to Wilson, 1829/61/54, 17 March 1964, 1. TNA: FO 371/177172, JSA 2252/2.

<sup>81</sup> In Annex 1 of the report, a summary of some of the main milestones of the trial up to the point of writing was provided. This summary included mention of the pressure placed upon some of the witnesses for the prosecution to give answers that were to the satisfaction of their interrogators, including allegations of assault and beatings over the course of an interrogation: "Report of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa," 18, (A/5692), United Nations Digital Library, <https://digitallibrary.un.org/record/536978?ln=en>.



- (a) To refrain from executing condemned political leaders and to spare [sic] the lives of persons threatened with the death penalty in South Africa;
- (b) To put an end of tortures and the various humiliations inflicted on the opponents of apartheid in South Africa;
- (c) To liberate political prisoners whose only crime is their opposition to the South African Government's policy of apartheid;
- (d) To abandon its policy of apartheid which is contrary to the United Nations Charter and the Universal Declaration of Human Rights.<sup>82</sup>

Notable public figures also were recipients of these letter. For example, alongside the British Prime Minister, a letter was also sent to the Archbishop of Canterbury.<sup>83</sup> This led to a conversation, with the Archbishop viewing the repression in South Africa as an issue for the church across Africa, and in particular the Anglian Church due to its association with the UK Government. He suggested that a representation by the Prime Minister to Verwoerd in confidence would be the best way to help those on trial.<sup>84</sup> In the Prime Minister's response it is evident that he placed a significant amount of weight to the words of the Archbishop and made clear that his concerns were shared by the Government. He gave reassurance that it had indeed spoken to the South African Government along the lines suggested.<sup>85</sup>

The significance of the Rivonia trial behind the decision of the Chair of the Special Committee on Apartheid to send out of these letters was fully understood by both the UK and the US.<sup>86</sup> Sir Patrick Dean advised his Government to respond to this letter by drawing attention to the UK's earlier votes supporting resolutions critical of apartheid, such as its vote in favour of General Assembly resolution 1881. The US Government, too, was planning a brief response noting their previous statements regarding apartheid. This response was to be made despite their concerns about the impropriety of these letters, something that the UK Government concurred with.<sup>87</sup> The US Representative to the UN, Adlai Stevenson II, drafted a reply for approval by President Johnson that emphasised the undesirability in US eyes of death sentences in the Rivonia trial but Satterthwaite in Pretoria, however, warned the State Department against replying to the appeal of the Committee along these lines.<sup>88</sup> He

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<sup>82</sup> Dean to the Foreign Office, tel. no. 807, 15 April 1964, 1, document 6. TNA: PREM 11/5113, 1963-1964 South Africa.

<sup>83</sup> Ibid

<sup>84</sup> The Archbishop of Canterbury to Alec Douglas-Home, 18 April 1964. TNA: PREM 11/5112, 1964 South Africa.

<sup>85</sup> Alec Douglas-Home to the Archbishop of Canterbury, 1-5, 6 May 1964. TNA: PREM 11/5112, 1964 South Africa.

<sup>86</sup> 'The State Department have heard that the Chairman of the Special Committee on Apartheid at New York is proposing to send an appeal in his name to all Heads of State to intervene with the South African Government to prevent death sentences being passed on the accused in the Rivonia and other current trials': Lord Harlech to the Foreign Office, tel. no. 1240, 2 April 1964. TNA: PREM 11/5113, 1963-1964 South Africa.

<sup>87</sup> Dean to the Foreign Office, tel. no. 807, 15 April 1964, 1, document 6. TNA: PREM 11/5113, 1963-1964 South Africa; American Embassy, London to Department of State, tel. no. 4882, April 6, 1964; POL 29 Arrests, Detention South Africa 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State; RG 59; NACP.

<sup>88</sup> Joseph Satterthwaite to Department of State, tel. no. Cape Town 168, p.1-3, April 22. 1964; POL 29 Arrests, Detentions S AFR 4/1/64; Box 2635; Central Foreign Policy Files 1964-1966, Political and Defense; General

expressed serious reservations about the Special Committee's appeal and dismissed the possibility of the US Government making a blanket intervention for multiple trials as some sabotage activities led to deaths and injuries and harsh sentences in such cases could be viewed as just. The part of the appeal that referred to 'persons threatened with the death penalty', he took to mean as a reference to the Rivonia trial and he was of the opinion, as was his counterpart from the UK that to attempt an intervention while the trial was ongoing would not be advisable.<sup>89</sup>

The references to the Rivonia trial in the successive reports of the Special Committee on Apartheid demonstrate the significant place it held in the fight against apartheid at this time. As the trial draw to a close, it remained a prominent concern to the Committee, and was again referred to in its report of the 22<sup>nd</sup> May 1964:

The trial of Nelson Mandela, Walter Sisulu and other leaders of the people and opponents of apartheid was resumed on 20 April 1964 and continues in Pretoria under arbitrary and iniquitous laws, which violate the fundamental principles of universal justice and human rights and prescribe the death penalty for acts of resistance to the policy of apartheid ... The statement of Mr Nelson Mandela at his trial in Pretoria on 20 April 1964, as well as the evidence of others accused in that trial, shows clearly that the policies of the South African Government have left no effective means of protest and redress to the opponents of apartheid in South Africa except resorting to violence.<sup>90</sup>

In addition to the work that went into the preparation of the reports and appeals detailed above, throughout the course of the Rivonia trial, the Special Committee on Apartheid supported the passage of resolutions by the General Assembly and the Security Council. The Committee found it encouraging that General Assembly resolutions 1881 and 1978 and Security Council resolution 182 were passed unanimously or almost unanimously '...and thus represent[ing] the will of all the Member States so effectively that they should not give rise to any hesitancy, on the part of the United Nations or Member States, with regard to their implementation.'<sup>91</sup> The work of the Special Committee on Apartheid was likewise recognised by the General Assembly. On the 16<sup>th</sup> December 1963, in resolution

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Records of the Department of State, RG 59; NACP; Joseph Satterthwaite to Department of State, tel. no. Cape Town 189, May 1, 1964; POL 29 Arrests, Detentions S AFR 5/1/64; Box 2636; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State, RG 59; NACP.

<sup>89</sup> Joseph Satterthwaite to Secretary of State, tel. no. Secstate 127 immediate, March 30, 1964; POL 29, Arrests, Detention S AFR 3/1/64; Box 2635, POL 19 Gov't of Dependencies S. AFR to POL 29 Arrests Detention S.AFR; Central Foreign Policy Files 1964-1966, Political and Defense; General Records of the Department of State; RG 59; NACP.

<sup>90</sup> "Report of the Special Committee on the Policies of Apartheid of the Government of South Africa," 25 May 1964, (A/5707), United Nations Digital Library, <https://digitallibrary.un.org/record/840234?ln=en>.

<sup>91</sup> "Report of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa," 25 March 1964, 4, (A/5692), United Nations Digital Library, <https://digitallibrary.un.org/record/536978?ln=en>.

1978, the Secretary General, specialised agencies of the UN, and all member states were invited to assist the Special Committee in its endeavours.<sup>92</sup>

The Special Committee on Apartheid consistently supported attempts to draw the issue as one that fit the parameters of Chapter VII of the UN Charter as it believed that mandatory measures were necessary and were convinced that ‘... positive and dynamic action by the Security Council is essential to prevent a violent conflict in South Africa, which might have serious international consequences and which the United Nations is in duty bound to prevent by every means available to it under the Charter.’<sup>93</sup> In advance of the resolutions passed in June 1964, Telli made clear his hope that any resolution would reflect contain all of the recommendations that were given by the Special Committee on Apartheid, recommendations that stemmed from a belief in the applicability of Chapter VII measures.<sup>94</sup> This is a further example of the entrenched position of the African states during the discussions of the Security Council and demonstrates what an achievement it was for the UK and the US to have avoided a resolution following the lines expected by the Special Committee on Apartheid.

The final aspect of anti-apartheid activity ongoing in the UN during the Rivonia trial is work that was undertaken by the Office of the Secretary General. Resolution 1881 of the General Assembly called upon U Thant, the Secretary General, to take decisive action against apartheid and in support of those imprisoned due to their opposition to the racial policies of South Africa during his term in office. In order to fulfil his obligation to the General Assembly, U Thant wrote to the Permanent Representative of South Africa to ask what steps the South African Government was going to take to carry out the provisions of operative paragraph two, which called for an end to the Rivonia trial and to release political prisoners. The response from the South African representative noted that the resolution was ‘...entirely outside the jurisdiction of the United Nations’ and that no other reply could be expected.<sup>95</sup> In December of that year, U Thant wrote to all governments represented in the UN to request details about what action was going to be taken in response to the requirements of the resolutions passed concerning apartheid.<sup>96</sup> The UK Government, upon receipt of the letter, was inclined to respond promptly. The UK received a number of requests for advice from other European

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<sup>92</sup> “Resolution 1978: The policies of apartheid of the Government of the Republic of South Africa,” 16 December 1963, United Nations Digital Library, <https://digitallibrary.un.org/record/203971?ln=en>.

<sup>93</sup> “Report of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa,” 25 March 1964, 7, (A/5692), United Nations Digital Library, <https://digitallibrary.un.org/record/536978?ln=en>.

<sup>94</sup> “Report of the Special Committee on the Policies of Apartheid of the Government of South Africa,” 25 May 1964, 2, (A/5707), United Nations Digital Library, <https://digitallibrary.un.org/record/840234?ln=en>.

<sup>95</sup> The Policies of Apartheid of the Government of the Republic of South Africa: Report of the Secretary-General, (pursuant to General Assembly resolution 1881 (XVIII) of 11 October 1963), 19 November 1963, United Nations Digital Library, <https://digitallibrary.un.org/record/540387?ln=en>.

<sup>96</sup> UK Mission to the United Nations to the Foreign Office, letter from the Secretary-General, PO 230 SOAF (2), 30<sup>th</sup> December 1963. TNA: FO 371/177179, JSA2281/1.

countries about the best way to respond to this letter and its aim was to work to coordinate an agreed line among all countries of the West.<sup>97</sup>

U Thant again wrote directly to the South African Government on the 27<sup>th</sup> March 1964 requesting clemency for political prisoners on death row. This was in response to the rising concern of the draconian measures taken by the South African Government towards political activists, of which protest about the Rivonia trial was significant in raising as an issue. This letter was not well received, and the Secretary General was accused of having a lack of knowledge of the situation in South Africa. The South African Government expressed surprised at the intervention, accusing the General Assembly of ignoring the *sub judice* principle in cases underway in South Africa and charging that the Secretary General was ignoring hostile actions of other states towards them, including incidences where saboteurs were being trained in other African countries. The South African Government recognised, however, the pressure faced by the Secretary General by countries in the UN who were very vocal in calling for action against South Africa.<sup>98</sup>

Moving to look at the resolutions of June 1964, Security Council resolution 190 invited ‘... the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date’ and resolution 191 requested ‘... the Secretary-General to consider what assistance the United Nations may offer to facilitate such consultations among representatives of all elements of the population in South Africa.’<sup>99</sup> The resolutions that were debated during the Rivonia trial were therefore to have ongoing implications once the trial was over and the defendants had begun their lengthy sentences. However, the momentum by this point was faltering and the UN’s role, and from this the Secretary General’s role, in global anti-apartheid campaigning was to retreat in volume and effectiveness for a good many years.

#### *4.1 Non-Governmental Lobbying in the United Nations*

When Alfred Xuma, then leader of the ANC, travelled to New York with other leading anti-apartheid campaigners from South Africa for the 1946 UN Session, it was in the belief that the UN Charter supported the right to be free from oppression. The hope that the UN would be a mechanism to lead to change in South Africa lingered and, in the years that followed, the repeated resolutions concerning apartheid debated at the General Assembly were due to the work of ‘individual anti-apartheid activists

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<sup>97</sup> Campbell to Foster, (1829/13/64), 18 January 1964. TNA: FO 371/177179, JSA2281/2.

<sup>98</sup> Department of Information, Cape Town, “Announcement by the Department of Foreign Affairs,” no. 95/64(K), 18 May 1964, 4, 10120/73. TNA: FO 1117/3, 10120, Rivonia, Vol. II, papers 51-100.

<sup>99</sup> “Resolution 190 (1964),” United Nations Digital Library, 9 June 1964, <https://digitallibrary.un.org/record/112231?ln=en>. “Resolution 191 (1964),” United Nations Digital Library, 18 June 1964, <https://digitallibrary.un.org/record/112232?ln=en>.

such as British ‘turbulent’ priests, and the burgeoning Pan-African Conferences.’<sup>100</sup> The opportunity given to non-governmental individuals and organisations to speak at the UN was a significant for anti-apartheid lobbying and an example of the interplay that existed between the governmental and the non-governmental, or in other words the *international-diplomatic* and the *civic-transnational*. The Special Committee on Apartheid provided an entry point for anti-apartheid activists from 1962 onwards, as has been referred to above. In May 1963, George Houser, founding member of the American Committee on Africa (ACOA) and South African anti-apartheid campaigner Mary Benson appeared as witnesses before the Special Committee on Apartheid.<sup>101</sup> A month later, Martin Luther King agreed to appear before the Committee and this caused some concern among members of the Kennedy administration who feared that members of the Committee would use his appearance as an opportunity to question and criticise the racial policies of the US.<sup>102</sup>

During the Rivonia trial, anti-apartheid activists continued to look with hope towards the United Nations as an organisation which would be able to affect real change in South Africa and the Special Committee on Apartheid was a major forum for them to turn to. Oliver Tambo’s first task when responding to the Rivonia trial was to approach the UN to speak on behalf of the defendants.<sup>103</sup> He spoke at the meeting of the Special Political Committee of the General Assembly on the 8<sup>th</sup> October. In doing this, he was the first representative from any anti-apartheid organisation to speak at one of the main committees of the General Assembly.<sup>104</sup> In his statement he noted the commencement of the Rivonia trial, raising concerns about the intimidation facing their lawyers and requesting the Committee decide what action to take in response to it.<sup>105</sup> At the conclusion of his impassioned speech, Tambo received a standing ovation from members of the Committee and some later on believed that the positive reception that it received played a part in ensuring that the outcome of the trial was life sentences rather than death sentences.<sup>106</sup> Tambo made an additional statement to the Special Political Committee on the 29<sup>th</sup> October of that year and then was invited to speak at the

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<sup>100</sup> Anna Konieczna, “‘We the People of the United Nations’: The UN and the Global Campaigns Against Apartheid,” in *A Global History of Anti-Apartheid: Forward to Freedom’ in South Africa* (St Antony’s Series) ed, Anna Konieczna and Rob Skinner, (Cham Switzerland: Palgrave Macmillan, 2019), 67-68, 71.

<sup>101</sup> Houser to Patrick van Rensburg, 17<sup>th</sup> May 1963 (dictated 11<sup>th</sup> May 1963); ACOA 100/22, South Africa – Correspondence – May – Dec, 1963; Box 100, South Africa-Corr. – ACOA, 1952-1966, Series III: Programs and Activities in African Countries. Archives of the American Committee on Africa (ACOA), 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>102</sup> Dean Rusk, “Memorandum for the President – Subject: Appearance of Martin Luther King before the UN Apartheid Committee,” June 21 1963, document 5. National Security Files, Countries, Box 159, “South Africa, General, 6/3/63 – 7/12/63.” JFKL.

<sup>103</sup> Luli Callinicos, *Oliver Tambo: Beyond the Ngele Mountains* (Cape Town: David Philip Publishers, 2017), 294

<sup>104</sup> E. S. Reddy, ed., *Oliver Tambo: Apartheid and the international Community* (New Delhi: Sterling Publishers Private Limited, 1991), 12. South African History Online, accessed 25 September 2023, <https://www.sahistory.org.za/archive/oliver-tambo-apartheid-and-international-community-edited-es-reddy>.

<sup>105</sup> Dean to the Foreign Office, tel. no. 1699, 9 October 1963. TNA: FO 371/167541, JSA1641/30.

<sup>106</sup> Callinicos, *Oliver Tambo*, 295.

Special Committee against Apartheid on the 12<sup>th</sup> March 1964. In both these speeches, references were made to the Rivonia trial and, in both, Tambo indicated his support for economic sanctions against South Africa. Tambo stated in the latter that 'the fact that this trial has continued uninterrupted despite that resolution [General Assembly resolution 1881] presents the United Nations with one of its most crucial tests.'<sup>107</sup>

The option of economic sanctions against South Africa was an issue that was frequently embraced by non-governmental campaigners. In this, they joined voices with African States and the Soviet Bloc, among others, who had been calling for such measures in increasing numbers. As stated above, such measures would require the issue of apartheid to be addressed as one under chapter VII of the UN Charter, and the basis of this claim was that the political trials ongoing at this time were risking disturbing international peace and security. In October 1963, George Houser wrote to UN Ambassador Francis Plimpton (Adlai Stevenson II's second in command at the UN) about the US position on economic sanctions and argued for the need to look at ways that sanctions could be made effective as he believed that outside intervention would be required to achieve change in South Africa. 'Essentially what we are asking for is a study of the trade relations of all countries in the world with South Africa, so that it might be discovered what alternatives there are for those countries carrying on trade that is significant to their own economic welfare.'<sup>108</sup>

An attempt to promote the option of economic sanctions on a grander scale was the London Conference on Economic Sanctions which took place on the 14<sup>th</sup>-17<sup>th</sup> April 1964. This Conference was organised by Ronald Segal, a South Africa anti-apartheid activist who had left South Africa following the Sharpeville Massacre and who settled in London. When this conference was planned it was expected to be a small-scale affair but it grew exponentially from how it was originally conceived. Multiple delegates from African and socialist states requested to attend, in addition to many more unofficial representatives of many more countries, and it ended up as a large and global affair. Due to the very nature of the topic and the conclusions that it came to, the Conference was focussed upon the UN. The feasibility of economic sanctions as the most effective route to change in South Africa was championed by the speakers involved. The papers that resulted from the Conference were reproduced as papers to be presented to the Special Committee on Apartheid. Additionally,

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<sup>107</sup> Reddy, *Oliver Tambo*, 17-33. South African History Online, accessed 25 September 2023,

<https://www.sahistory.org.za/archive/oliver-tambo-apartheid-and-international-community-edited-es-reddy>.

<sup>108</sup> George Houser to Francis Plimpton, October 14, 1963. ACOA 19/2, Correspondence [USA] October 11-14, 1963; Box 19, Correspondence, 1963 October-1964 April 22, Series II: Program and Activities in the United States. ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

recommendations were also sent to the Security Council that it should call for comprehensive economic sanctions against South Africa.<sup>109</sup>

The Conference was followed closely by the UK Government due to its size, reach and location in London. The topic under discussion, that of economic sanctions against South Africa, was a subject that was already on the radar of the Government as it was a matter of huge pressure already and a significant amount of time had been given to discussion about the best way to balance the increasing calls for economic sanctions with the important strategic alliance that the UK had, and wished to continue, with South Africa. The US Government was also aware of the outcome of this Conference and the possible need for US action if its recommendations were discussed at the General Assembly or the Security Council.<sup>110</sup>

At the close of the trial, when the sentences had been handed down, a statement from Chief Albert Luthuli was read out to the Security Council by the Moroccan delegate. This statement clearly showed the importance of the Rivonia trial as a rallying point for protest, the importance placed on the UN from the leadership of the ANC, and also recognition of the significance of the UK and the US as close allies of South Africa:

This is an appeal to save these men, not merely as individuals, but for what they stand for. In the name of justice, of hope, of truth and of peace, I appeal to South Africa's strongest allies, Britain and America. In the name of what we have come to believe Britain and America stand for, I appeal to those two powerful countries to take decisive action for full-scale action for sanctions that would precipitate the end of the hateful system of apartheid.<sup>111</sup>

As will be known, to all with a cursory familiarity of South African history, apartheid continued on unabated for a good number of years following the events described within this chapter. All the efforts made to convince the South African Government to free the Rivonia trial defendants along with other political prisoners were therefore unsuccessful and, after resolution 191 of the 12<sup>th</sup> June 1964, the matter did not return to the Security Council for some years. This is not to say that the matter was closed or that people stopped their efforts to bring an end to apartheid. The issue remained as one of the most well-known movements of the twentieth century, and much of this was due to the work of non-governmental campaigners. It is to them we will turn to next.

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<sup>109</sup> Confidential memo, "Apartheid Issue in Security Council," p.2; SOC – Social Conditions, Soc 14-1 SC Meeting on APARTHEID 1964; Box 51; Records of the Bureau of African Affairs 1958-1966; General Records of the Department of State, RG 59; NACP.

<sup>110</sup> Report, "Special National Intelligence Estimate Number 73-64, Short-Term Prospects for South Africa," 5/20/64, p.7. "73, South Africa," NSF, National Intelligence Estimates, Box 8, LBJ Library.

<sup>111</sup> E.S. Reddy, Chief Luthuli and the United Nations, 2,11, South African History Online, accessed 25 September 2023, <https://www.sahistory.org.za/sites/default/files/LUTHULIANDTHEUNITEDNATIONS.pdf>.

## 5. Conclusion

During the course of the trial, the UK and US Governments successfully managed to negotiate a path within the UN that allowed them to avoid facing a resolution requiring them to make a choice between their alliance with South Africa or their relations with other African states. They managed to avoid vetoing any resolutions, which was a measure that would have had wide geopolitical as well as domestic consequences, and they were able to vote for or, failing that, abstain from all of the resolutions passed during these nine months. This chapter has demonstrated that this was no easy undertaking and, behind all the resolutions, there was a tapestry of complex diplomacy and delicate manoeuvring spanning months. At the centre of this *international-diplomatic* negotiation was the Rivonia trial.

This chapter has covered a number of points. Firstly, the case has been made for the significant role played by the Rivonia trial as a catalyst for the series of resolutions that were debated and passed by the General Assembly and the Security Council while it was taking place. Admittedly, the increasing repression of the South African State at this time was broader than one solitary trial and chapter three of this thesis explained the wide use of police powers to lock up dissidents at this time leading to many trials taking place at this time. However, the prominence of the Rivonia trial is evident within the precise timing of the resolutions, in their wording, and within the debates preceding them. The trial, involving as it did such well known leaders of the ANC, who were charismatic and articulate, was a useful point to build up a campaign to call for action against South Africa.

Secondly, the difficulty that the Rivonia trial caused the UK and US Governments within the UN has been established. The trial was utilised in the argument that events in South Africa were a threat to international peace and security and therefore significant measures such as economic sanctions against the country were justified. This was problematic for both the UK and the US as they were unwilling to go any further than the partial arms embargos that they agreed to. The UK, indeed, only agreed to this step with a great deal of reluctance. The efforts made to avoid a resolution on economic sanctions were significant and, as has been shown, ultimately successful. Had they not been successful however, it is likely that the implications of using a veto on a resolution opposed to apartheid in South Africa would have been substantial.

The final major theme covered within this chapter has been the work of non-governmental activists within the UN and the interplay between the *international-diplomatic* and the *civic-transnational*. Anti-apartheid activists joined their voices to those of the African states when working to keep the matter of apartheid at the forefront of the world's attention. Oliver Tambo, leader of the ANC in exile, spoke in committees within the UN to ensure that the danger facing the Rivonia defendants was well understood and to call for action to be taken to help them. In his support for



economic sanctions against South Africa, he joined the growing calls for such measures that were coming from both states and non-governmental sources, and contributed towards the pressure that was facing the UK and the US. This serves as a useful bridge to the remainder of this thesis as it has covered an important aspect of work that was undertaken by non-governmental activists to raise awareness and opposition to the trial. Other examples of the *international-diplomatic* and the *civic-transnational* intertwining in the work done to lobby government will be looked at in more detail to come, but the importance of the UN in this regard cannot be overstated.

