

THE POLITICAL NEEDS OF THE AFRICAN. by Z. K. MATTHEWS.

1948

No study of political conditions in South Africa could be regarded as adequate if it did not include some consideration of the place of the African in the body politic of South Africa. The claim of the African in this regard is based not only upon their numerical preponderance in the country but also upon the substantial contribution which they have made and are continuing to make to the prosperity and welfare of South Africa. Nor is it necessary to stress the fact that for them this is the only country which they can call their own.

The problem of devising a political system for South Africa which takes due account of the legitimate political ~~inner~~ needs of the African would appear to be receiving a certain amount of attention from leaders of thought both among Europeans and non-Europeans, because it is being increasingly realised that any other course would set our ship of State upon troubled, ~~xx~~ if not turbulent waters. I think it would be a mistake to attribute this increasing awareness to the political needs of the African either only or primarily to organisations such as the United Nations in whose deliberations ~~xxxx~~ South African affairs have figured so prominently in recent months. A careful study of South African history will, I think, show that South Africa has never been without men and women <sup>with the</sup> vision and <sup>the</sup> courage to see and <sup>proclaim</sup> say that 'All Union Politics Are Native Affairs'. Again and again both prior to and since Union efforts have been made to get to grips with this problem. Outstanding Commissions have from time to time studied the problems, and made recommendations to South African governments. Parliamentary Select Committees have heard voluminous evidence and have spent years in an endeavour to find a satisfactory solution to this question. However unsatisfactory they may appear to us ~~xxxx~~ in the light of modern conditions it is well for us <sup>To remember</sup> that various schemes have been experimented with in the search for a political system which would safeguard the legitimate rights of all sections of the population, and to their credit it must be pointed out that South Africans both black and white have been among the severest critics of those schemes which did not do justice to one or other section

of our population.

Perhaps it may not be without some profit for us to remind ourselves briefly about the various attempts that have been made or suggestions that have been put forward in connection with the problem of giving the African a say in the government of this country.

As far back as 1852 under the Cape Constitution Ordinance of that year the Cape Government in dealing with the question of political rights, following what is now commonly called the policy of identity, drew no distinction between its black and its white subjects. The Ordinance laid down the following as necessary qualifications for a voter:- (i)the occupation for twelve months of property valued at not less than £25 or (ii)the receipt of salary and wages not less than £50 per annum or ~~less~~ £25 per annum with board and lodging. These qualifications, it will be noted, were purely property qualifications, no mention being made of educational qualifications nor of any discriminations based on race or colour. Brookes has expressed the view that even at that date "the majority of the Cape members of Parliament would not have favoured the exclusion of a political colour bar, except for the necessity of satisfying the susceptibilities of people in England, quite ignorant of the real difficulties of the question." In other words as the Cape Colony was then still under the control of Downing Street, the exclusion of a political colour bar was imposed upon ~~the~~ an unwilling Colony by a British Government which did not realise that in the South African context 'government for the people by the people' might have to take a somewhat different form. I think, however, that there must have been a few who did not regard this arrangement ~~was~~ an imposition against their better judgment. For in 1852 it had not yet become ~~common knowledge~~ common knowledge that a political system developed ~~under~~ in one country ~~under~~ a ~~certain~~ set of circumstances might require considerable modification when applied in another country among people with different historical antecedents and varying cultural backgrounds. The principle that what is good for one country or one people must be good for another in country or another people was, ~~in~~ imperfectly good faith, followed <sup>then</sup> slightly more blindly, than it is today. ~~Perhaps the most extreme~~

At all events the position then created was that any African who complied with the necessary qualifications could become a registered voter. It must not be forgotten that even as they stood then, the qualifications provided a stiffer hurdle for the African than for the European. There must have been very few Africans in 1852 and for many a year thereafter who could boast of the ownership of ~~property~~<sup>quite</sup> occupation of ~~a~~ valued at not less than £25 or of an income of £50 per annum. From this point of view the qualifications might even then have been described as discriminatory in practice if not in theory. But, apart from the practical difficulty of complying with the necessary economic conditions, the ballot box must have appeared as a very strange method of ascertaining the views of people about matters affecting their welfare. The African was not unaccustomed to being consulted on the business of government. African political systems had been in existence from time immemorial, and the occasional appearance of tyrants and dictators among them as among more modern people notwithstanding, they had opportunities and methods of making themselves felt in public affairs, but now they were faced with a strange type of political machinery--representative democracy and the ballot box. It is not surprising that there was no great rush to participate in this new form of government. Time would have to elapse to enable the people to learn the mysteries of this new way of sharing in the business of government. The reluctance of the African to register must also be attributed in no small measure to the fact that this innovation was introduced by their recent foes. To the recently conquered the ways of the conqueror cannot but seem calculated to consolidate the position of the latter rather than to advance the cause of the former. In the circumstances the socalled rights of a British subject could not have been particularly attractive to them.

