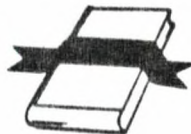


You & THE new
Constitution

Vote No X



A BLACK SASH PUBLICATION

Copies of this booklet may be ordered from the Black Sash, Khotso House, 42 de Villiers Street, Johannesburg, 2001. Telephone: (011) 337-2436

It will be issued free of charge but people or organisations who can afford it are asked to pay 30 cents per copy.

It may be freely reproduced in whole or in part and may be translated into other languages provided that the translation is accurate and that no changes are made to the meaning of what we have written.

August 1983

Written by Sheena Duncan and published by the Black Sash, Khotso House, 42 de Villiers Street, Johannesburg, 2001.

Printed by Westro Reproductions, 45 First Ave West, Parkhurst, 2193.

N.B: It is tedious and irritating to the reader to use the word "so-called" and to use quotation marks every time the words "coloured" and "indian" are used. The new constitution necessitates the constant use of racial descriptions because race is its very basis. Quotation marks are omitted from the text from now on for the convenience of the reader but please assume that they are there. We are totally opposed to all racial and ethnic descriptions.

DA 136
The Republic of South Africa Constitution Bill had its First and Second Readings during the first part of the 1983 Parliamentary session. The principle of the Bill was accepted in the Second Reading and it was then referred to a Select Committee for work on the details. During August the Bill went through the Committee stage

By the time you read this it will probably have passed through its final stages and will be an Act of Parliament needing only the President's assent before it becomes the new Constitution for South Africa.

WE BELIEVE THAT THIS CONSTITUTION MUST BE TOTALLY REJECTED.

This booklet sets out our reasons for that statement.

The Prime Minister has announced that there will be a Referendum in the white community before the new constitution is put into effect. He has also promised that there will be a testing of opinion in the coloured and indian communities, but what form this will take has not yet been stated.

The Referendum is to be held on Wednesday, November 2 1983. White people will be able to vote at any polling station wherever they may be on Referendum day provided that they have an identity document with them. The question will be: "Are you in favour of the Constitution 1983 as approved by Parliament?"

We urge all who have a vote to exercise that vote to:

VOTE "NO"

The answer must be "NO" because this Constitution is a recipe for conflict in this country.

IT CANNOT LEAD US ANYWHERE BUT TO
DISASTER

DA 136

Do not be deluded into voting "Yes" in order to support Mr P.W. Botha against the right wing. The right wing is not in a position to win any general election at the moment.

The results of a Referendum will not unseat the Government. Mr Botha has said that everybody knows that a Government's position is not at stake in a referendum. He said that if he lost the referendum he would not continue with the new constitution, nor would he resign as premier. It does not matter that members of the CP and the HNP will also be voting "NO" in the Referendum. Their reasons for doing so are quite different to ours, but the combination of a resounding "NO" vote from both sides of the white political spectrum could well mean a majority "NO" vote.

THIS IS THE ONLY WAY IN WHICH WE CAN WIN AN OPPORTUNITY TO BEGIN AGAIN

- + A Constitution for any country must be one which will last.
- + A Constitution must not be unilaterally devised.
- + A Constitution must be generally acceptable to all citizens if there is to be peace.
- + This Constitution is totally unacceptable to the vast majority of the people of this country. Black leaders of all political persuasions have unequivocally rejected it.
- + THIS CONSTITUTION CANNOT POSSIBLY WORK
- + IT CAN ONLY LEAD TO ESCALATING CONFLICT

VOTE "NO" TO THIS NEW CONSTITUTION

THE NEW CONSTITUTION IS BASED ON THE POPULATION REGISTRATION ACT AND ON RACIAL CLASSIFICATION

The new constitution cannot exist without race classification.

This is fundamental to the new Local Authority and Parliamentary structures.

The Population Registration Act demands that all South Africans be classified as belonging to one race group or another. This is what Apartheid is all about.

Under the new Constitution people must be classified as white, coloured or indian before they can exercise a vote or stand as candidates in an election.

The new Parliamentary structure is based on race. The Parliament will be divided into three racially separated Houses.

Apartheid is fundamental to the new Constitution.

The Group Areas Act is also fundamental to the operation of the new constitutional system. The system cannot work unless people are forced to live in separate areas.

There is no chance whatsoever that a new Parliament elected under the new system could repeal either the Population Registration Act or the Group Areas Act. To do so would make the whole system of Government inoperable. It would collapse.

THE CONSTITUTION BILL ENTRENCHES APARTHEID AND RACIAL DIVISIONS.