5.  
"We are all Rivonia Men!"  
Non-Governmental Opposition to the Rivonia Trial

From the outset, the Rivonia trial was followed closely at home and across the world. South African news media outlets reported developments in the trial, often with a critical slant against the defendants. Due to the banning of many publications which had been critical of the racial policies of the South African Government, including, among others, the *Guardian*, *Advance*, *New Age*, *Spark* and *Fighting Talk*, there was significant media bias in the prosecution's favour.<sup>1</sup> Regardless, the courthouse in Pretoria attracted crowds of supporters, demonstrating the enormous significance that was placed on these proceedings. Inside the courthouse, the intimidating rows of security police were offset by that of supporters of the defendants. Domestic and international journalists and multiple representatives from foreign governments were also a common sight throughout the course of the trial.<sup>2</sup> The defendants used the trial as an opportunity to explain the reason for their commitment to ending apartheid and the attention they received was an opportunity to spread their message far and wide in a way that had become largely impossible for them due to the restrictions placed upon political opponents of the National Party Government.

Anti-apartheid campaigners across the world were quick to use the attention placed upon the Rivonia trial as an opportunity to build upon opposition to the South African Government's racial policies. While much was going on behind closed doors as governments worked to negotiate with South Africa, non-governmental organisations were instrumental in bringing the trial to the attention of the wider public across the world. The importance of public opinion was recognised by these organisations, but how to capitalise on this was a matter of debate, with different opinions held about the efficacy of boycott and sanction strategies.<sup>3</sup> The belief in the importance of widespread global pressure was not limited to anti-apartheid activists. Certain governments, for example that of Norway, felt that in the absence of any meaningful response by South Africa's major trading partners (namely the UK and the US), the pressure of public opinion, and therefore of *civil-transnational* campaigning, would be the most effective way of bringing about change in South Africa.<sup>4</sup>

Many organisations across the world were involved in campaigning against apartheid at the time that the Rivonia trial was underway, so this chapter will not aim to be a comprehensively thorough account of them all. Whilst the transnational network of anti-apartheid protest will be introduced, the

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<sup>1</sup> Hilda Bernstein, *The World that was Ours* (London: Persephone Books Ltd, 2009), 83-85; Kenneth S. Broun, *Saving Nelson Mandela* (New York: Oxford University Press, 2016), 100-101.

<sup>2</sup> Nelson Mandela, *Long Walk to Freedom* (London: Abacus, 1995), 418.

<sup>3</sup> Håkan Thörn, *Anti-Apartheid and the emergence of a Global Civil Society* (Houndmills, Basingstoke: Palgrave Macmillan, 2006), 60.

<sup>4</sup> P.F. Hancock to the Foreign Office, tel. no. 17 Saving, 26 April 1963. TNA: FO 371/171808, N103201/1.

major focus of this chapter will be to look at how the network was utilised to raise widespread opposition by activists in the UK and the US when responding to the Rivonia trial.<sup>5</sup> In doing so, the *civic-transnational* dimension of the anti-apartheid struggle will be illuminated. It is not the case, it should be emphasised, that this existed in isolation from the kinds of *international-diplomatic* undertakings examined in the previous two chapters. On the contrary, the two were bound together, with civic activists seeking to influence national governments, (just as national governments were sensitive to opinion at home, as we have seen).

The chapter will begin with an introduction to the global network of activists that existed at the time of the Rivonia trial and in the years prior to it. This network was centred upon South Africans working in exile. In doing so, how this network was affected by, and how it reacted to, the Rivonia arrests and trial can be explained. The section that follows will then provide detail of the links that existed between the ANC and activists in both the UK and the US. As the men on trial were leading members of the ANC, how this organisation worked with those in other countries is the natural focus when looking at the campaign to free them. In the final two sections, it is then possible to place the work of organisations in the UK and the US within the wider network that was centred around the ANC. Many of the campaigning strategies used by activists in both countries shared similarities, with the use of petitions, protest marches and letter writing campaigns utilised in both. However, there are significant differences that can be seen in the development of anti-apartheid protest in the two countries due to the different domestic environments in each. By looking at the respective responses to the Rivonia trial, as a significant focus of anti-apartheid activists, the wider domestic particularities can be drawn out and examined.

## 1. The Global Network of Anti-Apartheid Activism

During the 1950s, there was a growing belief within the Congress Alliance in South Africa that international activism was both possible and necessary as a mechanism to change the racial policies of the South African Government. Activists including Walter Sisulu, Duma Nokwe, Moses Kotane and Maulvi Cachalia travelled to both sides of the Iron Curtain, as well as countries in Africa and Asia to

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<sup>5</sup> This focus necessitates overlooking the importance of countries such as the Scandinavian countries, the Netherlands, the Soviet Bloc and a number of countries in Africa. The importance of these other countries is recognised in multiple works see for example Tore Linné Eriksen, ed., *Norway and National Liberation in Southern Africa* (Stockholm: Nordiska Afrikainstitutet, 2000); Genevieve Klein, "Nederland tegen apartheid. The role of anti-apartheid organisations 1960-1990," *Journal for Contemporary History* 29, no. 1 (2004), 42-59; Vladimir Shubin, *ANC: A View from Moscow*, 2<sup>nd</sup> rev. ed. (Auckland Park: Jacana Media (Pty) Ltd, 2008); Luli Callinicos, *Oliver Tambo: Beyond the Engeli Mountains* (Cape Town: David Philip Publishers, 2017).

raise support for their cause during this decade.<sup>6</sup> This activity continued into the early 1960s after the banning of both the ANC and the PAC in 1960. In 1962 Nelson Mandela, in his turn, travelled to various countries in Africa and Europe to gather support and to learn guerrilla tactics in preparation for a new stage of the anti-apartheid struggle.<sup>7</sup> Likewise, PAC activists were active in gathering support across Africa in the early years of the 1960s, with some success due to the popularity of their Pan-African ideology across the continent.<sup>8</sup> These developments were necessary as internal repression was increasingly precluding the use of peaceful means to call for change within South Africa.

The ANC and the PAC had very different visions for the future of South Africa, with different ideas about how to achieve a post-apartheid state as well as differing ideas about how such a state should look. The PAC worked from a very Africanist perspective, whereas the ANC showed more willingness to support a multi-racial South Africa. They also showed a greater willingness to work with other groups as part of the Congress Alliance, as well as with the South African Communist Party (SACP). The PAC viewed the ANC's links with the SACP with deep suspicion and was largely reluctant to work with organisations comprised of non-Africans.<sup>9</sup> The ideological differences of the PAC in contrast to the ANC remained significant and the spheres that the two organisations occupied remained separated with only limited attempts to work together. The short-lived South African United Front (SAUF) in the early 1960s was an early but unsuccessful attempt to try and join forces. By the end of 1961 the SAUF was reportedly in existence in name only and dissolved as an organisation in March 1962, having been unable to maintain the unity between the leaders of the ANC and the PAC as cracks began to widen.<sup>10</sup>

The ANC was more successful than the PAC in achieving worldwide prominence, in part due to the difficulties faced by the PAC in setting up its external operations, but also thanks to the ANC's long history as well as its longstanding relationship with the SACP, which meant that the ANC was able to access resources and experience of international campaigning that was not available to the PAC.<sup>11</sup> The PAC, despite being more appealing to many African states due to its overt Africanism, was less well funded than the ANC. PAC activists who managed to leave South Africa, such as Nana Mahomo and

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<sup>6</sup> Christabel Gurney, "'A Great Cause': The Origins of the Anti-Apartheid Movement, June 1959-March 1960," *Journal of Southern African Studies* 26, no. 1, (2000), 126.

<sup>7</sup> An account of his travels can be found in Mandela's autobiography: Mandela, *Long Road to Freedom*, 342-365.

<sup>8</sup> Arianna Lissoni, "The PAC in Basutoland, c. 1962-1965," *South African Historical Journal* 62 no. 1 (2010), 60; Roger Pfister, "Gateway to international victory: the diplomacy of the African National Congress in Africa, 1960-1994," *Journal of Modern African Studies*, 41, no. 1 (2003), 54.

<sup>9</sup> With some notable exceptions, i.e. Patrick Duncan, who in 1963, became the first white member of the PAC after leaving the Liberal Party, and the opening of the membership to people from the Coloured People's Congress.

<sup>10</sup> Matthew Graham, "Campaigning Against Apartheid: The Rise, Fall and Legacies of the South Africa United Front 1960-1962," *Journal of Imperial and Commonwealth History* 46 no. 6 (2018), 1159.

<sup>11</sup> Stephen Ellis, "The ANC in Exile," *African Affairs* 90 no. 360 (1991), 442.

Peter Molotsi, aimed to raise funds and international support for the organisation. Contact points were set up in Accra, London and Cairo, but there was a lack of coordination between these points.<sup>12</sup>

The connection that the ANC had with the SACP was a double-edged sword as some African leaders were wary of the organisation due their links to communists and the other groups in the Congress Alliance.<sup>13</sup> Although both the ANC and the PAC opened headquarters in Dar Es Salaam in Tanganyika (present day Tanzania), the ANC struggled to get recognition and permission to open a headquarters in Nkrumah's Ghana, and indeed never had a permanent mission in this country, working solely on an informal basis.<sup>14</sup> Ghana had a symbolic importance as it was the first sub-Saharan country to achieve independence and Nkrumah was a significant figure across the continent of Africa and a leading advocate of the liberation of African peoples.<sup>15</sup> Ghana's open preference for the PAC over the ANC was potentially damaging to the ANC's international standing due to Ghana's prominent position.<sup>16</sup>

Both the ANC and the PAC found shelter in a number of African countries and training camps were opened for their members as part of a preparation for a new stage of action against South Africa.<sup>17</sup> Supportive countries in Africa were unable to provide significant financial aid to either organisation, however. The Organization of African Unity (OAU), formed in 1963, promised financial support to both organisations but in practice did not provide all that they pledged, with only a small percentage actually received. This lack of financial aid was a motivation for the organisations turning to the Soviet Union and the Eastern Bloc for aid.<sup>18</sup> The support received from the Communist Bloc had implications as to what support was available from the governments in the West due to Cold War tensions. By accepting support from the East, the ANC and the PAC risked being linked with communism. This was a particularly easy accusation to make against the ANC given their longstanding ties to communist organisations – ties that dated back to the 1920s, although their alliance was not without conflict at times, and occasional backlash to this relationship.<sup>19</sup> The South African Government was, as could be expected, keen to emphasise the ANC's relationship with the Soviet Bloc in order to paint the organisation as a threat to world peace and security.<sup>20</sup>

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<sup>12</sup> Lissoni, "The PAC in Basutoland," 58

<sup>13</sup> Graham, "Campaigning Against Apartheid," 1153.

<sup>14</sup> Pfister, "Gateway to International Victory," 52.

<sup>15</sup> Arianna Lissoni, "The South African Liberation Movements in Exile," PhD diss., School of Oriental and African Studies, University of London, (2008), 157.

<sup>16</sup> *Ibid.*, 158-9.

<sup>17</sup> Sifiso Mxolisi Ndlovu, "The ANC in Exile, 1960-1970," in *The Road to Democracy in South Africa, volume I (1960-1970)*, ed. South African Democracy Education Trust (Cape Town: Zebra Press, 2004), 411-478.

<sup>18</sup> Pfister, "Gateway to International Victory," 61-62.

<sup>19</sup> Ellis, "The ANC in Exile," 439-441.

<sup>20</sup> Hilary Sapire, "Liberation Movements, Exile and International Solidarity: An Introduction," *Journal of Southern African Studies* 35, no. 2 (2009), 272; Sue Onslow, "The Cold War in Southern Africa: White power, black

Before the commencement of the Rivonia trial, the ANC found itself working in exile in a world that was sharply divided. Its own history and alliances were a handicap to gaining support in some quarters, and what financial support it could obtain was often **unreliable**. The Rivonia arrests and trial served to hobble anti-apartheid protest domestically. Although the move to working in exile had already begun following the banning of the ANC and the PAC in 1960, the arrests at the Liliesleaf Farmhouse in Johannesburg in July 1963 meant that the South African Security Police had succeeded in imprisoning leading members of the ANC, its armed wing Umkhonto we Sizwe (MK), and the SACP.<sup>21</sup> These organisations were left in disarray as a result of the raid on the farmhouse, in addition to the multiple other arrests that happened in the summer of 1963 and throughout the year that followed. Thanks to the laws that allowed detainees to be kept incommunicado, such as the 90-day detention law, this wave of arrests, of which the raid on the Rivonia farmhouse was the most prominent, was a success for the South African Government. The Justice Minister, John Vorster, boasted that ‘We have broken the back of the ANC.’<sup>22</sup>

The ANC tried to minimise the significance of the arrests by saying they would only lead to an increase in efforts to end the apartheid regime.<sup>23</sup> In reality, however, this was a bleak time in the domestic anti-apartheid struggle, with activity in the country at a low ebb.<sup>24</sup> There was very little scope for anti-apartheid work to continue underground in South Africa and so the Rivonia trial marked the culmination of the gradual transfer of the anti-apartheid struggle to the international arena.<sup>25</sup> Despite this crackdown, hundreds of activists were able to evade the police and to cross the border and escape. They were able to let the External Mission of the ANC know that the leadership of the movement now fell upon them.<sup>26</sup> The growing repression, in addition to the increasingly strict application and

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nationalism and external intervention,” in *Cold War in Southern Africa: White power, black liberation*, ed. Sue Onslow (Abingdon: Routledge, 2009), 9. Kindle edition.

<sup>21</sup> In his 1983 study of Black politics in South Africa, Lodge identified the Rivonia trial as a significant milestone in the development of the exile politics after 1960. He identified four major phases between 1960 and his time of writing in the mid 1980s, the second of which ran between 1963 and 1969 and was ushered in upon the arrests of the Rivonia trial defendants. This phase was the point when the political leadership of the ANC moved from within South Africa to be solely external to the country; Tom Lodge, *Black Politics in South Africa Since 1945*, (Harlow: Longman Group UK Limited, 1983), 297.

<sup>22</sup> Callinicos, *Oliver Tambo*, 293.

<sup>23</sup> Lissoni, “The South African Liberation Movements in Exile,” 152.

<sup>24</sup> Stephen Ellis, “The ANC in Exile,” 439; Ronnie Kasrils, “Introduction” in *London Recruits: The Secret War against Apartheid*, ed. Keable, K. (Pontypool: The Merlin Press Ltd., 2012), 8. The extent to which the domestic networks were disrupted is not entirely agreed upon. Suttner challenges the idea that after the trial, the domestic network was entirely shattered with the movement working from that point in exile. The activism that did continue however frequently was of a more localised nature and not part of a coordinated operation: Raymond Suttner, *The ANC Underground in South Africa* (Auckland Park South Africa: Jacana Media (Pty) Ltd, 2008).

<sup>25</sup> Lissoni, “The South African Liberation Movements in Exile,” 83; Arianna Lissoni, “Transformations in the ANC External Mission and Umknoto we Sizwe, c. 1960-1969,” *Journal of Southern African Studies* 35 no. 2 (2009), 293.

<sup>26</sup> Callinicos, *Oliver Tambo*, 293.

strengthening of apartheid, which ran counter to the wave of independence that was sweeping across the continent of Africa, led to increasing attention being placed upon South Africa during these years. This was something that the ANC in exile could capitalise upon. The Rivonia trial can therefore be viewed as an opportunity for the organisation to overcome obstacles and to work to gain worldwide support for the anti-apartheid cause.

The previous chapter has demonstrated the work done by the ANC within the committees of the UN, with Oliver Tambo utilising the organisation to speak on behalf of the Rivonia defendants and, in doing so, succeeding in tying together the *civic-transnational* apartheid struggle to that of the *international-diplomatic*. In an additional public announcement, the ANC called for a boycott of South African products, as part of a day of solidarity with the men on the 12<sup>th</sup> June 1964.<sup>27</sup> Following the sentencing of eight of the men to life in prison, the ANC wrote that the Rivonia men were representative of all those who opposed apartheid and stated '(t)hey have paved the way. Now we must take up where they had to cease. We must carry forward with care, courage and conviction the plans that they began. Because we have no other choice.' They ended their response to the trial with the lines:

The trial of the Rivonia men and of all those others accused of sabotage will only make the struggle more relentless. We will never surrender – we cannot. We are backed by all Africa – and the whole world. Nationalist oppression is hated and despised by the majority of people inside South Africa and every-one outside. White supremacy is doomed.

We are all Rivonia men! We are Rivonia men because

\* We are guilty of desiring freedom, and wanting to end Apartheid.

\* We are all prepared to do whatever is necessary to liberate our people.

The Government, the rulers have brought revolution to our country. And in the end it is they who will be defeated. This is the message of Rivonia. This is the message of history and nothing will change it.<sup>28</sup>

The words above demonstrate the importance of non-governmental protest against apartheid, with the ANC referring to global opposition as a way to legitimise their work. Although the words are rhetorical, their truth could amply be demonstrated by the work, whether *international-diplomatic* or *civic-transnational* that was undertaken by individuals, groups, and governments around the world in support of the defendants.

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<sup>27</sup> "Stand By Our Leaders," n.d. 1964, document Fa46 35. 4a-2186-AD-ANC-RESTRICTED, "Ba3.4 – Messages." Historical Papers Archive, University of Witwatersrand.

<sup>28</sup> "The Message of Rivonia," n.d. 1964, document Fa47, 4a-2186-AD-ANC-RESTRICTED, "Ba3.4 – Messages." Historical Papers Archive, University of Witwatersrand.

## 2. Anglo-American Links with the ANC

The ANC in exile relied on organisations in other countries to continue building support for the cause as its global reach had limitations for logistical and financial reasons. Dissemination of information and resources needed the support of groups around the world in order to ensure that opposition to apartheid was maximised. The involvement of organisations based in countries including the UK and the US contributed to the creation of a truly transnational response as borders proved to be little barrier to the ties developing between activists. The prominent position that the ANC held in the fight against apartheid, particularly outside of Africa, over and above that of the PAC, means that much of the focus of the remainder of this chapter and the next will be upon the links created between ANC and activists based in the UK and the US. These links, formed over many years, meant that the Rivonia arrests and trial had personal significance to many activists in both countries. Longstanding British and American activists knew the defendants personally and this added to the sense of urgency that will be shown in the campaigning undertaken on their behalf.

### 2.1 *The ANC in the UK*

Support for the anti-apartheid struggle was readily available in the UK, with religious groups, students, left-wing politicians, and trade unionists among those ready to take up the cause from the earliest days of apartheid. Such support was able to build on earlier campaigns to do with peace and nuclear disarmament, anti-colonialism and anti-racism campaigning.<sup>29</sup> In addition to the Movement for Colonial Freedom (MCF), organisations including Christian Action, the Committee of African Organizations (CAO), the National Council of Civil Liberties, the Africa Bureau, and the Communist Party all were involved in the growing movement against apartheid, as were sections of the Labour Party.<sup>30</sup> MPs with a longstanding involvement with colonial issues and experience working with activists in other countries, such as Labour MP Fenner Brockway, were drawn into the movement.<sup>31</sup>

The UK's colonial legacy and longstanding ties to Africa generally, and South Africa more particularly, meant that London became a significant hub for the transnational network working to bring an end to apartheid that grew in the late 1950s and early 1960s.<sup>32</sup> Whilst the campaign against

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<sup>29</sup> Rob Skinner, "Facing the Challenge of 'Young Africa': Apartheid, South Africa and British Decolonisation," *South African Historical Journal* 54 no. 1 (2005), 55-56. Gurney, "'A Great Cause,'" 128. [check refs]

<sup>30</sup> Gurney, "'A Great Cause,'" 128-133. Check ref

<sup>31</sup> Rob Skinner, "The Moral Foundations of British Anti-Apartheid Activism," *Journal of Southern Africa Studies* 35, no. 2 (2009), 416.

<sup>32</sup> Håkan Thörn, *Anti-Apartheid*, 75-76.



apartheid in the UK can be argued to be distinct in its form and scale from anything that came before, in some respects there are comparisons to be made with earlier movements. The efforts of Christian activists to oppose apartheid from its outset were ‘...cast as the contemporary embodiment of the anti-slavery campaigns of 150 years earlier.’<sup>33</sup> The ‘turbulent’ priests Michael Scott, John Collins and Trevor Huddleston were significant figures who, in the 1950s, were instrumental in raising apartheid in South Africa as an issue in the UK.

In contrast to earlier campaigns, however, the anti-apartheid movement shifted away from the liberal paternalism of former years, with the work of the Congress Alliance significant to the development of activism within the UK. The Defiance Campaign of the ANC and the South African Indian Congress (SAIC) is one example of the work of South African activists being supported from afar by those in other countries. As another, British support for those involved in the Treason trial of 1956-1961 led to the inception of what was to become the International Defence and Aid Fund (IDAF). The IDAF would go on to provide valuable support for South African political prisoners and their families, including the defendants of the Rivonia trial.<sup>34</sup> The appearance of actions being instigated by South African activists was important to British campaigners and a useful tactic to counter criticism against their involvement. A founding myth of the AAM was that its origins could be traced to a response to a call from Chief Albert Luthuli for an international boycott. In reality, however, the call from Luthuli came six months after the boycott movement began in the UK.<sup>35</sup>

On the 26<sup>th</sup> June 1959, a meeting was held to call for a boycott of fruit, cigarettes, and other items from South Africa, and exiled South African campaigners were integral in the organisation of this meeting.<sup>36</sup> This committee became known as the Boycott Movement. After the Sharpeville Massacre in March 1960, however, the decision was taken to rename the Boycott Movement as ‘the Anti-Apartheid Movement’ (AAM). This decision was more than just a name change, with the goals of the organisation also changing as a response to the Massacre. Those involved in the AAM worked to ensure that the wider public were aware of the violence against unarmed protesters and called upon the UK Government to respond appropriately, namely by persuading the South African Government

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<sup>33</sup> Rob Skinner, “Facing the Challenge of ‘Young Africa’: Apartheid, South Africa and British Decolonisation,” *South African Historical Journal* 54 no. 1 (2005), 57.

<sup>34</sup> Margaret Lenta, “History effaced: the International Defence and Aid Letter,” *Social Dynamics* 34, no. 2 (2008), 203-204.

<sup>35</sup> Simon Stevens, “Boycotts and Sanctions against South Africa: An International History, 1946-1970,” PhD diss. Columbia University, (2016), 133-135.

<sup>36</sup> Christabel Gurney, “‘A Great Cause’,” 123.

to change their racial policies. This change in tactics can be seen to be a recognition of the difficulties of sustaining a long-term and effective boycott campaign.<sup>37</sup>

The AAM, on paper at least, aimed to work with both the ANC and the PAC as the main organisations working in exile for an end to apartheid. In reality, however, the links that the AAM built with the ANC and the other Congress groups were far more significant. Many exiled South African activists from the Congress Movement settled in the UK forming a thriving community of experienced anti-apartheid campaigners. London became the base for many Coloured, Indian, and White campaigners who had been involved in their respective Congress organisations, whereas many Black ANC activists based themselves in other countries in Africa. To avoid duplication of offices when switching to working from exile, the ANC was the only organisation from the Congress Alliance working abroad. As membership of the ANC was available only to Black South Africans until 1969, Coloured, Indian, and White exiles in London had to work as part of UK based organisations, including the AAM.<sup>38</sup> The increasing number of South African exiles who became prominent in the AAM was such that it had the effect of reducing the participation of Black Britons and other African groups who had been involved in the creation of its forerunner, the Boycott Movement.<sup>39</sup> Following the banning of the ANC in 1960, the ANC did maintain a presence in London. Oliver Tambo, among others, spent time in the capital. Indeed, his family moved to the city and, while present, he was active in forming links with various political figures and prominent activists.<sup>40</sup>

As work to oppose apartheid in the UK continued, the connections between activists and organisations in South Africa and the UK strengthened and this included links with some of the men who would be put on trial in the Rivonia proceedings. As just one example, when visiting South Africa in 1954, Canon John Collins met with many leading members of the ANC including Chief Luthuli, Nelson Mandela, Lilian Ngoyi, Walter Sisulu, and Oliver Tambo, who would be among the 156 defendants in the Treason Trial of 1956-61. Upon the commencement of the Treason Trial, it was he who arranged for money to be sent to start a defence fund.<sup>41</sup> Additionally, Nelson Mandela's visit to the UK in 1962 allowed him to meet many of the people prominent in fighting for an end to apartheid in the UK,

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<sup>37</sup> Rob Skinner, "The Anti-Apartheid Movement: Pressure Group Politics, International Solidarity and Transnational Activism," in *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945*, ed. Nick Crowson, Matthew Hilton and James McKay (Houndmills, Basingstoke: Palgrave Macmillan, 2009), 131.