All these factors taken together were undoubtedly responsible for the slow rate of registration for the first forty years. By 1892, however, the "blanket vote", as it was called, had become something to reckon with in the political affairs of the Colony and rival political parties began to seek methods by which the effect of this vote could be minimised.

The line followed was to stress the fact that the right to vote ought in some way to be related to the ability of the voter to use his vote intelligently. The democratic system of government implies that the people who participate in it must have sufficient general knowledge to enable them to form sound judgments regarding the men and measures placed before them from time to time. The holders of the "blanket vote" could obviously not all survive this test. The obvious remedy was that in addition to property qualifications the voter must be required to comply with certain basic educational qualifications or pass a civilization test of some sort. Consequently under the Franchise and Ballot Act of 1892 not only were the property qualifications raised from £25 to £75 (the income qualification remained at £50) but an educational qualification was introduced, namely, the ability of the voter to sign his name and write his address and occupation. These qualifications were low enough to make it possible for practically every European who wished to do so to qualify but high enough to impose a severe ~~restriction~~ limit on the number of Africans who could satisfy the conditions for registration. The South African liberal of that day no doubt congratulated himself on the acceptance by the State of the principle of 'equal rights for all civilised men' without distinction of race or colour. He did not inquire too closely into the measures, if any, taken by the State to bring about that equality of civilization which had become a condition of enfranchisement. That the business of introducing the African into the civilization upon which his achievement of equal rights so largely depended was left to ~~free~~ foreign missionaries financed mainly from overseas did not cause him much loss of sleep.

In spite of these restrictions the number of African registered voters in the Cape increased steadily, especially because the African found that the registered voter was given certain privileges which non-voters did not enjoy. Under the Native Voters' Relief Act 39 of 1887 (the Hofmeyr Act) the voter was relieved from the operation <sup>of</sup> <sub>A</sub> certain laws differentially affecting Natives such as curfew restrictions, liquor laws, the residential colour bars, etc. Therefore even if he was completely indifferent to the

political significance of the vote, he was nevertheless keenly aware of the practical social advantages which accrued from its possession and therefore he registered in ever increasing numbers. It may be contended that this shows that the African does not want or appreciate the vote and that therefore it should not be granted to him. Those who hold this view usually conveniently forget that even European voters are generally so apathetic about exercising their political rights that a system of compulsory registration for European voters has had to be adopted, and judging by the low ~~per~~ percentage of European voters who take the trouble to register their votes at election time it might eventually be necessary to adopt compulsory voting. No one dreams of suggesting that Europeans in general do not want the vote and therefore should be deprived of their right to vote, barring those who have lost all faith in the democratic system of government.

In the matter of ~~rejecting~~ insisting upon voters' qualifications based upon civilization rather than upon mere membership <sup>want</sup> of the State, the Colony of Natal, even further than the Cape. There under Law 11 of 1865 the franchise was extended only to those Africans who in addition to being able to comply with the property and educational qualifications laid down for Europeans, ~~xxxx~~ had been exempted from Native Law for a period of not less than seven years. The qualifications for exemption were "seven years' residence in Natal, monogamy, ability to read and write and the furnishing of a recommendatory Certificate by a resident (not being a Native) possessing a juryman's qualification. Particulars of the applicant's Chief, family, etc., must be furnished and the Oath of Allegiance must be taken". The exempted African was therefore an individual who had ostensibly abandoned the Native way of life and had embraced western standards of civilization. Such an individual after he had been exempted for over seven years could petition the Governor for admission to the franchise. His application had to be supported by three European electors who could testify that he was a fit and proper person to be granted this privilege, and required endorsement by a Magistrate or a Justice of the Peace. It was entirely at the discretion of the Governor to grant or refuse this request. It is hardly necessary to add that very few Africans ever succeeded in

passing this stringent test. As Brookes observes ~~that~~ the Natal scheme was "undoubtedly a mere disingenuous device for maintaining a colour bar without saying so". In theory the African had the franchise if he conformed to European standards of life as indicated among other things by his exemption, but in practice every obstacle was put in the way of him achieving it. Instead of the franchise being a right to share in the business of government, in Natal it became a reward or privilege accorded to those who had become detribalised and could pass the socalled test of civilization.

