As I write in late October, it appears likely that the white voters of South Africa will vote approval for a new constitution. Their likely approval rests on assurances by leaders in the Nationalist party that they are voting for “security, peaceful coexistence, orderly reform, unity, stability, and fairness.” Black South Africans see it differently. The new constitution totally excludes the African majority, some 22 million people who make up 72 percent of the population, from any role in the national government. What is new is that Coloureds (2.7 million of mixed race) and Indians (875,000) will be included in a tricameral parliament.

Not surprisingly, the constitution has been denounced by hundreds of black organizations. Major churches have called on their members not to support it, and the independent black trade unions have condemned the racial premises that attempt to divide the black community. But conservative elements within the white community also oppose the constitution. The potential inclusion of Coloureds and Indians in the government provoked bitter struggle among the Afrikaners, the 2.8 million people of Dutch descent who traditionally support the Nationalist party. The right wing shattered decades of Afrikaner unity by leaving the Nationalist party in significant numbers and forming the Conservative party (CP).

Members of the CP and others even more extreme cannot accept that for the first time since their forebears arrived in South Africa 331 years ago, whites would no longer be the sole participants in the national government. The Conservatives rejected the constitution because in their view it would produce “a coalition government with conflicting parties, conflicting groups of people, and conflicting political goals in which Indians and Coloureds would rule over whites.” The far-right Herstigte Nasionale party declared: “We are fighting for the retention of the idea of a white South Africa, the retention of our links with our history, and the maintenance of the Christian foundation of our state.” In the face of this criticism from the Right, the Nationalists have been able to present the constitution as a daring step forward, a “major reform,” and they are making effective use of it as part of their “total strategy.” The Nationalist party has been in power in the Republic of South Africa since 1948, but the world that surrounds it has changed profoundly during the 35 years of its rule. Responding to the new situation created in the region by the end of Portuguese colonialism in Angola and Mozambique and the end of white minority rule in Zimbabwe, Prime Minister P.W. Botha has told white South Africans they must adapt or die. They must adapt in order to preserve their power.

Instead of allies on its borders, the Nationalists now are confronted with independent neighbors, and Nationalist propaganda insists that South Africa is threatened by these “Marxist states.” They depict the liberation struggle, led by the South West Africa People’s Organization (SWAPO) in Namibia and the African National Congress (ANC) in South Africa as “terrorist operations” dominated by “communists.” According to this view, South Africa is confronted by a “total onslaught.” Both politically and economically, at home and abroad, the ruling party must demonstrate that it can meet the “total onslaught,” that it is indeed in control. Its “total strategy,” worked out by the State Security Council, is the answer. The new constitution is part of this total strategy.

Foreign Minister Pik Botha spelled out why Coloureds and Indians should be included in the government: “In the face of a growing Communist threat, should we not give them the right at least to have a say over their own affairs and a shared say over our general affairs?” A 1982 government report on the military expressed official thinking: “The South African Defense Force (SADF) is mainly dependent on white males as a source of manpower. It is in the national interest that the white male should no longer be utilized as the only manpower source.” The conclusion seems to be that loyal Coloured and Indian troops would require representatives of some kind in the national government.

It is not mere coincidence that the new constitution is
being pushed forward at the time that President Reagan sits in the White House. Indeed, the Reagan administration's policy of "constructive engagement" with South Africa makes its economic, military, and political strategy, including the constitution, both necessary and possible.

South Africa is dependent on foreign investment and expertise for the smooth running of its highly sophisticated economy. The constitution is an instrument of persuasion devised to convince the international economic community that change is taking place in South Africa. A group of South African businessmen established the Reform Fund to lobby on behalf of the constitution's passage. They argued that a "no" vote would badly affect foreign investment in South Africa. According to a report on the group in the Financial Mail of South Africa, "Any reform, however small, will be viewed positively by public opinion abroad. ... A rejection of the constitution, the group says, will lead to disinvestment and a hardening of foreign attitudes towards South Africa." The prime minister made the same argument in September, citing evidence that investors who have confidence in South Africa would refrain from coming forward to support the country in economic development if the new constitution were to be rejected.

Under the Reagan policy of constructive engagement, South Africa is not to be threatened with isolation but rather is encouraged to reform by closer relations with the U.S. In practice South Africa has discovered that the U.S. will not publicly criticize its acts of aggression against neighboring states, that it can, for example, bomb and occupy southern Angola with impunity. Constructive engagement was supposed to produce a settlement of the conflict in Namibia, which South Africa occupies in violation of international law. South Africa does not want a settlement in Namibia aside from the one it orchestrates, which will never be acceptable to the people of Namibia. Yet constructive engagement is the best U.S. policy South Africa can ever hope to have, and South Africa owes its American supporters some evidence that the policy produces results. The new constitution can be sold as such a result.