<sup>38</sup> Lissoni, "Transformations," 293-5.

<sup>39</sup> Hilary Sapire, "Liberation Movements, Exile, and International Solidarity: An Introduction," *Journal of Southern African Studies* 35, no. 2 (2009), 279.

<sup>40</sup> Callinicos, *Oliver Tambo*, 268-9.

<sup>41</sup> Denis Herbstein, *White Lies: Canon Collins and the Secret War against Apartheid* (Oxford: James Currey Publishers, 2004), 27.

further cementing the ties that were forming.<sup>42</sup> The threat to the lives of the men on trial was therefore a great worry to those who knew them.

## 2.2 *The ANC in the US*

Ties between Black South Africans and Black Americans began early but it was in the late nineteenth and early twentieth centuries that the connections between the two groups became more notable. Churches were often instrumental in this work. In the first decades of the twentieth century, African American missionaries offered opportunities for Black South Africans to study at American universities as a way to bypass the lack of opportunities they had at home and to continue to build ties between the Black populations of the two countries.<sup>43</sup> These early connections between the two continents led to African American organisations being particularly vocal on the subject of colonialism immediately following WWII. Many African American activists in the immediate aftermath of the War were critical of the US Government's support for the shattered countries of Western Europe, on the grounds that such support would go towards propping up the colonial empires of these countries. By 1948, however, there was an increasing reluctance to be critical of US foreign policy and President Truman's approach was increasingly difficult to oppose without exposing oneself to significant censure. The anti-communist sentiment that lay behind this led to the dismantling of anticolonial networks that had been built up in the 1940s.<sup>44</sup>

Many African Americans viewed the fight for racial equality as a global issue and identified strongly with the plight of South Africans fighting to end apartheid for the same reason as they opposed colonialism. The extent to which they sympathised with the injustices faced by Black South Africans rested on the idea of the existence of a transnational 'Black' identity.<sup>45</sup> However, just as there were obstacles facing those who were critical of US policies that could be seen to support Western colonialism, there was frequently reluctance to be critical of the US Government's support of the South African Government despite its racial policies. Nonetheless, anti-apartheid activism did take place from the earliest years of apartheid.

One of the earliest organisations that focussed on events in South Africa was the Council on African Affairs (CAA). Leading campaigners within the CAA included W.E.B. Du Bois, Paul Robeson and Max Yergan, all prominent voices for civil rights and Pan-Africanism. This organisation was formed in

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<sup>42</sup> Mandela, *Long Walk to Freedom*, 360-1.

<sup>43</sup> Robert Trent Vinson, "Up from Slavery and Down with Apartheid! African Americans and the Black South Africans against the Global Colour Line," *Journal of American Studies* 52, no. 2 (2018), 300-303.

<sup>44</sup> Nicholas Grant, "Crossing the Black Atlantic: The Global Anti-Apartheid Movement and the Racial Politics of the Cold War," *Radical History Review* 2014, no. 119 (2014), 74.

<sup>45</sup> Winston P. Nagan, "The Black American Reaction to Apartheid," *Issue: A Journal of Opinion* 4, no. 3 (1974), 2.

1937, so before the apartheid era, and links between activists of the two countries grew from the outset. Yergan lived in South Africa for many years and was close to a number of prominent figures in the ANC. This included Alfred Xuma, President of the ANC from 1940 to 1949, Z. K. Matthews, a well-known African academic, and Govan Mbeki, who would go on to be a defendant in the Rivonia trial.<sup>46</sup> The CAA suffered during the McCarthy era of the late 1940s to the mid-1950s due to its communist connections, both real and perceived, and Du Bois and Robeson were targeted as a result of their left-wing politics.<sup>47</sup> Before the CAA was forced to shut its doors in 1955, the organisation was being closely watched, and the connections made with South African activists from the Congress movement only made it be viewed with even more suspicion. This can be seen when, in 1952, the US Attorney General subpoenaed the CAA files, demanding the correspondence of the CAA with the ANC and the SAIC.<sup>48</sup>

Overlapping with the presence of the CAA in the US anti-apartheid struggle was the creation of the American Committee on Africa (ACOA) in 1953 by a group of civil rights activists, including George Houser, who became the organisation's president. Houser's interest in apartheid arose early when a friend, Bill Sutherland, returned from a visit to London in 1951 and reported the ANC's plans for a non-violent campaign against apartheid laws alongside the SAIC, namely the Defiance Campaign. Sutherland suggested action should be taken to support the Campaign and Houser strongly supported this idea.<sup>49</sup> From the start, the ACOA worked to form links with a variety of liberal groups, including trade unions and churches. These were frequently dominated by White Americans, with African Americans forming only a small portion of the leadership of these groups.<sup>50</sup> Even though some prominent African Americans were involved with the ACOA, including Jackie Robinson, A. Philip Randolph and Martin Luther King Jr. among others, due to the broad lack of involvement from the African American community, it was believed efforts to build a stronger presence was needed. This problem was recognised by the start of the 1960s but measures to expand relations did not start in earnest until 1968.<sup>51</sup>

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<sup>46</sup> Ron Nixon, *Selling Apartheid: South Africa's Global Propaganda War* (London: Pluto Press, 2016), chapter 1. Kindle edition.

<sup>47</sup> W.E.B. Du Bois was a longstanding and well-respected Pan Africanist in the US. Paul Robeson was a prominent activist calling for racial justice in the US as well as a world-famous actor, singer and former American football star. Both Du Bois and Robeson had their passports confiscated as a result of their left-wing politics, criticism of US foreign policy and links with communists. In contrast to Du Bois and Robeson, Yergan renounced his former ties after being told to leave the CAA and became an outspoken opponent of communism: Nixon, *Selling Apartheid*, chapter 1. Kindle edition.

<sup>48</sup> Penny M. Von Eschen, *Race Against Empire: Black Americans and Anti-Colonialism 1937-1957* (Ithaca and London: Cornell University Press, 1997), 1. Kindle edition.

<sup>49</sup> George M. Houser, "Meeting Africa's Challenge: The Story of the American Committee on Africa," *A Journal of Opinion* 6, no. 2/3, Africanist Studies 1955-1975 (1976), 16.

<sup>50</sup> Robert Zebulun Larson, "The Transnational and Local Dimensions of the U.S. Anti-Apartheid Movement," PhD diss., The Ohio State University (2019), 55

<sup>51</sup> Donald R. Culverson, *Contesting Apartheid: U.S. Activism, 1960-1987* (London and New York: Routledge, Taylor and Francis Group, 2018), 46. Kindle edition.

The ACOA was unequivocal in its rejection of communism, and indeed had to be in order to continue its work in the US. When the CAA had suggested undertaking a joint campaign to support the Defiance Campaign in South Africa in 1952, the ACOA refused due to the CAA's reputation as having links with communists. This is a clear demonstration of the difficulties faced by groups opposing apartheid in the US. The fate of the CAA showed the necessity of campaigning in such a way that was irreproachable and which did not draw the ire of anti-communist figures. The approach of the ACOA to the apartheid issue attracted criticism from the left, with Du Bois writing bitterly in 1956 that the ACOA was '...a right-wing organization with Christianity and some big money behind it.'<sup>52</sup> Around this time, there was a move amongst intellectuals to approach African issues with strong Cold War rationale, and to argue that Africa was a battleground in the Cold War. This had an impact on how the anti-apartheid movement would develop in the US: '... the collapse of a vibrant African America movement concerned with South Africa at the very inception of apartheid and the birth of the anti-apartheid movement on a Cold War terrain had profound implications' with the fight against racism taking a back seat to the fight against Communism.<sup>53</sup>

The blacklisting of Du Bois and Robeson, and the restrictions on their freedom of movement and speech, was a clear warning for civil rights activists not to risk being labelled as communist sympathisers. Other activists, who in the previous decade had shared many of their convictions, had avoided such treatment by being more circumspect. Actor Canada Lee was a friend of Robeson and a fellow civil rights activist. Despite Lee's support for African independence in the 1940s, by the time of his visit to South Africa to film *Cry, the Beloved Country* in the early 1950s, he was not overly critical of the country in his public remarks upon his return – something that can be seen as an insight into how anti-communist repression impacted on African American transnational activism.<sup>54</sup> After the folding of the CAA, African American involvement with the anti-apartheid movement became a 'side issue of the civil rights movement'.<sup>55</sup> From this point, the nature of anti-apartheid campaigning changed in the US.

This is not to say that there was no involvement at all from civil rights groups regarding issues in South Africa. In the years immediately following World War II, the NAACP worked with prominent activists such as British priest Michael Scott when South Africa took over the mandate of South West Africa and extended apartheid policies into this territory.<sup>56</sup> By 1950, however, there was a gradual

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<sup>52</sup> Von Eschen, *Race Against Empire*, 143. Kindle edition.

<sup>53</sup> *Ibid.*, 153-154.

<sup>54</sup> Grant, "Crossing the Black Atlantic," 73.

<sup>55</sup> Jessica O'Connor, "'Racism Anywhere Threatens Freedom Everywhere': The Legacy of Martin Luther King, Jr. in Black America's Anti-Apartheid Activism," *Australasian Journal of American Studies* 34, no. 2 (2015), 46.

<sup>56</sup> Carol Anderson, "International Conscience, the Cold War, and Apartheid: The NAACP's Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946-1951," *Journal of World History* 19, no. 3 (2008), 298.

turning away from international, and specifically anti-colonial, issues with a narrowing of coverage of Africa and headlines about anti-colonial movements disappearing from African-American press. Liberal African American leaders began at this point to respond to domestic discrimination by emphasising their Americanness rather than their African heritage.<sup>57</sup> In the mid-1950s, as anti-communist suspicions were peaking in the US, groups like the NAACP faced destruction as the CAA had done before them. To prevent this, the organisation retreated away from foreign affairs and worked to promote civil rights by justifying the advancement of this cause while maintaining an anti-communist approach that was supportive of US foreign policy.<sup>58</sup> Some interest in foreign affairs was maintained, however, and, in the early 1960s, there was willingness to be involved in activities concerning Africa as can be seen by the resolutions passed at the first American Negro Leadership Conference on Africa in November 1962. The problem of energies being taken up by the domestic civil rights struggle was noted, but it was argued that the civil rights struggle could not be viewed separately from issues in Africa.<sup>59</sup>

On the 31<sup>st</sup> May-1<sup>st</sup> June 1960, an Emergency Action Conference on South Africa was organised by the ACOA. Co-sponsoring this event was the Amalgamated Clothing Workers of America, Americans for Democratic Action, American Society of African Culture, International Ladies Garment Workers Union, Jewish Labor Committee, The NAACP and United Automobile Workers.<sup>60</sup> Oliver Tambo was due to be the main speaker of this conference but the State Department refused him a visa. His other appearances at trade union and NAACP events also had to be cancelled. This was vigorously protested by Houser, who wrote to the Secretary of State to question the logic of denying a visa to a prominent South African leader at a time when the US and the USSR were 'vying for the allegiance of the whole continent of Africa'.<sup>61</sup> This rejection to a visa for such a prominent ANC leader was demonstrative of the international and domestic sensitivities of the Eisenhower Administration. The substance of Houser's objections, meanwhile, could be seen as a reflection of how the anti-apartheid movement had developed amongst intellectuals in the US Cold War environment, as described above. It could equally, however, be explained as a practical response that was more likely to see results than an objection based on less tangible, moral objections.

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<sup>57</sup> Von Eschen, *Race Against Empire*, 145. Kindle edition.

<sup>58</sup> *Ibid.*, 120.

<sup>59</sup> "American Negro Leadership Conference on Africa, Resolutions, November 23,24,25,1962," 3, Michigan State University, accessed September 6, 2023, [https://projects.kora.matrix.msu.edu/files/50/304/32-130-66-84-african\\_activist\\_archive-a0a0l4-a\\_12419.pdf](https://projects.kora.matrix.msu.edu/files/50/304/32-130-66-84-african_activist_archive-a0a0l4-a_12419.pdf).

<sup>60</sup> Programme for Emergency Action Conference on South Africa, 31<sup>st</sup> May – 1<sup>st</sup> June 1960, Michigan State University, accessed August 29, 2023, <https://projects.kora.matrix.msu.edu/files/210-808-9843/AAACOAEmActConSAopt.pdf>.

<sup>61</sup> Press release of ACOA, "Oliver Tambo, top South African, refused U.S. visa," June 4, 1960. "Leagues and Organisations, American Committee on Africa," Box A 195, Group III, General Office File, Records of the National Association for the Advancement of Colored People. The Library of Congress, Washington DC.

Tambo's invitation to the above event is one example of the ties that the ACOA maintained with the ANC. The ACOA viewed the ANC as 'the primary interpreter and voice' for a future South Africa that was non-racial and free.<sup>62</sup> Many of the links existing with the ANC resulted from meetings that took place in the earliest years of apartheid, when activists such as Houser were able to visit South Africa and when there were fewer restrictions placed upon South African opponents of apartheid. It was during the Defiance campaign of 1952 that Houser came to know activists in the ANC and began a correspondence with Walter Sisulu.<sup>63</sup> Sisulu requested his aid in publicising the Campaign this as the ANC was cut off from international media at this time. Houser was able to utilise his links with civil rights activists in the US to help with this. The ACOA, together with the support of church leaders, later raised money for Nelson Mandela and others during the Treason Trial, 1956-1961.<sup>64</sup> Chief Albert Luthuli, with a singular exception when picking up his Nobel Prize in 1961, was not allowed to leave South Africa. He was, nonetheless, able to support the work of the ACOA by signing of letters of appeal and acting as an initiating sponsor of the ACOA's appeal for action against apartheid.<sup>65</sup>

Houser kept in touch with ANC leaders as they came to New York, but also on his visits to Dar es Salaam, Addis Ababa and London. He noted that 'all of this helps to keep me in close touch with what is happening other than what I can get through the press and through letters or through magazine reports.'<sup>66</sup> The ACOA also formed ties with activists based in the UK, such as Ruth First, a South African activist living in exile in London, and assisted in the circulation of her publications in the US.<sup>67</sup> The organisation supported the work of Anglican Bishop Ambrose Reeves, an opponent of apartheid who was deported from South Africa in 1960, and of Michael Scott and John Collins, who maintained their own close ties to the ANC.<sup>68</sup> The information that could be provided through these links with activists in the transnational anti-apartheid network was invaluable considering the challenges that could exist in getting information out of South Africa. This information network was particularly important from 1961 onwards, when Houser was banned from entering South Africa, a restriction that was in place

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<sup>62</sup> George W. Shepherd, "Africa Today in the early years: the debate over strategy for the liberation of South Africa," *Africa Today* 41, no. 1 (1994), 11-19.

<sup>63</sup> David L. Hostetter, *Movement Matters: American Apartheid Activism and the Rise of Multicultural Politics* (Abingdon: Routledge, Taylor and Francis Group, 2006), 17.

<sup>64</sup> Shepherd, "Africa Today in the early years," 13.

<sup>65</sup> Robinson to Post Office Requirements Section, October 14, 1963. ACOA 19/2 Correspondence [USA] October 11-14, 1963, Box 19, Correspondence, 1963 October -1964 April 22, Series II: Program and Activities in the United States. Archives of the American Committee on Africa (ACOA), 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>66</sup> Letter, George Houser to Chief Luthuli, September 6, 1963. ACOA 100/22 South African-Correspondence-May-Dec., 1963, Box 100 South Africa-Corr.-ACOA, 1952-1966; Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>67</sup> Larson, "The Transnational and Local Dimensions of the U.S. Anti-Apartheid Movement," 51-52.

<sup>68</sup> George Houser to Matthews, January 29, 1960. ACOA 100/15 South Africa – Correspondence – Jan-April, 1960, Box 100, South Africa-Corr.-ACOA, 1952-1966, Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

until the ending of apartheid. Despite the challenges that maintaining ties with the ANC entailed, something that contributed to the demise of the CAA, it was necessary to do so in order to have a place within the transnational network of anti-apartheid activists across the world.

### 3. Rivonia Trial Campaigning in the United Kingdom

Following the shock and outrage that resulted following the Sharpeville Massacre of 1960, the surge of interest in South Africa and apartheid ebbed away and there was a broad lull of interest in the UK during the years that followed.<sup>69</sup> To create opposition to something ongoing in nature, as apartheid was, was problematic and trying to keep what was happening at the forefront of public consciousness was challenging. Maintaining momentum against apartheid relied on particular events to capture the attention of the public. The Sharpeville Massacre of 1960 was one such event, and the Rivonia trial acted as another. Campaigners in the UK utilised multiple strategies to publicise the trial and to ensure that the possible punishments facing the defendants were understood and opposed. Although the trial did not have the shock value of the killings at Sharpeville, the prominence of some of the defendants and the sympathetic picture they presented allowed the Rivonia trial to be used effectively as a rallying point for protest in the UK.

The rising repression in South Africa over the course of the early 1960s was epitomised by the arrests at the Liliesleaf Farmhouse, and its importance to anti-apartheid campaigners is made clear in the words of the AAM:

In August a group of 17 people were arrested, including Walter Sisulu, and they are in imminent danger of becoming the victims of a trial which will have as its objective the death sentence of the majority of them. Therefore our new campaign is now being planned as the Movement's most important public activity since 1960.<sup>70</sup>

From these words, it becomes clear that the importance placed upon the trial by the ANC was shared by the AAM. As the foremost anti-apartheid organisation in the UK in the early 1960s, the AAM naturally played a significant role in the UK's response to the Rivonia trial, leading the way in the organisation of public demonstrations of opposition to the proceedings and the threat to the lives of the men on trial. The international renown of some of the defendants, in particular Nelson Mandela

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<sup>69</sup> Rob Skinner, "The Anti-Apartheid Movement: Pressure Group Politics, International Solidarity and Transnational Activism," in *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945*, ed. Nick Crowson, Matthew Hilton and James McKay, (Basingstoke: Palgrave Macmillan, 2009), 133-134, 141.

<sup>70</sup> The Anti-Apartheid Movement Annual Report: A survey of some of the work of the AAM from July 1962 to September 1963, 4, Oxford Bodleian Libraries, Archive of the Anti-Apartheid Movement (AAM), Annual reports 1962-77, MSS AAM 13.



and Walter Sisulu, meant activities to raise awareness of the trial had a head start because of the broad recognition that existed already at the time.

With the Rivonia arrests, and the very real possibility of the passing down of death sentences, the AAM had a case of life-or-death seriousness that it could use to raise opposition to apartheid in the UK. The image below in Figure 1 is an example of campaign material released by the International Committee of the World Campaign for the Release of South African Political Prisoners [hereafter the World Campaign], which was set up by the AAM in October 1963. As can be seen by the design – nooses hanging by the images of Sisulu and Mandela, in addition to the slogan ‘Save these Lives’ – the organisation made very clear in its campaign materials the urgency required by those opposing the trial. They viewed death sentences as a real possibility for a number of the defendants.

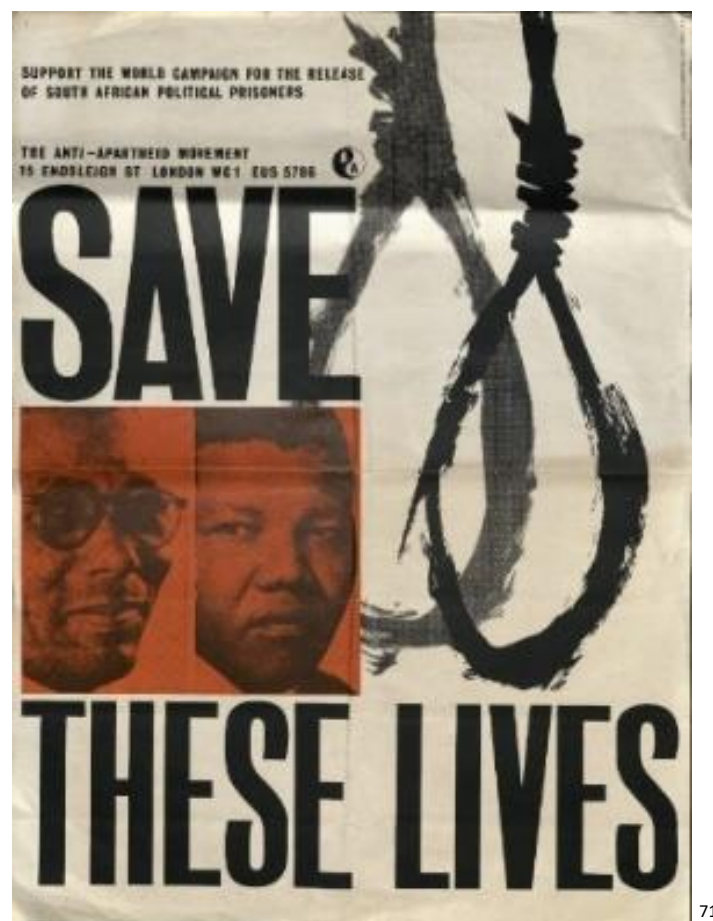


Fig. 1: AAM pamphlet front page.

Although the World Campaign was set up by the AAM in response to broader opposition to the use of the law to punish those opposing apartheid, its creation in October 1963 was directly tied

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<sup>71</sup> "Save these Lives," AAM Pamphlet, Oxford, Bodleian Libraries, Archive of the Anti-Apartheid Movement, Undated publication, Information on the Rivonia trial and trialists, MSS AAM 1953.

to the commencement of the Rivonia trial and to General Assembly resolution 1881 which called for an end to the trial. A major aim of the World Campaign was ‘... to campaign internationally for the release of political prisoners and the abandonment of the Rivonia trial... The purpose of the committee is to keep the issue of the political prisoners in South Africa constantly before the conscience of the world...’<sup>72</sup> This Campaign brought together representatives of all the main political parties of the UK, the Africa Bureau, Christian Action, the MCF<sup>73</sup>, and the United Nations Association, in addition to South African organisations such as the ANC.<sup>74</sup>

The World Campaign wrote to many former prisoners of conscience towards the end of 1963. Their list of names included those who had been imprisoned by the Nazis during World War II, UK prisoners of conscience from that war and also prominent figures who had been arrested during anti-colonial struggles of the previous decades. The idea of this campaign was to work to boost the morale of political prisoners in South Africa by releasing a statement signed by many who understood something of what prisoners in South Africa were experiencing. The letter ended with the commitment that ‘While we celebrate a new year, which sees you imprisoned, facing trials, interrogation and torture, we solemnly pledge ourselves to do all in our power to help set you free in 1964.’ Signatories included Bertrand Russell, Martin Niemöller and President Bella of Algeria.<sup>75</sup>

An Anti-Apartheid Month was launched in November 1963 in response to repression in general as well as the arrests of the Rivonia trial defendants more particularly.<sup>76</sup> A march was organised for the 3<sup>rd</sup> November, during which a wreath was laid outside of the South African Embassy. Labour MP, Barbara Castle, led a large group from Hyde Park to Trafalgar square. At the meeting that took place after the march, some well-known speakers took part, including Conservative MP, Humphrey Berkeley and actress Vanessa Redgrave. They were joined by an ANC representative, Robert Resha.<sup>77</sup> In the same month, there were also meetings organised around the UK where political exiles

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<sup>72</sup> S. Abdul to Nana Mahomo, 30 Oct 1963, Oxford, Bodleian Libraries, Archive of the AAM, General correspondence 1963-5, MSS AAM 1792.

<sup>73</sup> MCF was another UK based organisation that many South African exiled campaigners played a significant role in including Ronald Segal and Ruth First. This organisation, while affiliated with the Labour Party and various unions in the UK, never had the broad appeal that its offshoot the AAM managed to develop when focussing specifically on the issue of apartheid rather than the issue of anti-colonialism more abstractly. Stephen Howe, *Anticolonialism in British Politics: The Left and the End of Empire 1918-1964* (Oxford: Oxford University Press, 1993), 238-239, 246.

<sup>74</sup> Draft information sheet for the World Campaign for the Release of South African Political Prisoners, with request slip for petitions and for more information at the bottom, n.d. Oxford, Bodleian Libraries, Archive of the AAM, Correspondence on Rivonia trialists and others, 1964, MSS AAM 1791.

