

CIVIL RIGHTS

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News Letter

(Box 3807, Cape Town)

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Coming Events

We would draw the special attention of our readers to the notice of our Annual General Meeting enclosed with this issue (and also to our Annual Report). The meeting promises to be most interesting, and we hope you will come and bring your friends. What happens in America to-day has much relevance for us in South Africa.

Advance Notice: We understand that Dr R. E. van der Ross, who has also recently visited America, will be addressing a public meeting during October under the auspices of the Institute of Race Relations. Keep a look out for further details regarding date and place.

Constitutional Policy

The recent special Congress of the United Party issued a statement on constitutional policy which is of importance to all thinking people. It announces the Party's intention of restoring the Coloured voters to the common roll, and of reforming the Senate. While some points need further clarification, the following good points about this policy may be noted.

1. It restores to the common roll the Coloured voters who were previously on it, although it lays down higher qualifications for any new applicants.
2. It proposes that one quarter of the members of the reformed Senate shall represent the Coloured and African groups.
3. The need for a two-thirds majority in the Senate to approve of legislation means that it would no longer be possible for representatives of the White group to pass legislation which was not approved of by the non-whites' representatives.
4. The reservation of franchise and constitutional issues (and certain others to be prescribed) means that legislation on these subjects could not be forced through by White representatives at a joint sitting.
5. It is proposed to return to the system of election by proportional representation, thus allowing for the representation again of White minority groups in the Senate.
6. The proposed arrangement would permit of extensions of the non-White franchise later on an agreed basis.

7. Election to the Senate is to be direct by the voters in all cases, instead of on the old basis of an electoral college of M.P.'s and M.P.C.'s for Whites, and nomination by the Governor-General for Coloured or African Senators.

There are, however, points which must certainly be unsatisfactory to the non-White groups. For instance,

1. There has apparently been no consultation with non-White opinion.
2. There appears to be no provision for extending to the Northern Provinces the limited representation at present enjoyed in the House of Assembly by Africans.
3. There is no suggestion of restoring Africans to the common voters' roll.
4. No provision at all is made for representation of Indians in either House.
5. The proposal to allow Coloured and African groups to elect members of their own groups to the Senate has been rejected.
6. The principle of group representation in the Senate (as at present in force for Africans) is retained.

In commenting on the proposals, Advocate D. B. Molteno says, inter alia:

"It is important that the United Party plan should be viewed in its proper perspective. It is not, and does not purport to be, a long-term solution of the Union's race and colour problems. It is put forward as an immediate practical reform adopted by a political party." Mr Molteno points out that, had the Senate been constituted as the United Party now proposes, the stream of repressive legislation of the past nine years could have been averted.

Mr Molteno considers that the question of which subjects are to be "prescribed" as not open to a joint sitting is very important. "Unless these subjects include all proposals to discriminate on the basis of race or colour," he says, "the essential purposes of the whole plan will be seriously undermined."

In the long run, says Mr Molteno, a solution of our race and colour problems "must be founded upon the general consent of all our various racial communities.... Ultimately ... a solution by consent

must involve the constitutional entrenchment of the fundamental rights of the individual, irrespective of race or colour, and an adjustment of franchise rights so as, in the first place, to attach due weight to the value of the individual's functions in the community, and, secondly, so as to "weight" the votes of members of minority groups in order to balance their political power against that of the majority. Devices such as these, or variants of them, are familiar in the constitutional history of other plural societies." But these, he says, are long-term objectives. Mr Molteno considers that the United Party are wise to recognise that there is no immediate solution of the complex problems of our plural society. The danger he sees is in the "slow advance in European public opinion relatively to the rapid progress of the achievements, needs and aspirations of the non-European peoples", and he feels every effort should be made to bring the Europeans as a whole to a sense of reality.

And the Liberals?

In view of these comments it is interesting to turn to the constitutional policy statement recently issued by the Liberal Party. The Party recognises that "if a social, ethnic, religious or economic group - whether in a majority or otherwise - possesses both the strength and determination to impose a tyranny upon the rest of society, constitutional checks will provide no safeguard ... If, however, the basic desire among all groups to maintain political unity and social peace is present in sufficient strength, constitutional checks and balances will be of assistance in maintaining and fostering that desire and, in circumstances of transient crisis, may even suffice to prevent its complete destruction."

The Party proposes to secure (after it comes into power) the summoning of a new National Convention, this time representative of all racial groups. "The power to recast the Constitution would have to be conferred upon such a Convention by a statute of the Union Parliament, subject to general agreement being reached on the nature of the constitutional reforms desired." The Constitution should not be alterable except by a further Convention.

The Party lays emphasis on the freedom of the Courts from political influence and on the entrenchment of individual rights and liberties as laid down in the United Nations Declaration of Human Rights.

It is also intended that the powers of Provincial authorities should be extended to include such powers as education, public health, housing and police, and that the Union Parliament should have no power to invade such fields.

The Party says: "To those who are intent on the maintenance of racial domination, this policy offers nothing. To those who genuinely desire racial co-operation but fear the ultimate possible dangers of majority rule, it offers reasonable security for the maintenance of their fundamental human rights, without discrimination based on race or colour."

The Difficult Transvaal

The Transvaal Provincial Council has published a draft ordinance enforcing bilingualism on all local authorities, laying down penalties of up to £5 a day for any town clerk who fails to comply, and similar fines for any councillor found guilty of "inciting or instigating the town clerk not to comply". Bilingualism in all documents may be enforced where two or more members of a council send in a written demand to the town clerk.

The "Vaderland" deplores the legislation, saying the problem can be solved by "normal courtesy" and by making promotion dependent on bilingualism. The "Sunday Times" supports this attitude, and comments: "If this unnecessary and meddlesome ordinance is forced upon the Transvaal, we foresee plenty of trouble for the local authorities and many injustices for their employees."

It is noteworthy that both the Administrator of the Cape and the Acting Administrator of the Free State have stated that such legislation is unnecessary in their Provinces!

The Back Door

The President of the Natal Indian Teachers' Society has sent to the Chancellor of the University of Cape Town a photostat copy of a Visiting Permit granted to an Indian student and endorsed: "Student Fort Hare, not to be admitted to the Univ. of Cape Town".

Mr Lazarus pointed out that this rule - "and I .. know of no law to support it" - interfered with the rights of students. The "Cape Argus" commented: ".. when the Government have not succeeded in getting a Bill made law, they are prepared to get their own way by administrative orders to their officials."

There has been no departmental or political explanation.