To the Cape we owe the development of another aspect of the problem of political rights for Africans. As a rule the man-in-the-street except at election time is generally more interested in local matters i.e. matters affecting the area in which he resides than in national matters i.e. matters affecting the country to which he belongs as a whole. Therefore not only does a citizen ~~need~~ require to be given the right to participate in national affairs but he requires in addition the right to have a say in local affairs. Moreover it is supposed that participation in local politics provides good training for participation in politics on the national level. It was in this spirit that the Native ~~area~~ District Council system was established in the Native areas in the Cape under Act 25 of 1894. Beginning in the Glen Grey district of the Ciskei the system was soon extended to the Transkeian Territories where it was developed from district to district until it embraced the whole of that area. The Local Council was regarded as a kind of organ of local government which, because it dealt with matters of more immediate concern to them, would interest the average African more than the affairs of a remote Parliament sitting at Cape Town. Besides it would provide the African with a kind of political training ground where he would learn constitutional methods of ventilating his views and gain practical experience in the administration of local affairs. In other words the system was not looked upon as a substitute for parliamentary representation but rather as a necessary complement to it.

But while in the Cape and to a lesser extent in Natal the principles of parliamentary representation and local government

were being developed in such a way as to provide for Africans as well for other sections of the population, a different political system was being developed in the Republics of the Transvaal and the Orange Free State. There the view was taken that political rights both on the local and national levels should be the exclusive monopoly of white subjects of the State. The principle that there should be 'no equality in Church or State between black and white' was interpreted to mean not merely that the rights of whites should be more extensive than those of blacks but rather that whites alone should have any political rights at all. ~~xxxix~~  
In spite of fact that the Republics claimed that at Blood River 'civilization had triumphed over barbarism' they ruled out the possibility of the barbarian ever qualifying for admission to the civilization by which he had been conquered. It is not necessary to speculate as to whether it would have been possible for the Republics to establish on a permanent basis regimes in which the vast majority of the population were kept in a state of complete political subordination. For by 1903 they had become British Colonies and together with ~~other~~ British territories in Southern Africa they had to seek ways and means of formulating a uniform Native Policy. The South African Native Affairs Commission of 1903-5 ~~xxxxxx~~ on which the different Colonies in Southern Africa were represented was entrusted with the task of studying this problem and making recommendations thereon. On the question of the political rights of Africans that Commission made the following recommendations:-

- "(i) That in the interests of both races, for the contentment of the Native population and better consideration of their interests, it is desirable to allow them some measure of representation in the Legislatures of the country; that such representation should be granted on the following lines and recognise the following main principles:-
- (a) That no Native shall vote in the election of any member or candidate for whom a European has the right to vote,
- (b) That the extent of such representation, that is, the number of members to be granted to Native constituencies shall be settled by each Legislature and that at least one such seat should be created in each of the self-governing Colonies in South Africa now, and in each Colony or Possession as it becomes self-governing,
- (c) That in each Colony now self-governing or when it becomes self-governing, there should be created an electoral district or districts in which Native electors only shall vote for the election of a member or members to represent them in the Legislature, and that there should be separate voters' lists and separate candidates for Natives only but that this

- should in no way affect the franchise, the voters' lists or the representation of the European community within such districts,
- (d) That the qualifications for the native voter be the same as for the European
- (ii) That the qualification of the member or members to represent the Natives should be determined by each Legislature.

One member of the Commission concurred in these recommendations subject to the following reservations which clearly had reference to the necessity for a civilization test for the franchise:-

- (a) That the qualification of the voter should include an educational test, and
- (b) That no Native who is uncivilized, and who is a polygamist, shall be eligible as a voter.