The constitution

What then are the provisions of the constitution? The present all-white unicameral parliament would be replaced by one with three houses. White voters would elect 178 members to their house. Coloured voters would elect 85 members, and Indian voters would elect 45 members. The numbers are determined by current population statistics and there is no provision to change them. Provision is made, however, for parliament to carry on, even if one or two houses withdraw. Thus a Coloured or Indian boycott of parliament would be useless.

The three houses each have two separate categories of legislation to consider: "own" and general. "Own" matters are those concerning only one group, and will include, for example, housing, education, health, agriculture, and water supply. Instead of a unified national policy on these matters, there will be separate policies for each racial group. "General" matters, those requiring to be dealt with by all three chambers, presumably will be such matters as defense and foreign affairs. Current South African law will continue unless specifically repealed by the new tricameral parliament. The numerical structure of the parliament makes it impossible to repeal existing repressive, apartheid legislation without the agreement of the whites' house.

The president decides whether legislation is "own" or general. In the case of disagreement between the chambers on general legislation, the president has the power to refer the matter to a President's Council which has final jurisdiction. The new position of president, which is filled by the vote of a parliamentary electoral college, carries with it unprecedented powers. (Each house appoints members to the electoral college: The whites appoint 50, the Coloureds 25, and the Indians 13.)

The president's right to decide what is an "own" affair in parliament will be exercised without any right of appeal to the courts. He will also determine the issues to be decided in the President's Council. This body has 60 members: The president appoints 25, the parliament 35 with the whites naming 20, the Coloureds 10, and the Indians 5. Decisions of the President's Council are binding on the president but given the selection process, the probability of significant disagreement between the president and the council is very small. In practice this means that even if the Coloured and Indian chambers were united in opposition to the white chamber, the President's Council is likely to decide in favor of the whites.

The president has the right to summon and dissolve parliament. He is commander-in-chief of the armed forces with power to declare war or proclaim martial law. He also appoints ministers to the cabinet over which he presides.
The composition of the cabinet has been a subject of much debate, with one commentator calling it the "most daring aspect" of the new constitution, because the president can choose cabinet ministers from all three racial groups. The cabinet ministries administer departments for general affairs. It is in this sense that the right wing feels that Indians and Coloureds could rule over whites if they were appointed to be ministers. Of course, this threat to white power is exaggerated because the constitution ensures the selection of a white president by an electoral college dominated by whites. Any Coloured or Indian who reached the level of cabinet minister would have had to demonstrate his loyalty. He would have to be committed to this system with separate houses for separate groups on separate voters' rolls and separate areas of responsibility. In a word, a minister would have to be committed to apartheid.

The opposition

In 1982, when Prime Minister Botha announced his plans for what he termed "healthy power sharing," Dr. Andries Treurnicht led those Nationalists opposed to the constitution right out of the party. Treurnicht and the Conservative party have fought hard to see the constitution defeated because, says Treurnicht, "a living nation says 'no' to political suicide." The Progressive Federal party (PFP), the opposition party representing more liberal elements in the white constituency, also opposed the constitution but for entirely different reasons. Its concern was the total exclusion of the African majority and the preservation of existing discriminatory race laws.

Both of these white parties are likely to lose. But what can the Nationalists hope to win? They are already firmly in power. They will have the task of implementing their new constitution, and expressions of support can be expected from their allies who want to see this as a first step toward major reform. But it is no such thing. Prime Minister Botha has made it perfectly clear that the black majority will not, if he has anything to say about it, be accommodated in the South African parliament in his or his children's lifetimes.

The constitution institutionalizes the divisions between black South Africans, because it attempts to include and thus buy off the Coloured and Indian middle class, separating them from the mass of black people. Yet the implementation even of these limited changes presents problems. During 1982, the South African government sponsored 175 meetings in the Coloured and Indian communities to sell the constitution. Those participating were parties which already take part in the political system of apartheid.

When the Coloured Labour party agreed at its annual conference in January 1983 to participate in the new system, the reaction was immediate and powerful. Several leading Labour party members resigned and a wide range of Coloured organizations voiced their opposition. When Allan Hendrickse, the party's leader, went around the country to gain support, meetings were marked by intense arguments and in some cases violence.

The Indian reaction was even clearer. No representative Indian organization has agreed to participate. The government-created South African Indian Council is the most likely Indian group to be involved, but even they insist that there be a referendum among Indians, and claim they will abide by its results. According to Essop Jassat of the antigovernment South African Indian Congress, the bill is "old apartheid dressed up in a new guise and loaded so that whites will have a dominant role.... The Coloured and Indian Chambers will be mere talking shops, dealing with things like dog licenses."

Some Coloureds have also come forward with a demand for a referendum. Prime Minister Botha said in September that if the Coloureds and Indians wanted one they could have it, and presumably it will follow the election. He went on to say, "I can't believe that reasonable Coloured and Indian people where they have no political rights at the present will say no if they are given the chance to get them now."

