

UPF'S SUBMISSION TO THE TECHNICAL COMMITTEE
ON THE AMENDMENT OR REPEAL OF DISCRIMINATORY LEGISLATION

1. LOCAL GOVERNMENT BODIES FRANCHISE ACT 117 OF 1984

There is no shred of doubt that this Act is cast in the same racial mould as the Constitution Act itself is. It is actually crystallization at local level of that which is envisaged by the constitution. For as long as this law remains on the statute book, it would not be possible for other races to participate in the local elections in such areas except those that are specifically mentioned in the Act. On the other hand the Black Local Authorities Act is designed to deal exclusively with Blacks within their own areas. This sound very much like the American pipe-dream of "separate but equal" philosophy.

In the kind of a situation created by this Act, it would not be possible to speak of a climate where free political activity can take place. This Act puts shackles on people on racial lines. It has to go before one could create an ideal climate for free political activity. The same point still holds good in respect of the Black Local Authorities Act.

2. ELECTORAL ACT 45 OF 1979

This Act extends the rights to vote to persons who are either White, Coloured or Indian in term of section 52 of the Constitution Act (Act 110 of 1983). Free political activity presupposes that a person should have the right to vote for an candidate of his choice. With this Act firmly in place, the Black people would not have such a right. How does one then exercise his democratic right to elect the government of his own choice if the very fundamental right to vote for such

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a right. How does one then exercise his democratic right to elect the government of his own choice if the very fundamental right to vote for such government is denied him by legislation.

3. REFERENDUMS ACT 108 OF 1983

There is presently much talk about a referendum being held with a view to testing the views of the people of South Africa before a transition into the new South Africa. In terms of this Act only the views of Whites, Coloureds and Indians may be tested and known. Blacks cannot lawfully participate in this kind of a referendum because for purposes of this Act they do not qualify as 'voters'.

4. SOCIAL PENSIONS

The tenets of justice would dictate that there be one act dealing with the aspect of social pensions without referring to a particular class of persons or a specified population group. However our Act empowers the Minister to issue a proclamation relating to a particular population. This would obviously tempt the Minister to issue proclamations designed to treat people unequally. This is the position as regards the benefits to which people belonging to different race are entitled differ and the yardstick is the colour of their skin.

These acts should be repealed.

5. PREVENTION OF ILLEGAL SQUATTING ACT 52 OF 1951

It is a notorious fact that the policy of the Government in the past has been that Blacks were so journers in the urban areas and therefore the policy was that they would remain

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there for as long as they were working. As a result there was no clear and permanent arrangement for the provision of housing for blacks. Hence the problems of squatting are mostly confined to Black communities.

If the policy has now changed and it is accepted that Blacks are in cities to stay, then this Act will fall into desuetude and there is no reason for its continued existence. Besides the harsh manner in which the "squatters" were treated cannot be countenanced by any society claiming to be civilized.

6. EDUCATIONAL POLICY

A plethora of laws are in place to regulate education issues of the numerous departments of education. The problem with these laws is that they were purposely made to disadvantage other races educationally.

It has now become urgent and imperative that these discriminatory laws be removed so that all the people in this country should have the right to the same educational opportunities. There should be only one system of education. This will ensure that the same quality and the standard of education will be maintained.

7. BLACK ADMINISTRATION ACT 38 OF 1927

This ACT was an ideal instrument in the hands of the Government to control the Black people in this country and their traditional institutions such as bogosi. Since the new policy is that all people should be equal in the eyes of the law, then there is no reason why there should still be acts controlling only lives of certain races. Such laws have no place in the new South Africa because they would go against the of equality.

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8. SELF-GOVERNING TERRITORIES CONSTITUTION ACT (ACT 21 OF 1971)

This is undoubtedly the foundation upon which separate development is built. It is the instrument by which the Government would extend the 'vote' to the voteless and voiceless Blacks. They were to be developed into independent nations. There was no hope for most of these enclaves because they could never be economically viable - they had to be sustained financially by the Central Government in order to survive.

Reality has now dawned and it has been realised that this system cannot be sustained forever because it was prohibitively expensive to maintain.

Reality would dictate that as this law was founded on apartheid, it should go when apartheid goes.

At this stage the self-governing territories have original powers to legislate on certain scheduled matters. In those instances where the legislative Assemblies have such powers, not even RSA parliament legislation can apply in these self-governing territories. Therefore, this piece of legislation should go so that there could be uniformity and certainty in our law.

9. CONSTITUTION ACT 110 OF 1983

This is the basis of the tricameral parliament which despite all opposition from Black communities, was bulldozed into existence in 1983. There were hundreds of casualties as a result of the introduction of this Act. Even to this day the effect hereof are still felt. One can hardly speak of a climate conducive to free political activity for as long as this Act remains on the statute book.

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10. CONCLUSION

In a nutshell we are on all fours with the view expressed that all the acts referred to are discriminating on the basis of race. Some of these laws are so cruel that they dehumanised people and made them lose their self-esteem and self-respect. One need only think of the notorious migratory labour system that was designed to tear families asunder. The clear manifestations of the psychological effect that this system has had on our people is still with us.

There is no room for discriminatory laws in a new South Africa.

UNITED PEOPLE'S FRONT SUBMISSION TO THE TECHNICAL COMMITTEE
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ADDENDUM:

The UPF is of the opinion that in view of the possibility that other administrations might be reluctant to disclose all discriminatory legislation operative within their jurisdictions, it would be wise if the technical committee were to invite members of the public to make representations on the legislation that in their respective opinions, inhabit free political activity within their respective areas.

This will, in the UPF's view, act to counter the possibility referred to above.