[Historical survey of "Non-European" politics in S.A. 1852 – late 1940s]

1 No ~~review~~ study of political conditions in South Africa could be regarded as any adequate if it did not include some consideration of the place of the ~~African~~ non-European in the body politic of South Africa. One need only refer to the fact that the non-Europeans constitute the bulk of the population of this country to justify this statement. However the claim of the non-European for consideration, in this regard, is ~~not alone~~ only based upon their numerical preponderance but also upon the ~~valuable~~ substantial contribution which they have made & are continuing to make to the prosperity of this country. & say nothing of the fact that for the majority of them this is the only country which they can call their own.

2. In this paper I shall confine myself to a discussion of this question from the point of view of the African because that is the section of the ~~population~~ non-European population with whose problems I am best acquainted. [I make bold to say, however, that what I shall say about the African applies, mutatis mutandis, to the other sections of the non-Europeans.]

3 [The problem of the place of the African in our body politic would appear to be receiving a certain amount of serious attention from all leaders of thought both among the Europeans & non-Europeans. ~~There is however~~ It would be a mistake however, to think that this ~~problem has only recently attracted~~ interest in the political situation of the non-Europeans is a recent phenomenon in our national life ~~attention~~. ~~Long before~~ the United Nations Organisation ~~was in the forthcoming election~~ found where deliberations this question has recently figured so prominently nor the forthcoming General Election can be given the credit for ~~arousing the conscience of South Africa on this question~~ awakening S.A. public to this problem] A careful study of South African history will, I think, show that this question has never been allowed to sink into ~~oblivion~~ the background for very long. Again & again both prior & since Union attempts have been made to ~~tackle this problem~~ grapple with it. Various commissions have ~~provided to the Government~~ from time to time made recommendations to South African governments on this important question, and ~~various~~

"All Union politics have always been Native Affairs"

however unsatisfactory they may appear to us today it is well to remember that various

schemes have been given actual experimented with in an effort to find a solution of this problem. Different aspects of the problem have received emphasis at different times but the issue the question of the political rights of the Africans has been with us all the time.

4 It may not be without some profit for us to remind ourselves briefly about the various attempts that have been made to deal with this problem of giving the Africans a say in the government of this country.

The first approach to which we may refer is that of the

5. old Cape Government. As far back as 1852 the people by the Cape Constitution Ordinance of that year the Cape Government which is commonly called the Westminster approach in that it in dealing with the question of political rights drew no distinction between its black and its white subjects. The Ordinance laid down the following as necessary qualifications for a vote: - (a) the occupation for twelve months of property valued at not less than £25, or (b) the receipt of salary wages not less than £50 per annum or (c) £25 per annum with board and lodging. These qualifications were purely property qualifications, no mention being made of educational qualifications nor of any disqualifications based on race or colour. Brookes has expressed the opinion that even at that date "the majority of the Cape members of Parliament would not have favoured the exclusion of a political coloured vote, except for the necessity of satisfying the susceptibilities of people in England, quite ignorant of the real difficulties of the position" In other words as the Cape Colony at that time was still under the control of Downing Street, and the exclusion of a political coloured vote was imposed upon the Colony by a British Government which did not realise that in the South African context might have to take a slightly different form from that obtaining in a population of mixed cultural backgrounds and varying degrees of political development, the transplanting of political systems developed elsewhere under entirely different social & economic conditions would require

I think, however, that there were a few who did not regard this arrangement as an exposition against their better judgment

In 1852

It had not yet dawned upon all people the statesmen of that day that a political system developed in one country under certain circumstances might require considerable modifications when applied in another country with different historical antecedents + varying cultural backgrounds. We know more for example here that democracy in America though in the main derived from England Great Britain has had to undergo various adaptations which go have given it a different complexion from democracy in England, but in. earlier days the principle that what is good for one person is good for another was followed slightly more blindly than it is today.

considerable modification before they could meet the needs of the situation. At all events the position then created was that any Afrian who complied with the necessary qualifications could become a registered voter. Naturally, even as they were then, the qualifications provided a stiff hurdle for the Afrian than for the European — from that point of view could be described, with them, as discriminatory in practice if not in theory. There must have very few Afrians in 1852 and for many a year after that who could boast of the ownership or occupation of property valued at not less than £25 or of an income of £50 per annum. Besides the practical difficulty of complying with the necessary qualifications, to the Afrian the ballot box must have appeared as a very strange method of ascertaining the views of people about matters affecting their welfare. This did not mean that the Afrian was unaccustomed to being consulted in matters of government. Afrian political systems had been in existence from time immemorial and, the occasional appearance of tyrants notwithstanding, under their political systems Afrians had opportunities and methods of making their views felt in public affairs, but now they were faced with a different type of political machinery and it is not surprising that there was no great rush to participate in this new form of government. This would have to be done to enable the people to learn the new way of sharing in the business of government. The reluctance of the Afrian to participate in these new arrangements can also be attributed in no small measure to the fact that they were not innovations introduced by their own chiefs whom they regarded as their superiors only new but also foreign. To the settlers conquered the ways of the conquerors never seem to have calculated to consolidate the conquerors position rather than to advance the cause of the conquered. The rights of a British subject could not have been particularly attractive to them in the circumstances.