DA 86

THE WESTMINSTER SYSTEM

The Westminster system is often said to be unsuited to a country such as South Africa. This may or may not be so and the question is a subject of endless debate.

BUT WE DO NOT HAVE A WESTMINSTER SYSTEM in this country.

The Westminster system is based on the foundation of a universal franchise - one person, one vote - and on the principle of regular elections to allow people to get rid of unpopular governments.

It includes an independent judiciary and the absolute protection by the Courts of the individual against arbitrary action by the State through detentions without trial, bannings, banishment and the deprivation of citizenship etc.

We have only the trappings of the Westminster system. Nevertheless, despite its obvious shortcomings, our present constitution does at least allow for a process of evolutionary change towards democracy.

Racial division is not basic to our present Parliament. Only white people can vote at the moment in Parliamentary elections but, just as white women were at first excluded from exercising a vote for our Parliament but were later given the franchise, so black people could be included without the constitution being changed.

By permanently excluding the majority of people in this country, who are black, from participation in the process of Government, **THE NEW CONSTITUTION SLAMS THE DOOR SHUT TO ANY EVOLUTIONARY CHANGE TOWARDS DEMOCRACY.**

- + Vote **NO** so that the Government is forced to leave things as they are until such time as ALL the people of our country can come together in a National Convention to design a Constitution based on the will of ALL the people.
- + That is the **ONLY** way to reduce the escalating conflict in South Africa and to move towards the establishment of a just and peaceful society.
- + **CHOOSE NEGOTIATION AND PEACEFUL CHANGE. VOTE "NO" TO THE NEW CONSTITUTION.**

CONFLICT OR NEGOTIATION?

The vast majority of people in South Africa are black Africans.

Like people everywhere they justly demand full participation in the Government of their own country.

If they are excluded from such participation violent conflict is inevitable.

The National Party Government has chosen to exclude them and has thus chosen the path of conflict rather than negotiation.

The New Constitution excludes African participation altogether. The Government says that African people must find their political future through the Homeland Governments only.

In 1970 the Government passed the Bantu Homelands Citizenship Act. This Act says that every South African black person is a citizen of one or other of the homelands.

When a homeland takes independence every black person in South Africa who speaks the language of the homeland **CEASES TO BE A SOUTH AFRICAN CITIZEN** on the day of independence.

DA 136

Transkei took independence in 1976, Bophuthatwana in 1977, Venda in 1979 and Ciskei in 1981.

All Xhosa, Tswana and Venda speaking people in South Africa ARE NOW FOREIGNERS - aliens - in the land of their birth.

Over eight million people had their South African citizenship taken away from them in five years between October 1976 and December 1981.

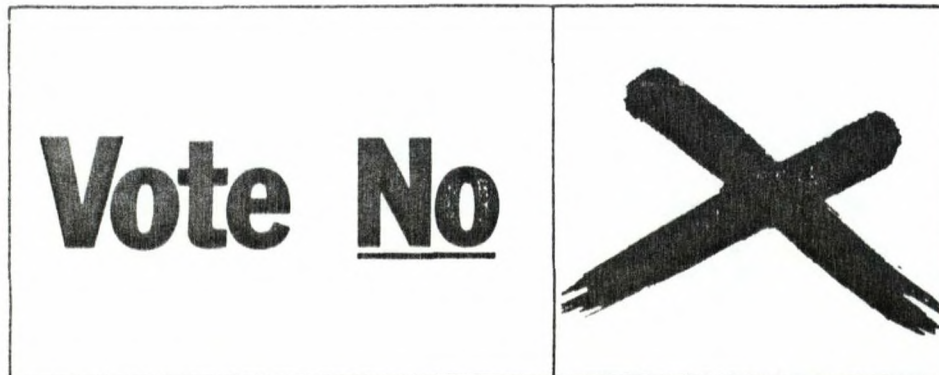
The South African Government claims that they therefore have no right to political participation in South Africa.

It also claims that all Black people must exercise political rights in the Homeland.

But black people are the majority in this country, technically foreign or not.

A constitution that excludes them is nonsense.

VOTE NO to this Constitution and give us all a chance to begin again.



Put South Africa first.

+ The vast majority of people in South Africa are black Africans.

+ In the new Constitution Bill they are mentioned, only once

+ Clause 93 says: "The control and administration of Black Affairs shall vest in the President...."

+ What kind of constitution is this that mentions the majority of people in the country only once?

