

CIVIL



RIGHTS



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News Letter

Our new Patron

To the great regret of the Committee, Dr Oscar Wollheim firmly refused to accept the office of Chairman of the League again after the annual general meeting in October. But we are pleased to say that he has agreed to join the ranks of the League's Patrons - a body of men and women whose acceptance of that office has contributed greatly to the League's standing over the years. Equally valuable is his continued membership of our Committee, where his wide and varied experience is of the greatest value.

The Committee is greatly indebted to Dr Kenneth Hughes of the University's Maths Department for accepting the chairmanship for the current year.

Steps in the right direction (Cape Times, 10/12/76)

We wholeheartedly commend two moves reported as being made by the authorities which should help towards quieting the present unrest in our African townships: the offer by the Education authorities to allow African school children to write their end-of-the-exams in February, and the undertaking by the Minister of Justice to release detainees held under preventive detention provisions of the Internal Security Act by the end of this year provided there is no more rioting. But, as the Cape Times points out, these are only beginnings. "If there is to be real and lasting peace, Pretoria must embark on a fundamental change of direction - away from separate development" - and, we would add, towards the reinstatement of the Rule of Law by abolishing banning and detention without trial.

Human Rights Day (Cape Times, 10/12/76)

In this latter connection we quote a summary by the Black Sash of the erosion of the Rule of Law under the Internal Security Act which highlights the effects of this Act on the individual citizen:

* The State President (in effect the Minister of Justice) need no longer claim that a person is a communist or terrorist in order to detain him; he need only assert that that person engages in activities which, in his opinion, may endanger the security

of the State or the maintenance of public order (our italics).

* Detainees may be held for 12 months at a time, renewable annually, without ever being charged or convicted in a court of law. There is no appeal to the courts.

* No other body under the Constitution - neither Parliament nor the courts - may supervise or control the Executive in the exercise of these powers. Mistakes may be made and powers could be abused with impunity. In effect the Executive is placed above the law and the Constitution.

* Persons who it is thought could give material evidence in a court case may be detained if, in the opinion of the Attorney General, they need protection, might be tampered with or are likely to abscond. For them, prison conditions are worse than for awaiting-trial prisoners: they have no right of access to family or lawyers (It does appear that in the case of recent detentions visits are being permitted).

* Any member of the South African Police who is informed that a detention order has been issued may, without warrant, arrest the person referred to and keep him in custody for up to seven days.

* Detentions will be reviewed by a three-man committee at six-month intervals. But the committee's proceedings are not open to the public and its findings need not be disclosed. The Minister need not disclose to the review committee the evidence on which he has acted, and the committee is not compelled to hear verbal evidence from the detainee.

The Declaration of Human Rights (Article 3) says simply: "Everyone has the right to life, liberty and security of person". We've got a long way to go, Mr Kruger.

What you can do about apartheid (Cape Times, 3/11/76)

Professor H W van der Merwe, of the Centre for Inter-group Studies at UCT), has called on the man in the street to assist the Government in putting into practice its declared intent to move away from race discrimination, by discovering and publicising "loopholes" in the apartheid policy. Public opinion today, he says, is in favour of removing discrimination. The Centre is shortly to produce a handbook which will help towards this.

Such action on a wide scale would undoubtedly relax tension, and might even encourage the Government to speed up the abolition of the relevant legislation ...

Smear tactics? (Cape Times, 3/12/76, 10/12/76)

The Minister of Justice and Police, Mr J T Kruger, has been at pains to explain to a delegation from TUCSA which visited him recently to protest against the banning of certain individuals who (incidentally, he says) may have had links with trade unions but are not trade unionists. The reason for such bannings, he says, lies in their "personal activities", which he is convinced "endanger the maintenance of public order".

The Security Police chief in Cape Town has adopted the same attitude to the recent detention of Mrs Jean Naidoo for twelve days, with interrogation. It was not, says the officer, in connection with the recent production of a "Solidarity" poster, or with the evidence Mrs Naidoo gave to the Cillie Commission, or "anything else she might have said".

Wouldn't it have been simpler - not to say more just - to bring Mrs Naidoo to court to face any charges the Security Police may have wished to lay against her? Have they even told Mrs Naidoo herself why she was detained?

The League has protested (Cape Times, 3/12/76) against the banning and detention of a number of UCT staff members and others who were active in the trade union movement and in the University's Wages Commission.

Where it began ... (Cape Times, 26/11/76)

For those whose detailed memories of government policy do not go back twenty years, it may be worth while quoting a statement made by the late Dr H. F. Verwoerd in 1954 during his tenure of the ministry of Native Affairs:

"Education must train and teach people in accordance with their opportunities in life, according to the sphere in which they live. Native education should be controlled in such a way that it should be in accord with the policy of the State ...

"Good racial relations cannot exist when the education is given under the control of people who create wrong expectations on the part of the Native himself."

In 1959 the then Minister of Bantu Education (Mr W.A. Maree) said: It is the basic principle of Bantu education in general that our aim is to keep the Bantu child, a Bantu child ... the Bantu must be so educated that they do not want to become imitators (of the Whites), that they want to remain essentially Bantu!

To quote Mr Maree again, the basis of equality then existing between White and African staff at Fort Hare "must inevitably create the impression amongst the non-Whites that apartheid is

something that disappears as soon as one attains a certain academic level. Not only does it create the fallacious belief that the disadvantages and defects of apartheid can be overcome by attaining a certain academic level, but it also arouses amongst the non-Whites the subtle expectation that academic training will remove discrimination from South Africa."

(Quotations from an article on "Bantu Education" by Mrs Daphne Wilson, Cape Times, 20/11/76)

It is against such attitudes as these, and the resulting concentration of high school and university education in "homelands", that African students have been protesting in 1976.

One redeeming feature is that schools under the Bantu Education Department are to get books in Forms III, IV and V as from January, 1977.

Job reservation - a farce? (Sunday Times, 14/11/76)

The Sunday Times stated recently that while in practice job reservation hardly exists, and benefits a mere 100 000 people (0,4% of South Africa's total population), on paper it "provides sufficient cause for even the most well-disposed to turn against South Africa". As an example the paper quotes the latest law (28 of January 1975) relating to the building industry, which bars Blacks from

- * applying the final coat of paint on a wall.
- * Wallpapering, paper hanging and signwriting.
- * Laying face bricks (but they may lay bricks that are to be plastered).
- * Final plastering (but they may do rough plastering).
- * Nailing down corrugated iron roofing.

Black trade unions not illegal (though not registered)

Mr J R Altman, a prominent trade union official, has pointed out to business men that there is no law which prevents them from recognising Black trade unions, as indeed a number of them have already done. He suggested that firms maintain the government-inspired committee system for their African employees, but also grant recognition to Black unions.

The bannings of trade unionists in the 1960's and '70's, said Mr Altman, had been one of the causes of the lack of young people in the upper echelons of registered trade unions. "There can be no doubt that people are afraid to work for trade unions today," he said. (Cape Times, 30/11/76)