The significance of the recommendations of the Commission lies in the recognition of the justice of the claim of the African to some form of representation in the body ultimately responsible for the government of any territory in which they live, namely, the Legislature. Without such representation not only would there be continual discontent among Africans but in actual practice their interests would not receive proper attention in the Legislature. Experience shows that no Legislature, however well intentioned, ever gives proper consideration to the legitimate interests of those not represented in it. This happens even when the question of race or colour is not involved as may be seen from the fact that it was not until ~~XXXX~~ European women were given the franchise that their interests received the serious attention of the Legislature.

Secondly the Commission recommended separate voters' lists, separate constituencies and ~~separate~~ representatives for black and white in the belief that where the same candidates represent both black and white electors, the ~~white~~ electors being in the majority, the interests of the black electors would not receive as much attention as when such black electors are represented by members directly answerable to them. It is noteworthy that the Commission did not go on to indicate whether the black electors should be represented by black or white representatives.

Thirdly on the question of the number of members to represent Africans the Commission was not able to say more than that ~~Africans~~ should have at least one member representing them in each Legislature.

On the question of voters' qualifications the Commission decided that they should be the same as for European voters, and that

the qualifications for members representing Africans should be determined by each Legislature. One member, however, deemed it sufficiently important for him to insist upon an educational or civilization test of some sort being included among the qualifications for African voters.

A scheme of political representation for Africans somewhat similar to that suggested by the 1903-5 Commission was brought forward by the Natal Native Affairs Commission of 1906-7 which was appointed after the Zulu Rebellion of 1906 to make recommendations on the changes, if any, required in the system of Native Administration in Natal to make it more acceptable, among others, to the Africans. In dealing with the question of political representation for Africans the Commission found itself divided into a Majority and a Minority Group.

The Majority recommended that-

"the exempted Native should be permitted individually to qualify for the Parliamentary franchise by means of education and the possession of landed property or income, and by a system of registration based upon compliance with certain tests, have their names entered upon a special electoral roll, applicable to the whole Colony; also that the Colony should constitute one electoral division, to return one up to three members (the maximum) upon a defined numerical basis to be fixed by Parliament. Such member or members to be elected by ballot from European candidates nominated by the Governor in Council. They would be members for the Colony and although specially representing the exempted class, would be competent to express the views of the whole body of educated Natives. The opinion of the Kraal Natives would find satisfactory expression through the Commissioners and the Council for Native Affairs by whom they would be adequately protected and represented. It was deemed sufficient to submit these views for consideration without argument.....

The Minority suggested that political privileges should be confined to exempted Natives and that the Natives concerned should be allowed to elect not a member of Parliament but a member of the Native Advisory Board which the Commission proposed should be established to advise the government on Native Administration.

The significant features of the scheme proposed here include:-

- (a) the suggested division of Africans into two groups, namely, the exempted or educated and the uneducated. In the view of both the Majority and the Minority the political needs of the two groups could not be satisfied by means of the same type of machinery. While the educated African could be dealt with on the basis of the individual vote, the more unsophisticated tribal Africans required to be catered for by a system in which the emphasis would be on group interests rather than individual rights. Government officials could safely be entrusted with the protection of these Africans on the basis of trusteeship rather than representative democracy
- (b) The representation of Africans by Europeans nominated by the Governor-in-Council. The Commission supported this recommendation by saying: "Not one of the many educated and exempted Natives who expressed themselves very strongly upon the question of direct Parliamentary representation suggested that one of their own race should be their member. Their readiness to be represented by selection from nominations made on their behalf was an exhibition of moderation, political wisdom and confidence in the European highly commendable".

Apparently the educated Africans in Natal in 1906 considered that the issue of representation was more urgent than that of whether the representation should be direct or indirect. It's doubtful, however, whether educated Africans to day, in Natal or anywhere else in the Union, would be satisfied to be represented by Europeans elected from a panel nominated by the Governor-General-in-Council. Nor the idea of the Minority that members elected by Africans should sit not in Parliament but in a special Native Affairs Board---that is, a body similar to our present Native Affairs Commission---find support among Africans in 1948 whatever may have been the position in 1906.