<sup>75</sup> Anti-Apartheid Movement Press Statement, 14 Jan 1964. Oxford, Bodleian Libraries, Archive of the AAM, Letter from former political prisoners to political prisoners of South Africa, MSS AAM 1781.

<sup>76</sup> 60s14. Anti-Apartheid Month, November 1963, Forward to Freedom: The History of the British Anti-Apartheid Movement 1959-1994, accessed, 25 Sep 2023, <https://www.aamarchives.org/archive/campaigns/political-prisoners/60s14-anti-apartheid-month-november-1963.html>.

<sup>77</sup> Annual Report, Oct 1964, 3-4, Oxford, Bodleian Libraries, Archive of the AAM, AGM 1964, MSS AAM 14.

including Harold Wolpe and Arthur Goldreich spoke.<sup>78</sup> Upon their arrival in the UK, Wolpe and Goldreich received many requests to attend meetings by local political activists, student unions and other interested parties. With the assistance of the AAM, they travelled across the country from short trips to the home counties to more distant destinations such as Cardiff, Aberdeen and Glasgow.<sup>79</sup>

This work was supported by local Labour Party organisations. As one example, on the 22<sup>nd</sup> January 1964, both Wolpe and Kunene spoke at a meeting jointly organised by the Bath Labour Party and the Bath Fabian Society and chaired by Fred Moorhouse, the prospective Labour Party candidate for Bath.<sup>80</sup> In doing this, Labour Party representatives and members directly assisted the dissemination of information about South Africa and the trial itself. Local interest and publicity resulted from these meetings and many student societies were formed.<sup>81</sup> The goal of the AAM from these meetings in which Wolpe and Goldreich and others were to appear was to stimulate activity in local areas as part of a broader campaign on political prisoners in South Africa.<sup>82</sup> This was aided by media representatives attending and reporting on these meetings and by inviting Goldreich to appear on TV.<sup>83</sup> Their appearances were not limited to the UK, however. Thanks to the development of the *civic-transnational* network that was growing, the AAM was able to assist in widening their speaking arrangements to include destinations on the continent.<sup>84</sup>

The IDAF, too, played a key role in the British response to the arrests and trial, with Canon John Collins working hard to raise money for the legal fees for the defendants and their families. An appeal for funds was placed in the Church Times a week after the arrests at the farmhouse.<sup>85</sup> Providing funding for the defendants was a significant way in which British activists supported the trial. Collins

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<sup>78</sup> Immediately prior to the commencement of the Rivonia proceedings, following their dramatic jailbreak and escape from South Africa, both Arthur Goldreich and Harold Wolpe, both prisoners intended to be among the Rivonia trial defendants - were initially declared to be 'prohibited immigrants' but thanks to the efforts of the Labour Party, they were allowed to enter the UK in September 1963. Steven Friedman and Judith Hudson, *Race, Class and Power, Harold Wolpe and the Radical Critique of Apartheid* (Pietermaritzburg: University of KwaZulu-Natal Press, 2015), 42-3.

<sup>79</sup> Letter to Dave Shipper, 25 Nov 1963; letter from Gay McAuley to Margaret Hughes, 4 Dec 1963, Oxford, Bodleian Libraries, Archive of the AAM, Meetings Attended by Harold Wolpe, Raymond Kunene and Arthur Goldstein; MSS AAM 1780.

<sup>80</sup> "Apartheid Condemned at Bath Meeting: Nazi-Style Torture in South Africa," undated newspaper article; letter from George Easton, Secretary of the Bath Constituency Labour Party, to Gay McAuley of the AAM, 23 Jan 1964, Oxford, Bodleian Libraries, Archive of the AAM, Meetings Attended by Harold Wolpe, Raymond Kunene and Arthur Goldstein; MSS AAM 1780.

<sup>81</sup> AAM Annual Report, 4, Oct 1964, Oxford, Bodleian Libraries, Archive of the AAM, AGM 1964, MSS AAM 14.

<sup>82</sup> Gay McAuley to Fred Moorhouse, 6 Jan 1964, Oxford, Bodleian Libraries, Archive of the AAM, Meetings Attended by Harold Wolpe, Raymond Kunene and Arthur Goldstein, MSS AAM 1780.

<sup>83</sup> TWW Ltd Independent Television for South Wales, Contract made 22 Nov 1963 between TWW Ltd and Arthur Goldreich, Oxford, Bodleian Libraries, Archive of the AAM, Meetings Attended by Harold Wolpe, Raymond Kunene and Arthur Goldstein; MSS AAM 1780.

<sup>84</sup> List of European destinations for Wolpe and Goldreich to visit, 12 Nov 1963, Oxford, Bodleian Libraries, Archive of the AAM, Meetings Attended by Harold Wolpe, Raymond Kunene and Arthur Goldstein; MSS AAM 1780.

<sup>85</sup> Herbstein, *White Lies*, 76.

had earlier provided financial support for the Treason Trial defendants in 1956-1961. When preparing for the Rivonia trial, Joel Joffe, the defence attorney, knew that he was the man to turn to for funds that were crucial to a trial that would run for the biggest part of a year.<sup>86</sup> Sisulu, who knew Collins well, also wrote requesting financial support for the defendants.<sup>87</sup>

This campaign to raise funds was something that continued throughout the course of the Rivonia trial and Collins was proactive in creating opportunities. The auctioneers Christie's made available its showrooms for a charity auction.<sup>88</sup> Appeals printed in national media were used to gather funds for the defendants and their families at several points over the trial. An appeal in the *Times* on the 15<sup>th</sup> January 1964 stated:

The need today is greater than ever. To provide adequate defence and aid for the accused and their families in the Rivonia Trial at Pretoria, involving nine of the leadership of the resistance to *Apartheid*, will not cost less than £40,000; and there are similar trials taking place in Durban and Cape Town, as well as hundreds of other cases pending or already before the courts.<sup>89</sup>

A day later John Collins was quoted in the *Guardian* as stating the need for at least £60,000 to support the case for the defence and to care for their families.<sup>90</sup>

Although the AAM, IDAF and Christian Action had little difficulty in reaching those already interested in the issue of apartheid, getting the message out more broadly across the country required media coverage. The broad lull of interest within the UK in advance of the trial regarding apartheid hindered attempts made to raise awareness and opposition to apartheid among the wider public. To counter this, the AAM relied on journalists to get news about South Africa widely disseminated. Again, this relied on particular events taking place as the focus of articles.<sup>91</sup> Although the trial was not headline news, it was of enough significance that its progress was regularly reported in national newspapers such as the *Times* and the *Guardian*. This reporting was helpful to allow maintaining interest among a section of the wider public. The reports in the *Times* were factual, blow by blow, updates of the trial. The reporting in the *Guardian*, however, went beyond updates on the progress of the trial and a sympathetic view of the defendants was more apparent. As an example, Anthony Sampson's *Observer* article of March 1964, gave a broader analysis of the circumstances of the trial

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<sup>86</sup> Joel Joffe, *The State vs Nelson Mandela*, (Oxford: Oneworld Publications, 2007), 16.

<sup>87</sup> "Murder ban in fight for liberation: Sisulu tells of son's arrest," *The Guardian*, Apr 23<sup>rd</sup>, 1964, 16.

<sup>88</sup> Herbstein, *White Lies*, 76-77.

<sup>89</sup> The Defence and Aid Fund, "Freedom and Human Dignity in South Africa," *The Times*, Jan 15<sup>th</sup>, 1964, 8.

<sup>90</sup> Our own reporter, "£60,000 appeal for S. African trial defence," *The Guardian*, Jan. 16, 1964, 3.

<sup>91</sup> Genevieve Lynette Klein, "Publicising the African National Congress: The Anti-Apartheid News," *South African Historical Journal* 63, no. 3 (2011), 397.

and was critical of both the 'ruthless 90 day detentions' and the 'terrorism of the police'. He argued that should any of the men be hanged, this would have significant repercussions.<sup>92</sup>

The increasing willingness to resort to violence shown by the turn towards sabotage tactics by both the ANC and the PAC was an obstacle to the gathering of support for the trialists in the UK. The nature of the crimes of sabotage, and the violence it involved, meant that some were reluctant to be involved in a campaign to free the Rivonia men. John Collins' support of both the IDAF and Christian Action led to tensions at times, particularly when the tactics used by South African activists moved beyond peaceful protest into sabotage and violence, as was the case with the defendants of the Rivonia trial. Many supporters of the IDAF had pacifistic inclinations and were concerned at the new direction that was being taken by anti-apartheid campaigners in South Africa and the moral implications of supporting defendants who were charged with sabotage offences. Assurance was given that no money raised would go to the support of sabotage directly and these assurances went some way to allay the worries. The IDAF provided crucial support to the defendants in the Rivonia trial despite the concerns that were raised regarding supporting sabotage.<sup>93</sup>

As the trial was ending, further efforts were underway to call for clemency by organisations and prominent individuals. The extent of support that the World Campaign was able to gather together was demonstrated by the petition that called for an end to the trial which garnered more than 90 thousand signatures and the support of organisations that had membership of over 250 million people. This petition was handed to the UN General Assembly by the former Archbishop of Cape Town, Bishop Joost de Blank.<sup>94</sup> The efforts by the AAM and those working with them was recognised in South Africa, with their campaign to build up global interest in the trial being fully credited. Cape Town based journalist Stanley Uys, in an article written in the run up to the judgement, referred to the trial as the 'most important political trial held in South Africa since the Nationalist Party Government came to power' and credited activists in London for the extent of interest shown to the fate of the men on trial.<sup>95</sup>

Upon the handing down of the life sentences, protests across the UK were organised. This included fifty MPs led by Sir Humphrey Berkeley, marching from the House of Commons to the South African Embassy to present a petition signed by a hundred MPs.<sup>96</sup> This was put through the letter box of the Embassy but immediately pushed back out by a member of Embassy staff. Ambassador Carel de Wet reported the extensive protests directed at the South African Embassy at this time. Hundreds

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<sup>92</sup> Anthony Sampson, "The Men Who May Hang," *The Observer*, Mar 1<sup>st</sup>, 1964, 11.

<sup>93</sup> Herbstein, *White Lies*. 73.

<sup>94</sup> "Demonstrations in Britain over Pretoria sentences," *The Times*, Jun 13<sup>th</sup>, 1964, 9.

<sup>95</sup> Stanley Uys, "Will they hang Nelson Mandela?" *The Observer*, Jun 6<sup>th</sup>, 1964.

<sup>96</sup> AAM Annual Report, 4, Oct 1964, Oxford, Bodleian Library, Archive of the AAM, AGM 1964, MSS AAM 14.

of students from the University of London and the University of Sussex were involved in a vigil outside lasting several days. Some managed to enter the building and to hang posters up. On the 14<sup>th</sup> June a demonstration of about 1500 protestors marched to the Embassy but were prevented from getting too close by the police, leading to some arrests. The Ambassador was also the recipient of many letters, petitions and postcards.<sup>97</sup> Prime Minister Verwoerd and Justice Minister Vorster in South Africa were also the recipients of letters from concerned individuals and groups. Just one example is letters from the Scottish Trades Union Congress General Council regarding action taken in response to the Rivonia trial.<sup>98</sup>

When reviewing the work of the World Campaign in 1963 and 1964 in their annual report of October 1964, two notable successes of the year were identified by the AAM; firstly, the seriousness that the option of economic sanctions against South Africa had begun to be viewed with and, secondly, the work of the World Campaign ‘...in making known the conditions under which detainees and prisoners are held, and in arousing public opinion so that death sentences were not passed on the accused in the Rivonia trial.’<sup>99</sup> The belief of the significance played by the anti-apartheid movement was shared by Esme Goldberg, Denis Goldberg’s wife, who spoke at a press conference organised by the World Campaign at the House of Commons following the sentencing. She believed that it was the work of organisations such as the AAM and the World Campaign that led to the avoidance of death sentences being handed down.<sup>100</sup> The two achievements recognised by the AAM involved both the *international-diplomatic* work of states in the UN and the work of the *civic-transnational* network of non-governmental activism and serves to highlight the importance of both in the anti-apartheid struggle.

#### 4. Rivonia Trial Activism in the United States

This chapter has provided background information to the development of the anti-apartheid movement in the US and, in doing so, obstacles to the movement have been highlighted. Most significantly to the Rivonia trial campaign was the prominent Cold War anti-communism widespread in the US, which had narrowed the interest shown towards issues Africa, including apartheid, in the years prior to the trial. This was compounded by other prominent issues that were a major focus at

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<sup>97</sup> Carel de Wet to the Secretary for Foreign Affairs, “Rivonia Case: Demonstrations and Protests”, 24 June 1964. UN-South African Activities 1964-1965, Annexure Jacket; No. 109/5 A.J. to Vol 3, Subversive Activities; BTS 109/5 AJ 1964-109/5 S/F to Vol 3; Departement van Buitelandse Sake/Department of Foreign Affairs. National Archives of South Africa, Pretoria.

<sup>98</sup> James Jack to World Campaign for the Release of South African Political Prisoners, 6 Mar 1964, Oxford, Bodleian Libraries, Archive of the AAM, Correspondence on Rivonia trialists and others, 1964, MSS AAM 1791.

<sup>99</sup> AAM Annual Report, 1, Oct 1964, Oxford, Bodleian Libraries, Archive of the AAM, AGM 1964, MSS AAM 14.

<sup>100</sup> “Demonstrations in Britain over Pretoria sentences,” *The Times*, Jun 13<sup>th</sup>, 1964.

this time – the Civil Rights Movement, but also the war in Vietnam – leading to the overshadowing of the issue of apartheid. The ACOA remained the foremost organisation in the US campaigning for an end to apartheid and, despite all of these challenges, continued working to gather together support for the Rivonia defendants in 1963-64.

What activities were organised by the ACOA in response to the Rivonia trial were similar in nature to what took place in the UK, with petitions, protests, and fundraising. For example, the ACOA organised a demonstration on the 29<sup>th</sup> October outside the South African Consulate General, and letters of protest were delivered to the South African Ambassador in New York. The timing of the demonstration was designed to coincide with the start of the trial and had the aim of both protesting the trial itself in addition to drawing attention to the ‘whole vicious system of Apartheid and the repressive machinery by which it is maintained’.<sup>101</sup> George Houser estimated that 200 people took part.<sup>102</sup> In reflection perhaps of the small scale of anti-apartheid activism within the US at this time, Houser wrote to staff in many foreign Missions in the US including those of Algeria, Ethiopia, India, Israel, Nigeria, Senegal and Sierra Leone to raise attention to the planned demonstration.<sup>103</sup>

Upon the trial’s commencement, the ACOA contacted the NAACP, the Congress of Racial Equality (CORE), national church groups and trade unions to discuss building a nationwide response to the Rivonia trial.<sup>104</sup> There is, however, no evidence of such a campaign being set up and it does seem an ambitious undertaking considering the practical capabilities of the ACOA, which was effectively limited to New York City. Attempts to build a more effective national movement were hampered by lack of sufficient resources.<sup>105</sup> On the 6<sup>th</sup> January 1964, a meeting was planned to discuss the crisis in south Africa and to consider what Americans could do in response. Church groups and trade unions were expected but the meeting was not expected to be large with about forty to fifty attendees anticipated. This meeting was not specifically concerning the Rivonia trial but arrests in South Africa were one of the items for discussion and so it would have been a matter for consideration.<sup>106</sup> In the

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<sup>101</sup> The Consul General to the Secretary for Foreign Affairs, Pretoria, “Pickets at 655 Madison Avenue, New York,” Ref. 1/17, 30 October 1963, 1. S.A. Racial Policy “Apartheid” 4.10.63 – 8.11.63, 14/11 vol II, BTS 63 14/11 Vol I to 14/11/1 AJ1952, Departement van Buitelandse Sake/Department of Foreign Affairs. National Archives of South Africa.

<sup>102</sup> George Houser to R. Neubig, November 4<sup>th</sup> 1963; ACOA 19/10, Correspondence [USA] November 4-5, 1963, Box 19, Correspondence, 1963 October -1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>103</sup> Letters to Missions from George Houser, October 24, 1963, ACOA 19/6 Correspondence [USA] October 24-26, 1963, Box 19, Correspondence, 1963 October -1964 April 22, Series II, Programs and Activities in the United States and Canada. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>104</sup> Fred Dubow to George Houser, December 8, 1963, ACOA 19/19 Correspondence [USA] December 7-9, 1963, Box 19, Correspondence, 1963 October -1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>105</sup> Larson, “The Transnational and Local Dimensions of the U.S. Anti-Apartheid Movement,” 32.

<sup>106</sup> Open invitation from A. Philip Randolph and Donald S. Harrington, January 6, 1964. ACOA 19/27, Correspondence [USA] January 6-8, 1964, Box 19, Correspondence, 1963 October – 1964 April 22, Series II:

final month of the trial, some more small-scale actions on behalf of the Rivonia defendants were attempted. In mid-May, the International League for the Rights of Man in New York sent a request for its affiliates to write to the South African Government to protest the Rivonia trial.<sup>107</sup> Also at this time, the American Federation of Labor and Congress of Industrial Organisations (AFL CIO) passed a resolution supporting the defendants and recognising the importance of international pressure to ensure their release.<sup>108</sup>

The ACOA's Africa Defense and Aid Fund was set up in 1958 in response to the Treason trial and a large proportion of the money raised went to South Africa to support the legal fees of those arrested for their work to end apartheid.<sup>109</sup> The Fund campaigned to raise money for the Rivonia trial defendants but this was not overly successful. The organisation viewed the lack of help given by Americans as not to be attributed to a lack of caring or of interest, but rather a lack of knowledge of what was happening and how help could be sent.<sup>110</sup> Most of the ACOA's fundraising was done by mail, which had its limitations. As another potential means of raising funds, in November 1963 Houser wrote to famed South African singer, Miriam Makeba, who had been based in New York since 1960. He suggested the possibility of holding a benefit to aid those on trial in South Africa.<sup>111</sup> Such an event

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Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>107</sup> The International League for the Rights of Man, Minutes of Board of Directors meeting, May 18, 1964. ACOA 30/17 Correspondence [USA] June 1-4, 1964, Box 20, Correspondence, 1964, April 23-1964, December -ca. 1964, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>108</sup> Draft declaration, AFL CIO resolution, n.d. ACOA 101/44 South Africa – ACOA Programs + Activities – Campaign Against South African Apartheid – Memorandum, Draft Letter to Potential Sponsors, Resolution, Declaration, Flyers, Clippings, notes 1963, Box 101, South Africa – ACOA – Boo-Con, 1963-1980, Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>109</sup> Report on Expenditures of the Africa Defense and Aid Fund for 1960, n.d. ACOA 40/3 ACOA – African Defense and Aid Fund – Report – 1960, Box 40, ACOA Programs and Activities African Defense-Human Rights, 1959-1978, Series II: Programs and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA. Donald R. Culverson, *Contesting Apartheid: U.S. Activism, 1960-1987* (London and New York: Routledge, Taylor and Francis Group, 2018), 30. Kindle edition.

<sup>110</sup> Draft letter to the Editor, December 5, 1963. ACOA 19/8 Correspondence [USA] December 4-6, 1963, Box 19, Correspondence, 1963 October-1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>111</sup> George Houser to Miriam Makeba, November 12, 1964, ACOA 19/2, Correspondence [USA] October 11-14, 1963, Box 19, Correspondence, 1963 October-1964 April 22, Series II, Programs and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA. I have not been able to find any evidence that such an event was held. Miriam was politically active around this time however, taking part in the Hunter College Rally a year following the trial, on 10<sup>th</sup> December 1965, alongside Martin Luther King Jr and Peter Seeger. Jennifer A. Bratyanski, "Mainstreaming Movements: The U.S. Anti-Apartheid Movement and Civil Rights Memory," PhD diss., University of North Carolina (2012), 30. Makeba's interest and support for the anti-apartheid movement was in evidence during the Rivonia trial however. She spoke at the Special Committee on Apartheid in both 1963 and 1964. In her 1963 speech she read out the words of a protest song that had been written by British actress Vanessa Redgrave in response to the Rivonia trial. Frankie Nicole Weaver, "Art Against Apartheid: American and South African Cultural Activism and Networks of Solidarity," PhD diss., University at Buffalo, State University of New York (2013), 265-270.



did not appear to have taken place. By the end of 1963, the ACOA had managed to gather \$500 to send to the South African Defence and Aid Fund to go towards the legal fees of the defendants.<sup>112</sup>

*Africa Today* was a publication of the ACOA published on a bimonthly basis and begun in 1953. Its aim was to educate the American public on events in Africa but it had a particular focus on South Africa. A major reason behind its creation was due to the dearth of quality newspaper reporting of African news in the US, other than some occasional reports in the *New York Times*.<sup>113</sup> This did appear to be still the case at the time of the Rivonia trial, with relatively little published, especially in comparison to the UK. Leaders of the ACOA did, nonetheless, hope to utilise national media in order to promote the cause of the defendants. Plans were in place in December 1963 to write to editors of national papers asking for information about the ACOA's Defense and Aid Fund and it's aims to be published.<sup>114</sup> Once again, this did not appear to be an idea that came to fruition.

The *New York Times* ran a small number of articles on the Rivonia trial, but there was relatively little on the subject. Anthony Sampson wrote an article in April 1964 that referred to the ongoing trial and which placed it into context with the situation in South Africa more broadly, including reference to the measures taken by the government to empower their police force to quell opposition, a broad sweep of apartheid policies and discussion of the creation of the Homelands. A bleak picture is painted for readers. Sampson explains that the turn to sabotage was a result of other measures being ineffective and over time criminalised, but this led to the crushing of opposition in the country and he feared that the outcome of this would be terrorism.<sup>115</sup> The breadth of this article is different to those in UK newspapers, which focused more specifically on the trial, and assuming familiarity with the situation in South Africa. Sampson wrote his article for a readership who he expected would have had little knowledge of the topic.

The following month, Mary Benson wrote to the *New York Times* to challenge an article about the lives of Black South Africans that she believed to be misleadingly positive. She passionately argued that the people's lives in South Africa were precarious and any false step could lead to dire repercussions. She noted that Caroline Motsoaledi, wife of Elias Motsoaledi and mother of seven, was arrested when attending the Rivonia trial proceedings to give her husband food and held without charge under the 90-day detention law leaving their children, including a six-month-old baby, without

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<sup>112</sup> George Houser to Ellen Hellmann, December 30, 1963. ACOA 100/22 South African – Correspondence – May-Dec., 1963, Box 100, South Africa-Corr.-ACOA, 1952-1966, Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>113</sup> George W. Shepherd, "Africa Today in the Early Years: The Debate over Strategy for the Liberation of South Africa," *Africa Today* 41, no. 1 (1994), 11, 14.

<sup>114</sup> George Houser to Harry Emerson Fosdick, December 5, 1963. ACOA 19/18 Correspondence [USA] December 4-6, 1963, Box 19, Correspondence, 1963 October-1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>115</sup> Anthony Sampson, "South Africa – the Time Bomb Ticks," *New York Times*, Apr 12, 1964, 11, 108-113.

either of their parents.<sup>116</sup> There were a small number of other articles written that reported on the words of the defendants. For example, the justification given by Nelson Mandela and Walter Sisulu for the turn to sabotage was covered at the time the defence were presenting their case.<sup>117</sup> The articles in the national press were not headline news, just as was the case in the UK, but they allowed the accounts of the trial, and the passionate words of Mary Benson, to potentially reach a wider pool of interested readers than by other means of sharing information.

