

What Is a constitution? '

A constitution is a document or documents guaranteeing a fixed set of rules or laws. Most governments and organisations draw up constitutions so that clauses within the document are legal; For example, the power of a ruler within a country would be legally limited by the constitution.

Movement towards secession from the British Empire

South Africa became a Dominion within the British Empire in 1910. This meant that the South African Parliament could pass its own laws as long as they were not in opposition to those of Britain. All Dominions met with Britain every four years to discuss issues. Such meetings, were attended by the Heads of States from the Dominions and called Imperial Conferences. Britain had granted dominion status to South Africa with the knowledge that the majority of black South Africans were denied the franchise i.e., the right to vote to elect representatives."

' j As Prime Minister of the "Pact" Government in 1924. General Hertzog supported independence and republicanism. He had stressed 'South Africa first' and stated that South Africa had the right to secede i.e. break away from the British Empire. However, the timing of such a move was crucial. In terms of the "Pact" Hertzog had promised the Labour Party voters that secession would not occur. In 1925 he stated that South Africa had the 'right to secede' but such an act at that time would be 'a flagrant mistake and a national disaster'.

Government supporters, on the whole, favoured secession from Britain and supported independence for the minority South Africans classified white. This was obvious in 1926-1927 when Parliament debated the controversial Flag Issue. To many, a flag symbolized independence and many Afrikaans-speaking people objected to the British Union Jack as the flag. In 1926 Dr DF Malan introduced the Flag Bill in Parliament. The debate was heated. English-speaking white South Constitutional changes

; -1934

Africans did not want to cut ties with Britain and refused to get rid of the Union Jack.

Compromise was eventually reached.

South Africa would have its own flag which was designed consisting of three horizontal lines in orange, white and blue and symbols including the Union Jack, OFS flag and Transvaal vierkleur. However, the Union Jack would be flown as well.

The 1926 Imperial Conference

As Prime Minister of the minority-ruled South African Parliament, JBM Hertzog represented South Africa at the Imperial Conference. He wanted to ensure that South Africa and Britain were equal in

status, but also stated that it would be "monstrous, and certainly disastrous. if the freedom of one Dominion. or its exercise of the rights pertaining to that freedom, were made dependent upon the will of others". A select committee. under the chairpersonship of Lord Balfour was asked to investigate and find a solution to the relationship between Britain and her Dominions. IBM Hertzog 'was on that committee.

The committee drafted the Balfour Declaration which stated that Britain and her Dominions (South Africa, Australia and Canada for example) are "autonomous communities within the British Empire. equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs. though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations". The "Parliament" Government could now conduct foreign policy and appoint representatives in other countries. In June 1927 South Africa set up its Foreign Affairs Department and sent ambassadors to Holland, the USA and Italy. The Governor-General's position as a link between the King and the colonies was to undergo change. Patrick Duncan, a South African was elected to this position.

Balfour Declaration becomes law ' Although equality was recognised between Britain and her Dominions, the Balfour Declaration was not legally backed. The British Parliament debated colonial issues 'and in 1931 the Statute of Westminster was passed confirming the clauses of the Balfour Declaration.

In terms of this Statute, the British monarch was head of Britain and of each Dominion separately; the Governor-General, represented the British monarch and not the British Government; Sovereign independence of the Dominion Parliament were recognised; Dominions were part of the British Commonwealth of Nations and not the British Empire and lastly. Dominions were allowed to make treaties with foreign governments.

The Status Act

The Dominions knew that the Statute of Westminster had been passed by the British Government. If, at any stage, Britain decided to repeal that Law, the Dominions would once again be dependent on Britain. -

The South African Parliament passed the Status Act in 1934 which ensured that South Africa would not be affected by all Laws passed by Britain. The South African Parliament had a higher status than the British Parliament within South Africa. The Royal Executive Functions and the Seals Act was passed in 1934. This meant that all laws were to be signed by the South African Head of State and the British monarch. However, the Governor-General would be allowed to sign laws on behalf of the monarch and in times of

urgency. such laws did not have to wait the approval of the monarch.

The period 1924-1934 saw the movement away from British domination and the growth of Afrikaner nationalism and republicanism.

The Hertzog Government was in a strong position to entrench its racist policies. but economic factors were to cause the downfall of his government. We shall - examine the causes and effects of the Great Depression (1929-33) in the next article. '

Crossword

Clues

Across

1. 1111:1924 agreement between the National and Labour Parties.

2. Chairperson of the 1926 Imperial Conference.

3. Prime Minister of South Africa in 1924.

4. Minister of Finance in 1932.

5. This statute (law) was passed in 1931 _ granting South Africa sovereign independence.

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General 'Hertzog as: seen in

Parliament by "Quip".

Down

1. A political party banned in 1960 and. unbanned' in 1990.

2. The first Prime Minister of a rninority- i elected South African Parliament.-

4. A right-wing Afrikaner party. (Initials? only) ,

6. South Africa became a. in 1910, but the majority of black South Africans 1 were denied the right to vote. .

7. This act was passed by the South African .Parliament to ensure that its independence would not be repealed.

8. This party has been in power since 1948;

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