

CIVIL



RIGHTS



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News Letter

Vol. XXX No.6
July 1, 1983

Important

We make no apology for continuing to follow developments in the position of blacks, especially in the Western Cape. If there is one item that is of crucial importance for the peaceful future of South Africa, and of the Cape Peninsula in particular, - this is it.

To quote the Cape Times (10/6/83): "A government which professes a commitment to improving race relations should see that every criticism (such as those of Mr Ken Andrew recently) is investigated, not dismissed with official arrogance."

To do him justice, Dr Koornhof has, outwardly at least, not done this. But one awaits his action in the matter with almost painful interest - and the people primarily concerned must do so without the "almost".

Let them choose ... (Cape Times, 8/6/83)

Dr George Morrison, Deputy Minister of Co-Operation, has disclosed in a letter to the (Afrikaans) press that 4000 jobs being created under the special employment programme in Transkei will go to unemployed blacks living "illegally" in the Western Cape.

But if they are employed in the Western Cape, does it make sense to have them taking such jobs from others who are genuinely in need of them in Transkei?

Not surprisingly, the Prime Minister of Transkei has publicly criticised government attempts to link the employment programme with the repatriation of such repatriated Transkeians.

The creation of jobs for Transkeians is in itself an admirable project. But we can understand if Chief Matanzima resents his people being forced to accept them if their own preference is for the Cape Peninsula.

Are they above criticism? (Cape Times, 9/6/83)

A Cape M.P., Mr Ken Andrew, recently told parliament that

the Langa courts were "disgraceful instruments of oppression where blacks can not expect a fair trial".

Mr Andrew asked whether the Chief Commissioner for Co-Operation and Development in the Western Cape "considers that justice is likely to be done when a trial lasts only 60 seconds".

The said Chief Commissioner had accused Mr Andrew of "destabilising society". Retorted Mr Andrew: "I would have hoped Mr Bezuidenhout would be sufficiently in touch with reality to realise that it is the harassing of people day and night, the tearing down of rudimentary shelters and the denial of black people to live together as families that destabilizes our society."

Township disaster (Cape Times, 8/6/83)

Professor David Dewar of the UCT Department of Urban and Regional Planning has condemned the whole Khayelitsha scheme in no measured terms. He says, inter alia, that:

* The creating of isolated pockets here and there ... is incredibly expensive.

* Khayelitsha has no chance of ever containing the qualities implied in the term 'city'. You cannot create a city by moving the poorest section of the community out and expecting them to constitute a city on their own.

* The whole way in which a city operates is that the poor get a chance to benefit from the kinds of services and opportunities coming from the wealthy.

* Community and commercial services cost a lot more. (Bread, milk and basic commodities cost 40% more in Atlantis than in the white areas.)

* Apart from the obvious transport costs and the cost of services, the maintenance and running costs are higher ... and the cost in terms of rates becomes crippling.

* It will be a social disaster - workers will have to leave home at 4.30 a.m. and return at 8.30 p.m.

* Children will be left unattended and crime will be high.

It will not, says Professor Dewar, be a situation for human beings to live in.

Why no Bill of Rights? (Cape Times, 28/6/83)

South Africa has never had a Bill of Rights. The matter has of course been raised before, but no government to our knowledge has taken it seriously. The Cape Times urges the need for "a proper review function for the courts, as in the United States and

other presidential systems".

We would add our voice to those (more authoritative than we) who urge the Select Committee to put this strongly to the government. In a matter of such importance as the constitution, moreover, the issue should be put not only to white voters, but to all South Africans. Such a step would at least strengthen our own and the world's belief in the purity of the government's motives.

The comment of Beeld is worth noting:

"Even if it costs time, it is after all a part of the democratic process that a matter should be thrashed out in the fullest detail. Especially a constitution, and more especially a constitution that will stand or fall by the confidence people feel in it." Because a constitution, and no ordinary constitution at that, was involved, said the columnist, his view was that there should not have been an arbitrary time-table.

Are you listening, Messrs Botha and Heunis?

Status of the Courts (Cape Times, 7/6/83)

According to press reports, the government intends to introduce interim legislation to nullify the Rikhotso ruling in terms of migrant workers who might qualify for urban rights (Section 10(1)(b) of the Black (Urban Areas) Consolidation Act). But it has not decided whether to make such steps retrospective.

Either step would show disrespect for our courts and would therefore be highly improper. But, of course, in the Nationalist tradition.

Dr Koornhof is reported to have said that the government might be prepared to honour the court ruling in respect of migrant workers who already qualified for urban rights in terms of Section 10(1)(b) of the Black (Urban Areas) Consolidation Act of 1945.

Sympathy - and logic? (Cape Times, 29/6/83)

Seven people - six women and a man - were recently fined R50 (or 50 days) for "illegally squatting" at the KTC camp at Nyanga East, and also R50 for remaining in the Peninsula for more than 72 hours.

The magistrate suspended their sentences for two years, on condition that they were not convicted of contravening the Squatting Act and that they leave the "prescribed area of the Cape Peninsula" by not later than July 15.

In passing sentence, he said:

"The court is aware of conditions in Transkei, that you left Transkei many years ago, and that many of you have no family ties left." By way of consolation he added that they were entitled to a rail warrant so that they could get back to their "home town" free of charge ...

And then what?

One cannot help wondering what purpose the framers of the relevant Act thought would be served by allowing people from Transkei to remain in the Peninsula for 72 hours. Presumably they considered that a total prohibition on their coming at all would look even worse ... And perhaps be no more effective ... And what would they live on in Transkei?

Education and politics (Cape Times, 28/6/83)

We commend the decision of the congress of the S.A. Teachers' Association to "speak out" on issues with educational implications, even if these are "controversial and political" in nature. Who, after all, is better qualified to do so?

We can think of few things more important for the education of young South Africans of all groups than unity of principle and purpose.

Rights of prisoners (Cape Times, 28/6/83)

The Director of the UCT Institute of Criminology, Professor Van Zyl Smit, has rightly drawn the attention of the Minister of Justice to "grave shortcomings" in amendments to the Prisons Act at present before Parliament. The Professor said:

"All unconvicted prisoners currently have the same basic rights in our system as ordinary citizens, except those necessarily, or by implication, taken away by their being confined to prison.

"The bill will destroy these rights, since it will give the Commissioner of Prisons sweeping powers to determine how unconvicted prisoners shall be detained, treated and employed."

We hope the Minister will have second thoughts about the matter, which is an important principle of civil rights.