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CIVIL RIGHTS

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News Letter

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Civil rights and riots (Argus, 18/6/80; Cape Times, 21/6/80)

It is a great pity that legitimate peaceful protest by scholars and industrial workers should have been compromised by the violence (as far as one can see, not connected with either issue) that has erupted in some Cape Flats townships. We hope that this unfortunate development will not discourage the Prime Minister from keeping his promise to go into the whole education issue thoroughly and put right, as speedily as may be, what is wrong.

Rev. Allan Hendrickse, leader of the Labour Party, has summed up the situation by saying that grievances in the coloured community are now so acute that a meeting between recognised coloured leaders and the Prime Minister is an essential step towards easing tensions.

"Now is not the time to issue warnings and threats. It is a time for talking at the leadership level ..."

"I hope the Government will now take note of the mood of the people. I hope they will realise that instead of looking for agitators and communists, they should look at reality and accept that the root cause of the trouble is Government policy and the high-handed and arrogant actions of the Government..."

A deputation of prominent educationalists, headed by Professor Erika Theron, has had talks with the Prime Minister, and has made a statement which sums up the position very effectively. They said:

"We emphasized that, although the unrest had begun with education, the causes lie infinitely deeper and that it had emerged from other socio-economic circumstances as well. We also stressed, however, that the basic causes lie in the political sphere and must be ironed out there by a process of adaptation, which can only occur through political equalization."

Their concluding points suggest (we hope) that there will be real progress in that direction. "The Prime Minister", they said, "showed complete understanding and sympathy for the problems. We are convinced that the previously-announced measures

are enjoying his full attention and are being carried out as quickly as possible."

We can only hope that they are right.

Release detained community leaders (Argus, 30/5/80)

The President of the South African Institute of Race Relations, Mr Rene de Villiers, has made a very wise suggestion that he believes (and we agree) would help to "defuse the situation" - namely, that the Government should release detained community leaders and undertake direct negotiations with "those who could legitimately be regarded as representative of pupil thinking" - or, if this is really impossible, find mediators acceptable to both sides.

We hope the Prime Minister's meeting with Professor Theron's deputation is the first step in this direction.

The "legitimacy" of the President's Council (Cape Times, 9-11/6/80)

In recent articles in the Cape Times Dr Hermann Giliomee of Stellenbosch has defined the legitimacy of governing bodies as depending on their being seen as permanent, representative and elected. By this standard, the newly established President's Council will fall lamentably short, as it is to be entirely nominated and - equally unsatisfactory - is to exclude any representation of blacks. Says Dr Giliomee, "There is in modern society ultimately no substitute for legitimacy obtained through demonstrable popular support." The first step towards this would undoubtedly be the inclusion of blacks in the Council. Without that it would probably be rejected in principle by responsible coloured and Indian opinion. The second step is, surely, that the members of the Council or any other governing body should be elected, not nominated, so that they may represent the wishes of the electorate. Without this, no real negotiation is possible and no policy decisions will be ultimately successful.

The Cape Times sums the matter up: "If there is to be constitutional change, some means must be found of upholding the principle of government by consent. If such consent is withheld by 20 million out of 27 million citizens, the country will be ungovernable - except by force of arms. And the use of force is temporary. As Edmund Burke declared of America in the 18th century, a nation is not governed which is perpetually to be conquered."

Nibbling away at apartheid (Argus, 30/5/80)

It is heartening to know that several ratepayers' associations (Green and Sea Point, Camps Bay, Muizenberg) support the Council's policy on beaches. Green and Sea Point Ratepayers'

Association recently at a public meeting asked the Administrator to declare all beaches in their area available for use by all sections of the community and to exercise control through charging admission fees, limiting numbers, prohibiting consumption of alcohol, and to introduce similar measures on other beaches in the municipal area.

The Administrator is reported to be encouraging the City Council to accelerate provision of more open beaches at Strandfontein.

We support wholeheartedly the decision of Cape Town City Council to apply for the opening of all municipal sporting and recreational facilities to all races. It would, no doubt, be too much to expect the Government to agree unreservedly, and without qualification (they have demanded individual applications for each facility, and have laid it down that swimming baths may only be opened for competitions, not for recreational purposes! We are sure our City Council will persevere in demanding that Cape Town's facilities shall be open to all its citizens. Incidentally, why should Pretoria dictate to municipalities on what is essentially a domestic affair?

Still separate - but why? (Cape Times, 11/6/80)

Alas! In giving permission for mixed recreation facilities in the Good Hope Centre, the Department of Community Development (an inappropriate title if ever there was one) adds to its list (no mixed dancing, mixing of races on the stage without special permission, no mixed drinking without the permission of the Liquor Board) the requirement of prior approval for mixed roller-skating and ice-skating! It has apparently not yet been stated what criteria these sports would have to satisfy!

Strikes and detention (Cape Times, 10-18-20/6/80)

It is a new and disquieting feature that, following on the recent strikes, so many trade union officials have been detained incommunicado, which under the General Law Amendment Act can be done for 14 days. Presumably the Government is trying to prevent violence: but so far as we know no trade union leader has advocated this. They have, in fact, confined themselves to legal protest by staying away from work, and their absence from the scene is likely to generate more, rather than less, determination among their followers, with, possibly, more violent results.

But this is not the main issue - which is, that no man (or woman) should be arrested unless for some illegal act.

As a matter of principle, no government should intervene in industrial disputes except in a really serious situation, to maintain order - which, as far as we know, has not yet been necessary in these disputes.

It pays (sometimes) to appeal (Cape Times, 26/6/80)

The NUSAS Executive in a statement has described as "significant" the acquittal in a Regional Magistrate's court of the editor of National Student on charges, under the Publications Act, of producing an "undesirable" document.

The Executive says the Publications Act was amended after the failure of the State to secure a conviction against the 1976 National Student editor, Mr Sean Morony. Now the State has failed again.

The magistrate's comment that National Student was "mild" and certainly "not a threat to the security of the state" was, says NUSAS, "in direct contradiction to the reasons given for its banning ... One wonders whether (Monday's) judgment will lead to the permanent ban on National Student being lifted. Will charges against seven other students be dropped? Or will the Act merely be tightened up again?"

Shocking (Cape Times, 26/6/80)

Mrs Helen Joseph, age 75, has again been served with a banning order. The first time was in 1957. She was also jailed for five months without trial during the Sharpeville troubles in 1976 and is a "listed" person under the Suppression of Communism Act.

In imposing the banning order, the Minister of Justice told her he was "satisfied that you are engaged in activities which endanger or are calculated to endanger the maintenance of public order".

Inter alia, during the ban period Mrs Joseph may not attend any political gathering at which any form of state or any principle or policy of the government of the state is propagated, defended, attacked, criticised or discussed. Nor may she instruct, train or address any gathering of pupils or students - until June 30, 1982, when the ban could presumably be extended if the Minister of Justice is still similarly "satisfied"...

Neither has Mrs Joseph been charged in connection with any offence. Why not?

MOYA:

P.S. Any subs still outstanding?