The smaller scale of the response to the Rivonia trial in the US can be attributed to the particular domestic situation that existed at the time, in particular in comparison to the enthusiastic response that could be seen in the UK and which existed across political divisions. The turn to violence of the ANC in 1961 led to some reluctance from previous supporters of the anti-apartheid struggle to support the Rivonia trial defendants, as a large base of support believed in peaceful protest and were inspired by the non-violent, Gandhian principles of the ANC prior to this.<sup>118</sup> As an example, Dr Henry P. Van Dusen, President of the Union Theological Seminary declined to sign a letter in support of the Rivonia defendants, explaining that, while his sympathies were strongly with the men, as they did not deny the plans to commit sabotage they were therefore subject to reprisals by the state.<sup>119</sup>

Additionally, and perhaps more significantly, there was particular concern about the communist links of the ANC. Even among those sympathetic to the anti-apartheid cause, the links of many of the Rivonia trialists to communists was a factor that precluded action in support of the men. John Marcum, an Africanist scholar, wrote to Houser of his concerns:

...there is strong evidence to support the view that Mandela, Sisulu and others are Communists or Communist sympathizers. Dramatizing the trial, therefore, helps the South African government exploit the Communist issue in one instance where it is not bogus. Dramatizing the trial helps make martyrs out of Communists and detracts from the plight of thousands of African nationalists languishing in prison.<sup>120</sup>

Despite the anti-communist stance held by the ACOA, the plight of the Rivonia trial defendants was a matter the organisation was willing to campaign for. That a number of the defendants were known to be communist or have close ties to communists, makes the willingness to campaign for them seem,

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<sup>116</sup> Mary Benson, "South Africa's Racism: 'Model' Township Contrasted With Repression of Non-Whites," *The New York Times*, May 31, 1964, 8E.

<sup>117</sup> Robert Conley, "African concedes turn to violence," *The New York Times*, Apr 21, 1964, 10.

<sup>118</sup> Larson, "The Transnational and Local Dimensions of the U.S. Anti-Apartheid Movement," 51.

<sup>119</sup> Dr Henry P. Van Dusen to Dr Donald S. Harrington, May 1, 1964. ACOA 20/5 Correspondence [USA] May 1-4, 1964, Box 20, Correspondence, 1964, April 23-1964, December-ca. 1964, Series II: Programs and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>120</sup> John Marcum to George Houser, October 25, 1963. ACOA 19/6 Correspondence [USA] October 24-26, 1963, Box 19, Correspondence, 1963 October-1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

on the face of it, strange. It can, however, be explained by the ties maintained between defendants such as Sisulu and Houser since the Defiance Campaign in 1952. Any communist affiliation was viewed as less important than the justness of their cause and, moreover, personal connection between leaders of the organisations were an important motivation for action:

I [George Houser] have known some of the accused personally, although I haven't seen them for many years. All I can say is that they have been open opponents of the apartheid system of the South African Government for many, many years. This is virtually tantamount to sabotage and treason in the eyes of the Government today. Of course I don't doubt that some acts of sabotage have been planned, and certainly some have been carried out. Unfortunately, this is to be expected, given the fact that the Government will not permit opposition to take any legal form.<sup>121</sup>

What is apparent from the above summary of activity during the trial is that, despite the best efforts of the ACOA and organisations supporting them in their work, and their sincere wish to aid the defendants, there was not the level of interest and energy in the US that could be seen in the Rivonia trial campaigning of the UK. At protests, the numbers were relatively low and fund raising was not overly successful. Meanwhile, concerns about the communist links of the Rivonia trial defendants and their willingness to turn to violence were given more significance due to the broad lack of momentum in the campaigning that was underway in the US. Such concerns had more impact than when similar hesitations were raised in the UK.

Although this picture is rather bleak, the work done to campaign for the Rivonia trialists was not completely in vain. Despite the lack of success of the ACOA to raise significant awareness of the trial, the archival record makes clear that it, nonetheless, was a matter of significant interest to the organisation, with many plans of action suggested that were not taken up. The broad lack of domestic interest in the US led Houser to focus on other means of working for an end to apartheid, namely by continuing to develop links with activists who were working based in other countries as part of the transnational network of anti-apartheid activism. The ACOA had a role to play in the ongoing work of the transnational anti-apartheid movement, and its solid, principled, support for the Rivonia trial defendants demonstrated its commitment to the anti-apartheid cause. Despite the setbacks and obstacles faced, Houser remained optimistic that with the assistance of unions and civil rights groups that 'we can make some impact on American policy [towards Africa] in the days ahead'.<sup>122</sup>

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<sup>121</sup> George Houser to R. Neubig, November 4, 1963. ACOA 19/10, Correspondence [USA] November 1-4, 1963, Box 19, Correspondence, 1963 October-1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>122</sup> George Houser to Walter Reuther, President United Automobile Workers, June 9, 1964. ACOA 30/18, Correspondence [USA] June 5-9, 1964, Box 20, Correspondence, 1964, April 23-1964, December-ca. 1964, Series

## 5. Conclusion

This chapter has illustrated an important strand of activity undertaken by organisations working to call for an end to apartheid in response to the Rivonia trial. As explained above, it was believed by many that widespread public opposition would help to cause the South African Government to reconsider their policies by demonstrating the extent of opposition across the world, in a situation where state negotiations were failing to have an impact. Much of the focus of this chapter has been on the work of the ANC and the first section covered in detail the move to abroad of both the ANC and the PAC. The ANC was more successful in this and the links it formed with organisations in both the UK and the US were substantial. The ties maintained with the ANC were longstanding for activists in both countries, stemming from the Defiance Campaign of 1952 and developed further during the Treason trial of 1956-1961.

The work of the AAM, the IDAF and the World Campaign for the Release of South African Political Prisoners have from the focus of this chapter when looking at the response to the Rivonia trial in the UK. Campaigning in the UK on behalf of the Rivonia defendants was large in scale and successful in raising awareness of defendants and their cause to a broad section of society. Efforts to raise funds to support the defence team and the families of the defendants were also fruitful. The leadership of the AAM believed their work has a definite impact on the outcome of the trial, leading to the avoidance of capital punishment. The work of the ACOA was the focus of the section about the US, although attention has also been given to the work of other church, labour and civil rights organisations which supported the efforts of the ACOA. While the organisation worked diligently to raise awareness of the trial, and was successful in gaining some support, the reception it faced was far less enthusiastic than the AAM in the UK received. Although the belief that apartheid was wrong was widespread, particularly from those parts of society who strongly believed in that the civil rights movement was a just cause, there was little motivation to act to any great degree. Moreover, concerns raised about the merit of the Rivonia trial defendants over and about that of others on trial were therefore more of an obstacle than when similar hesitations raised to the AAM. Despite activists from both countries being well connected to the transnational anti-apartheid movement and sharing many of the same ties, the domestic environment was a significant factor in the success or (relative) failure of the campaigning taking place in both countries.

The *civic-transnational* work in the struggle against apartheid should not be seen as completely separate from the *international-diplomatic* efforts. Some of the state interventions covered in chapter three and four of this thesis were done so on the basis of widespread public support

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II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

of the Rivonia trial defendants and the groundswell of opposition to the South African Government's apartheid policies. The efforts made by non-governmental organisations to build support for the defendants contributed to an understanding of how widespread the opposition to apartheid was across the world. The work covered in this chapter, however, is only one aspect of the activity undertaken by non-governmental organisations across the world. Another major area of their work was in the lobbying of governments in a more direct example of the interconnection of the *international-diplomatic* and the *civil-transnational*. The next chapter will focus on this and in doing so, this thesis will be able to offer further insight into the connections between the actions taken by governments of the day on the subject of apartheid and the pressure they were facing from their citizens.

6.  
**“All people of goodwill are rightly distressed”  
The Political Impact of the Global Anti-Apartheid Movement**

The previous chapter has illustrated the impact and importance of the Rivonia trial to anti-apartheid campaigning on a public level globally and in both the UK and the US. Attempts to raise widespread protest were a very significant area of work by activists in both countries. There is, however, another aspect of campaigning that was undertaken – political lobbying. Previous chapters of this thesis have discussed the efforts made by the UK and US governments to influence the actions of the South African Government and to ensure a positive outcome from the Rivonia trial. These efforts have been explained in the broader context of Cold War imperatives and postcolonial developments. While these were no doubt crucial in the actions of the UK and US Governments in this matter, what has not been so far explored is the extent to which domestic lobbying in both countries impacted on the actions of the two countries respectively.

When focussing upon the UK, attention must, again, centre upon the Anti-Apartheid Movement (AAM) as the foremost organisation opposing apartheid at the time of the Rivonia trial. Despite its origins as the Boycott Movement, from the early days of its incarnation as the AAM, the organisation aimed to do more than just motivate interested citizens to boycott South African produce. The AAM worked to change British Government attitudes as well as to inform public opinion.<sup>1</sup> A foremost aim of the AAM was to ‘persuade state and civil society institutions, as well as individuals, to exert influence on the South African government. Much of its efforts came, therefore, within the realm of formal politics, reflecting what some have seen as its limited capacity to organise a sustained and effective boycott campaign’.<sup>2</sup> The intersection between politics and campaign organisations was a tradition that existed prior to the advent of apartheid, with frequent political engagement on issues arising from anti-colonial sentiment, particularly from the parties on the left.

The situation in the US was somewhat different to that of the UK in the first years of the 1960s, with the issue of apartheid not being significant in the legislative bodies of the country. This meant the executive did not face such pressure from this quarter, as was the case in the UK. A clearer division existed between activists and politicians, and the lobbying that did exist came from outside of the institutions of government rather than from within. Also, as the previous chapter has shown, when

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<sup>1</sup> Genevieve Lynette Klein, “Publicising the African National Congress: The Anti-Apartheid News,” *South African Historical Journal* 63 no. 3 (2011), 394.

<sup>2</sup> Rob Skinner, “The Anti-Apartheid Movement: Pressure Group Politics, International Solidarity and Transnational Activism,” in *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945*, ed. Nick Crowson, Matthew Hilton and James McKay (Houndmills, Basingstoke: Palgrave Macmillan, 2009), 131.

looking in comparison to the UK, the anti-apartheid movement in the US was not nearly of the same scale and reach, a factor which, as we shall see, also limited its effectiveness at governmental lobbying.

This chapter will look at the UK and the US in turn. Firstly, some background will be provided about the response of members of political parties and politicians to the work of anti-apartheid campaigners, both from South Africa and homegrown. Following this, political lobbying more specifically related to the Rivonia trial will be examined. By focusing on the response of domestic organisations and prominent individuals to apartheid, and to the Rivonia arrests and trial more specifically, this chapter will demonstrate how broader global and domestic considerations affected the reach and the tactics used, in the context of governmental lobbying. Doing so will illuminate an extra dimension of what both Governments had to take into consideration when forming their respective policies towards apartheid in South Africa. It will also be an opportunity to further explore the interconnected nature of the *civic-transnational* and *international-diplomatic* approaches to anti-apartheid protest.

#### 1. Political Lobbying and the Anti-Apartheid Movement in the UK

As has been shown in the previous chapter, there was a long tradition of anti-colonial activism in the UK and anti-apartheid lobbying in the UK cannot be viewed in isolation from this. It instead should be recognised as part of an ongoing tradition of activism that had the aim of influencing governmental policy towards its overseas territories. There were multiple groups working to achieve this aim throughout the first half of the twentieth century but, by the end of the 1950s, the Movement for Colonial Freedom (MCF) was the major pressure group on Labour's colonial policy, with 100 Labour MPs acting as its sponsors.<sup>3</sup> Many politicians who were significant in the anti-colonial movement became strongly involved in anti-apartheid campaigning. Fenner Brockway, an instrumental figure in the MCF, continued with his interest in colonial and racial issues by becoming an active member of the newly formed AAM. In this he joined colleagues including Barbara Castle, the AAM's president between 1960 and 1964. The AAM was closely linked to the longer standing MCF, having originated in the offices of the MCF and adopting its structures and tactics, only to eclipse it in prominence during the 1960s.<sup>4</sup>

The Labour Party's involvement with anti-apartheid campaigning was substantial and overt from the outset. In the 1950s, when domestic campaigning against apartheid was underway in South

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<sup>3</sup> Christabel Gurney, "'A Great Cause': The Origins of the Anti-Apartheid Movement, June 1959-March 1960," *Journal of Southern African Studies* 26 no. 1 (2000), 129.

<sup>4</sup> Stephen Howe, *Anticolonialism in British Politics: The Left and the End of Empire 1918-1964* (Oxford: Oxford University Press, 1993), 238.

Africa, some within the Labour Party watched events unfolding closely. At the start of the Treason Trial in 1956, a group of MPs handed in a letter of protest to the High Commission of South Africa in South Africa House, London and, in 1958, Barbara Castle visited the country to report on the progress of the trial.<sup>5</sup> In March 1960, following the killings at Sharpeville, Hugh Gaitskell, Leader of the Labour Party, was one among several hundred protestors taking part in a silent protest outside South Africa House.<sup>6</sup> The receptiveness of many Labour MPs to the cause was recognised by South African activists and the UK was a common destination for members of the ANC at this time. During their visit in 1955, Moses Kotane and Maulvi Cachalia met with several Labour MPs.<sup>7</sup> Later, during the course of his travels in 1962, Nelson Mandela included the UK as a destination. While in London, thanks to the efforts of the AAM, Mandela was able to meet with senior politicians, including Gaitskell.<sup>8</sup>

From its commencement, the issue of apartheid was raised on occasion in the House of Commons. It was discussed more and more frequently as the 1950s drew to a close and into the first years of the 1960s.<sup>9</sup> The AAM's close links with the Labour Party served as a channel through which the concerns and the knowledge of exiled South African campaigners could find a hearing in Parliament. Such a platform was particularly important following the banning of the ANC and PAC in 1960 as, at this point, both organisations increasingly moved to operating on the international stage with increased reliance on the assistance of other groups. During these early years for the AAM, there developed a greater emphasis upon lobbying the Government to support international sanctions against South Africa and the Labour Party paid a significant role in enabling this work.<sup>10</sup>

Despite much of the support for anti-apartheid campaigning coming from the left, the AAM aimed to bridge any political divide and work with MPs across the Houses of Parliament. The Conservative Party may not have been viewed as a natural ally to the cause but, as it was the party that was continuously in power from 1951 to 1964, working to engage with and lobby the Government and to persuade members of the Conservative Party to become involved was an important aim of the organisation. The division of views across the party line was not so clearcut that it can be said that Conservative MPs were necessarily supportive of the racial policies of South Africa in contrast to broad disapproval from the opposition benches, although there were indeed some MPs in the Conservative

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<sup>5</sup> Gurney, "A Great Cause'," 130.

<sup>6</sup> Rob Skinner, "The Anti-Apartheid Movement," 131.

<sup>7</sup> Gurney, "A Great Cause'," 126.

<sup>8</sup> Luli Callinicos, *Oliver Tambo: Beyond the Engele Mountains* (Cape Town: David Philip Publishers, 2017), 286.

<sup>9</sup> A search of the Hansard database using 'apartheid' as a search term shows that the term was referred to on occasion in the first half of the 1950s. From 1957, the term was increasingly a topic of discussion, and then from 1960 onwards the number of uses of the word in the House of Commons increased massively indicating the increasing prominence of the issue in this institution. <https://hansard.parliament.uk>.

<sup>10</sup> Gurney, "A Great Cause'," 142-143.



Party who were openly supportive of the South African Government.<sup>11</sup> There were in fact a small number of Conservatives receptive to the work done by the AAM, and the earlier Boycott Movement. Lord Altrincham, a Conservative Peer, was one, and Humphry Berkeley, a Conservative MP, another.<sup>12</sup>

The major divide between the governing party and the opposition parties was based on what was considered appropriate action in response to apartheid. There existed many concerns about the appropriateness, and wisdom, of the attempts being made by the opposition to address this issue. For many on the Conservative benches the idea of interfering with a country's domestic politics and breaching the sovereignty of an elected government was greeted with reservations, despite their own objections to South Africa's racial policies and harsh treatment of political dissidents.<sup>13</sup> This derived from both an ideological standpoint as well as a pragmatic response to the geopolitical realities that have been thoroughly examined earlier in this thesis. These reservations were well expressed when government representatives stood to defend their actions in response to challenges from the opposition. While apartheid was a matter of seriousness and moral gravity, which government representatives were willing to condemn on this basis, they were firm in defending the actions they had taken in the face of criticism that not enough was being done, as will be demonstrated below.

Vocal support of anti-apartheid campaigning - and anti-colonialism more broadly - was not universally evident in the country among the electorate. The early 1960s was a period of time that followed a large number of immigrants from the Caribbean, India and Pakistan making their homes in the UK. While racial troubles never reached the levels experienced by the US, in some areas of the UK tensions were rising over levels of immigration and this reflected in the directions taken by the main parties in the UK parliament, with increasing acceptance of anti-immigrant feeling.<sup>14</sup> With both anti-apartheid and anti-colonial campaigning having a strong link to issues of racism, broader views on race impacted on support for these causes and in the 1960s it was becoming apparent that concern about colonial issues generally was waning.<sup>15</sup> In the 1964 election, a matter of months after the end of the

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<sup>11</sup> For example, the Monday Club was set up in 1961 by Conservative Party members who believed that the Party under Macmillan had gone too far to the left. This view was directly tied to the decolonisation of the UK's former colonies and support for the South Africa apartheid government. By 1963, eleven Conservative MPs were members of the Club. Robert Copping, *The Story of The Monday Club - The First Decade* (London: Current Affairs Information Unit, 1972), 5-7.

<sup>12</sup> The Boycott Movement struggled to find Conservative representatives for their activities. Although a small number were sympathetic, they were reluctant to become involved. Lord Altrincham was therefore left to speak at every event held in the first few months of the Movement's work: Gurney, "'A Great Cause'," 135.

<sup>13</sup> As an example, Conservative MP Sir Godfrey Nicholson eloquently argued in a debate on apartheid following the Sharpeville Massacre that change will need to come from a change of heart within the White population of South Africa and not imposed from the outside as external pressure could have the opposite effect than intended. *Hansard* HC Deb. Vol. 621, cols. 782-787, 8 April 1960. [Online]. [Accessed 9 September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>14</sup> See for example Paul Foot, *Immigration and Race in British Politics* (Harmondsworth: Penguin Books Ltd, 1965).

<sup>15</sup> Howe, *Anticolonialism in British Politics*, 261.

Rivonia trial, despite a swing away from the Conservatives and the Labour Party winning the election, Fenner Brockway lost his seat.<sup>16</sup> Moral crusades against issues happening abroad, therefore, while they may have had a level of support in principle across the country, were clearly not necessarily a vote winner in elections. This can be explained by the tendency of voters to cast their vote according to issues closer to home, but it also can be seen to possibly reflect a certain amount of racism amongst the electorate.<sup>17</sup> With a government in place reluctant to take firm action against South Africa, and a broader reduction in interest across the country in colonial issues, campaigners calling for an end to apartheid in the early 1960s had to swim against an oncoming tide.

### *1.1 The Rivonia Trial and the UK Parliament*

Despite the waning interest in anticolonial matters across the UK, the Rivonia trial was an event of enough significance that it attracted a great deal of attention and corresponding protest. The UK Government, due to its position as a very influential ally of South Africa, faced many calls to act on behalf of the Rivonia trial defendants, from within the political establishment as well as from without. Throughout the course of the trial, but particularly towards the end of the proceedings when the judgement was due, there were attempts to call for the UK Government to act on behalf of the defendants. This came from varying sources but the most significant efforts perhaps came from the MPs who were directly associated with organisations such as the AAM and who could bring the concerns of anti-apartheid activists directly into the House of Commons and challenge the Government.

As explained above, the links between politicians and organisations with an interest in the issue of apartheid were significant, in particular in connection to the AAM. This continued upon the creation of the World Campaign for the Release of South African Political Prisoners (hereafter the World Campaign) in 1963. From the outset it was decided to include MPs from all three main political parties on the Committee and the World Campaign was successful in bringing in Jeremy Thorpe (Liberal), Dick Taverne (Labour) and Humphry Berkeley (Conservative) onto the Committee.<sup>18</sup> Their presence on the Committee was more than just a show of cross-party support for the cause and as a way to promote and publicise petitions, however. Rather, they were able to use their position as MPs

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<sup>16</sup> *Ibid.*, 247-8.

<sup>17</sup> Also to lose his seat was Patrick Gordon Walker. He was defeated by Conservative candidate, Peter Griffiths, who ran a campaign that linked immigration to crime, disease and unemployment, despite the disapproval of the Conservative leadership. John W. Young, "International Factors and the 1964 General Election," *Contemporary British History* 21, no. 3 (2007), 361.

<sup>18</sup> Minutes of the committee meeting of the World Campaign for the Release of South African Political Prisoners, 6 Feb 1964, Oxford, Bodleian Libraries, Archive of the Anti-Apartheid Movement (AAM), Committee Meetings and Papers, MSS AAM 1778.

to bring opposition to the detention of political prisoners in South Africa to the attention of the Government by arranging for colleagues to put questions on the issue to the Prime Minister and to representatives of the Foreign Office.<sup>19</sup> It should be noted that political lobbying and the promotion of public petitions are, of course, linked, with the greater the amount of interest created when building a large-scale public movement potentially leading to more success when lobbying the Government.

From April 1964 onwards, the subject of the Rivonia trial was brought repeatedly to the House of Commons, where the Government was challenged to defend its actions with regards to South Africa. The diplomacy that the UK Government undertook on the international stage was designed to try to avoid controversy and attention, but this was an approach that was challenged in the House of Commons. On the 13<sup>th</sup> April, when the defence were stating their case, Fenner Brockway asked the Government what action it would take regarding the trial. Peter Thomas, the Minister of State for Foreign Affairs, explained that representation had been made to the South African Government regarding the UK's vote in the General Assembly for resolution 1881, which called for the South African Government to abandon the Rivonia trial and also stated to MPs the inappropriateness of the UK Government making any further representations to the South African Government about an ongoing trial.<sup>20</sup> Ten days later, on the 23<sup>rd</sup> April, Barbara Castle asked the Prime Minister if he were planning to lead a collective approach from leaders of the Commonwealth calling for the abandonment of the ongoing trial. Harold Wilson followed this with a call upon Douglas Home to 'accept that the holding of these trials, whether an internal matter or not, is an affront to the whole world civilisation' and linked the position taken by the Government regarding the trial with their broader policies on an arms embargo on South Africa. Douglas Home returned that it was necessary for him to be careful about his response as he recognised that the lives of the defendants were at stake and it was important that nothing he said made the case more difficult.<sup>21</sup>

Speaking publicly about their position necessitated a cautious approach from the Government due to the difficult path they were following with respect to events in South Africa. In private, they were able to be more forthcoming with their response to questions regarding their actions in response to the trial. Peter Thomas reassured a deputation led by Castle on the 19<sup>th</sup> May 1964 that if death sentences were the result of the trial, then the UK Government would possibly make some kind of formal representation to the South African Government.<sup>22</sup> Later in this month, Abdul Minty of the

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<sup>19</sup> Minutes of the Committee meeting of the World Campaign, 13 Mar 1964, Oxford, Bodleian Libraries, Archive of the AAM, Committee Meetings and Papers, MSS AAM 1778.

<sup>20</sup> *Hansard* HC Deb. Vol. 693, cols. 6-7, 13 April 1964. [Online], [Accessed 11<sup>th</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>21</sup> *Hansard* HC Deb. Vol. 693, cols. 1500-1502, 23 April 1964. [Online]. [Accessed 11<sup>th</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>22</sup> John Wilson, 4 June 1964, "South Africa: Rivonia Trial," 1. TNA: FO 371/177123, JSA1641/43.

