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McCRYSTAL BACKS THE KOORNHOF CANTON PLAN

Tribune Reporter

DR LAWRENCE McCrystal, who has been asked to consider standing for the National Party in Natal, strongly supports decentralisation as suggested by Dr Piet Koornhof, Minister of Sport.

Prominent Durban economist and former chairman of the Government's now defunct anti-inflation publicity committee, Dr McCrystal said yesterday he was considering standing for nomination for the Amanzimtoti seat at the next election.

Amanzimtoti National Party officials said other people have also been approached.

Dr McCrystal said he had made no decision, but in the light of Dr Koornhof's recent statement, would weigh it carefully.

"I believe there should be decentralisation of power and support in general principle what Dr Koornhof and Mr P. W. Botha, Minister of Defence, have said."

Dr Koornhof said last week the answer to South Africa's political problems could be a Swiss-type confederal constitution based on largely autonomous units.

Mr Botha said a canton-type system might be a fair solution.

Dr McCrystal denied he had given support in private to the United Party's call for talks along the lines of the South West African Turnhalle conference.

"I do favour debate on how we can decentralise power, but have not said I would favour Turnhalle talks in Natal."

The Amanzimtoti seat has been held by Mr George Bartlett of the United Party since it was created in 1974.



Lawrence McCrystal
... I favour debate

'Buthelezi United' sign R10m KwaZulu contracts

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FIVE TRIPARTITE agreements, involving the investment of about R10 million in the KwaZulu homeland within two years, were signed in Durban yesterday.

The contracts were signed by the KwaZulu Chief Minister, Chief Gatsha Buthelezi, for his Government, Dr J. Adendorff, managing director of the Economic Development Corporation — formerly the Bantu Investment Corporation — and representatives of OK Bazaars, Premier Milling, Nasionale Pers, D. and D. H. Frasers and Roberts Construction.

The agreements provide for the establishment of stores, bookshops and bakeries in various towns, and will provide jobs for

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about 1 200 Zulu citizens and 30 whites.

KwaZulu citizens will be able to take up R1 million of the total shares involved.

A spokesman for the EDC said it would invest more than R6 million in the buildings involved. All the assets, including shares taken up by the EDC, would eventually be transferred to the KwaZulu National Development Corporation when it is inaugurated.

The agreements total R11 million already entered into and a total investment of R21 million will have been gained through the tripartite policy of the KwaZulu Gov-

ernment, he said.

The policy would bring chain stores to the main centres in KwaZulu to help consumers and to keep income in the area.

"All the facilities created and provided will ensure the retaining of the money earned by the Zulus for their own benefit," he said.

The contracts provide for the phasing-out of the white interests over a mutually agreed period. The entrepreneurial company will have a 50 per cent interest for the first 10 years, then the phasing-out will depend on the Government, on training of citizens, and the progress and profitability of the ventures.

We won't turn back on 'Turnhalle'

MECs STAND FIRM AND SEEK TALKS WITH NATAL BLACK LEADERS

By BILL KRIGE

NATAL will press ahead with its plan for a Turnhalle conference as a way out of the racial logjam — irrespective of the Government's attitude, Mr Dering Stainbank, MEC, said yesterday.

In the next few days, senior members of the United Party will meet leaders of other race groups to put the plan to them, he told a meeting in Pietermaritzburg held to help formulate policies for a new political party.

Refused

"Without them we can't succeed. In particular we need the support of KwaZulu. I believe Chief Buthelezi will agree we must put forward our views with one voice," said Mr Stainbank, the MEC in charge of the Parks Board.

Although Mr Stainbank refused to confirm it in a brief interview afterwards, it is thought probable that

Chief Buthelezi is one of the leaders with whom the UP hierarchy will meet this week.

The plan for a Natal Turnhalle was launched a month ago by the UP-dominated Provincial Council. A motion calling on the prime minister to meet Exco members and discuss the devolution of power to the Province was passed at the Council's last session.

As yet there has been no response from the Prime Minister's office but the Minister of Finance and Natal leader of the Nationalist Party, Senator Owen Horwood, has dismissed out of hand the

possibility of Natal being granted autonomous powers.

Yesterday Mr Stainbank said that Exco was determined to press on with the Turnhalle plan — "irrespective of what the Government says. Even if the Government turns us down we will go ahead," he said.

'Rotten'

Afterwards he emphasised he did not wish to prejudge any possible response from the Prime Minister to Natal's request. He and other members

of EXCO had been encouraged by the "very favourable response — particularly from whites" to the idea of a Turnhalle type solution to the country's racial problems.

Earlier the leader of the Opposition, Sir de Villiers Graaff, urged people not to flock to the ruling party in the belief that it was not doing a bad job of governing South Africa.

"The Government has done a rotten job and is doing a worse job now," he said. Sir de Villiers believed it was necessary for a new middle of the road party to be formed in order to take over from the Government whose policies were leading "inevitably to violence."

Cantons have no chance here says Professor

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By CAROLINE
CLARK

CANTONS may be fine for the Swiss, but they have no chance in South Africa.

This is the view of Professor Marinus Wiechers, the prominent constitutional expert. But as the great canton debate continued to divide the National Party this week, it became clear that the Nationalists involved do not propose a real Swiss-type system.

Cantons South African-style would be something else entirely.

Professor Wiechers explained: "Basically our version would entrench white supremacy, with the real power in the hands of

the white provincial councils and the white parliament."