+ Does this mean that Black affairs may be removed altogether from parliamentary discussion?

+ Does this mean that Black affairs may be dealt with by Presidential edict in the future?

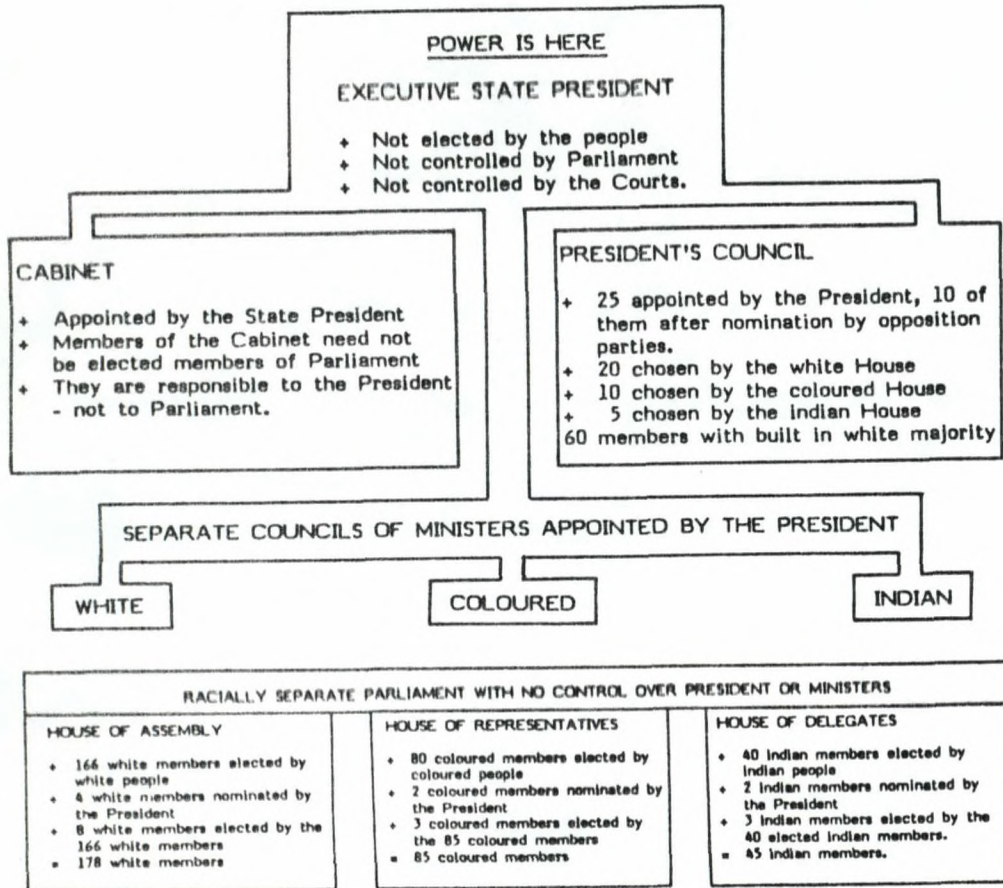
+ Can this possibly lead South Africa along the paths of peace?

+ VOTE for COMMON SENSE.

+ VOTE "NO" to this new Constitution.

POLITICAL POWER - PRESIDENT OR PEOPLE?

- + The new Constitution does not allow for power sharing.
It removes power from the electorate and centralises power in the hands of an Executive President.



- + Legislation must be dealt with by the three racial chambers separately.
- + Provision is made for joint sittings for all three chambers but no resolution may be adopted at any such joint sitting.
- + THERE IS NO POSSIBILITY OF EVOLUTIONARY CHANGE AWAY FROM WHITE MINORITY GOVERNMENT IN THIS STRUCTURE.

THE STATE PRESIDENT

He will have the power of the President and the Prime Minister and the Commander-in-Chief of the Defence Force.

- + He will not be elected by the people.
- + He will be elected by a group of members of Parliament chosen as follows:

50 from the white House of Assembly
25 from the coloured House of Representatives.
13 from the Indian House of Delegates

The coloured and Indian representatives cannot possibly choose a President who is not the choice of the 50 white representatives.

Those 50 white members will inevitably be the choice of the white ruling party so the President will always be a white person in the white ruling party.

THE PRESIDENT

- + will control black affairs
- + will decide when Parliament will meet.
- + can dissolve Parliament.
- + can declare war.
- + will appoint Ministers to the Cabinet who need not be chosen from the elected representatives in Parliament.
- + will appoint the Ministers to the racially divided Ministers' Councils and the Ministers need not be chosen from the elected representatives in Parliament.

