

REFERENDUM FOR A REPUBLIC

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IN 1942, amid the global clash of arms, the Nationalists of South Africa gave their followers and opponents a foretaste of what was to come with their advent to power. On January 23rd, at the zenith of German prowess in the world war, they propagated their idea of what a modern State's constitution should look like. Neither Hitler nor Mussolini would have disavowed the brainchild of their champions in Southern Africa.

Both *'Die Transvaler'* and *'Die Burger'* of that date carried in their columns, with the authority of Dr. Malan, a draft republican constitution. The architects of that remarkably sinister document were Mr. Strydom and the then editor of *'Die Transvaler'*, Dr. Verwoerd. In the ensuing years, with the decline of Nazi power in Europe and the all-important South African election on the horizon, both Dr. Malan and Mr. Strydom attempted to escape the consequences of having associated themselves with the draft constitution. But even Dr. Malan was moved to admit that it did represent a rough outline of what the Afrikaners aimed to achieve, though he claimed that it was only a draft and a malleable document. As far as I know, no such disavowal has ever been known to pass the lips of Dr. Verwoerd, who has now at last thrust upon the white electorate of the Union a referendum for a republic. What must be of especial significance to the South African of 1960, now expected by Nationalists to ignore the 1942 draft, is how many of the broad aims of that constitution are already a part of the law of the land. After all, the constitutional struggle with the Courts over the Cape Coloured voters may have appeared to be a trifling issue over which to rend the nation in two; but it clearly reflected the provisions of Article 3 of the draft constitution which stated—"the white subjects who are acknowledged as members of the State by the Government will be called 'burgers' without distinction of race" and "only 'burgers' can obtain the right to vote with regard to the government of the republic as such . . ."

Article 11 (d) has also been achieved by the parliamentary accretion of power over the lives of all Africans in the Union. This article says that the "attitude of whites over against (a bizarre and ironical inarticulateness on the part of the Afrikaner

draftsman) non-whites is being regulated in the spirit of Christian guardianship by the former over the latter. The principle of no mixing of blood and of segregation must be maintained as of fundamental importance for the future existence of a white civilization in the Republic of South Africa”.

If English-speaking people in South Africa and other opponents of the Nationalists were not greatly perturbed by the appearance of the draft constitution in 1942, the implied effect of a vote for republicanism in 1960 is a very real threat, whether or not such a draft constitution is waved in their faces. To those British South Africans whose attachment to the Crown has probably never been more vigorous than now, the coming of a republic is one more step in the long line of defeats suffered at the hands of the Afrikaner ‘volksseenheid’. After the declaration of a republic, there may come that government control of education which has been increasing ever since the fatal day in 1948 when Dr. Malan and his henchmen were swept into power.

But worse still in the minds of the English-speaking South Africans would be the demotion of their language. If they could be certain that a republic was merely the removal of the symbol of British domination, they might be less willing to exhibit their opposition at the ballot boxes on October 5th. But the draft constitution must dispel any thought that the Nationalists would keep their predatory hands off so large a prize. As a matter of priority in the draft constitution, “Afrikaans, as the language of the original white inhabitants of the country (an historical inaccuracy, since High Dutch prevailed as the Afrikaner’s tongue to well into the twentieth century), will be the first official language. English will be regarded as a second or supplementary language and will enjoy equal rights, freedom and privileges with the first official language everywhere and whenever such treatment is judged by the State authority to be in the best interests of the State and its inhabitants”. If evidence were needed that the Afrikaners are in earnest about this provision and that there has not been any change of heart in this respect since 1942, one need only look to the Courts. Whereas the majority of Court judgments were delivered in English until very recently, the reverse is now the case. The Chief Justice, Mr. Justice Steyn, in fact makes it a practice to deliver every judgment in Afrikaans, even though all the parties to the action are English-speaking and the whole of the proceedings have been conducted in that language.

Thus to the English-speaking peoples it must appear that the referendum is their last-ditch stand. Once this incursion is made and conceded, their own culture will have been submerged in an Afrikaner sea. But if that is not enough to convince the South Africans of the results of republican status, the fascist-style draft constitution—taken with the record of apartheid these last 12 years—is the surest indication of the aim to produce a National-Socialist government in South Africa in order to maintain the supremacy of the white race.

Article 11 of the draft constitution needs only to be read to be believed. The provisions require no comment. "The public tone of the life of the Republic is Christian-National without any forcing of conscience, and the honouring of this tone of life is demanded in all public activities which have a formative influence upon the spirit of the people. The propagation of any State policy and the existence of any political organization which is in strife with the fulfilling of this Christian-National vocation of life of the people is forbidden". The article goes on in that vein throughout and significantly adds: "the Republic acknowledges the freedom of the organization and government of churches, provided that their acts do not disturb the public order, undermine the national morals or attack the authority of the State".

While all the aims of the draft constitution can be, and some indeed have been, achieved without the act of becoming a republic, there is a deep significance in the referendum. Isolation from her neighbours in the world would become complete, if the act of republicanism were to result in the expulsion of South Africa from the Commonwealth. And the relations with the wider international community would hardly be improved. It is in fact South Africa's attitude towards her international responsibilities that could tip the scales against a vote for Dr. Verwoerd.

After deciding initially to exclude the whites of South-West Africa from the referendum, the Nationalist Cabinet reversed that decision on the ground that the slender majority expected from the four provinces needed strengthening by the few tens of thousands of white voters in the mandated territory—but in practice fifth province—of South-West Africa. From experience since 1949 when the whites of the territory had representation in the Union Parliament, white South-West provides a solid block of Nationalist support.

The International Court of Justice declared in its advisory opinion of 1950 that the mandate status of the territory persisted and that the obligations owed by South Africa to the League were transferred automatically to the United Nations. It was therefore wrong for the Union to regard South-West Africa as a fifth province of the Union. While the Union Parliament was strictly entitled to legislate for the mandated territory, it could not unilaterally alter the status of the territory. Sovereignty lay not with the Union, but probably with the United Nations or at least in suspended animation. South-West Africa is therefore a foreign country in relation to all constitutional issues within the Union. Granting the right to white South-West Africans to vote in the referendum is as though the British Government allowed all Frenchmen with incomes over £3000 a year to vote in a British general election. It is unthinkable that the destinies of Britishers should depend on the vital vote of a few Frenchmen. To claim the contrary in South-West is to show that South Africa regards the mandated territory as part of the Union. This is in defiance of the ruling of the International Court of Justice and the United Nations.

The challenge to the Nationalists to justify their grant of a referendum franchise to the white South-West Africans and the projected assault upon the Union Government's failure to carry out its obligations towards the United Nations when the General Assembly meets in September may prove at last that the mandated territory is in reality the Achilles' heel of apartheid.