All the schemes which have been discussed so far show ~~xxx~~ pre-Union South African governments groping towards a solution of the problemx of political representation for Africans which while recognising the claims of Africans to some kind of consideration would in no way endanger the dominant position of the European in the South African political scheme of things. Consequently they included the familiar features:-

- (a) The African population must be given some voice in the supreme governing body of the country.
- (b) The representation given to the African must not be such as might ultimately lead to the domination of white by black owing to the numerical preponderance of the latter, but should be just sufficient to ensure that African interests receive some consideration in the Legislature.
- (c) The right to vote--the franchise--if it is to be used intelligently and with a due sense of responsibility must only be granted to Africans with a modicum of education and who in one way or another are making a contribution to the wealth and prosperity of the country. Democracy must be ~~xxx~~ made correlative with education, and rights with duties.
- (d) That for the inarticulate section of the African population some alternative machinery must be devised in order to safeguard and protect their interests.

The recommendations of the 1903 and 1906 Commissions were not implemented by any of the pre-Union Colonial governments for it soon became clear that the question of the unification of the Colonies must precede the solution of all other problems. At the National Convention which drew up the future South African Constitution the problem of the political representation of Africans figured prominently in the discussions, with the Cape a doughty advocate of the grant of some measure of political representation to non-Europeans and with the Transvaal and the Orange Free State determined to see that this did not happen. In the event a compromise was arrived on the following lines:-

- (a) Nothing should be allowed to stand in the way of the unification of the four Colonies.
- (b) The franchise laws of the Colonies to become Provinces under Union must in the meantime be allowed to remain as they were before Union.
- (c) The right to become members of Parliament should for the time being be confined to persons of European descent.
- (d) The question of the political representation of non-Europeans should be left to be settled at a later date by the Union Parliament.

(e) The franchise rights of non-Europeans in the Cape shall be protected by the requirement that any Union legislation seeking to deprive them of such rights shall at its reading be passed by a two-thirds majority of the two Houses of Parliament sitting together.

When the Union became~~s~~ an established fact in 1910 the position as far as the political rights of Africans were concerned was as follows

- (a) Africans in the Cape had the franchise on the same basis as Europeans.
- (b) Africans in Natal had the franchise on the same basis as Europeans except that they had to comply with certain additional qualifications which applied to them only.
- (c) Africans in the Transvaal and in the Orange Free State did not have the franchise.
- (d) The right to become members of Parliament was confined to persons of European descent.
- (e) The right to become a member of a Provincial Council was confined to persons of European descent except in the Cape Province.
- (f) Four members of the Senate were to be nominated by the Government of the day "by reason of their thorough acquaintance through official experience or otherwise with reasonable wants and wishes of the coloured inhabitants of the Union" to represent Native interests in the Upper House with special reference to the "wants and wishes" of those sections of the African population which did not have the franchise---~~XXXXXX~~voteless Africans in the Cape, Natal, the Transvaal and the Orange Free State.
- (g) The right to the municipal franchise and the right to become a member of an~~XXXXXX~~ urban local authority was confined to persons of European descent except in the Cape Province. Admittedly the number of Africans permanently settled in the urban areas was at that time very small and the problem of their representation in urban local authorities was not an urgent one.
- (h) The Native Local Council system had been in existence in the Transkeian Territories and in the Ciskeian district of Glen Grey since 1894 and ~~XXXXXX~~ through it Africans in the rural areas concerned had a limited say in matters of local administration.

It soon became clear after Union that the Unipn Parliament would have to redeem the promise implied in the compromise arrived at at the National Convention to devise a more comprehensive solution of the problem of political representation for Africans. The first definite steps in this direction were taken when Parliament passed the Native Affairs Act of 1920. This Act which was referred to at the time as the "Magna Carta" of the Native population had as its main objective the provision of machinery for the ascertainment of the views of Africans on matters of general and local interest affecting their welfare. The idea underlying the Act seems to have been that although ~~XXXXXX~~ the governed must be consulted in a democratic government, the ballot box does not necessarily constitute the sole instrument that can be used for this purpose. The object then aimed at was to provide machinery alternative to Parliamentary representation through ~~which~~ the principle of consultation in the government of Africans might be given effect to.

The Act attempted to achieve this object in three ways, namely,

- (a) by the establishment of the Native Affairs Commission.
- (b) by providing for the periodical convening of Conferences of Chiefs, Headmen and other leaders of thought among Africans.
- (c) by the extension of the Local Council system to Native areas outside the Transkeian Territories.