AAM received a response from the Party that expressed support for the work underway to raise awareness of, and opposition toward, political trials in South Africa:

All people of goodwill are rightly distressed by the character of the political trials in South Africa, and this attitude has been clearly expressed both by the Prime Minister personally and by the Government's support for the United Nations Resolution... I am confident that the Government will continue to exert all its influence, through the United Nations and other channels, to secure the abandonment of these political trials and the release of the prisoners.<sup>23</sup>

When the trial was drawing to a close in June 1964, and attention to the trial was perhaps at its most intense, there was a flurry of activity in the House of Commons in response to the Security Council debate about the trial. On the 8<sup>th</sup> June, Labour MP Dingle Foot requested details of the instructions received by the UN representative in advance of the debate, but Peter Thomas was again able to deal with these questions effectively by stating that it would be inappropriate to comment on an ongoing trial or to anticipate the UK Government's response to the verdict when this was unknown.<sup>24</sup> Following the passing of Security Council Resolution 190 – the resolution that specifically called for an end to the Rivonia trial – on the 10<sup>th</sup> June, Fenner Brockway attempted to bring the matter back to the House in order to ask the Government how they were going to implement it, but he was prevented from doing so by the Speaker of the House.<sup>25</sup>

This attempt by Brockway did lead to Governmental discussions about how best to respond to the June resolutions in the UN with Prime Minister Douglas Home asking, in response to Brockway's attempted intervention earlier that day, 'whether we should be doing anything to implement the passage in yesterday's Security Council resolution calling upon all states and organisations to exert their influence to induce the South African Government to comply with the provisions of the resolution'. Foreign Office advice continued to advise not taking any action before the handing down of sentencing and it assured the Prime Minister that Foreign Secretary Rab Butler was confident that he could manage the Parliamentary situation. Following the sentencing, further strong pressure was expected in Parliament which would lead to further consideration being required on the matter.<sup>26</sup>

On the 11<sup>th</sup> June, eight of the ten defendants were found guilty and sentences were expected the following day. As anticipated by the Government, this led to action by the opposition in the House

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<sup>23</sup> Viscount Blakenham to S. Abdul, 29 May 1964, Oxford, Bodleian Libraries, Archive of the AAM, Correspondence on Rivonia trialists and others, MSS AAM 1791.

<sup>24</sup> *Hansard* HC Deb. Vol. 696, col. 42, 8<sup>th</sup> June 1964. [Online]. [Accessed 5<sup>th</sup> April 2019]. Available from: <https://hansard.parliament.uk>.

<sup>25</sup> *Hansard* HC Deb. Vol. 696, col. 451-453, 10<sup>th</sup> June 1964. [Online]. [Accessed 5<sup>th</sup> April 2019]. Available from: <https://hansard.parliament.uk>.

<sup>26</sup> Robert Mathew to the Chief Whip, 'South Africa: The Rivonia trial,' 10 June 1964. TNA: PREM 11/5178.

of Commons. The Foreign Office was notified of private notice questions set for the 12<sup>th</sup> and 15<sup>th</sup> June regarding the trial. Officials in the Foreign Office sent a telegram to Ambassador Stephenson in South Africa urgently requesting his views on what the government should say about the verdict and sentencing, as well as information about the right of appeal in South Africa and the timing of any possible appeals by the defendants as they expected to be under significant pressure in the House of Commons.<sup>27</sup> Stephenson replied that, although the laws under which the defendants were charged could be disapproved of, the trial itself was fair from a legal point of view and he advised that the government should not question the verdicts. He undertook to provide further advice regarding the sentences as soon as they were announced.<sup>28</sup>

The eight guilty defendants were sentenced to life imprisonment on the 12<sup>th</sup> June and, ten minutes after receiving the news of the sentences, Thorpe interrupted an unrelated debate on a point of order. He noted that the Leader of the House had committed to speaking with the appropriate Minister to make a statement about the trial and Thorpe asked if an application had been made by the Foreign Secretary for leave to make this statement. The Speaker of the House replied that this intervention was improper and in response to follow up questions from Brockway and Fletcher was not able to give any further assurances that a statement would be made.<sup>29</sup> Brockway presented a petition signed by students and staff at Reading University asking that the UK Government to implement the resolutions in the UN calling for an end to the Rivonia trial at the opening of the session and this was tabled, but the government was not called upon to answer any questions about the trial on this day.<sup>30</sup>

As the Government had anticipated, on the 15<sup>th</sup> June Brockway again was instrumental in bringing the Rivonia trial to the attention of the House of Commons. The focus of the debate following the question posed by Brockway was on the UN Security Council resolution 190 which called for an amnesty for persons sentenced to death for acts resulting from opposition to apartheid, and for the Rivonia trial defendants particularly. Rab Butler explained that the UK had abstained on the resolution due to concerns that it occurred at a time when the trial was still underway with Sir Patrick Dean, Permanent Representative to the UN, worried that intervention when the trial was ongoing would be detrimental to the defendants. Now that sentences had been passed down, concern remained about the wisdom of making representations before decisions regarding possible appeals were made. Butler

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<sup>27</sup> Foreign Office to Cape Town, 12 June 1964. TNA: PREM 11/5178.

<sup>28</sup> Foreign Office to Stephenson, tel. no. 390, 11 June 1964. TNA: FO 371/177123, JSA 1641/51; Stephenson to the Foreign Office, tel. no. 277, 12 June 1964. TNA: FO 371/177123, JSA 1641/53.

<sup>29</sup> *Hansard* HC Deb. Vol. 696, cols. 804-5, 12<sup>th</sup> June 1964. [Online]. [Accessed 6 April 2019]. Available from: <https://hansard.parliament.uk>.

<sup>30</sup> *Hansard* HC Deb. Vol. 696, cols. 793, 12<sup>th</sup> June 1964. [Online]. [Accessed 6 April 2019]. Available from: <https://hansard.parliament.uk>.

did assure the House, however, that representatives of the UK had made clear to the South African Government the strength of feeling about ‘trials based on arbitrary laws’ and the lack of political means of expression for opposition in South Africa. Barbara Castle asked if the Government was ‘aware that the relatives of the condemned men believe that only the pressure of world opinion saved them from the death sentence’ and if it would support the calls for the men to be released. This followed up questions from Castle, but also others from Brockway, Patrick Gordon Walker and Thorpe did not change the response that Butler began the debate with.<sup>31</sup>

As the trial ended with eight life sentences handed down, many constituents wrote to their MPs to request action from the UK Government. The Foreign Office was contacted in order to bring these letters to the attention of the Prime Minister.<sup>32</sup> To deal with this correspondence, a pro forma reply was created. This reply referred back to the UK Ambassador’s comments in the Security Council following resolution 190, which noted the strength of public opinion in support of the Rivonia defendants. It also made reference to comments made by the Foreign Secretary in the House of Commons regarding concern for the men on trial and the British Government’s opposition to the laws under which they were being tried.<sup>33</sup> These letters sent to the UK Government were written alongside many more that were part of a campaign to contact the UN Secretary General, Prime Minister Verwoerd and Justice Minister Vorster, all of whom were the recipients of a large number of letters, telegrams and messages over the course of the Rivonia trial.<sup>34</sup> They served to contribute to the pressure that was being built to encourage action from the UK Government and were formed part of what was a *civic-transnational* campaign that had many different fronts.

Moving back to events in the House of Commons, it should be noted that throughout the period of the Rivonia trial, when the topic arose in Parliament, the Government’s actions were for the most part defended by representatives within the Foreign Office: Rab Butler, the Foreign Secretary and Peter Thomas, the Foreign Minister. Possibly due to the sensitive nature of the issue, and the broad implications that could arise following the outcome of the trial, the Prime Minister did not speak again on the matter until the 17<sup>th</sup> June, some days after the trial was over. In a broader discussion about Foreign Affairs, Douglas Home took the opportunity to speak about the events that had taken place in South Africa and the widespread protests that had resulted. He noted that his party shared the concerns of many on the opposition benches. ‘Our emotions on this side of the House—and I ask hon.

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<sup>31</sup> *Hansard* HC Deb. Vol. 696, cols. 934-937, 15 June 1964. [Online]. [Accessed 9<sup>th</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>32</sup> P. J. Woodfield to T. E. Bridges, 19 June 1964. TNA: FO 371/177037, JSA 1009/47.

<sup>33</sup> Enclosure to N.M. Fenn to P.J. Woodfield, 24 June 1964. TNA: FO 371/177037, JSA 1009/47; Rab Butler to Philip Noel-Baker, 8 July 1964. TNA: FO 371/177037, JSA 1009/54.

<sup>34</sup> Letter from Mr. J. Thorpe, M.P., Honorary Secretary of the World Campaign for the Release of South African Prisoners, Addressed to the Secretary-General of the United Nations, 9 Jul 1964, Oxford, Bodleian Libraries, Archive of the AAM, Correspondence to the United Nations, MSS AAM 1790.

Members opposite to credit us with reasonably human emotions—are just as deep and just as concerned as theirs with the enforcement of the policy of apartheid under arbitrary laws.’ He stated, however, that he remained opposed to the option of sanctions, reminding the House of the importance of the Simonstown Agreement to the international security of the UK and noted that a complete arms embargo would mean the end to this Agreement.<sup>35</sup> The lack of direct public comment by the Prime Minister can reasonably be considered as a result of the sensitiveness of this subject and not due to a lack of interest in it as the trial has been shown to have been a matter of concern all the way to the highest levels of Government.

The Prime Minister’s caution regarding this was well justified. The South African Government was watching events in the British Parliament closely. On the 27<sup>th</sup> July, Peter Thomas spoke in the House of Commons and informed MPs that Ambassador Stephenson had met with Foreign Minister Muller to draw attention to widespread criticism within the UK to the sentences passed in the Rivonia trial and to suggest a reduction in the length of the sentences.<sup>36</sup> This statement was strongly objected to by representatives of South Africa. In a meeting with Thomas following this debate, the South African Ambassador in the UK, Carel de Wet, noted his government’s objections to such interference and commented that, as Stephenson’s meeting with Muller was made public knowledge in the House of Commons, it would act ‘as an encouragement to other saboteurs’ to take up the fight in South Africa. Thomas defended his words by stating that ‘... the defendants themselves has [sic] proved their point, to the British people at least, that for a black man in South Africa there had been no other course open to them; they had behaved with the greatest dignity.’ The Foreign Office also defended the decision to refer to the meeting between the Stephenson and Muller in Parliament when writing to Stephenson and saying that ‘Mr Thomas’s answer of July 27 was in fact the very least that he could say, given the strength of feeling in the House, and had avoided serious trouble there. It was in the interests of both Governments that he should have spoken as he did.’<sup>37</sup>

The repercussions of the resolutions in the UN continued in the months following the proceedings and caused some tension between departments of the UK Government. In deference to the partial arms embargo called for in the Security Council resolutions discussed in chapter four of this thesis, Douglas Home and Butler agreed to stop the sale of spare parts for weapons that could be used for internal suppression. Butler’s argument against supplying such equipment was made with consideration of how such action would look to the wider public as is made clear when he wrote ‘[t]he

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<sup>35</sup> *Hansard* HC Deb. Vol. 696 cols. 1319-1320, 17<sup>th</sup> June 1964. [Online]. [Accessed 9<sup>th</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>36</sup> *Hansard* HC Deb. Vol. 699 col. 974, 27<sup>th</sup> July 1964. [Online]. [Accessed 10<sup>th</sup> September 2023]. Available from: <https://hansard.parliament.uk>.

<sup>37</sup> Foreign Office to Pretoria, tel. no. 269, 30<sup>th</sup> July 1964, 1. TNA: PREM 11/5178.

real question, I fear, is whether H.M.G. can justify to public opinion the continuing sale to South Africa of spares for weapons which can be used for suppression'.<sup>38</sup> The Chief Secretary of the Treasury and the Defence Secretary wrote to appeal against this decision. The arguments for and against the sale of this equipment proved to be so difficult that most convenient option was to not make a decision until after the election had taken place in October, an election, it should be noted, that the Conservative Party was widely expected to lose.<sup>39</sup>

What the above activity shows clearly is that the Rivonia trial was a matter of great concern to anti-apartheid campaigners in the UK and that they were very successful in bringing their concerns directly to the government. These challenges were taken seriously by the Government even if, ultimately, it was not difficult for the government to publicly parry any criticism expressed about its approach in the forum of the House of Commons. Despite its caution and unwillingness to be drawn into being overly critical of South Africa, however, it was not completely successful and found itself in a position of having to defend its actions when meeting with representatives of the South African Government following the trial. Moreover, there is plentiful evidence that the largescale public opposition was a significant consideration of the highest level of the UK Government when working out policy towards South Africa. Moving across the Atlantic, a very different picture will be drawn.

## 2. Political lobbying and the Anti-Apartheid Movement in the US

The structure of the US system of government is complex and there are a number of checks and balances that are designed to keep the power possessed by each branch – the executive, the legislative and the judicial – in check. There are likewise tensions between the powers held by the federal government and that of state governments. There was, therefore, potential for multiple areas of government to act in response to apartheid in South Africa, and over the course of the apartheid era they did.<sup>40</sup> However, in the earliest days, the federal government took the lead on this matter, with the executive branch forming foreign policy in response to pressures arising due to apartheid on the international stage.

The rising importance of Africa in the Cold War context has been explained in detail in earlier chapters which showed its significance to how the US Government approached the issue of apartheid.

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<sup>38</sup> Memo to Prime Minister "Arms for South Africa," 11 September 1964; Memo to Prime Minister "Arms Exports," 15 September 1964, documents 7-9. TNA: PREM 11/5114.

<sup>39</sup> Burke Trend to Prime Minister, "Arms Exports to South Africa," 18 September 1964, document 3-4. TNA: PREM 11/5114.

<sup>40</sup> Over the years, the anti-apartheid movement was able to impact state and local government sometime fairly effectively but had less success in changing official policy towards South Africa: Steven Metz, "The Anti-Apartheid Movement and the Populist Instinct in American Politics," *Political Science Quarterly* 101, no. 3 (1986), 379.



As a very brief summary, the US Government's interest in Africa had throughout its history never been extensive and American leaders were, in the main, content to leave this sphere of foreign relations to its European allies. This began to change, under the administrations of Truman and Eisenhower, as African countries began to achieve independence and as the USSR was increasingly using the racial tensions in the US as a point of attack.<sup>41</sup> Upon the inauguration of Kennedy in 1961, the continent of Africa received more attention than previously had been the case. Kennedy came from a family of Democrats from New England and his experience of racial issues throughout his life was very different to the experience of Democrats from the Southern US.<sup>42</sup> Throughout his public career, both as a Senator and as President, Kennedy had taken an interest in racial issues, both domestically and internationally, and in the development of Africa.<sup>43</sup>

There was significant disagreement between members of the Kennedy Administration about how to respond to the racial policies of South Africa as part of a wider strategy regarding the continent. Despite Kennedy's personal interest, within his administration there was a range of views, from those who thought that Africa ought to be an area of growing interest for the US to those who felt that it remained very much of secondary concern and whose focus remained on relations with Europe. G. Mennen Williams was introduced in chapter two of this thesis as a well-known 'Africanist' who Kennedy appointed as Assistant Secretary of State for Foreign Affairs. William's enthusiasm for Africa and his belief in the continent's growing importance to the US was not fully shared by others in the Administration. The prioritising of national security concerns meant that figures such as McGeorge Bundy, the National Security Advisor, exercised greater influence over the President in the first years of the 1960s and his focus was almost entirely upon Europe and Asia. Additionally, Secretary of State Dean Rusk and Undersecretary of Economic Affairs George Ball were antagonistic to postcolonial

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<sup>41</sup> Mary L. Dudziak, "Birmingham, Addis Ababa and the Image of America: International Influence on U.S. Civil Rights Politics in the Kennedy Administration," in *Window on Freedom: Race, Civil Rights, and Foreign Affairs, 1945-1988*, ed. Brenda Gayle Plummer (Chapel Hill and London: University of North Carolina Press, 2003), 182-183.

<sup>42</sup> The civil rights movement and the Democratic Party's response to racial issues in the US after WWII led to a split in the Party. The 'Dixiecrat rebellion' in 1948 and the support of White voters in the South for the Republican Party in the 1964 election are indicative of the significance racial issues had to electoral prospects at this time. Scott E. Buchanan, "The Dixiecrat Rebellion: Long-Term Partisan Implications in the Deep South," *Politics and Policy* 33, no. 4 (2005), 754-755

<sup>43</sup> The extent to how much of this was a cynical façade with his electoral prospects in mind can be argued. Kennedy's portrayal as a supporter of civil rights can be contrasted with the 'tokenistic measures' that he passed and his apparently stronger action against apartheid South Africa can reasonable be criticised as timid. Eddie Michel, "'Since we can't now bet on a winner, we should be hedging our bets and buying time': President John F. Kennedy, domestic racial equality and apartheid South Africa in the early 1960s," *Safundi: The Journal of South African and American Studies* 22, no. 4 (2021), 330-331.

nationalism, with Ball stating, whilst colonialism and apartheid were abhorrent, 'abhorrence [was] a state of mind, not a principle of political action.'<sup>44</sup>

While the ruling Conservative Party in the UK faced its own difficulties, which would lead to a disruption to its leadership following the resignation of Macmillan in October 1963, in more shocking fashion the leadership of the US was upended with the assassination of President Kennedy on the 22<sup>nd</sup> November. Vice-President Johnson took over the Presidency and the backgrounds of these two men were very different. Johnson, a Southern Democrat from Texas, had not shown significant interest in Africa, or foreign relations more broadly, before becoming President.<sup>45</sup> Upon Kennedy's assassination, there was concern from many in Africa about what the significance would be upon civil rights domestically under Johnson and also upon what his position would be regarding African issues.<sup>46</sup> The international pressures facing the US on the subject of Africa and from this, apartheid, remained the same, however, and so the problems facing the US did not change much despite the change in leadership at the top of Government. For this reason, the ongoing concerns about South Africa and the continuing focus on apartheid in the UN remained an important issue for many within the Johnson Administration.<sup>47</sup> On the public stage, moreover, President Johnson reassured African leaders of his support for Africa upon his assumption of the Presidency:

We in the United States are dedicated to the same goals as the peoples of Africa – justice, freedom and peace. Under our late President, John F. Kennedy, the United States made significant advances toward the attainment of these goals. We will continue to work toward those same objectives under my Administration... Thus, we will continue to press for equal rights for all – both in my country and abroad.<sup>48</sup>

This division of responsibilities between the executive and the legislative, with the executive leading on foreign affairs, is a key reason for the lack of involvement of the legislative in the issue of apartheid. Moreover, there was a reduction over time of activity regarding Africa in the Senate and

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<sup>44</sup> Ryan M. Irwin, *Gordian Knot: Apartheid and the Unmaking of the Liberal World Order* (New York: Oxford University Press, 2012), 80-81.

<sup>45</sup> Many historians writing of Johnson have been critical of his approach to foreign policy and this view was shared by contemporaries such as UK Ambassador Lord Harlech. In more recent years, historians have been more open to seeing Johnson's approach in a more favourable light, particularly when looking broadly and not with a focus on the war in Vietnam: Jonathan Coleman, *Foreign Policy of Lyndon B. Johnson: The United States and the World, 1963-1969* (Edinburgh: Edinburgh University Press, 2010), 1-3. Alex Thomson, when looking at the Johnson Administrations approach to South Africa more particularly, notes that the balancing act that it inherited following the assassination of Kennedy remained, but overall its policy towards the country was more coherent than its predecessor: Alex Thomson, *U.S. Foreign Policy Towards Apartheid South Africa, 1948-1994: Conflict of Interest* (New York: Palgrave Macmillan, 2008), 47.

<sup>46</sup> Michel, "'Since we can't now bet on a winner, we should be hedging our bets and buying time,'" 349.

<sup>47</sup> Memo, William H. Brubeck to McGeorge Bundy, 11/26/63, "South Africa in the Security Council", #20; "B [3of3]," Files of McGeorge Bundy, NSF, Box 15, LBJ Library.

<sup>48</sup> "V. Africa, A. The Place of Africa in US Foreign Policy," #4, n.d., "Chapter 5 (Africa): Sections A & B," Administrative History, Department of State Volume I, Chapters 4-5, Box 2 (1of2), LBJ Library.

the House of Representatives in the first half of the 1960s. The Senate Subcommittee on Africa was active under the leadership of Kennedy in the four years before he became president, and this continued in 1961-1963 under the leadership of Senator Albert Gore. Much of Gore's time as leader, during the Kennedy Administration, was spent focusing on the crisis in the Congo, however, rather than that of South Africa. In 1963, Gore resigned as both the Chair and as a member of Subcommittee and finding a replacement was not straightforward. Senator Mike Mansfield, the Leader of the Senate was finally persuaded to take on the role to save the diplomatic embarrassment of the position being vacant, but he did not have the time to commit to the role and the Subcommittee was left largely ineffective.<sup>49</sup> The House Subcommittee on Africa, on the other hand, was led in the early 1960s by two active and engaged representatives – Barratt O'Hara of Illinois and Frances P. Bolton of Ohio. Both were broadly unable to pass on their enthusiasm to other members of Congress and by 1963, activity in the House Subcommittee was slowing down. While both Representatives were respected for their views on Africa, they often did not receive the full attention of their colleagues.<sup>50</sup> This naturally lessened the pressure facing the executive on the matter of apartheid from this front.

This lack of interest from the legislative branch of government was considered at the time to be detrimental to the anti-apartheid cause:

Congress has sometimes helped to arouse public opinion on certain foreign issues when the executive branch, for whatever reason, has not been willing or able to do so. Sometimes Congress actually is in a better position to do this job because of its close relationship with the voter and its distance from some of the protagonists. (The problem of South Africa, for example, is one that has not been presented fully to the public by the executive branch. This might be one area where influential and informed Congressmen could attempt to awaken public interest and awareness. But Congress, for the present, is no more conscious than the general population of the enormity of the crisis that may lie ahead in Southern Africa.)<sup>51</sup>

Organisations such as the ACOA would therefore struggle to build significant opposition to apartheid via the route of the legislature. This is not to say they did not try. Historically, there had been some limited interest in campaigning against apartheid and, by the second half of the 1950s, membership of the ACOA included four US senators and sixteen members of the House of Representatives, both Republican and Democrat.<sup>52</sup> In 1964, Congressman Seymour Halpern of New

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<sup>49</sup> "Africa Report: The US Congress and Africa," August 1964, p.3-4, "CO 1-1 Africa, 11/22/63-9/4/64," Countries, EX CO 1-1, 10/15/66, WHCF, Box 7, LBJ Library.

<sup>50</sup> Ibid., 5-6.

<sup>51</sup> Ibid., 7.

<sup>52</sup> Francis Njubi Nesbitt, *Race for Sanctions: African Americans against Apartheid* (Bloomington, Indiana: Indiana University Press, 2004), 34.

York and Sidney Josephs of Ohio joined the National Committee of the organisation.<sup>53</sup> Contacting Senators and House Representatives was one way to attempt to raise the profile of events in South Africa and it continued to be utilised, as will be seen below. The effectiveness of these attempts at this point in time, however, was limited and more about raising the profile of the issue of apartheid domestically rather than a tool for lobbying to affect foreign policy. As an early exception to this, Congressman Charles Diggs, who would go on to be a leading figure in the Congressional Black Caucus in the 1970s, suggested that the NAACP should open a special office on African issues in order to attempt to influence US Government policy in this area. The ACOA was keen to be involved in such an undertaking, but the NAACP's Board decided against this.<sup>54</sup>

Many of the resources of the ACOA and other interested organisations were focused upon calling upon policy changes towards South Africa and lobbying targets included the President himself as well as representatives at the State Department. The ACOA's original mandate was to undertake educational activities to raise the profile of the racial policies of South Africa broadly among the US population, but it also worked from the outset to undertake political action by communicating with the State Department in addition to registering as a non-governmental organisation at the UN. Founding member, Rayford Logan, acted as a liaison with the State Department for the ACOA from its early years into the 1960s.<sup>55</sup> Lobbying techniques were also utilised targeting the President and those close to him. Towards the end of 1957, the ACOA organised a 'Declaration of Conscience', co-sponsored by Eleanor Roosevelt and Martin Luther King, which was an international undertaking calling upon world leaders to act in response to the Treason Trial arrests. Over one hundred leaders from around the world agreed to add their names to this declaration. This campaign is one example of activists working to ensure governments changed their approach to relations with South Africa. By the end of the 1950s, such measures were looking increasingly outdated in the US, however, and activists were beginning to explore other options including strikes and economic boycotts.<sup>56</sup>

The number of people actively involved in anti-apartheid campaigning in the US was not large in the early years of the apartheid era and, therefore, there were limits to the impact their campaign work could reasonably hope to achieve. Despite the small numbers involved, many did have the benefit of being prominent and influential figures, known to members of the Government already, thanks to their work as part of the civil rights movement. In November 1962, the first American Negro

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<sup>53</sup> 1964 Report, American Committee on Africa, January 1, 1964 through December 31, 1964, 1, African Activist Archive, Michigan State University, accessed 29 September 2023, <https://africanactivist.msu.edu/recordFiles/210-849-29370/32-130-AC3-84-al.sff.document.acoa000070.pdf>.