In the matter of adopting ~~restrictions~~ voters' qualifications ~~which~~ based upon civilization rather than upon mere membership of the state, the Colony of Natal went even further than the Cape. Not only did it insist upon property and educational qualifications but it extended the franchise only to those Africans who had been exempted from Native Law for a period of not less than seven years. The exempted African was an individual who had abandoned the African way of life and was living in accordance with European standards. Such an individual after he had been exempted for over seven years could petition the Governor for admission to the franchise. This 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 endorsed by a Magistrate or a Justice of the Peace. It was entirely at the discretion of the Governor to grant or refuse this request. These conditions were so stringent that few, very few Africans ever succeeded in passing the test. As Brookes points out "the Natal scheme was undoubtedly a more disingenuous device for maintaining a colour bar without saying so". In other words in theory the African had the franchise ~~on terms marked similar to those~~ if he conformed to the European standard of life as indicated by his exemption but in practice every obstacle was put in his way. Instead of being a right to a responsibility those in the business of government in Natal ~~it~~ became a reward a privilege accorded to those who could satisfy the tests of civilization laid down and determined

Which achieving that right.

all these factors taken together were undoubtedly responsible for the slow rate of registration. 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 sought methods by which the effect of this vote could be minimised.

Civilisation

The law followed was to stress the fact that the right to vote must, in some measure be related to the ability of the voter to use his vote intelligently. Democracy must surely go hand in hand with education or civilisation, and therefore in addition to property qualifications the voter must be required to comply with certain basic educational qualifications or pass a civilisation test of some sort. Consequently under the Franchise & Ballot Act 8 of 1892 the property qualifications were raised from £25 to £75 (though the income qualification remained at £50) but the educational qualification, was extended, the ability of the voter to sign his name & write his address & occupation. These qualifications were made low enough to make it possible for every European to qualify but high enough for practical purposes for Africans to impose a severe limit on the number of Africans who might satisfy the conditions for registration. The liberal of that day no doubt congratulated himself on the acceptance by the State of the principle of "equal rights for civilised men". He did not inquire too closely into the question of the measures taken by the State to bring about that equality of civilisation which had now become a condition of enfranchisement. The business of introducing the African into the civilisation upon which his achievement of equal rights depended was left to the missionary whose work was largely financed from overseas. See footnote

In spite of these restrictions the number of African registered voters, at least in the Cape, increased steadily, especially because the African found that the registered voter was given certain privileges which non-voters did not enjoy. The registered

was under the Native Voters Relief Act 3 of 1887 commonly called the Hofmeyr Act, relieved from the provision of all laws differentially affecting Natives — such as curfew restrictions, liquor restrictions, the residential colour bars — so that 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 possession of the vote and to secure the latter he registered in ever increasing numbers. [The same situation obtains today — Registration is a requisite in those urban areas which insist upon the registration of service contracts from which registered voters are exempted.]

It is usually argued that this shows that the African does not want the vote, or at least does not appreciate its significance, and that therefore he should not be granted the vote. Those who hold this view usually conveniently forget that even European citizens are generally so apathetic about exercising their political rights that compulsory registration for them has had to be adopted. Further at election times the percentage of European voters who take the trouble to register their votes show that apathy among voters in the exercise of their rights is not an African failing. No one for that reason thinks that Europeans in general do not want the vote and should therefore be deprived of their right to vote.

To the Case we owe another development of the development of political rights for Africans another aspect of this problem. 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 as a whole. Therefore not only does a European citizen require to be given the right to participate in national affairs but he requires in addition to be given the right to have a say in local affairs. It was in this spirit that the Native Local Councils system was established in the Cape under

the Glen Grey Act of 1894. Beginning in the Glen Grey district of the Cape the system was soon extended to the Cape Transkeian Territories where it was developed from district to district until it embraced the whole of that native territory. As conceived at that time the local council was regarded as a kind of local organ of government which becomes in dealt with matters of more immediate concern to them and in which interest the native Prince was more than the affairs of a remote Parliament. However the system was looked upon as providing the Native with a kind of political training ground where he could learn to constitutional methods of ventilating his views and could gain practical experience in the administration of local affairs. The system was not looked upon as a substitute for but as a necessary complement of parliamentary representation

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 Natives as well as for other sections of the population, a different system was being developed in the Republics of the Transvaal and the Free State. There the view was taken that political rights both on the local and the national level 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 shall be more extensive than those of blacks but rather that whites alone shall have any political rights at all. It is not necessary to speculate as 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 in a state of complete subordination as it is difficult to say

new paragraph | The urge towards Union proved stronger than the urge to maintain separate states in Southern Africa and one of the strongest urges towards Union was the possibility of formulating a uniform native policy. The South African Native Affairs Commission

of 1903-5 on which the different colonies in Africa were represented, among other things dealt with the question of political rights of Africans in Southern Africa and made the following recommendations:—

"(1) 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 recognising the following main principles

(a) That no Native should 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 should 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 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 qualification for the native voter be the same as for the European.

