Reports of the death of apartheid have been much exaggerated. This is the inevitable conclusion one comes to after a cursory reading of Butterworths’ Statutes. At least 22 racial laws and hundreds of bylaws and provincial ordinances must be amended or scrapped before apartheid has been removed from the statute books.

With the repeal of the Population Registration Act earlier this year, the government put out the word that apartheid was a thing of the past. In fact, all that changed was new births would no longer be registered on a racial basis.

The National Party argues that the remaining racial laws are part of the “own affairs” package which can only be done away with once a new constitution has been negotiated, but the Democratic Party believes most of these could be changed immediately. “Our policy is to start now in rolling back ‘own affairs’ provisions,” says DP research director James Selfe.

What the DP proposes is to use section 16 of the constitution, which empowers the state president to take control over the “own affairs” measures listed in section 14 of the constitution. This, for example, would mean that apartheid in education, health and pensions could be eliminated immediately.

So far the government has rejected this approach. Among the apartheid statutes which remain in effect are:

1. The Republic of South Africa Constitution Act of 1983 is the cornerstone which creates the basis for most of the remaining apartheid statutes. It is the legislative basis for the tri-cameral parliament and all that falls under its direct power — the separate, racially defined government departments, racial by-elections and referendum rules, and the exclusion of blacks from parliament.
2. The Electoral Act of 1979 provides for the separate franchise for whites, coloureds and Indians, and none for blacks.

Take a look at the statute books — you’ll find apartheid is far from dead. Gavin Evans lists some of the racial laws that still need to be scrapped or amended.

4. The Black States Constitution Act of 1971 enables the state president to confer “self-government” on homelands and is the basis for the existence of the six “self-governing states”.
5. The kwaZulu Police Act of 1980 removed the KNP from the control of the South African Police and placed them under the control of the kwaZulu homeland government.
6. The Black Administration Act of 1927 gives powers to the state president to depose tribal chiefs.
7. The Black Authorities Act of 1951 allows the state president to establish tribal, regional and territorial authorities, and describes their powers, functions and duties.
8. The Aliens Act of 1937 allows for citizens of the “independent” homelands to be deported.
10. The National Education Policy Act of 1967, as amended, lays down the relation between the minister of national education and the racially separate “own affairs” mini-