<sup>54</sup> Nesbitt, *Race for Sanctions*, 35-36.

<sup>55</sup> David L. Hostetter, *Movement Matters: American Antiapartheid Activism and the Rise of Multicultural Politics* (New York, NY and Abingdon, Oxon: Routledge, 2006), 23.

<sup>56</sup> Nesbitt, *Race for Sanctions*, 32-33.

Leadership Conference on Africa recognised that the African American community had ‘a special responsibility to urge a dynamic African policy upon our government’. This Conference was supportive of the idea of sanctions against South Africa and was opposed to US Government opposition to such measures in the UN.<sup>57</sup> Shortly after, on the 17<sup>th</sup> December 1962, a group of African American civil rights activists known as the Big Six, some of whom had been integral in the organisation of the Leadership Conference on Africa a few weeks prior, met with Kennedy to discuss US foreign policy towards Africa and urging sanctions against South Africa. The lengthy three-hour meeting was not successful in changing the policy pursued by the US Government however and the option of sanctions against South Africa was not pursued.<sup>58</sup> This outcome shows that, despite the success of civil rights campaigners to call for change within the US, leading African Americans campaigners were not, at this point, able to utilise their prominent position within the civil rights movement as an effective foreign policy lobby.<sup>59</sup>

Alongside the work of civil rights organisations and the ACOA, in mid-1963, South African activists Nana Mahomo and Patrick Duncan, both members of the PAC, were actively working to garner support for armed opposition to apartheid. They formed contacts with US organisations as well as delegations in the UN. On the 15<sup>th</sup> August, Duncan was called in to meet with the Attorney General, Robert Kennedy.<sup>60</sup> Burke Marshall, the Assistant Attorney General in the Civil Rights division, noted that one of the factors in favour of accepting such a meeting was the contact they had with the ACOA and the America Negro Leadership Conference on Africa. It was anticipated that these organisations would become aware of the meeting due to this close contact and such a meeting would be received positively.<sup>61</sup>

Robert Kennedy meeting with Patrick Duncan led to an impassioned response from the South African Government, with Foreign Minister Eric Louw giving a speech in Bloemfontein that was critical

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<sup>57</sup> American Negro Leadership Conference on Africa, Resolutions, November 23,24,25,1962, 3-4, Michigan State University, accessed September 6, 2023, [https://projects.kora.matrix.msu.edu/files/50/304/32-130-66-84-african\\_activist\\_archive-a0a014-a\\_12419.pdf](https://projects.kora.matrix.msu.edu/files/50/304/32-130-66-84-african_activist_archive-a0a014-a_12419.pdf).

<sup>58</sup> They were Martin Luther King Jr. (Southern Christian Leadership Conference), Whitney Young (National Urban League), Roy Wilkins (NAACP), A. Philip Randolph (Brotherhood of Sleeping Car Porters), Dorethy Height (National Council of Negro Women) and James Farmer (CORE). Nesbitt, *Race for Sanctions*, 30, 49.

<sup>59</sup> ‘This failure was the result of a schism between the emergent class of mainstream blacks, represented by the formation of the Black Congressional Caucus (BCC) in 1971, and the marginalized radical nationalists, Pan-Africanists, black Muslims, and Marxists, all of whom rejected the possibility and the desirability of integration into the larger polity.’ Yossi Shain, “Ethnic Diasporas and U.S. Foreign Policy,” *Political Science Quarterly* 109, no. 5 (1994-1995), 836.

<sup>60</sup> C. J. Driver, *Patrick Duncan: South African and Pan-African* (London and Exeter, New Hampshire: Heinemann Educational Books Ltd, 1980), 228-230. Plimpton to Secretary of State, July 3 1964. Burke Marshall (#61) Personal Papers, Series 2 IBM Office Files, Correspondence: Personal, 1964: April-January, Box 51, “Correspondence: Pending File, 1965-1961.” JFK Library (JFKL).

<sup>61</sup> Carl Kaysen, “Memorandum for Mr. Burke Marshall”, June 28, 1963; Memorandum for the Attorney General from Burke Marshall, July 19, 1963. Burke Marshall (#61) Personal Papers, Series 2 IBM Office Files, Correspondence: Personal, 1964: April-January, Box 51, “Correspondence: Pending File, 1965-1961. JFKL.

of this development and of G. Mennen Williams particularly. Ambassador Satterthwaite was asked to pass on a message to Louw from Secretary of State Dean Rusk making clear his objections. Louw stated his regret for Rusk's disappointment in his speech but he did not backtrack from his criticism. He noted that Duncan would be imprisoned if he had remained in the country and that South Africa would have refused to meet with any individual who the US viewed as an enemy due to their position as allies.<sup>62</sup> That this meeting on what was a very sensitive issue went ahead is interesting and the reaction of the South African Foreign Minister may have made any further meetings unlikely. There does not seem to be any equivalent meeting between a senior representative of the US Government with any activist from the Congress Alliance during the Kennedy and Johnson Administrations. As well as indicating a possible reluctance to cause further tension with South Africa, it also indicates the significance of the communist links of the ANC in ensuring that the domestic environment of the US at this time was a hostile place for them to work despite its prominence over the PAC throughout much of the world.

### *2.1 The Rivonia trial and the US Government*

The Rivonia trial commenced at a time when political lobbying regarding apartheid in the US was limited due to the domestic and international political obstacles described above. The organisation of the system of Government in the US made lobbying on foreign policy issues difficult, and the Cold War internationally and the anti-communist environment domestically made the likelihood that the US Government would act on behalf of the Rivonia trial defendants very unlikely. The status of the men as leading members of the ANC did not put them in good stead to receive public statements of support from the US Government, and the Government, predictably, at no point made an official statement critical of the trial.<sup>63</sup> The collapse of the CAA, and the censure faced by radicals such as W.E.B. Du Bois and Paul Robeson in the previous decade, was to have an impact on the support that organisations such as the ACOA could garner when attempting to influence US Governmental policy.

The careful approach required to avoid accusations of communist sympathy was increasingly necessary when working to build support for the defendants in the Rivonia trial. Reluctance to become involved in such an endeavour existed even among those interested in supporting the fight against apartheid, as has been highlighted in the previous chapter. The small number of people committed to the anti-apartheid cause in the US limited the effectiveness of the movement. Even the prominence

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<sup>62</sup> Satterthwaite to Secretary of State, tel. no. 455, 8 October 1963, document 4. National Security Files, Countries, Box 159, "South Africa, General 9/30/63-10/09/63." JFKL.

<sup>63</sup> Suryakanthie Chetty, "Containing the Ripple of Hope: Apartheid, the Afrikaans Press and Robert F. Kennedy's Visit to South Africa, June 1966," *Southern Journal for Contemporary History* 45, no. 1 (2020), 122.

and renown of some of those most vocal on the subject did little to improve this situation. Much of the lobbying calling for action against apartheid that took place during the first months of the Rivonia trial, therefore, did not specifically reference the trial proceedings.

Coinciding with the start of the Rivonia trial in October 1963, A. Philip Randolph and Rev. Donald S. Harrington, Co-Chairmen of the ACOA, led a call for Americans to sign a petition advocating economic sanctions against South Africa. This petition was handed to Adlai Stevenson II at the US Mission to the UN for transmission to the President.<sup>64</sup> The appeal urged President Kennedy 'to support United Nations resolutions for boycotts and sanctions against South Africa; to place an embargo on American trade with South Africa; and to suspend recognition of the South African Government until such time as it represents all South Africans.'<sup>65</sup> This petition for the White House succeeded in gaining thousands of signatures.<sup>66</sup> A month later, in a rare example of lobbying from the legislature, Congressman William F. Ryan, a New York Democrat in the House of Representatives, wrote to Kennedy to support the idea of an economic boycott of South Africa. In reply, Fred Dutton, the Assistant Secretary of State for Congressional Relations, referred him to the speech in the Special Political Committee given by Francis Plimpton, Adlai Stevenson II's second in command at the UN, when giving an explanation of how the US voted.<sup>67</sup>

The timing of these appeals, while not mentioning the Rivonia trialists themselves, can nonetheless be connected to the ongoing trial. The global calls for sanctions against South Africa, both from states and from non-governmental sources, were frequently justified on the grounds that the situation in South Africa was a threat to wider peace and security. This thesis has shown that the Rivonia trial was viewed as a key event in South Africa that increased the risk of instability in southern Africa. The move to call for sanctions within the US should be seen as part of a wider campaign of such calls that came from activists in countries around the world.

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<sup>64</sup> George Houser to A. Philip Randolph, October 9, 1963. ACOA 19/1 Correspondence [USA] October 8-10, 1963, Box 19, Correspondence 1963 October -1964 April 22, Series II, Programs and Activities in the United States. Archives of the American Committee on Africa (ACOA), 1948-1988, n.d. Amistad Research Center, New Orleans, LA.

<sup>65</sup> Memo from the American Committee on Africa, October 3, 1963. ACOA 100/42 South Africa-ACOA Programs and Activities-Anti-Apartheid Demo-South African Consulate Press Release, Flyers, List of Participants 10/29/63, Box 100, South Africa-Corr.-ACOA, 1952-1966, Series III: Programs and Activities In African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>66</sup> George Houser to L. A. Du Plessis, December 9, 1963. ACOA 19/19 Correspondence [USA] December 7-9, 1963, Box 19, Correspondence 1963 October -1964 April 22, Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>67</sup> Dutton to Ryan, December 4, 1963; SOC 14-1 Discrimination, Protection of Minorities, 9/1/63, S AFR; SOC-Social Conditions Portugal To: SOC-14-1 Discrimination Protection of Minorities 9/1/63 S AFR; Box 4213; Central Foreign Policy File 1963; General Records of the Department of State, Record Group 59, The National Archives, College Park, MD.

By the end of 1963, the broad lack of domestic pressure was noted by people interested in the anti-apartheid cause with concerns raised about the lack of 'unified efforts to exert pressure on a nationwide scale to change our government's relations with South Africa.'<sup>68</sup> The ACOA, in response, did increase efforts to work alongside other organisations with an interest in events in South Africa. A Consultative Council on South Africa was set up by the ACOA together with civil rights groups, and labour, church, and student organisations in early 1964. The goal of this Council was to coordinate work that could be done jointly and to support work that could be undertaken separately by the constituent organisations. Suggestions for ideas for policies to be urged upon the US government were a matter of priority at the earliest meetings.<sup>69</sup>

The first months of the trial, therefore, were conspicuously quiet with no attempt to lobby the President on behalf of the defendants directly and only some attempts to campaign for sanctions against South Africa. Moreover, there was little hope in lobbying the legislative to take action. From June 1963 to at least August 1964 there were no meetings of the Senate Subcommittee on Africa.<sup>70</sup> The Foreign Relations Committee continued to entertain foreign dignitaries from Africa, but these brief encounters were the main source of information obtained by those who were supposed to be 'policy specialists' on Africa. G. Mennen Williams was unable to find any Senators willing to listen to a briefing of a critical situation in Zanzibar during this time.<sup>71</sup> It is not surprising, therefore, that pleas for action to be taken on behalf of the men on trial met with a deaf ear from this quarter. This is not to say, however, that attempts were not made to make such pleas. Mary Benson, a South African campaigner, joined members of the ACOA in attempting this - contacting individual Members of Congress about the Rivonia trial and requesting for their objections to be put on record:

And if you should be doubtful about the wisdom of making any public pronouncements on the Rivonia trial, many pronouncements are being made – by the Secretary General, by African heads of State, by members of European Parliaments – it is surely important that leaders of the American people should also be on record. If Mandela and the others should be sentenced to death and then hanged, there seems no hope of a multiracial society ever being established in South Africa: with them alive, there is still hope.<sup>72</sup>

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<sup>68</sup> Fred Dubow to George Houser, December 8, 1963. ACOA 19/19 Correspondence [USA] December 7-9, 1963, Box 19, Correspondence, 1963 October-1964 April 22; Series II: Program and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>69</sup> Memorandum for the Discussion, January 30 1964; ACOA 101/46, South Africa-ACOA Programs & Activities – Consultive Council on South Africa – Meeting Notice, Memorandum, Lists, Attendees Response Cards – Jan 1964, Box 101, South Africa-ACOA-Boo-Con, 1963-1980, Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>70</sup> "Africa Report: The US Congress and Africa," August 1964, p.3-4, "CO 1-1 Africa, 11/22/63-9/4/64," Countries, EX CO 1-1, 10/15/66, WHCF, Box 7, LBJ Library.

<sup>71</sup> *Ibid.*, 4.

<sup>72</sup> Letters Benson to Fitts, Ryan, Gore and O'Hara, April 29, 1964. ACOA 20/3; Correspondence [USA] April 28-29, 1964; Box 20, Correspondence, 1964, April 23-1964, December-ca. 1964, Series II: Programs and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.



George Houser, at the same time wrote on a similar theme, linking the need for economic sanctions to the declining situation in South Africa and the precarious situation of the Rivonia trial defendants.<sup>73</sup>

Towards the end of the proceedings, however, despite the factors that existed to prevent such lobbying, more effort could be seen from various quarters. Prominent on the agenda for the meeting of the Consultative Council in June 1964 was the Rivonia trial.<sup>74</sup> Present at this meeting were representatives of a range of organisations, including religious groups, student groups, a representative from a trade union, as well as two attendees from the ACOA and one from AMSAC - the American Society of African Culture. This meeting took place after the defendants had been found guilty but before the sentences had been handed down. Attendees present at the meeting agreed 'that if death penalties were given, telegrams should be sent to affiliates of the Consultative Council asking that they send telegrams to the President, the Secretary of State and to the US Ambassador to the United Nations asking for a public statement condemning the trial and for commutation of sentence.' In the event, this was not needed, but even so telegrams were sent on the 12<sup>th</sup> June urging all three to make a public statement.<sup>75</sup>

The prominence of a number of figures writing directly to the President about the situation in South Africa in the final months of the trial meant that a direct reply was sometimes felt to be appropriate. Donald S. Harrington and A. Philip Randolph wrote to the Dean Rusk, in April 1964 to share their concerns about the Rivonia trial and to appeal to the US Government to make a representation to the South African Government on behalf of the defendants.<sup>76</sup> G. Mennen Williams responded on behalf of the Secretary of State to say that the US Government shared the concerns expressed in their letter and confirmed that, while being unable to go into the specifics of the

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<sup>73</sup> George Houser to Jacob Javits, April 30, 1964. ACOA 20/4, Correspondence [USA] April 29-30, 1964, Box 20, Correspondence, 1964, April 23-1964, December-ca. 1964, Series II: Programs and Activities in the United States. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>74</sup> Invitation to organisations affiliated to the Consultative Council, May 28, 1964. ACOA 101/48, S. A. -ACOA Programs & Activities – Consultative Council on S. A. Minutes, Notices, Agendas, List of Participants – April, May, 1964, Box 101, South Africa-ACOA-Boo-Con, 1963-1980, Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>75</sup> Consultative Council on South Africa, Minutes, June 11, 1964, 1-2. Folder 101/49, S.A. ACOA Program Consultative Council on South Africa – Minutes, Notes, Misc, - 1964, Box 101 South Africa-ACOA-Boo-Con, 1963-1980, Series III: Programs and Activities in African Countries. Archives of the ACOA, 1948-1988, n.d., Amistad Research Center, New Orleans, LA.

<sup>76</sup> Donald S. Harrington and A. Philip Randolph to Dean Rusk, April 9, 1964; POL Laws S AFR, 1/1/64; POL 2 S. AFR to POL 7-1 S.AFR; Box 2628; Central Foreign Policy Files, 1964-1966; General Records of the Department of State, RG 59; NACP.

diplomatic negotiations underway, the government was pursuing the actions that Harrington and Randolph recommended.<sup>77</sup>

In June, James Farmer, the Director of the civil rights organisation CORE (Congress of Racial Equality) wrote a telegram urging the White House to take action to secure the release of South African political prisoners.<sup>78</sup> Although the Rivonia trial was not directly mentioned, this would have been recognised as implicit due to the date coinciding with the sentencing of eight of the defendants to life in prison. President Johnson requested McGeorge Bundy to reply to reassure Farmer that he shared the same concerns regarding political prisoners in South Africa and reiterating the actions of the US delegation in the UN and their support of the resolution of 18<sup>th</sup> June 1964 calling for an amnesty for detainees and for clemency to all those sentenced for their work opposing apartheid.<sup>79</sup> As a final example, the Director of the United Presbyterian Church, Gayraud S. Wilmore, a civil rights activist and historian of the African American church, wrote to the President of his concerns about possible death sentences in the Rivonia trial and noted the international and moral impact it would have. The National Security Advisor, McGeorge Bundy wrote back to assure Wilmore that the US Government was following this closely and 'doing what it can'. He enclosed a copy of a speech by Ambassador Stevenson in the UN regarding US support for appeals to free those on trial for opposing apartheid.<sup>80</sup>

Despite these examples of interventions on behalf of the defendants, from well-known figures in the civil rights movement, there is no evidence that suggests the US Government was particularly troubled by words from this quarter. Some of the correspondence required a prompt official response, but this was done with little apparent internal discussion. The President did not send replies himself but relied on colleagues in the Department of State, George Mennen Williams and Fred Dutton, and McGeorge Bundy, his National Security Advisor, to respond on his behalf. While the reason behind this is not specified, it is reasonable to suppose that the President preferred not to get directly involved in a situation that was so intractable and which had so many interested parties both at home and abroad.

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<sup>77</sup> G. Mennen Williams to Donald S. Harrington and A. Philip Randolph, April 29, 1964; POL Laws S AFR, 1/1/64; POL 2 S. AFR to POL 7-1 S.AFR; Box 2628; Central Foreign Policy Files, 1964-1966; General Records of the Department of State, RG 59; NACP.

<sup>78</sup> Cable, James Farmer to President Johnson, 6/12/1964, GEN CO 302, South Africa, Republic of, 11/22/63, WHCF, "CO 302 Republic of South Africa, 11/23/63-4/25/66," Box 72, LBJ Library.

<sup>79</sup> Letter, McGeorge Bundy to James Farmer, 6/29/1964, GEN CO 302, South Africa, Republic of, 11/22/63, WHCF "CO 302 Republic of South Africa, 11/23/63-4/25/66," Box 72, LBJ Library.

<sup>80</sup> Letter, McGeorge Bundy to Gayraud S. Wilmore, 5/26/1964, #35, "Chron File May 16-30, 1964 [1 of 2]," Files of McGeorge Bundy, NSF, Box 2, LBJ Library.

### 3. Conclusion

This chapter has served to illustrate how lobbying for governmental action on apartheid took place in the UK and the US in the years prior to the Rivonia trial and also during the proceedings. Whilst the importance of the trial to anti-apartheid lobbying is apparent in both countries, there is a marked difference to the success of the organisations in each country. While it could be argued that there was little shift in governmental policy towards South Africa in either country, when looking at the archival record closely, the ability of non-governmental organisations in the UK to put strain upon the Government does become clear. The extent of the challenges that the UK Government faced, particularly in the House of Commons from MPs closely connected to the AAM were significant. Although the Government was able to publicly manage these challenges by noting the inappropriateness of commenting on an ongoing trial, behind closed doors these debates were a worry requiring some forethought as well as advice from representatives based in South Africa. The issue also served to expose divisions within the UK Government with considerations on how certain policies would look to the wider public clashing with more hardnosed, practical approaches towards the interests of the UK. This was made clear when the Government tried to come to an agreement on how to act regarding the sale of replacement parts for equipment that could be used for repression within South Africa.

When looking at the US, the smaller scale of the anti-apartheid movement was a handicap to building momentum in support of the Rivonia trial defendants and this was additional to an already more difficult environment in which anti-apartheid activists were working. The work that went into supporting the defendants, together with joining in with global calls for economic sanctions, is due to the connections that organisations within the US maintained with the global network of apartheid. Without this network, it likely would have been the case that there would have been even less of a response to trial. As it was, the actions taken were relatively small in scale and did not trouble the US Government to any great degree. This, while a disappointment to activists working hard on behalf of the defendants, has to be seen in light of the difficulty that existed in US in effectively lobbying for any foreign policy issue at this time. Despite the muted reaction to apartheid protest in the US, the Rivonia trial can still be seen as important to those fighting to change their government's policies as it was used as a focal point to bring together those opposed to apartheid, even though, ultimately, they were unsuccessful.

What this chapter has ultimately been successful in showing, is how the *civic-transnational* work undertaken was intertwined with the *international diplomatic*. This can be most overtly seen when examining the clear importance lobbying had to non-governmental organisations in both countries. It formed a significant strand of work for both the AAM in the UK and the ACOA in the US.

The interconnection between the two can also be seen when looking at the success that activists had in the UK in impacting the foreign policy decisions of the UK Government taken regarding South Africa. Even though the UK Government ultimately maintained its opposition to mandatory sanctions against South Africa, in response to non-governmental protest, the Government did act in ways that did cause some tensions between the two countries. Regarding the US, there is less evidence that non-governmental lobbying impacted US Governmental policy regarding apartheid directly. Although it could be argued that the tensions that arose before shortly before the Rivonia trial as a result of Robert Kennedy meeting with PAC activists is an example of how the *civic-transnational* and the *international-diplomatic* were connected.

## 7. Conclusion “Amandla!”

In many ways, the outcry, the diplomatic communications, the lobbying, the tactics, the campaigning – all the work undertaken on behalf of the Rivonia trial defendants – ended in an anti-climax. The trial resulted in eight of the men imprisoned for life on Robben Island (or on the mainland in the case of Denis Goldberg as the only White man among the defendants found guilty). There they would stay for over twenty years. The South African Government had stuck to its position that the trial was an internal matter for the courts, remaining resistant to any external criticism. The UK and the US were able to manage the pressure that was arrayed against them, raising some concerns about apartheid but resisting calls to impose economic sanctions against South Africa. After the coordinated efforts of 1963-64 to campaign for concrete and convincing action to be taken against South Africa came to nought, a certain amount of resignation set in and it would take some time for those opposed to apartheid to regroup.

There was widespread belief among activists that the global protest against the Rivonia trial was a factor in none of the men being put to death, but, as the years turned to decades and the men remained in prison, this would have been of little comfort. The men got older and were spending the prime of their lives behind bars. Bram Fischer, the lead Rivonia trial defence advocate died in 1975 whilst serving his own life sentence for trying to bring an end to apartheid – a solemn reminder of the sacrifice the eight men, and all those imprisoned with them, were prepared to make. The Rivonia trialists did not lose their fighting spirit following their imprisonment, however, even though the conditions on Robben Island were harsh and the forced labour in the stone quarry back breaking. The men were able to continue a dialogue with other political prisoners and hone the ideas that would be ultimately used upon their freedom and the ANC’s route to power. During the first year of their imprisonment, violent criminals on the island were offered special privileges to keep the political prisoners in line, but this was short lived. It quickly became apparent that this policy had backfired with those convicted of violent crimes being politicised by those in prison for their work to end apartheid.<sup>1</sup> A fitting example of the refusal of ideas of freedom and justice to disappear.