(2) 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 segregation Clause for the protection

(a) That the qualification of the voter should include an educational test

(b) That no Native who is uncivilized, and who is a polygamist, should be eligible as a voter

An important aspect of the powers of the Council as laid down set out in these proposals is the absence of any direct reference to the power or if any, which the Council will be allowed to exercise in regard to the affairs of the millions of Africans living outside the Reserves — on European-owned farms and in the urban areas. In regard to the latter the implication is that the Report of the Native Laws Commission of Inquiry must be awaited before any concrete proposals can be expected from the Government; in regard to the former — farm labour of whom they are considerable number — the proposals are silent. Does this mean that they are to be left to the tender mercies of their masters or are to be integrated with the reactions of the population living outside the Reserves.

Finally the proposals are silent as to the relation of the Council to other bodies which play a large part in shaping the destiny of the African people in the country — the Provincial Councils, the urban local authorities etc. The questions of the African people on these matters must for the present remain unanswered

The recommendations of this Commission are significant because (1) they recognise the just justice of the claim of the Asiatic to some form of representation in the body ultimately responsible for the government of the country, namely the Legislature. Without such representation not only would there be discontent among the Asiatics but in practice their interests would not be given proper consideration in the legislature. any legislature given proper
No evidence can be adduced to show that ~~any other~~ at any time the consideration to the
interests of people have been adequately considered in any legislature in which such people are not represented. this situation arises. Where the
~~Natives~~ not merely a colour question is involved as may be seen from the fact that the same applies to the question of women. Not until women are ~~represented adequately~~ given the franchise do we find their interests adequately safeguarded in the Legislature.

(2) The Commission recommended separate representation for black ~~as~~ white on the belief ~~belief~~ that where the same candidates represent both black & white electors, the white electors being in the majority, the interest of the black electors do not receive as much attention as when such black electors are represented by people answerable to them directly.

(3) On the question of the number of members to represent the black the Commission was not able to say more than that give a better indication
the blacks should have at least one member representing them in each Provincial Legislature.

(4) On the question of qualifications the Commission decided that the qualifications for Asiatic voters should be the same as for European voters, and that the qualifications for members representing black electors should be the same as for members representing European electors, without going on to indicate what these qualifications should be, but one member deemed it sufficiently important for him to insist upon

an educational test of some kind being included among the qualifications. This is the principle of equal rights for civilized men"

It is worthy of note that the 1903 Commission did not say whether they or their opinion the representatives of the blacks in the legislature should be European or non-European. In other words the Commission does not seem to have been opposed to direct representation of Africans by Africans, although it may be argued that the Commission must have taken it for granted that representatives for Africans would necessarily in the South African context have to be European.

A scheme ~~concluded~~ of African 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 question of the changes required in Native Administration in Natal. In dealing with the question of political representation for Africans the Commission found itself divided into two groups viz a Majority & a Minority

The Majority recommended that:-

"the exempted Natives should be permitted individually to qualify for the Parliamentary franchise by means of education & 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 County Colony; also that the Colony should constitute one electoral division, & 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

Report para 65-66

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 opinions of the Kraal Natives would find satisfactory expression through the Commissioners and Council for Native Affairs by whom they would be adequately ~~and~~ protected and represented. It was deemed sufficient to submit their views for consideration without argument..... [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 number or 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."]

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

The significant features of the scheme proposed by the Natal Commission are

(1) Its suggested division of the Natives into two groups, namely (a) the educated (b) the uneducated. In the view of the Commission the political needs of the two groups could not be met by the same type of machinery. While the educated Native could be ~~given~~ dealt with on the basis of the undiluted vote, the more inarticulate tribal Natives required to be catered for by a system in which the emphasis would be

group interests rather individual rights. Government officials could be safely be entrusted with the protection of the interests of these Africans on the basis of trusteeship rather than democratic representation

(2) The representation of Africans by European nominated by the Governor-in-Council. On this question the Commission was clearly not in favour of direct representation of Africans by Africans The Commission supported by this recommendations by saying that none of the Native witnesses who appeared before the Commission suggested representation of Africans by Africans, It is probably true that in 1906 the educated Natives in Natal held the view that the issue of representation was more vital than whether the representation was direct or indirect, but ~~whether~~ it is doubtful whether the educated African in Natal would take the same view today

(3) The idea that the European candidates to be elected by Africans should be nominated by the Governor-in-Council was calculated to give the Government some control over the type of European representing Africans. This method of nominating European representatives would undoubtedly not find favour in Africa today.