The Native Affairs Commission. This body which was to consist of from three to five members, appointed by the Governor-General, under the chairmanship of the Minister of Native Affairs had as its function to advise the Minister of Native Affairs on matters of policy and projected legislation affecting Africans and to furnish its views on such matters of administration as might be submitted to it. Where the views of the Commission on matters of policy differed from those of the Minister, or were ignored by him, the Commission was given the right to appeal to the Governor-General-in-Council, and failing satisfaction, to both House of Parliament.

It would appear that the assumption on which the Commission was established was that it would be a body of experts who as far as the Government was concerned, would act ~~for~~ as a kind of "Brains' Trust" on Native affairs and as far as Africans were concerned would act as a kind of "poor man's advocate" who would, on the basis of expert knowledge and study, put <sup>before</sup> the country and Parliament the needs and the ~~point~~ <sup>point</sup> of view of those who by the laws of the country were deprived of the right to do so for themselves. The Native Affairs Commission as an institution has now been in existence for nearly thirty years. Whatever the views of the Government about its value as a "Brains' Trust" may be, the African viewpoint is that on the whole the Commission has not been a success as a defender and guardian of African interests. To the African it has appeared too often to be merely an apologist for the native policy of the government of the day. In their view it has outlived whatever usefulness it might have had thirty years ago as spokesman for the African people, and they are now increasingly demanding the right to speak for themselves on matters concerning their welfare.

Native Conferences. The Native Affairs Act also made provision for the periodical convening of Conferences of "chiefs, members of Native Councils or local councils and prominent natives, and of native delegates invited from any association or union purporting to represent any native political or economic interest, with a view to the ascertainment of the sentiments of the native population of the Union or any part thereof, in regard to any measure in so far as it may affect such population".

A number of such Conferences were actually held between 1923 and 1929 and various important legislative measures including the Natives (Urban Areas) Bill and the Natives Taxation and Development Bill were laid before these Conferences. It soon became clear, however that these gatherings were not satisfactory from the point of view

of either the African or the Government.

From the African viewpoint the Conferences were unsatisfactory for:-

- (a) They were purely advisory, consultative or deliberative ~~and~~ had no executive or legislative powers.
- (b) Those who attended them were invited by the Government, the people having no say directly or indirectly in who should or should not attend.
- (c) The Government was under no obligation to ~~convince~~ the Conferences

From the Government point of view they were unsatisfactory because

- (a) They gave the African an official platform from which to criticise adversely more often than not, Government measures intended to affect them.
- (b) They brought together African leaders from different parts of the country, thus leading to the gradual development of national consciousness and the crystallisation of African opinion on various aspects of Native policy.
- (c) They were not truly representative of African opinion as a whole as they were dominated by the educated or more articulate sections of African opinion.

The Council System. The Native Affairs Act, finally, made provision for the extension of the Local Council system to Native areas outside the Transkei. This was in due course done and although the system does not yet cover all the Native areas of the Union it is now to be found in every Province. But the Local Council system has obvious limitations. Thus it can only be applied in Native areas, thus ~~xxxx~~ leaving the many Natives in non-Native areas, e.g. farm Natives without a voice even in their local affairs; confined as they are to local matters they cannot give the African point on many questions of general interest; providing the African with local and general councils cannot take the place of giving them representation in the highest ~~xxxxxx~~ law-making bodies of the land, Parliament and the Provincial Councils.

Considered from all angles the Native Affairs Act did not provide the solution of the problem of political representation for Africans for which the country was looking. In 1924 the Nationalist Party <sup>united with the Labour Party and formed the first Government</sup> came into power and its leader, General Hertzog, soon put before the country a number of Bills designed to provide ~~xxxxx~~ once and for all a comprehensive solution of the Native problem. One of these Bills dealt with the question of political representation for Africans.

The Bill proposed to do this by ~~xx~~

- (a) the complete exclusion of Natives from voting for candidates representing Europeans in Parliament.
- (b) the creation of alternative machinery through which the views of Africans upon matters affecting their welfare might be brought ~~xx~~ before Parliament.

Ten years elapsed between the time when the Prime Minister's proposals were first mooted and the time when the Representation of Natives Act 12 of 1936 was placed on the Statute Book. In the meantime steps had been taken by the Government to strengthen the European vote vis-a-vis the Native vote. This was done in two ways, namely,

- (a) by the enfranchisement of European ~~xxx~~<sup>xxx</sup> women upon their attainment of the age of 21 under Act 18 of 1930.
- (b) by the removal of property and educational qualifications for European male voters throughout the Union under Act 41 of 1931.

