

CIVIL



RIGHTS



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Cape Town

News Letter

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Human Rights Day

The Archbishop's subject on December 11 is to be "Christian Principles and Human Rights". As already announced, the meeting will be held in the Rondebosch Town Hall. The time (please note) has been changed to 8.15 p.m. We need not tell our readers to come and bring their friends to what will be a worth-while and thought-provoking meeting.

1942 and 1961

In the American Committee on Africa's publication, "Africa To-day" for October there appears an article by Elizabeth Landis on "The New Order in South Africa". Space forbids us reproducing it in full, but we give its main points as providing an acute summary of political developments over the past thirteen years. Miss Landis (who holds the LL.B. of Cornell and a doctorate of the University of Lyon) says, inter alia:

"On May 31 of this year the Boer War was finally and conclusively settled by the establishment of the Republic of South Africa and its quasi-voluntary exit from the British Commonwealth...

In view of the symbolic importance of the new South African constitution, it is surprising to find it such a sober, lawyer-like document, so similar to the statute which it replaces. The tone and contents are particularly surprising to anyone who has read the constitution for a republic of South Africa published in 1942 in Die Burger and Die Transvaler... What, then, has happened to the extremist provisions of the 1942 constitution?

Miss Landis notes (1) that the Vierkleur proposed in the 1942 document has not been adopted; (2) that the 1942 provision for Afrikaans to be the "first official language" has been replaced by official equality for English and Afrikaans; (3) that the stress laid in 1942 on the "home language" in education has been overridden in practice by official decision of the medium of instruction irrespective of parents' wishes; (4) that as against the 1942 emphasis on the "Christian-national" basis of education, "The 1961 constitution limits God to the preamble and a brief and formal acknowledgment of his sovereignty" (statutorily, that is).

Two revolutionary provisions of the 1942 Constitution that have been dropped, says Miss Landis, are the suggestion of a "Community Council, in which the spiritual, cultural, economic and social interes of the community, and of groups within the community, will be represented in an advisory capacity" as a substitute for the present Senate, and the proposal to increase the "loading" in delimitation of constituencies from 15 to 20%.

Miss Landis then goes on to point out, significantly, that many of the more drastic provisions of the 1942 Constitution which have disappeared from that of 1961 have in fact already been brought about by legislation - this with special reference to the "Government of the Non-Registered Non-European Groups". Thus the proposal that "every coloured group of Races, Coloured, Natives, Asiatics, Indians, etc." shall be segregated as to where they live and work has been accomplished by the Group Areas Act and its supplementary legislation.

The 1942 provision for "self-government" of each segregated non-white group "under the central management of the general government of the country" has been carried out, as regards the Africans, by the Bantu Authorities Act and the Promotion of Bantu Self-Government Act. Coloured and Asian groups, says Miss Landis, have not yet experienced "self-government" under central management because the Government has not yet succeeded in locating their "historico-logical" homelands within South Africa. "The proposal for controlled self-government for non-white groups in urban locations has been implemented in limited fashion for the Africans under the Urban Areas and Bantu Self-Government Acts; the purpose is admittedly to further the process of re-tribalizing urban Africans by bringing them under the authority of tribal indunas. The Group Areas Act makes such developments possible by requiring the members of each racial group to live in the areas set aside for that group only." Miss Landis says that the 1942 Constitution was "far more candid than government spokesmen to-day" as regards its proposals for the reserves, where chiefs were to rule according to custom but under the supervision of the Government, "and subject to the demands that such rule shall not work against the interests of the Republic". She says that as a result of the passing of the Bantu Authorities, Bantu Self-Government and Native Affairs Acts during the last ten years the drafters of the 1961 constitution have been enabled "to avoid mention of the whole subject of tribal rule".

Miss Landis points out that the 1942 draft implicitly demanded job reservation by race, and that this has been largely accomplished by amendment to the Industrial Conciliation Act and by the Native Building Workers Act. Non-Europeans educated for professional callings, who are referred to in the 1942 draft, are, she says, "still untouched by current legislation, but they are so few in number as to cause no 'problem', except in the case of teachers, and non-white teachers are certainly not going to be hired to teach in segregated (white) schools. Recent legislation has, however, advanced the spirit of the 1942 draft by empowering the government to prescribe different health and safety regulations for workers of different races, as well as segregated exits, entrances, time clocks, first-aid rooms, and other amenities where factories employ both whites and non-whites. The last proposal of this article in the 1942 draft, that whites shall not be employed by non-whites, has been put into effect by regulation under the Group Areas Act".

Miss Landis quotes the basic principle of the 1942 draft that whites are to deal with non-whites in an attitude of "Christian guardianship ... The principle of no mixing of blood and of segregation must be maintained as being of fundamental importance for the future existence of a white civilisation in the Republic of South Africa." She points out that legal protection against "mixing of blood" has been tightened by the Immorality and Prohibition of Mixed Marriages Acts.

The demand in the 1942 draft that the currency of the Republic have a "purely indigenous character" has of course been met by the adoption of the decimal system based on the Rand.

Miss Landis sums up: "In conclusion, the 1961 constitution cannot, unfortunately, be said to contain any promise of a new and happier era in race relations. It is a chilling and sober document, designed to conciliate the whites, while keeping the mechanics of control in Afrikaans hands (the gerrymander provisions remain). It has clearly dropped the flamboyant propaganda qualities of the 1942 draft ... The new constitution assumes the entire structure of apartheid, constructed during 13 years of Nationalist supremacy. As the South African constitution may, except for the two "entrenched" clauses, be amended in the same manner as an ordinary statute, no purpose would be served in incorporating such long and complicated legislation (as that suggested in the 1942 draft) in the constitution, where it would only expose to the outside world the true nature of the new order in

South Africa."

We are grateful to "Africa To-day" for this bird's eye view, which helps us to see ourselves in perspective.

Apartheid in sport

Senator de Klerk is again reported as saying that it is not the policy of the Government that members of the different racial groups in South Africa should take part in joint sporting events within this country (this, presumably, because he does not wish to incur the odium of preventing South African boxers from taking part in inter-racial bouts in Rhodesia).

It must again be emphasised that this is a form of "moral" suasion. So far at least, there is nothing illegal in inter-racial sport: the Government is merely trying to prevent it by creating a public assumption that it is not permitted. Private and even public bodies are within their rights in encouraging it.

Censorship - direct and indirect

We would respectfully recommend our new Minister of Information to read and take to heart Milton's "Areopagitica". So far he has done nothing to prove that an "English" Nationalist Cabinet Minister is going to have any advantage in his new job. The Council of the South African Society of Journalists has our entire support in its objection to Mr Waring's (misinterpreted?) call for a "moratorium" on "harmful and unjustified criticism of government policy", and in its protest against the action of the Post Office in Durban in holding up a press cable about an interview with Chief Luthuli - which, of course, was promptly sent by another method of transmission. The Council says: "...news-papers must be free to criticise any Government at any time... (the Society) does not speak for any group of newspapers, either for or against the Government... No State can be safe if there is no freedom of speech ..."

Dr Brookes surely voiced the view of all freedom-loving South Africans when he said: "We intend to keep on speaking ... the more we are threatened, the more we shall speak and the louder we shall speak - that is how we must stand."

Good Resolutions?

The Season's Greetings to all our readers! May we suggest (a) that they catch up on any unpaid subs; (b) that they try to rope in at least one new member before the end of the year?