But the greatest flaw in the proposal, he said, was that it involved consensus.

"Any policy based on consensus in this country is bound to collapse because we don't have consensus in terms of political outlook and convictions."

"There would have to be support for such concepts as separate development — and blacks just don't support such things."

The system had these flaws:

- It left a gap between the local authority level and the Cabinet Council level.

- There were no provisions for legislative powers for blacks within the gap.

- On a cantonal level it would still be the whites who would decide where everybody would live.

- It would cause a rift between the politically aware urban blacks and the homeland government.

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The statutory foreigners

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By **LEONARD GERING**, an advocate of the Supreme Court and formerly Professor of Law at the University of Durban-Westville

THE CITIZENSHIP issue hangs like an albatross around the neck of the Government's Bantustan policy. To transform millions of citizens into foreigners, in the land of their birth and without their own consent, is contrary to essential principles of justice and morality.

The compulsory deprivation of their citizenship which black citizens of South Africa required at birth, was first attempted for Transkei last October, and is now proposed for Bophuthatswana in December.

These proposals are part of a political scheme to turn all 18 million Africans — more than 70 percent of the total population — into statutory foreigners, and to set up "independent Bantustans" in only 13 percent of the country's entire territory, the size and boundaries of each being unilaterally decreed by an all-White Parliament.

The scheme to deprive millions of black citizens of their birthright, as well as their share and stake in the built-up wealth of the country which blacks have toiled and laboured for generations to create, is a blatant example of racial discrimination enforced by legislation.

If the six separate

pockets of land comprising Bophuthatswana are granted independence, it is in the highest degree unlikely that this fragmented Bantustan will be accorded international recognition by any of the Western countries of the Free World to which South Africa claims to belong.

A noted legal author, Dr Martin Wolff, has written that deprivation of nationality, if made purely on racial grounds, is a violation of international law. He described such a deprivation as "inconsistent with tenets of humanity and morality."

Agreement

In 1975, three Law Lords in the House of Lords, expressed their agreement with these views. A law which deprives a section of the citizen body, singled out on racial grounds, of their citizenship, "constitutes so grave an infringement of human rights that the courts of Britain ought to refuse to recognise it as a law at all."

In the light of President Carter's expressed concern for human rights, it is to be expected that this viewpoint will likewise be that

of the Carter Administration.

Insistence by the South African Government on the compulsory deprivation of rights of citizenship, notwithstanding the declared objection of Chief Mangope and the Bophuthatswana Cabinet, would be a clear test as to whether the terms of "homeland independence" are truly based on voluntary consent, or are a product of duress and compulsion.

The letter addressed to Minister M. C. Botha and referred to in the House of Assembly debate, is the political litmus paper by which the presence or absence of voluntary consent on the part of the homeland government may be judged.

Although homeland independence was granted to Transkei and is now proposed for Bophuthatswana in the name of "separate freedoms" and the "self-determination of peoples", empowering legislation negate these claims.

For the free will or voluntary consent of the South African citizens who are to be affected by it is excluded. There is no free choice for each individual citizen deprived of his

birthright. The deprivation of citizenship and of the share and stake in a built-up wealth of the country is based on compulsion of law enacted by a Parliament in which blacks do not participate.

Bophuthatswana faces yet another serious obstacle to international recognition. This is the fact that its proposed territory consists of six separate pieces of land embedded within the geographical area of the Republic.

Differences

The size and borders of each of these land pockets are determined by virtue of an Act of Parliament in which no black citizen take part. Only citizens classified as white, comprising less than one-fifth of the population, have the right to elect or be elected as MPs in the Cape Town Parliament, which alone has sovereign law-making powers over the whole geographical area of the Republic and all its inhabitants, both the voteless majority as well as the privileged and enfranchised minority.

These six pockets of land cannot be truly equated with islands in the

sea. There are manifest differences between a pieces of land, whose borders are man-made and decreed by Parliament, and islands created by nature, and surrounded by water and not the territory of another sovereign independent state.

Under international law, a state has rights over its territorial waters which are quite different from rights over land.

Access to a state over the sea is obviously very different from access through and across the land of another independent state. Can anyone seriously suggest that the land surrounding each of these six pieces is to be treated as territorial waters?

The mere posing of this question shows up the hollowness of the comparison between these six pieces of land and islands existing in the ocean.

In 1951, the then Prime Minister, Dr D. F. Malan, had this to say on "full independence":

"South Africa is an independent country, and recognised as such. Constitutionally she stands on a footing of equality with ... other in-

dependent nations.

"But in one vital respect she differs from them all and that is, within her embrace and even actually within her borders, she is compelled to harbour territories entirely dependent on her economically and largely also for their defence, but belonging to, and governed by, another country ... as long as this is tolerated by South Africa, there can be no real equality, nor even full independence for her.

Relegated

"And no one can blame her if, under such circumstances, she feels herself relegated to a position of inferiority and in fact to the position of a semi-independent and third class country ...

"Where in the world is there another independent state which would allow the existence, inside its own territory, of territories controlled by a foreign government?"

Dr Malan was referring to the territories then known as the High Commission Territories, but a glance at a map of the six pieces of land comprising Bophuthatswana shows how forcefully his remarks apply to them.

Indeed the reasoning applies far more strongly to the proposed territory of Bophuthatswana.