The recommendations of the ~~1903~~ S. A. Commission of 1903 and the Natal Commission of 1906 were not ~~any~~ implemented by any of the Colonies for it soon became that the question of the unification of these Colonies must take precedence over all other problems. At the National Convention which dealt with the constitution of the proposed Union the problem of the political representations of the non-Europeans figured prominently in the discussions, with the Cape & to a lesser extent Natal advocating the grant of some measure of political representation to non-Europeans while the Transvaal & Natal determined to see that this should not happen.

Insert in I. B.

The compromise which was eventually arrived at took the following form:—

(1) The ~~franchise~~ unification of the four Colonies must be the first priority of the Convention

(2) The franchise laws of the Colonies must, for the time being, be allowed to remain as they were prior to Union

(3) the question of the political representation of non-Europeans should be settled at a later date by the Union Parliament to begin with

(4) The right to become members of Parliament should be confined to persons of European descent

(5) The ~~rights of the non-Europeans to~~ franchise rights of the non-Europeans in the Cape should be protected by the requirement that any Union legislation depriving them of the said rights should at its third reading be passed by a two-thirds majority of both Houses of Parliament sitting together.

The acceptance of this compromise meant that it was left to the Union Parliament to decide upon the extent and to which Africans were to be given a say in the government of the country. All the schemes which have been discussed so far show that South African governments have been groping towards ~~finding~~ a solution of this problem which would ~~compromise~~ while recognising the claims of the African to some form of political representation would take account also of the necessity of safeguarding the legitimate rights of the European population. The principles underlying these schemes were as follows:—

(1) The ~~native~~ African population must be given some voice in the supreme governing body of the country

(2) The representation to the African population must not be such as might ultimately lead to a domination of white by black in this country but should be sufficient to ensure that African interests receive proper consideration in the legislature

Principles underlying past schemes

1. The trusteeship principle
2. The civilization principle — Education Native Representation
   Exemption from Native Law
3. The local government principle — Local Council system
4. The consultation principle — Local Councils + Native Affairs Commission
5. The principle of political segregation — Act 12 of 1936
6. The principle of white domination — No equality between blacks and whites in Church or State
7. The principle of "white" trusteeship
8. The principle of separation — "apartheid"

etc.

II. Principles for future scheme

1. The principle of separation
2. The principle of co-operation
3. The principle of local autonomy

(3) That the right to vote — the franchise — if it is used intelligently and with a due sense of responsibility carries with it as a corollary that the voter must have a modicum of education must be a person who in one way or another is making a contribution to the wealth and prosperity of the country by his services. Democracy must be related to education and rights must be related to duties

(4) That for the inarticulate section of the Native population some alternative machinery must be devised in order to safeguard and protect their interests.

(5) In the light of these principles all the schemes discussed included (a) some form of limitation of the number of members to represent Native interests such as "the number to be determined by each legislature", or "one up to three (maximum) or at least one" (b) a civilisation or educational qualification in addition to a property qualification for Native voters (c) the creation of some alternative machinery for the ascertainment of the views of uneducated Natives on matters affecting their welfare.

When the Union was formed in 1910 in terms of the South Africa Act the electoral laws of the different Colonies which now became provinces of the Union were left largely as they were before removing the anomalies in the system of and the question of representation for the Native population was left over to be settled by the Union Parliament at a later date. The position as far as political rights for Natives was then as follows:—

(1) Natives in the Cape Province had the franchise on the same basis as Europeans

(2) Natives in Natal had the franchise on the same basis as Europeans together with certain additional qualifications which applied to Natives only.

(3) The right to become members of Parliament was confined to persons of European descent.

(4) The right to become members of the Provincial Councils was confined to persons of European descent except in the Cape Province

(5) Four members of the Senate were nominated by the Government of the day "by reason of their through acquaintance through official experience or otherwise with the reasonable wants and wishes of the coloured inhabitants of the Union". It was hoped that through these four senators the wants & wishes of those sections of the Native population which did not possess the franchise — non registered voters in the Cape, Natal, the Transvaal & the Free State — would be brought to the attention of Parliament.

(6) Finally it must be remembered that the Native Local Council system had already been in existence in the Transkeian Territories and in the Tuli block district of Southern Rhodesia since 1894 and that therefore in those areas Natives had a say in matters of local government

(7) The right to the municipal franchise was limited to Europeans in all provinces except the Cape Province. At that time the number of Natives permanently settled within the jurisdiction of urban local authorities was very small and it may be said that the problem of representation for Natives in urban local authorities was not an urgent one.

It was obvious that this state of affairs under which only a small number of Natives in the Cape had any voice in the political affairs of the country was inequitable and it soon became clear that the Union Parliament would have to redeem the promise implied in the arrangements arrived at the National Convention to devise a more comprehensive solution of the problem of political representation for Natives.

