

2. Bill of Rights

Since the founding of the Liberal Party 36 years ago Liberals have insisted that an essential element of a non-discriminatory post-apartheid society must be a legally enforceable Bill of Rights. Now all sorts of other people are coming round to that view.

The ANC's new constitutional guidelines call for a Bill of Rights and affirmative action to tackle the legacies of inequality which we inherit from our past. That is very welcome.

Surprisingly, and equally welcome, is the fact that the Government's own Law Commission, set up under Mr Justice P. J. J. Olivier to examine the question of the desirability of a Bill of Rights for South Africa, makes exactly the same recommendations. The Olivier report backs up its recommendations with reasoned and detailed arguments. Most interesting of all, it dismisses the case for the

entrenchment of group rights, insisting that if individual rights are properly protected, those group rights which are of particular concern to minorities, such as language, culture and religion, will be effectively protected too.

Nationalists will have difficulty accepting this proposition but they must somehow be persuaded that it in fact does offer the best possible protection, in the long term, for those aspects of Afrikaner culture which they are understandably so anxious to preserve.

Judge Olivier has not only produced a well-reasoned and very detailed report, he has backed it up with a draft Bill for the introduction of a comprehensive Bill of Rights which could be passed into law tomorrow. That will not happen yet but the passing of such a Bill into law has become a cause which all those who support the concept of a Bill of Rights must start to fight for now. □

by HEATHER HUGHES

HUMAN RIGHTS IN A DIVERSE AND DIVIDED SOCIETY

Report on the Lawyers for Human Rights International Conference, University of Stellenbosch, January 1989.

At the end of the first day of the conference, there was a cocktail party. For those who were accustomed to such occasions, it was a fairly ordinary cocktail party: well-organised, good food beautifully presented, more than enough Cape wine to drink. City professional people probably attend a good many such functions (or at least one could be forgiven for believing that by the nonchalance with which they treated this one). Poor people from rural areas, however, are not as used to the sight of fancy food. A young activist from KwaNdebele took one look at the spread and exclaimed in wonderment, "I will **never** see food like this again!" He told me that it is difficult for his family to afford sufficient maize and potatoes — their staple diet — most months. He explained that for school leavers like himself, the only hope of employment was on the lowest rungs of the bantustan bureaucracy, and there were too many in his position for the available jobs. That was why he had become an activist — to change things in KwaNdebele. He seemed hopeful about the future, but for the moment, he just wanted to eat. He said that this fare would keep him going for weeks. He left the party carrying several serviettes bugging with leftovers of the feast.

Somehow, in a very stark way, the different attitudes to the food reflected the very different attitudes to human rights represented at the conference. There were those, trained in the ways of tolerance and fair play, who assumed that everyone should share exactly their notion of human rights; there were those — perhaps who had had to struggle most of their lives to achieve what they had — who questioned the very meaning of human rights and all the guarantees that supposedly protected them.

FORMAL SESSIONS

The five formal sessions of the conference all had the same format: an eminent speaker who delivered a keynote address; a panel whose members responded thereafter, followed by open discussion from the floor.

The first speaker was Prof Laurie Ackerman, who occupies the Harry Oppenheimer Chair of Human Rights at Stellenbosch University. In a wide-ranging address, dealing directly with the conference theme, he argued for the rights of minorities to enjoy their own culture but not to opt out of the body politic; he traced the histories of some human rights traditions and philosophies, and made a strong case