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RIGHTS

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News Letter

Birth of a new Party

The emergence this month of the South African Labour Party is one of the most encouraging phenomena in the political sphere for some time. True, its membership is at present to be confined to Coloured people. No doubt its founders would prefer, as we would ourselves, that this should not be so. But it is a healthy development that so many acknowledged Coloured leaders should have decided to work within the framework of present political restrictions for the betterment, first, of their own section of the community and thereafter of their country as a whole. The day of boycotts is over. From this change, nothing but good can come.

The aims of the Party, as set out in its draft constitution, include the following:

- * To raise the status of all workers in South Africa by working for the provision of minimum basic wages at a civilized level, adequate working conditions, pensions, sick benefits, housing at economic standards, home ownership, and compulsory and adequate education for all according to age, aptitude and ability
- * To strive for the effective participation of all workers in the government of the country, by participation in the councils of the nation, in particular by ensuring that all persons attaining prescribed qualifications (to be decided by the Party congress) shall vote for, and be eligible for membership of Parliament, provincial councils, municipal councils and other instruments of central and local government.
- * To work for the elimination of the colour bar in legislation, as well as in the practical application thereof.
- * To strengthen the trade union movement.
- * To develop a political arrangement for the country so that all sections of the population are treated, to their own satisfaction, fairly and justly, so that the rights of all minority groups are protected, and, in particular, to ensure that those

qualifying for membership of the party shall not be disqualified from full citizenship, or from participation in politics ... by reason of race, colour or religion.

The Party is prepared to review the restriction on membership "as conditions in the country change". Its first practical step will be to contest seats on the Coloured Representative Council. From the comments made by the Council's present Chairman, it is clear that the new Party's prospects of success are taken seriously.

We wish the Party all success. If, however, we may venture one minor criticism, we wonder why it proposes to limit participation in the government of the country to "all workers". How does it define a "worker", and on what grounds does it exclude such people (for instance, housewives) as might fall outside its definition? We suspect this is a slip of the pen, but it should be clarified.

Economic and political power

The Party's emphasis on practical points suggests that it is fully aware of the importance of economic and educational development as steps to political power. It is significant that Mr Julius Lewin has recently been considering the same point in relation to the African citizens of our country. "Of the defects inherent in South Africa's colour policies", he said in an article in the "Cape Times", "none is so significant as the failure to allow a true middle-class to emerge among Africans ... The position of the would-be business men is the test of the strength of the middle class in any society. The reason lies in their independence of employers and therefore in their potential pressure as a political force. Nine out of ten Africans, however, including the 25,000 teachers and all the clerks, hold their jobs at the discretion of a White employer who can dismiss them at any time for one reason or another. It is this insecurity which held the educated African back from active participation in public affairs even in the days before the Sharpeville emergency resulted in the crushing of all political organization ...

While one does not expect men to embark on business for the sake of gaining political power, the emerging African middle class might well follow the example of the South African Labour Party in recognising the connection between the two.

Human beings and the law

We heartily endorse Mrs Robb's plea recently to employers to take a sympathetic interest in the problems of their African employees who are caught in the meshes of the influx control regulations involving themselves or their families. The Institute of Race Relations and the Athlone Advice Office are doing a magnificent job, but they cannot help all the people involved. The Minister of Bantu Administration told Parliament that 4,870 African men and women had been "endorsed out" of the Cape Peninsula in 1964. In some cases, said Mrs Robb, Africans born and legally resident in the area had married girls from other areas, and the wives had been promptly endorsed out. It seemed that such people might never be able to have their wives living with them. No wonder the chairman of the meeting described these laws as "a terrible indictment of our society".

Take the case of Mrs Rebecca Motale which recently came before Mr Justice van Winsen. The judge found that there was no place in South Africa where Mrs Motale (born in Ndabeni, but legally married to a Mosotho working in Stellenbosch) could legally live. She could not live with her husband because she had no residential rights in Stellenbosch. She could not live with her parents because she was no longer an "unmarried daughter". Even in Basutoland her now disabled husband has no remaining relatives, or at least close relatives. No wonder the Judge said there was "no reason why the matter could not be dealt with sympathetically at an administrative level", and added, "If some way could be found for her to join her husband, then the result would be in accordance with civilized standards, and, indeed, Christian ethics".

This is one case that has been highlighted. But such cases probably happen every day. Even one would be a blot on our so-called Christian civilisation.

"Not many"?

Recently the "Star" reported that 600 African women had been tried for "pass" offences in Fordsburg in three and a half months. A Bantu Affairs official said that these "pass" arrests "had not reached abnormal proportions", and that "when you consider there are 105,000 Native women registered in Johannesburg - and probably many more that we do not know about - the figure of 600 in a few months is not very many". These women had infringed the regulations, either by being in the area illegally or by failing to produce their reference books on demand.

Imagine the comment if they were white women!

Mr Fouche and the rule of law

The Minister of Defence was reported as saying recently at a meeting at Odendaalsrus that "if it were necessary to overstep the rule of law now and again to save South Africa, he was prepared to do it; that "he realised ... that drastic steps which had been taken had overstepped the rule of law, but South Africa meant more than the rule of law".

No one could object to the State proclaiming martial law if its safety were threatened. It has happened before in our history. But the difference between these previous cases and the present régime is that, in the former, men were brought to trial and given the opportunity to defend themselves in a court of law. To-day, people who are considered by the Government to threaten what Mr Fouche called "the South African way of life" are all too often restricted or detained with no appeal to the courts at all, such appeal being in fact legally excluded. We do not know whether Mr Fouche included such cases among the acts he regarded as justified "to save South Africa". He is not, after all, Minister of Justice. But a former Judge of the Appeal Court (Mr Justice Schreiner) and other high legal authorities do not.

One of our members commented in a letter to the "Cape Times":

"... the rule of law enjoins that the courts themselves would uphold such drastic powers if the authorities could satisfy them of a threat to State security ... It appears, therefore, that the only reason there can be for legislation authorising drastic police powers, uncontrolled by the courts, is because the Government knows perfectly well it cannot prove the necessity for such powers before an impartial tribunal. For what the rule of law does not permit is arbitrary assault on the rights of individuals who hold views unacceptable to the political party forming the government of the day; not even if those views are expressed in very strong and outspoken criticism of government policy ... "to save South Africa" ... the common law itself equips the authorities with ample powers."

Educating the electorate ... Bravo, Mr Vorster!

Said Mr Vorster in Bloemfontein recently to a Nationalist Congress, "I cannot issue a licence for one man to beat up another man... The law is clear that no man - no matter who he is - may assault another man. This principle must be maintained at all times."

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