The first tentative steps in this direction were taken by the Union Parliament when it passed the Native Affairs Act of 1920. This Act which at the time was referred to 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 principle ~~acting~~ underlying the Act seems to have been that government must be by consultation with the governed and the ballot box does not necessarily provide the only machinery through which the governed can be governed on matters concerning their welfare. The Act ~~was~~ aimed at was to provide machinery alternative to parliamentary representation through which ~~the views of~~ Africans might be consulted on matters concerning their welfare.

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

① by the establishment of the Native Affairs Commission

② by providing for the periodical convening of conferences of leaders of thought among Africans such as Chiefs, Headmen & others.

③ by the extension of the Native local Council system ~~from~~ already existing in the Transkei & other parts of the Union.

The Native Affairs Commission

The Native Affairs Commission which was to consist of from three to five members, appointed ~~by~~ the G.G. under the chairmanship of the Minister of Native Affairs had as its function ~~so~~ to advise the Minister of Native Affairs on matters of policy or proposed legislation affecting Africans and to furnish its views on such matters of administration as ~~may~~ 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 ~~empowered~~ given a right of appeal to the Governor-General in Council & failing satisfaction to both Houses of Parliament. The assumption on which ~~this body~~ the Commission was established was that it would be a body of experts who would act as a kind of "poor man's lawyer" for those ~~illiterate~~ sections of the Native population which were unrepresented in the Legislature. They were to put before the country & Parliament ~~the point of view of those~~ on the basis of expert knowledge, and study the needs & the point of view of those who by reason of the laws of the country were not in a position to do so for themselves. Whatever the views of the government and the

European electorate about the Commission may be, the Native viewpoint was then as it now is that the Commission has not been a success as a defender and guardian of Native interests. To the Native the Commission seems too often to be merely an apologist for the native policy of the government of the day. Consequently the Native opinion is to the effect that the Commission has outlived its usefulness and should no longer be regarded as the spokesman of the Native people who are now increasingly demanding the right to speak for themselves on matters concerning their welfare.

Native Conferences.

The Native Affairs Act also makes provision for the convening periodically of conferences of native chiefs & leaders on the advice of the Native Affairs Commission with a view to ascertaining Native views on proposed legislation in so far as it may affect the Native population. A number of conferences of this kind were held between 1923 and 1929 and various important legislative measures including the Natives Urban Areas Bill and the Native Taxation and Development Bill were laid before these Conferences.

It was soon became clear, however that these conferences were not satisfactory either from the Native or from the Government point of view.

From the Native viewpoint the Conferences were unsatisfactory because

① The Conference was merely advisory, consultative and deliberative having without either executive or legislative powers.

② those who attended the conferences were nominated by the Government the people having no say in who should or should not attend.

③ the Government was in no way obliged to call these Conferences which convene and did so only when so advised by the Native Affairs Commission

From the Government point of view the Conferences were not satisfactory because

① They gave the Native an platform from which to criticise the Government measures intended to affect them.

② they brought together Afrean leaders from different parts of the country thus leading gradually to the development of national consciousness and the crystallisation of Afrean opinion on various aspects of native policy.

③ They were not truly representative of Afrean opinion as obviously ~~only the educated~~ they were dominated by the educated or more articulate sections of Afrean opinion.

In May 1924 the Nationalist Party came into power and its leader General Hertzog put before the country a number of Bills designed to provide a comprehensive solution of the native problem. One of these Bills was intended to provide a solution of the problem of political representation for Afreans. The Bill proposed to do this by

① the complete exclusion of natives from voting for ~~members of the~~ candidates representing Europeans in Parliament

② the ~~provision~~ creation of alternative machinery through which the views of Afreans upon matters affecting their welfare might be brought before Parliament.

Ten years elapsed between the time when the above measures proposals were first mooted and the time when the Representation of Natives Act 12 of 1936 ~~reached the~~ was placed on the Statute Book.

In the to meantime steps had been taken to strengthen the European vote vis a vis the Native vote. This was done in two ways, namely,

① By the enfranchisement of European women upon the attainment of the age of 21 under Act 18 of 1930

② By the removal of property and educational qualifications for European males under Act 41 of 1931. ~~The effect of the~~

The effect of these two laws was to confer the franchise on all adult European males & females, while retaining the property & educational qualifications for those non-European males who still had the right to vote in the Cape, and not extending the franchise to non-European women.

The proposals of General Hertzog relative to the Native

franchise ~~accorded a special kind of Afrikaner~~ were strenuously opposed by the African people but in the main they had the support of the European who saw, ~~in this~~ by rendering the Cape Native franchise ineffective the progressive ~~object~~ entrenchment of the principle of the paramountcy of the European interest ~~through the rendering~~ in South Africa.

