

# CIVIL



# RIGHTS



Box 3807

Cape Town 8000. Vol. XXX No. 7  
August 1, 1983

News Letter

Egg-dancing (Cape Times, 6,28/6/83; 29/7/83)

One of our members has written to say that she is exercised on how to vote in the proposed referendum about the government's constitutional proposals - a matter that no doubt puzzles others as well. In this connection it is interesting to note the view of a very competent political observer, Professor André du Toit of Stellenbosch, who does not believe that the National Party, unaided, can "become an instrument of significant reform" because of the strength of its right wing. "A resounding rejection of the Botha proposals as presently drafted", says the Cape Times, "would keep open the critical issue of black political rights, paving the way for a new reformist alliance and genuine negotiation with blacks."

It is perhaps unnecessary to point out again that to restrict the referendum to white citizens constitutes a quite unjustifiable infringement of the rights (moral though unfortunately not legal) of all non-white citizens of South Africa to have a say in the future of their country and themselves. No wonder they have formed a new political front called the National Forum which, says the Cape Times, is "espousing militant socialist policies".

A counsel of perfection - or necessity? (Cape Times, 6/7/83)

A relevant comment from another angle comes from a prominent Johannesburg business man, Mr Mike Rosholt. He said that a political dispensation acceptable to South African blacks will have to be found if they are to support the free enterprise system and share in it. He mentioned essential elements in what he called "an economic system of compromise" as follows:

- \* Eliminating discriminatory laws as quickly as possible;
- \* Educational reform;
- \* Public and private employers accepting equality of opportunity and treatment in labour practices and pay;
- \* Promotion on merit;
- \* A "major reform of influx control laws and their administration".

Is it too much to hope that the government will consider these issues seriously?

Commerce's point of view (Cape Times, 14/7/83)

It is noteworthy that the Association of Chambers of Commerce in a memorandum to the parliamentary select committee on the constitutional proposals has

- \* affirmed its continued belief in direct representation on local government bodies on a non-racial basis;
- \* advised that the reform proposals should become an amendment to the present constitution rather than the basis of a new one;
- \* called for a common citizenship for all races, including residents of the black national states;
- \* called for constitutional endorsement of certain basic rights, specifically mentioning property rights .
- \* Noting clauses that "limit the authority of the courts", Assocom says that "wherever possible, the courts should be allowed to play their traditional independent rôle".

Assocom comments:

"A starting-point for socio-political adaption (sic) has to be made somewhere, and Assocom believes that the present bill provides the necessary basis for evolutionary change."

Unbanned - but why? (Cape Times, 5/7/83)

Early in July, some 55 people had their banning orders lifted by the Minister of Law and Order. The Cape Times points out that no reason has been given for the lifting of the bans, any more than for their imposition in the first place. Nor, of course, has any reason been given why the banning orders on others such as Dr Beyers Naudé have not been lifted.

Says the Cape Times:

"As long as men such as (Dr Naudé) suffer a government-inflicted punishment for an unspecified offence that never reached a court of law, all others similarly victimised must know they are in good company."

Wasting a stamp! (Cape Times, 2/7/83)

On July 1 the banning orders of ten people whose orders expired on June 30 were renewed. The people in question were given 14 days to make written representations as to why the said orders should not be re-imposed. Each case, says the report, was investigated by the Directorate for Security Legislation before being considered for re-banning. The cases will be automatically reviewed within a year, whether the people concerned appeal or not. While they are banned

One cannot but wonder on what grounds the bannings are renewed - what arguments would persuade the Minister to withdraw them, and whether, in fact, such representations have ever persuaded him to do so.

A verdict against the people concerned in a court of law would have been more convincing than such restrictions on unspecified grounds.

Bare facts (Cape Times, 1,8,11/7/83)

According to a report recently prepared by the Research Unit for Sociology of Development at the University of Stellenbosch, 180 000 Africans were in the Cape Peninsula. Housing and hostels in Peninsula townships could reasonably accommodate just over 75% of the township population.

Waiting lists showed a need for 3215 family dwelling units, but an objective assessment indicated that 4 961 family dwelling units were needed to house the township's population at a reasonable standard.

Of the 49 000 Africans in the Peninsula who did not live in Langa, Guguletu and Nyanga, at least 32 000 were known to be living as squatters, and some 5 323 units were needed to house those.

The total number of three- or four-roomed units still needed to house the 1980 population reasonably was more than 10 000.

The report was based on information extracted from governmental department records.

According to a recent statement by the Minister of Co-operation and Development, 350 000 houses falling under his department are to be sold in black townships in the Transvaal under the 99 year leasehold scheme. But so far we have not heard of any similar scheme for the Cape Peninsula - where it is at least as necessary.

Dr Koornhof, according to another report, still considers it is sound planning to have all the Peninsula's black people housed in Khayelitsha. Those who have been improving their homes in Langa, Nyanga and Guguletu, he says, need not stop doing so. They will be paid out at the stage when they have to give up their homes.

Not much encouragement to improve them, is it? And how about the right not to leave their present homes?

Municipal franchise, democracy and local autonomy (Cape Times, 29,30/6/83)

The Executive Committee of Cape Town City Council has sub-

mitted to the Minister of Constitutional Development and Planning a memorandum in connection with the Local Government Affairs Bill. The Minister is reported to have told a delegation from the Council that their "suggested option of open representation on the Council could not be considered as this was contrary to current government policy".

The Minister told the deputation that it placed him in a difficult position 'if individual municipalities sought to see him on general municipal matters which had been dealt with and, in the case of this Bill, had been accepted in principle by the United Municipal Executive, which "spoke on behalf of local governments as a whole".

The Cape Town delegates made it clear that a large proportion of the Cape Town community had no confidence in the management committee system, and said plans for reform should take this into consideration.

The Minister in his reply said, inter alia, that ways of ascertaining the wishes of a community still had to be studied.

We hope he will take the wishes of Cape Town for its own local government seriously - but if, as the Cape Times deduces, "apartheid is about to be finally entrenched in the local government system of the Cape, we are concerned for the future of our local government. It amounts to disfranchising a large section of our local population, who see no virtue in "a compulsory system of management committee nominees as members of Cape Town City Council committees".

This is a most deplorable manifestation of apartheid.

#### Human rights and racial discrimination (Cape Times, 14/7/83)

Professor Johan van der Vyver of Wits University recently told a congress of the Afrikaanse Studentebond that entrenched human rights would be pointless if South Africa continued to pursue policies based on racial discrimination. While he was in favour of a human rights declaration, it would not solve the country's problems. There first had to be social and political reforms to place all citizens on an equal footing in the eyes of the law.

The exercise of authority, said the professor, had to be controlled at all levels to prevent its abuse... The best control of executive power was the courts. It looked bad and was bad for the legislature expressly to prevent the courts from deciding on matters concerning the exercise of authority by the state.

We suggest that the government should take seriously the country's motto, "EX UNITATE VIRES".