The effect of these two laws was to confer the franchise on all adult European ~~xxx~~<sup>xxx</sup> men and women, while retaining the property and educational qualifications for those non-Europeans who still had the right to vote in the Cape. Non-European women continued to be barred from the franchise whether or not they possessed the necessary qualifications.

As finally passed the Representation of Natives Act of 1936 made provision for the following types of representation for Africans:

- (a) Representation in the House of Assembly for Cape Africans by three European members elected by African voters registered on a separate Voters' Roll on the lines of the recommendation of the 1903 Commission.
- (b) Representation in the Cape Provincial Council for Cape Africans only by two European members elected by African registered voters as under (a) above.
- (c) Representation in the Senate for the African population of the Union by four European members on the electoral college system by voting units consisting of Chiefs, Headmen and Local Councils in the Native Reserves, Native Advisory Boards in those urban areas where these bodies exist and specially established Electoral Committees in all other areas, the ~~xxx~~<sup>xxx</sup> of voting strength of each voting unit being represented by the number of taxpayers in the district under the Natives Taxation and Development Act of 1925.
- (d) Representation in a specially established Native Representative Council by twelve African members elected in the same way as the way as the Senators referred to above and four African members nominated by the Government and European members ex officio of whom one, The Secretary for Native Affairs, acts as Chairman.

This system of separate representation was strenuously opposed by the African people and their European supporters but in the main it had the support of the ~~xxx~~<sup>xxx</sup> members of Parliament----only 11 ~~xxx~~<sup>xxx</sup> voted against it--who saw that by rendering the Cape Native Franchise innocuous the system would entrench the principle of the paramountcy of European interests in South Africa.

The anomalies and defects in the system of representation established under Act 12 of 1936 are many and obvious. One need only refer to

- (a) The absence of Assembly and Provincial Council representation in the Northern Provinces whose African population is not less deserving of representation in those bodies than that of the Cape.
- (b) The absence of direct representation of Africans by Africans in the Senate, the Assembly or the Provincial Council. However necessary it may be from the point of political expediency for Africans to accept representation by Europeans in these bodies they can hardly be expected to be content with this arrangement forever.
- (c) The electoral college method of election which applies to the election of representatives in the Senate and in the Natives Representative Council is obviously undemocratic and open to abuse.
- (d) As far as the Natives Representative Council is concerned there is reason to believe that it was looked upon as the heart of the system, but ten years of experience has convinced both the African people who from the outset had no great faith in it and the

Government, as indicated by the Prime Minister in a recent statement to African members of the Council, that its constitution is in need of radical alteration. In the statement referred to the Prime Minister said, among other things, that the original intention had been that the Council "would give an outlet for the expression of Native opinion and that the Natives Representative Council would make its contribution towards guiding public opinion and the opinion of Parliament into right channels". "How has the idea worked out in practice"? ~~xxxxx~~ He went on: "The Natives Representative Council was given no responsibility. It was simply a debating chamber. It became simply a platform from which to express grievances. It passed resolutions. It passed resolutions year after year many of which Parliament didn't carry out; some of which Parliament couldn't carry out. It is very easy to ask: it is more difficult to give. And the Natives Representative Council was put in the position that it could make demands and representations to Parliament without themselves taking part in the fulfilment of them. The result of that has been a spirit of dissatisfaction and of frustration among the Native people themselves. They see that they express their opinions and pass their resolutions but apparently no attention is paid to them. And instead of the position being improved, it naturally gets worse and the result is such as we see now--that the Natives Representative Council sulks and thinks that it is a useless body and it does not want to proceed with its work. This is the unfortunate position in which we are landed today and out of which we must get". Thus in his inimitable way and with his ~~xxxxx~~ usual lucidity has Field-Marshal diagnosed the ills from which the Council suffers and for which a remedy must be found.

The Prime Minister has therefore come forward with new proposals designed to improve the constitution of the Natives Representative Council. To quote his own words: "We don't want to break down the Natives Representative Council, but we want to improve it, to strengthen it". "It was intended to be a real aid and help to our Native policy. You cannot ignore native opinion. You cannot have good government in this country and ignore the opinion of vast mass of people in it.... It must be made a real working institution, helpful to the good government of this country and the problem before us is to make this forward move--to make the Council the reality it was intended to be".