As finally passed ~~in its final form~~ the Representation of Natives Act of 1936 made provision for the following types of representation for Africans:-

(1) Representation in the ~~Assembly~~ House of Assembly for Cape Natives by three European members elected by ~~native~~ African registered voters.

(2) Representation in the Cape Provincial Council for Cape Natives only by two European members elected by African registered voters.

(3) Representation in the Senate for the ~~native~~ African population of the Union by four European members elected by voting units consisting of chiefs & Headmen, Local Councils, Native Advisory Boards in the urban areas and specially established electoral Committees in areas where the foregoing types of voting units do not exist.

(4) Representation in a specially established Native Representative Council by twelve African members elected in the same way as the Senators & four ~~nominated~~ African members nominated by the Government and six European members ex officio.

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

(1) the absence of Assembly, ~~and~~ Provincial Council representation in the Northern provinces whose ~~native~~ African population is not less deserving of representation in their bodies than that of the Cape

(2) the absence of direct representation of Africans by Africans in the Assembly, the Senate or the Provincial Council. However necessary it may be from the point of view of political expediency

for Africans to ~~elevate~~ accept representation by Europeans in these bodies they can hardly be expected to be satisfied with this arrangement forever.

(3) The electoral college method of election which applies to ~~both the A. & N.R.C. representation~~ election of native representatives in the Senate & in the N.R.C. is obviously undemocratic and open to abuse

(4) As far as the Native Representative Council is concerned ~~there~~ there is reasonable to believe that it was looked upon as the heart of the system, but ten years of experience with it has convinced both the African people who had a great faith in it from the outset 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 that statement referred to the Prime Minister said, among other things ~~that the Council~~ that the original intention had been that the Council "would give an outlet for the expression of Native opinion and that the Native Representative Council would make its contribution towards guiding public opinion and the opinion of Parliament into right channels". He went on:- "How has the idea worked out in practice? The Native 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 did not carry out; some of which Parliament could not carry out. It is very easy to ask: it is more difficult to give. And the Native 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 got 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 task. This is the unfortunate position in which we are landed today and out of which we must get." Here in his inimitable way saith his usual kindly the Prime Minister ~~has enforced~~ admitted ~~fact stated~~ quite frankly that ~~within the whole~~ system of representation established in 1936 was out of date and did not fit in with the changed & changing conditions of African life today.

The Prime Minister has therefore come forward with new proposals designed to improve the constitution of the Native Representative Council. To quote his own words: He said "We don't want to break down the Native Representative Council, but we want to improve it, & 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 this 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 this duty it was intended to be.

In summary the following are the main innovations suggested by the Prime Minister in his new proposals:—

(Insert pages 3, 4 & 5 of Prime Minister's Second Statement)

1. Natives Representative Council

(a) Under the existing constitution the Council consists of 22 members
(i) 6 official members (The Secretary for Native Affairs + 5 Chief Native Commissioners — all European
(ii) 4 Natives nominated by the Governor-General
(iii) 12 Natives elected by electoral colleges
with the Secretary for Natives Affairs as Chairman.

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

(b) At present, the Council's functions are purely advisory.

It is proposed to add

(i) power of subsidiary legislation for Native areas in such matters affecting Natives as may from time to time be approved by the Governor-General
(ii) power to impose a personal tax upon Natives, and such other taxes upon Natives as the Governor-General may approve

A difficulty presents itself here in regard to the urban and the farm native who may receive no benefit. For this reason it is proposed that the Council itself should have power to lay down the qualifications governing liability to pay the taxes imposed by it.

(iii) to vest in it such proportion of the amount of the General Tax imposed under the Native Taxation and Development Act, 1925, as Parliament may decide and the revenues which have hitherto accrued to the General and Local Councils and to place upon it a corresponding responsibility to provide funds for approved General and Local services. The vesting of the revenues of the General & Local Councils is subject to a proviso that where any tax is imposed by a General or Local Council within its own area, the proceeds thereof shall be expended in such manner as may be determined by such Council, not being services for which Parliament has accepted responsibility

2 General Councils

A General Council consists of —
(i) The Chief Native Commissioner as Chairman
(ii) The Native Commissioners for the area concerned as ex officio members
(iii) A number of Native Members some of whom are appointed by the Governor-General and others nominated by the Local Councils

It is proposed that these Councils should in future consist of elected Natives and that in the Transkei and Ciskei where the Councils system has worked successfully for many years they should be presided over by one of their members. In the case of newly created Councils, however, the Chief Native Commissioner will preside until such time as the Governor-General is satisfied that the time is ripe for the election of the members of one of their own member as Chairman.