Botha, of course, takes little account of the strongly articulated opposition to the constitution, that has come from all segments of the black community. The major voices of black workers, the Council of Unions of South Africa (CUSA) and the Federation of South African Trade Unions (FOSATU), have opposed the constitution. In the words of FOSATU's general secretary, Joe Foster, "We can have nothing to do with racially divided puppet parliaments."

Bishop Desmond Tutu, general secretary of the South African Council of Churches, urged all member churches to reject the constitution. It is unacceptable to him because it ensures the retention of white control and ex-
cludes completely the majority of South Africa’s people. On September 25 a pastoral letter was read in every Roman Catholic church rejecting the constitution. According to the letter, “it is an affront to the people concerned and ensures that racial discrimination will continue.” The letter called on white Catholics to vote no. The Methodist Church of Southern Africa also rejected the constitution.

Criticism for opposite reasons was raised by 193 ordained ministers of the Dutch Reformed denominations. In addition to agreeing with the views of Carl Bishoff, chair of the South African Bureau of Racial Affairs, that opposition comes from a “fear that the new constitutions will eventually result in integration and put the white in a minority position,” the ministers also objected to “powersharing with people like the Hindus and Moslems who reject the Bible’s principles.”

Bishop Tutu has spoken out in many forums. He was one of the keynote speakers at a June conference called by the National Forum Committee. Attended by some 800 blacks representing 200 organizations, its purpose was to foster closer cooperation between blacks in the face of Prime Minister Botha’s “new deal.” An even larger group gathered on August 20 to launch the United Democratic Front (UDF), which has become the strongest opponent of the constitution. The UDF has a decentralized structure made up of some 400 groups. Its emphasis is nonracial, and in contrast to the black consciousness orientation of the National Forum Committee, it encourages whites to join in its struggle.

Whites were not, however, advised by the UDF how to vote in the November referendum. National Publicity Secretary Lekota explained why. “We reject the entire process that led to this referendum. In rejecting this undemocratic method of deciding on the future of the people of South Africa, we call on our people to show once and for all that they are determined to control their own destiny by doing all in their power to halt the current process of apartheid legislation.”

The UDF has chosen both black and white patrons who represent a broad political spectrum. They include Nelson Mandela and Walter Sisulu, imprisoned leaders of the African National Congress; Helen Joseph, former secretary general of the Federation of South African Women; Hassan Howa, head of the nonracial South African Cricket Board; the Rev. Beyers Naude, banned leader of the also banned Christian Institute; and Dr. Allan Boesak, president of the World Alliance of Reformed Churches and minister of the Dutch Reformed Mission Church.

Three national presidents were chosen for the UDF, but only one, Archie Gumede, was able to attend the opening rally. Oscar Mpetha, veteran trade union leader, was hospitalized after three years in detention, and the third president, Albertina Sisulu, was redetained by the police. According to Boesak, Sisulu was detained precisely at this time in an attempt to intimidate the UDF.

While Prime Minister Botha claims he is willing to test Indian and Coloured opinion on the constitution, his security police have taken swift if careful action against the UDF. At least ten people were detained for distributing UDF leaflets at railway stations. Forty thousand copies of the UDF Newsletter were confiscated by the police but later returned when the UDF threatened legal action. Three false pamphlets were distributed, one of which announced that the August 20 inaugural rally had been postponed.

The rally itself presented a problem. More than 12,000 people came, making an indoor gathering impossible. But it is illegal in South Africa in terms of the Riotous Assemblies Act to have meetings out-of-doors. Careful negotiations took place between UDF lawyers and the police, and the police did not intervene directly. The security police did however monitor the proceedings very closely and there were reports that reinforcements were close by.

For the vast majority of South Africa’s people, the constitution offers nothing. Blacks are still being deprived of their citizenship and forced to eke out a living in the barren “homelands” that comprise only 13 percent of South Africa’s land. Removals continue, migratory labor continues. Detention, torture, and even death still continue for those who oppose apartheid.

The constitution must be seen for what it is: a play to the international community that invests heavily in South Africa, keeping the wheels of apartheid turning. It is a play for time by a party that must know time is not on its side. But it is not even the beginning of the end of apartheid. South African blacks understand that if apartheid is to end, they will have to destroy it. Only with the destruction of apartheid can the hopes expressed at the inauguration of the UDF be realized. They are hopes that deserve a chance:

We stand for the creation of a true democracy in which all South Africans will participate in the government of our country. We stand for a single, nonracial, unfragmented South Africa, a South Africa free of “Baptists and Group Areas... We say no to the Republic of South Africa Constitution Bill—a bill which will create yet another undemocratic constitution in the country of our birth.