In summary the following are the main innovations suggested by the Prime Minister:-

#### 1. Native Representative Council.

(a) Under the existing constitution the Council consists of 22 members  
~~(6)~~ 6 official members--The Secretary for Native Affairs and five Chief Native Commissioners--all European.

- (ii) 4 Natives nominated by the Governor-General.
- (iii) 12 Natives elected by electoral colleges, with the Secretary for Native Affairs as Chairman.

It is proposed to withdraw the six European official members, to abolish the four nominated, and to increase the number of elected members to 50 with an elected member as Chairman.

so long that the African is now refusing to unlearn the lesson of the interdependence of black and white in South Africa.

But the African is not alone in thinking that segregation or apartheid has outlived its usefulness as a guiding principle for the regulation of the relations between black and white in this country. As General Smuts has said; "When the late General Hertzog got his legislation through Parliament ten years ago, he thought he had settled our whole Native Policy. He thought that the laws that he had passed for native segregation and for the Natives Representative Council would fill the bill".

"But what has happened in those last ten years since then? We have seen, in spite of his legislation, a great migration of the Native population to the great urban centres. Quite new problems, a new situation, have arisen. It has not been possible to segregate the Native Reserves. The Native Reserves have proved only a partial solution of the problem, and one of the most pressing problems today before us is how to deal with this immense influx of Native people into the urban and industrial centres". Later in the same address the Prime Minister said:- "Providence has put us both here. Bantu and European came to this country at the same time. That wonderful century in history--the seventeenth century--brought both of us here. You came from the North by land, we came from the farther North by sea, and here we both are, and here we shall remain. It is our country; it is your country. We must try and build up a human society that will be happy as far as human beings can be happy". Great words from a great and far-seeing statesman ; Their implication is clear. Black and white have been inextricably bound together by their common experiences in this land, and therefore any policy based on the assumption that they belong to entirely different worlds is, both on historical and on practical grounds, wrong for South Africa. "One South Africa--Integration" should be our watchword.

It may be argued that the white man would never agree to a policy of integration on the ground that his dominant position in the country would be imperilled. The white man must always remain boss, and therefore a policy of parallel development with white domination is his only safeguard. But the European has not

a monopoly of the desire for security in this country, and the ingenuity of man has not yet devised a political system under which the legitimate interests of a people can be safeguarded by institutions in which they are not directly represented. The same self-determination which the Europeans claim for themselves they must be prepared to accord to other sections of the population and only on the basis of integration and co-operation can the South African Nation as at present constituted survive. The way of segregation has been tired and it has not yielded the results in the way of peace and harmony which were claimed for it.

The Africans would be the last to suggest that citizenship rights would be extended to all persons overnight without qualification. For that reason they are not averse to being required to submit to whatever suitable tests might be devised to enable them to qualify for citizenship. In this connection they maintain that individual merit rather than group lack of merit should be the guiding principle in dealing with this matter. It is common in South Africa to lump together all Africans without regard to their individual achievements. Actually there are many Africans who are more westernised than many a European. It is futile to suggest that such persons must wait a thousand years before the progress they have made can be accorded recognition. The only hope for the successful maintenance of western civilization anywhere on the African continent is to increase the number of people for whom that civilization is meaningful, who live it out in their own lives rather than to drive such persons into a situation in which, frustrated and disgruntled, they make common cause with the enemies of the western way of life. It is for this reason that Africans call for a re-orientation of our Native policy. The broad outlines of our present Native Policy were laid down by the South African Native Affairs Commission of 1903-5 and the National Convention which followed a few years later. The African view is that those builders of the foundations of our native policy, with the best intentions in the world, could not have foreseen the circumstances of today. The shape of things to day calls for an overhauling of our policy in order to bring it into line with the actual conditions of modern South Africa. We welcome the opinion recently expressed

by Field-Marshall Smuts that the time had come for the South African Constitution to be re-examined in the light of developments in the Union since 1910. One can only express the hope that whatever body is entrusted with the task of revising the South African Constitution will succeed in working out a scheme which will integrate the African people into the general life. The problems of South Africa are common to all sections of the population and they can surely never be satisfactorily solved on the basis of the permanent domination of one group by another or by the establishment of a series of separate institutions which are regarded as watertight compartments but only on the basis of giving every group an effective voice in our common institutions.