3. Local Councils

In the case of these bodies the Native Commissioner officiates as Chairman and the members are all Natives some nominated and others elected.
It is proposed that in future all the Native members should be elected, and that the Native Commissioner should continue to preside subject to the proviso that whenever the Governor-General is satisfied that in the case of any Council the time is ripe for the election by the members of one of their number as Chairman he may authorise them to proceed to such election

4. Tribal Councils

It is proposed that in areas where the usual form of Council is not suitable to the conditions Tribal Councils shall be established consisting of Chiefs and a small number of additional members. These Councils will carry out functions similar to those of Local Councils and will be deemed to be Local Councils for the purposes of the proposed organisation.

5. Representation of Urban Natives

It is proposed that a Native Advisory Boards Congress be constituted specially for the representation to the Government through the Native Representative Council of the views of urbanised Natives only
The voting units for the Congress shall be Native Advisory Boards of the Provinces
The membership shall be twenty in all —
7 for the Cape, 7 for the Transvaal, 4 for Natal & Zululand, & 2 for the O. Free State
The Congress shall elect its own Chairman
The Congress may consider any matter specially affecting the interests of natives in urban areas and shall transmit its recommendations to the Natives Representative Council for further consideration and submission to the Government, Provincial Council or local Authority concerned such as
(i) General questions of housing, lighting, transport, health & recreation
(ii) location control
(iii) the economic position of urban Natives & the effects of fees such as lodger fees upon the family life
(iv) the provision of native townships upon a free hold or leasehold basis
(v) Native trading in locations
(vi) the employment of Natives in various capacities within the location eg. as clerks & interpreters
(vii) legislation of an urban character
(ix) Native Beer Canteens.

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 South African Native policy, with the best intentions in the world could not have foreseen the circumstances of today. The shape of things today calls for an overhauling of our policy in order to bring it up to date. It was for that reason we welcome the opinion recently expressed by Field Marshal Smuts that the time has come for the South African Constitution to be re-examined in the light of developments since 1910. Whether that should be done by a Commission or by a new South African Convention I am not prepared to say. All I can say is to express the hope that one of the terms of the reference will be to inquire and report upon the place that should be given to the African people in the body politic of South Africa, having regard to the necessity for integrating them into the general life of the country

Now are we informed as to what the status of this African chairman is going to be in the government's scheme of things. Will he have direct access to the Ministers individually or to the Cabinet as a whole on matters affecting the African people or will he be subordinated to the Secretary for Native Affairs or to the permanent heads of the Departments? If the latter his position will be intolerable, and if the former what is going to be the basis of his relations with the officials referred to? Further it must be remembered that the Chairman of the Council is its chief Executive Officer who must during the recess carry out the decisions of the Council. His function is quite unlike that of the Speaker of the House of Assembly or the President of the Senate whose function is primarily to guide & direct proceedings during the Session. His office approximates more closely to that of the Administrator of a Province. Consequently there is a degree of permanence required in his office such as would not be met by the type of chairmanship contemplated under the proposals. If the Government intends to proceed with this particular innovation it would appear that more serious consideration will have to be given to the status & the powers of the Chairman than to whether he is African or European.

(b) The Membership of the Council. The membership of the new Council is to be all African. Presumably this particular innovation is intended to create the impression that in future the Council will be a real African parliament in no way dominated by or subject to the influence of Europeans. Here again the African view is that this whole point of the proposed change in the constitution misses the African opposition to the presence of these officials in the Council. It must be remembered that this Council was put forward by the European as a substitute for parliamentary representation for the African, as an institution which would provide adequate machinery for giving effect to the equitable principle of consulting the African regarding legislative measures concerning his welfare - a principle which had been given statutory form as far back as 1920 in the Native Affairs Act of that year. In local matters the principle of consultation had found expression in the extension of the Local Council system in the rural areas and in the system of native advisory boards in urban areas. The Council is supported to be a body which would on the higher level of policy and on a Union-wide basis do for the African Population as a

whole what these other organs of government — local Councils and Advisory Boards — did in the narrower sphere of purely local matters. Now the complaint of the Native has been that although the Council is a body expected to consider and report upon matters of policy in native affairs, the persons responsible for laying down policy in this country have actually got nothing to do with the Council and do not consider it part of their duty to attend its sessions to hear for themselves the views of the Native people. Instead of the Ministers of the Crown or at least the Ministers directly concerned with Native Affairs being required to attend, the Council has had to deal with Senior officers of the Native Affairs Department. Now who are unnaturally ~~no longer to regard the~~ year after year have to listen to debates on matters of policy for which they are not ultimately responsible. It would be grossly unfair to these officials to suggest that they have in any way sought to dominate the Native members They have taken very little part in debates in the Council and their principal contribution to the work of the Council has been to act as chairmen of Committees, to give information or to defend or attempt to justify the legislative and administrative measures which have been entrusted to them by higher authority. The Council complaint has been that the eyes & ears of the Government are present in the Council but not its head. Now even the eyes & ears are to be removed. That may have the advantage of saving these senior officials the embarrassment of having to listen to criticisms on matters about which they can do nothing but as for the head of the government this new arrangement will make them even more impervious to the needs and demands of the Native people than they are today. As for the Council it will become even more of a talking shop; ~~from being bad~~ even more like a voice crying in the wilderness than it has been in the past. There would be some point in the exclusion of the officials if they were to be replaced by the people who in the last analysis are responsible for the shaping of government policy.