In the years that followed, the Rivonia trial did not entirely fade from sight and opposition to apartheid continued. The distinction between the *international-diplomatic* and the *civic-transnational* continues to be useful as both aspects were relevant to this ongoing opposition, to a greater or lesser degree as time passed. Upon the Labour Party winning the UK general election of 1964, the promises of the Party to act against apartheid, which they made when in opposition, were quietly dropped when

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<sup>1</sup> Kenneth S. Broun, *Saving Nelson Mandela* (New York: Oxford University Press, 2016), 151-152.

faced with the geopolitical realities of governance. Barbara Castle, when promoted to a ministerial post, ended her close association with the AAM. Despite the dismay this caused, the work did not stop. Canon John Collins did not forget the men in prison and continued with his efforts with the IDAF to support their release. Whilst there was little inclination from a subsequent Labour Government to take substantial action against South Africa in the 1970s, a group of Labour MPs signed a birthday card for Mandela in July 1978. The South African Embassy refused to pass it on so Prime Minister James Callaghan sent his good wishes from the floor of the House of Commons. Around this time, Mandela was also nominated for the post of Chancellor of the University of London and was made a freeman of Glasgow, showing his continued significance to non-governmental opponents of apartheid across the country.<sup>2</sup>

Meanwhile, in the US, apartheid became an increasingly pressing topic in the decades following the trial. In Congress, Representative Charles Diggs was a staunch critic of apartheid. This became particularly evident upon his election to the Chair of the House Subcommittee on Africa in 1968 and upon the creation of the Congressional Black Caucus (CBC) in 1971. Diggs invited anti-apartheid, human rights and civil rights groups to meetings, and the vibrancy and growing interest in the work of both the CBC and the House Subcommittee meant they were increasingly able to challenge the foreign policy actions towards South Africa of the executive branch of government.<sup>3</sup>

The ANC in exile led the resistance to apartheid in the years that followed the Rivonia trial. In the 1970s, however, another organisation grew in prominence – the Black Consciousness Movement (BCM). Steve Biko was a leading member of the BCM and his violent death at the hands of the police in 1977 was, as other events had been before it, a rallying point for protest. What was different to the earlier events that cast the world's eye upon South Africa is that this time protest did not subside until apartheid finally collapsed under its weight. Nelson Mandela later called Biko 'the spark that lit a veld fire across South Africa'.<sup>4</sup> South Africa was already struggling by this point. While apartheid remained a constant, the wider geopolitical situation was changing and in the 1970s the apartheid government, and those protesting it, were working in a very different set of circumstances, facing a new set of challenges. With Mozambique and Angola winning their independence from Portugal in 1975, White minority rule in southern Africa was fracturing. The establishment of Marxist governments in these countries led to greater attention being paid to the region as a front in the Cold War.<sup>5</sup> The near-

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<sup>2</sup> Denis Herbstein, *White Lies: Canon Collins and the Secret War against Apartheid* (Oxford: James Currey Publishers, 2004), 220-225.

<sup>3</sup> Donald R. Culverson, *Contesting Apartheid: U.S. Activism, 1960-1987* (London and New York: Routledge, Taylor and Francis Group, 2018), 59-60. Kindle edition.

<sup>4</sup> "Steve Bantu Biko," South African History Online, September 15 2023, <https://www.sahistory.org.za/people/stephen-bantu-biko>.

<sup>5</sup> Christabel Gurney, "The 1970s: The Anti-Apartheid Movement's Difficult Decade," *Journal for Southern African Studies* 35, no. 2 (2009), 472.

invincible position South Africa possessed when facing criticism in previous decades was gone, and the pressure facing the Government from its own citizens and from external critics left it reaching desperately for a solution.

As the years passed and the future of apartheid began to finally look less certain, the South African Government began to offer an olive branch to the defendants – freedom for cooperation. Denis Goldberg recalled that he became aware of negotiations for their release taking place in the mid-1980s and, in 1985, the National Party Government offered to free all political prisoners provided they agreed to give up their involvement in the armed struggle. Goldberg believed that this offer was made following a meeting between Chester Crocker, the US Assistant Secretary of State for African Affairs and South African Foreign Minister Pik Botha. The CBC were pressuring the US Government to pass the Comprehensive Anti-Apartheid Act and the US required some action from South Africa to ease the pressure it was facing from domestic quarters.<sup>6</sup>

The first of the defendants to be released was Goldberg, in 1985. He was followed by Govan Mbeki in 1988. That year, Mandela met with a number of representatives of the Government to try and work for a way forward. Mandela maintained it was for the Government, as the oppressors, to make concessions in order to find a solution.<sup>7</sup> Twenty-six years after their conviction, Ahmed Kathrada, Raymond Mhlaba, Andrew Mlangeni, Elias Motsoaledi and Walter Sisulu were released in 1989 and then, finally, Nelson Mandela in 1990.<sup>8</sup> The unconditional release of Mandela was a cause of worldwide jubilation and he left the prison greeted by a crowd of tens of thousands of supporters. The footage of Nelson Mandela walking out of prison and addressing the crowds that day with the call 'Amandla!' ('Power!') shows a seminal milestone of the twentieth century and a satisfying ending to the story that has been told in this thesis.<sup>9</sup> South Africa today is not without its problems, but on that particular day, the hopes and dreams of millions of people were on show in a truly joyful display.

### Viewing the Rivonia Trial on a Global Stage

The story of the Rivonia men's victory against almost insurmountable adversity is well known. Indeed, Nelson Mandela achieved a level of global renown in his lifetime granted to very few people. This

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<sup>6</sup> Denis Goldberg, *A Life for Freedom: The Mission to End Racial Injustice in South Africa* (Lexington, Kentucky: The University Press of Kentucky, 2016), 328, 337-8. There is likely some truth in this as, upon the passage of the Comprehensive Anti-Apartheid Act over the veto of President Reagan, the South African Government undertook a number of measures including releasing Mandela and other political prisoners and entering negotiations regarding a transition to fully democratic rule. Yossi Shain, "Ethnic Diasporas and U.S. Foreign Policy," *Political Science Quarterly* 109, no. 5 (1994-1995), 834-835.

<sup>7</sup> Nelson Mandela, *Long Walk to Freedom*, (London: Abacus, 1995), 619, 640-3.

<sup>8</sup> Joel Joffe, *The State vs. Nelson Mandela*, (Oxford: Oneworld Publications, 2007), 265.

<sup>9</sup> Footage of that memorable day can be found online: <https://www.youtube.com/watch?v=ei12AeL3cKU>, [https://www.youtube.com/watch?v=-Qj4e\\_q7\\_z4](https://www.youtube.com/watch?v=-Qj4e_q7_z4)

thesis has not been an attempt to rescue a forgotten event from obscurity – its importance has, on the contrary, been well recognised as a milestone of South African history. Rather, the aim has been to re-read the trial as a global political event and one of the interventions this thesis has sought to make is in terms of how we should think of the trial in just this fashion, namely as a *global* event. The thesis has moved in two directions in this respect. On the one hand it has sought to understand the global as composed of two strands and distinguished between the *international-diplomatic* (the subject principally of chapters three and four) and the *civic-transnational* (the subject principally of chapters five and six). On the other, it has shown throughout that these two strands were interlinked. The overall major objective of this thesis has been to demonstrate the importance of these interconnections. The *international-diplomatic* statesmanship and the *civic-transnational* work of non-governmental activists intertwined significantly throughout the Rivonia trial proceedings. Many studies focusing on the international dimensions of apartheid come from one side or the other – diplomatic histories or histories of campaign movements – with a singular focus. By examining both, this thesis has been able to examine the two faces of the campaign and note areas in which they met and overlapped. In doing so, it has painted a holistic picture of the global impact of, and response to, the Rivonia trial.

In both the UK and the US, anti-apartheid groups worked to influence their respective governments and this took the shape of lobbying for governmental action against South Africa. Such lobbying undertaken by groups can be seen as a direct connection between the *international-diplomatic* and the *civic-transnational*. This was particularly the case in the UK, where the issue of apartheid was more salient thanks to the many ties that the AAM maintained with the MPs. Many Labour MPs were active in taking their concerns to the House of Commons, leading multiple debates on the subject. Their fear about the prospects of the Rivonia trial defendants led them to question the Government about their actions and calling for it to support the defendants. These attempts over the course of the trial to push for intervention from the UK did not appear to overly trouble the Government as the same response could be given on each occasion – that intervention would be detrimental for the defendants. Towards the end of the trial, more consideration, however, was given by government officials about how to respond in the eventuality of death sentences which, in the event, did not occur. Despite the apparent ease with which the UK Government sidestepped calls for action regarding the Rivonia trial, significant consideration was given to decide the best way to handle the pressure that was increasing throughout the trial's process. The concerns about the impact that their actions would have on public opinion is made clearly apparent in the archival record.

The story within the US is markedly different, though, with the system of government making successful lobbying on foreign policy issues difficult. The lack of action of the legislative bodies was a



hindrance to anti-apartheid campaigning in the country and the relatively small number of people active in the campaign was also. There were some prominent civil rights activists, including Martin Luther King Jr., who were vocally critical of apartheid in South Africa. Thanks to their prominence, a group was able to meet directly with the President to discuss the issue, but this had no significant concrete impact on the actions taken by the Government, with continued refusal to take the step of supporting economic sanctions against South Africa. The contrast between the accessibility of activists to the UK and US Governments has been well highlighted in the final chapters of this thesis. By bringing this to the fore by means of a focus upon the Rivonia trial, the importance of domestic environments to the success, or not, of the efforts of activists working within the *civic-transnational* anti-apartheid network to lobby their government for action on the *international-diplomatic* stage is made clear.

An additional point to note is that, while anti-apartheid activists in the UK and the US had a mixed record of success with regards to their ability to put the issue of the Rivonia trial to their respective governments, when representatives of both countries were speaking in the UN or meeting with representatives of the South African Government, frequently justification of actions taken were on the grounds of public opposition to apartheid. To what extent this was indeed a result of lobbying by interested group or down to a calculated rationale to justify actions that would have been taken anyway according to the best interest of the country is a matter that can be debated. The archival record that has been drawn upon for the completion of this thesis indicates that the truth is a combination of the two.

Both the UK and the US Governments were concerned with public opinion for differing reasons. For the UK Government this was due to a very strong reaction from the wider public in support of the defendants and against apartheid policies. The US Government, on the other hand, was concerned about the trial and apartheid more generally when it was considered in connection to the public's response to their own domestic racial policies. Ultimately, however, a public response in opposition to apartheid was a measure that was helpful in keeping the friendship of those countries most opposed to apartheid. Framing it as a question of public opinion can be seen as a way to justify such action to the inevitable objections from the South African Government. It is not possible to discount the likelihood that such statements were calculated responses to a difficult diplomatic situation rather than incontrovertible evidence of the impact had from non-governmental sources. In utilising the Rivonia trial as the focus of study, it has been possible to observe closely how the Governments of the UK and the US responded to calls for them to act from both the *international-diplomatic* and the *civic-transnational* front. Such observation indicates that for, both countries, international diplomacy was the more substantial motivation for forming policies towards South Africa at the time of the Rivonia trial, even while public opinion was a justification for actions taken.

Beyond the above, more historiographical, intervention, however, this thesis has also made a number of more particular contributions to the existing literature. Firstly, it is clear that while the broad picture of the actions taken by the UK and US towards South Africa around this time are known, there is more to the picture than previously appreciated. The geopolitical interests of both were affected by the events happening in South Africa and any actions taken, or rather not taken, were decided with consideration of their respective national interests in mind. There was a reluctance at this time to be overly critical publicly of South Africa, and the option of economic sanctions was a line that neither would cross. Behind the scenes, however, many officials in each government were uncomfortable with what was happening in South Africa. By maintaining a focus on the Rivonia trial, it has been possible to explore the inner discussions within both governments. When doing so, disagreements between officials about how to respond have been made clear.

In the modern day, the Conservative Party of the UK does not have a good reputation when it comes to the issue of apartheid, with Margaret Thatcher's opposition to sanctions on South Africa cutting through to the public's consciousness very effectively. This is perhaps unfair, as Thatcher was working behind the scenes to facilitate a solution to the situation in South Africa by trying to persuade South African Prime Minister P. W. Botha to release Nelson Mandela, despite her public position.<sup>10</sup> The Rivonia trial happened long before the Thatcher era, of course, but what this thesis has shown is that even in the early decades of apartheid, and among those in Douglas-Home's government specifically, there was little support for the apartheid policies of South Africa with plenty of evidence available showing that many Conservative MPs and officials disliked South African racial policies deeply. The question at the heart of the matter though was how best to handle the issue and handle it in a way that was the least detrimental to the interests of the UK.

Chapter three of this thesis has brought to light the nature of the difficulties facing the UK Government as a result of the pressure it was facing due to its close relationship with South Africa. It was necessary, at this time, to try to balance the value of the UK's relations with countries of the New Commonwealth – those which had achieved their independence in the decades prior to the trial – with the value of its economic and strategic ties with South Africa. Attempts to try to quantify the monetary value of these relations were difficult and led to disagreement between governmental departments about what action was in the country's best interest. A report prepared by the Commonwealth Relations Office argued that damage to relations with 'Black Africa' would be more detrimental to the UK than the loss of trade and military support from South Africa. The fierce opposition to the ongoing Rivonia trial was a factor that had the potential to cause significant damage to UK relations with these

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<sup>10</sup> Chris Saunders, "Britain, the Commonwealth, and the Question of the Release of Nelson Mandela in the 1980s," *Round Table* 106, no. 6 (2017), 659-669.

countries and such a trade-off was viewed as a very real possibility in the near future. This assessment was challenged by officials in the Department of Defence, who were of the view that ties with South Africa should be prioritised. The details of these discussions are often new to the historiography and add to the complexity of the story of the UK's response to apartheid.

The significance of the Rivonia trial to the geopolitical interests of the US shares some similarities with those of the UK, but there are some differences nonetheless and these can be seen within this chapter. Before WWII, the US had limited interests in, or knowledge of, the continent of Africa and relied upon its Western European allies on this regard. It was only in the 1950s, during the Eisenhower administration, that a Bureau of African Affairs was set up in response to the wave of countries winning their independence. An exception to this was South Africa, and the two countries maintained a relationship based on close trading links and South Africa's strategic location and docking facilities. Apartheid, and the growing protest against it, was something that became an increasing inconvenience for the US. The US was keen to be viewed as the 'Leader of the Free World' and in the context of decolonisation, with the fierce disapproval these newly independent countries in Africa held towards their most southerly neighbour, its relations with South Africa were under a significant amount of scrutiny. It was a weak spot that the USSR was able to utilise when arguing that the US was not truly interested in racial justice.

Again, while this story, at least in broad strokes, is well known and covered within the existing historiography of the US's response to apartheid, how the Rivonia trial fitted in is less so. Many of the works written on the subject of US foreign policy towards South Africa use the administrations of particular presidents as their framework. The Rivonia trial spanned across the administrations of Kennedy and Johnson and, perhaps for this reason, is somewhat overlooked. When focussing on the responses of the US Government under both Kennedy and Johnson to apartheid during the Rivonia trial, the difficulty in addressing calls for action against apartheid South Africa are made apparent. The discussions that took place during the proceedings show the extent of the pressure facing the US Government and the concerns that existed with regards to what the future would hold in southern Africa. There are nuances to be picked up and a study such as this thesis, which has such a tightly bound temporal focus, has been able to draw these out.

Along the same vein, this thesis has provided an opportunity to highlight and examine in detail the discussions that took place in the UN in 1963-64 in a way that has not been done before. The events taking place in the UN are a preeminent example of the significance of the *international-diplomatic* response to apartheid and chapter four has explored this in depth. The Rivonia trial took place during a time when the Security Council was very active in debating apartheid with four resolutions passed between the arrests and the sentencing of the men. The matter of apartheid was

first was brought to the Council in 1960 in the wake of the Sharpeville Massacre but did not return for debate until over three years later. The resolutions debated and passed over the course of the trial were significantly concerned with political prisoners in South Africa. The position of the Rivonia trial as the most significant of the trials at the time is evident in resolution 190, which refers to it directly. The passage of these resolutions over the course of the proceedings is more than a coincidence. Concern for the Rivonia trialists is repeatedly in evidence in the discussions that preceded these resolutions. Moreover, the concurrent attempts to call for economic sanctions against South Africa at this time became directly linked to the trial as the most prominent political trial underway. Justification given for such measures was put down to the instability in the region that resulted from the draconian crackdown on protest within South Africa.

Following the Rivonia trial, the issue of apartheid receded and it would be some years before it would be discussed again in the Security Council. Earlier studies of apartheid in the UN broadly overlook this episode in favour of the resolutions passed in the 1970s and 1980s.<sup>11</sup> The outcome of the resolutions in 1963 and 1964 was a limited arms embargo against South Africa, together with words of condemnation, and this does not match the impact of the later resolutions. Nonetheless, this does not mean they were insignificant. This thesis has recounted in detail the negotiations involved and the difficulties posed to both the UK and the US, something which has been broadly overlooked until now. While, ultimately, the interventions that was attempted in the early 1960s to force South Africa to make changes to its domestic apartheid policies were unsuccessful, the attempt to utilise the Security Council along the lines of Chapter VII of the UN Charter was a new stage of the fight against apartheid. This episode can be seen as a steppingstone for the fight that was to resume in the 1970s. Resolution 282 of 1970 objected to the violations of the arms embargo stipulated in resolution 191 of 1964 and called upon states to extend their embargo further by ending the provision of military training of South African armed forces. Resolution 418, on the other hand, went a further step still by making the embargo mandatory upon states rather than voluntary.<sup>12</sup>

The response to the Rivonia trial in the UN has also served as an opportunity to view the role played by the newly independent states in Africa in getting the issue raised to prominence. This was a development that was not anticipated by the founders of the UN, which, of course, was formed before the wave of decolonisation occurred. India was responsible for much of the earliest opposition to apartheid by bringing the issue repeatedly to the General Assembly during the 1950s. It was largely

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<sup>11</sup> See for example Audie Klotz, *Norms in International Relations: The Struggle against Apartheid* (Ithaca: Cornell University Press, 1995), 48-54.

<sup>12</sup> The two resolutions can be found in the UN Digital Library: "Resolution 282 (1970)", July 23, 1970, <https://digitallibrary.un.org/record/90786?ln=en>. "Resolution 418 (1977)", November 4, 1977, <https://digitallibrary.un.org/record/66633?ln=en>. Accessed September 17, 2023.

down to the leaders of newly independent African states, however, that the issue was taken to the Security Council and the matter pressed so forcefully at the UK and the US in the early 1960s. By August 1963, in a US State Department assessment, the issue of apartheid was noted as one that had become wearisome to many countries.<sup>13</sup> The UK and the US would have preferred to not have their interest in maintaining close ties with South Africa questioned and challenged, but the UN was a forum that allowed this. The months of the trial were a flurry of activity despite this reported weariness, and the huge concern from African leaders about the lives of the defendants can be fully viewed in the records of debates and discussions at the time. Although the attempts of African leaders did not result in the economic sanctions they were calling for, the episode is still illuminating of the changing international environment and the ability of new states to utilise means to get their concerns heard on a global stage.

Finally, chapters five and six of this thesis have shown how the Rivonia trial was significant to the *civic-transnational* anti-apartheid movement and argues it deserves to be recognised as a seminal event that impacted upon non-governmental actions to oppose apartheid. Despite taking place at a time when non-governmental protest was at a low ebb and when the position of South Africa seemed unassailable, the renown of the men on trial, and the picture they presented of fighters of a just cause with their principled, thoughtful opposition to apartheid, was instrumental in gaining support for the struggle. The transnational aspect of the fight against apartheid was particularly important, as the ANC was at the centre of this network. Prominent anti-apartheid campaigners in both the UK and the US had long standing ties with some of the men thanks to earlier efforts to support the work of the ANC. The genuine concern felt at the thought of the men facing death sentences has been illustrated and shown to be a motivation for significant action taken on their behalf. While the Rivonia trial is mentioned in the historiography of the anti-apartheid movement, it frequently is done so only in passing in works that cover a broad sweep of time. It is true that the trial was one among many other key events that served to aid the movement to gather broad public support, but all too often the trial seems to retreat into the background, with other events treated with much more prominence. This thesis argues that the Rivonia trial should be instead counted as one of the most seminal events that happened in the global fight to end apartheid in South Africa.

The picture drawn of campaigning on behalf of the trialists in the UK is one of huge vibrancy and activity from multiple quarters. The impression given is of widespread support for the Rivonia men and this is demonstrated by the multiple examples of large-scale protests, letter writing campaigns and petitions. The fundraising efforts were also successful with national campaigns running

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<sup>13</sup> Enclosure, Handyside to Brubeck, August 9 1963, "United States Strategy at the 18<sup>th</sup> General Assembly, Part One: The Political Climate" 2-4, document 1 and 1a. National Security Files, William H. Brubeck, Box 388, "United Nations – 18<sup>th</sup> General Assembly." JFK Library.

in multiple newspapers. Church and student groups, trade unions and political activists played their part in building a prominent movement with the trial as its focus. While the AAM was London based, efforts were made to gain support from across the country with activists such as Harold Wolpe and Arthur Goldreich – new to the UK after escaping South Africa and avoiding joining the Rivonia trialists on the stand – travelling to meetings across the country. The work of the World Campaign for the Release of South African Political Prisoners, meanwhile, created material that helped to support the campaign globally. The petition that was organised by the Campaign gained ninety thousand signatures and the organisations supporting it had a membership of 250 million altogether. Some of the details covered within these chapters have been written of elsewhere. For example, *White Lies*, a book about the work of Canon John Collins, does cover the efforts he made on behalf of the defendants.<sup>14</sup> Much of the information, however, has come from archival sources and, in gathering together these details of the campaigns in both the UK and the US, this thesis not only introduces new information about this period of the fight against apartheid, but also allows for contrasts to be made regarding the campaigns of both countries.

Despite the most prominent anti-apartheid campaigners knowing the same people in the ANC, and being in contact with each other, sharing ideas and campaign information, the particular domestic realities were significant to how their respective efforts were received. The reception of campaigners in the US was vastly different to their colleagues in the UK. The ACOA in the US faced a very inauspicious domestic environment, with significant obstacles arrayed against attempts to build support for the defendants in the Rivonia trial. The most significant was the overt anti-communism that was predominant in the US around this time. Although the McCarthy era was over, accusations of support for communism and of links with communists were still damaging for those facing them. The memory of the fate of organisations such as the CAA were well remembered by those continuing the work to support and promote interest in Africa, including apartheid in South Africa.

The President of the ACOA, George Houser, had longstanding ties with the ANC and he knew Walter Sisulu from the support he provided to the Defiance Campaign in 1952. Houser cared deeply about assisting the men on trial, but his efforts appear to have been blocked on multiple occasions. This thesis has taken note of the ideas for action that he suggested only to find little evidence that many of them came to fruition. The barriers to substantial anti-apartheid activity were, at this point in time, too strong. All the obstacles arrayed against Houser and the ACOA, together with other organisations interested in bringing an end to apartheid, meant that there was no substantial campaigning on behalf of the defendants and therefore it is understandable that much of the focus of historians of the anti-apartheid movement in the US have focused more closely on the more successful

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<sup>14</sup> Herbstein, *White Lies*.

later years of the campaign. This thesis has shown that a lack of success did not mean there was a lack of effort. The work that Houser put in to help the defendants at the time faced huge challenges, but his efforts did help to ensure that the US anti-apartheid movement remained in close contact with other activists within the transnational network and this would help ensure US involvement in later campaigns.

A final word: in working to deliver a comprehensive study of the Rivonia trial and its significance on the global stage, this thesis has brought together a vast amount of information from several countries, including diplomatic messages, inter- and intragovernmental communications, and protest material and correspondence from multiple non-governmental organisations and individuals. Pulling these threads together has allowed for a thorough examination of the trial and its impact. In the early stages of planning, however, further exploration of what happened following the trial up until the point of the release of the defendants was planned. The sheer amount of information found regarding the activism in response to the Rivonia trial has meant that the focus of this thesis remained on the months of the trial itself. Preliminary reading about the years between the sentencing of the men and their release indicates that the trial remained a matter of interest and action on both the *international-diplomatic* and the *civic-transnational* level with a clear involvement from both the UK and the US. Further exploration of this would be a very interesting project and a valuable follow up to the work done within this thesis.

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George Bizos, 3<sup>rd</sup> December 2018 – 1 hour, 32 minutes. Johannesburg, South Africa.

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- BTS - Departement van Buitelandse Sake/Department of Foreign Affairs

##### **University of Witwatersrand**

- 4a-2186-AD-ANC-RESTRICTED



B. United Kingdom

**University of Oxford, Bodleian Library**

- MSS AAM Archive of the Anti-Apartheid Movement, 1956-98

**The National Archives, Kew, London (TNA)**

- CAB Cabinet Office, series 21
- DO Dominion Office, series 181
- FO Foreign Office, series 371
- FO Foreign Office, series 1117
- PREM Prime Minister's Office, series 11

C. United States

**Amistad Research Centre, New Orleans, Louisiana**

- ACOA Archives Series II, Programs and Activities in the United States  
Series III: Programs and Activities in African Countries

**United States, Lyndon B. Johnson Presidential Library, Austin, Texas**

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