DAR 36

+ will decide whether any matter is to be discussed in all three Houses as a "general" affair, or whether it is a matter for one House only - an "own" affair. He must first consult with the Cabinet, which he has appointed.

+ His decision on what is an "own" affair and what is a "general" affair cannot be challenged in the Courts.

+ All laws dealing with "own" affairs passed by one House only remain subject to the general laws of the country - that is, to the existing Apartheid laws.

+ The President's power to decide what is a matter for all three Houses or for one House only means that coloured and indian participation in the new constitutional system cannot possibly bring about fundamental changes to the structures of Apartheid.

THE PRESIDENT'S COUNCIL

+ The President's Council will not be elected by the people.

It will have 60 members.

25 of the members will be appointed by the President. (Ten of these will be nominated by opposition parties.)

20 of the members will be white people chosen by the white House of Assembly.

10 of the members will be coloured people chosen by the coloured House of Representatives.

5 of the members will be indian people chosen by the indian House of Delegates.

+ The minority groups in the Council will never be able to make decisions which the ruling white majority does not want.

+ If the separate racial Houses in the Parliament cannot agree on a new law it will be given to the President's Council to decide which version of the Bill will become Law. What the Council decides will become the Law even if two of the three Houses of the Parliament have rejected it.

THE CABINET

+ The Cabinet will be appointed by the President.

+ He does not have to appoint members of the Parliament to the Cabinet. He can appoint anyone he likes. This means that Cabinet Ministers will no longer be responsible to the Parliament and through the Parliament to the people. They will be responsible only to the President.

+ The Cabinet Ministers will be in charge of Government Departments whose work affects people in all race groups.

THE COUNCILS OF MINISTERS

+ Members of the Councils will be appointed by the President. They need not be members of the Parliament.

+ There will be three racial Councils of Ministers - one white, one coloured and one indian.

+ The Councils will be in charge of Departments whose work affects one race group only. For example:

The white Council will be in charge of white education, the coloured Council will be in charge of coloured education, the indian Council will be in charge of indian education.

THEY WILL HAVE NO POWER TO CHANGE THE APARTHEID LAWS

DA 136

THE PARLIAMENT

The Parliament will have three separate Houses.

The white House will be the House of Assembly and will have 178 white members.

The coloured House will be the House of Representatives and will have 85 coloured members.

The indian House will be the House of Delegates and will have 45 indian members.

The Houses will do their business separately. There can be a joint sitting of all three Houses but no resolution can be taken at such a joint sitting.

There will be joint standing committees to discuss legislation but they will not have power. Their discussions will be conducted behind closed doors.

The Parliament will be elected by the people in separate race groups but will have no power.

POWER LIES WITH THE PRESIDENT

The Constitution lays down that some things are "own" affairs and everything else is a "general" affair.

"Own" affairs are things which apply to one race group only.

"General" affairs are things which apply to all race groups.

"Own" affairs will be dealt with by the House for one group.

"General" affairs will be dealt with by all three Houses.

In cases of uncertainty the President will decide whether a matter is an own affair or a general group affair. His decision is final and there can be no appeal to the Courts.

If the three Houses pass different versions of the same Bill the three versions will be passed to the

President's Council for decision as to which version will become law.

Because of this the coloured and indian Houses will have no power to change the Apartheid laws.

THE FOUR - TWO - ONE - NOUGHT CONSTITUTION

- + The ratio four white to two coloured to one indian to no Africans is maintained throughout the Constitution.
- + The new Constitution will effectively make South Africa a one-party state.
- + It will take power from the people and entrench power in the hands of the President.
- + The 4 : 2 : 1 : 0 formula means that the white political party which wins a majority of seats in the white house will:
 - + decide who is to be President.
 - + control decisions of the President's Council.
 - + control disputed decisions of the Parliament through the President's Council.
 - + control all public affairs to the exclusion of the white opposition, coloured South Africans, indian South Africans and all black South Africans.
- + This is not a step in the right direction.
- + It is a giant stride towards dictatorship and inevitable disaster.
- + VOTE FOR NEGOTIATION AND PEACEFUL CHANGE BY VOTING "NO" TO THE NEW CONSTITUTION.

DA 136.

Collection Number: AK2117

DELMAS TREASON TRIAL 1985 - 1989

PUBLISHER:

Publisher: **Historical Papers, University of the Witwatersrand**

Location: **Johannesburg**

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.