As regards the proposed increase in the membership of the Council from 16 to 50 it will certainly be an improvement on the present farcical situation under which 12 elected & 4 nominated members are supposed to represent 800,000 Africans. When it is remembered that 200,000 Europeans are represented by 150 members ~~of the House of Assembly~~ in the two Houses of Parliament — to say nothing of Provincial Council and municipal representation — it will be realised that the proposed increase from 16 to 50 does not err on the side of generosity

The elimination of nominated members would also be in the direction of making the Council more democratic and more representative than it has been hitherto. On the other hand the increase in the number of members will serve to entrench an institution which in other respects does not believe

Functions & Powers

Much prominence has been given to the fact that it under its new constitution it is proposed to give the Council increased wider powers. These powers were be divided into three, namely, executive, legislative & financial

As far as executive powers are concerned it would appear that these will be confined to exercising control over the finances and services for which local & General Councils in Native areas are at present responsible

In regard to legislative functions the Council shall have power to make laws for the Native areas in respect of such matters as may from time to time be approved by the Governor-General. Such laws shall be subject to the assent of the Governor-General, and Parliament shall have power by resolution of both Houses to repeal or modify the operation of such laws. In other words the Governor-General may legislate; then the Governor-General shall decide on what subject the Council shall have to approve the legislation passed by the Council and finally Parliament shall have the power to repeal or modify laws passed by the Council assented to by the Governor-General.

As in addition to these limitations upon the legislative powers of the Council there is the further proviso that "these proposals shall not affect the South African Native Trust or its functions nor shall the powers of the Governor-General to legislate for Native areas be affected. When it is remembered how extensive the powers of the South African Native Trust and of the Governor-General are in respect of Native areas, it may be questioned as to what scope the Council will have for the exercise of its legislative functions. It is not difficult to imagine what a fruitful source of conflict between the African people and the Government these multiple law-making agencies will constitute.

As regards financial powers the Council will be empowered to establish a Native Treasury for the conduct of which the Council will be responsible subject to supervision and control by Government

The revenue of the Treasury will be derived from
(i) the proceeds of any tax imposed by the Council
(ii) the revenues accruing at present to any General or Local Council
(iii) the proportion of the amount of the General Tax imposed under the Natives Taxation and Development Act, 1925 authorised by Parliament
(iv) Such other revenues as Parliament may from time to time determine

~~It is certain that it is only under items~~ items (ii) & (iii)
It is difficult to see in what directions the Council will be able to exercise its powers under item (i) in view of the heavy burden already imposed on the Native people under items (iii) & (iii)
As for item (iv) if we ~~do~~ to judge by past experience ~~it is very~~ & believe that a Parliament in which the Native people are inadequately represented will be more prepared to surrender any considerable sums, for native benefit than it has been in the past

In short it seems certain that unless the Native people are adequately represented in the body or bodies which retain the final say there is no guarantee that the Council will be allowed to exercise its new found powers to the advantage of the Native people. Experience has taught the Native people that the grant of so-called legislative and executive powers to Native public bodies established for them does not necessarily mean that those higher up in the hierarchy of government will perfect the exercise of those powers. Those acquainted with the working of the Native Local Councils established under the Native Affairs Act which are supposed to possess these powers will scarcely gainsay the fact that in practice these local Councils are nothing more than bodies advisory to the Native Commissioner by whom alone the powers of the local Council are in fact exercised. The mere paper delegation of responsibility to the Council will achieve nothing unless it is accompanied by that change of attitude on the part of government officials for which the Native people have worked in vain in the past.

It must not be forgotten that the primary demand of the African people is for a change in the nature and content of our Native policy and not for a share in giving effect to a policy with whose fundamental principles they are in total disagreement.

Ever since there were schemes for the solution of the problem of political representation, right from the Act of Union up to the Smuts proposals of 1947 have been inspired by the philosophy of differentiation or separation. We have proceeded on the assumption that the African is a person entirely different from the European in his cultural background, that it must remain forever impossible for us to find common ground upon which the two main sections of our population can work together with a common political machinery. So we have invented slogans such as "the African must develop on his own lines" and have talked about segregation or apartheid as the only basis on which harmonious living relations between the two sections can be founded.

And yet although we have given lip service to this philosophy of separation, we have organised our national life in such a way as to make the realisation of this ideal impracticable. We have adopted a land policy which has made it impossible for the African to live apart from the European permanently. The result is that we have a far greater number of Africans who spend the greater part of their lives outside their own limited Reserves set aside for native occupation. We have developed an economic system which is dependent for its very survival upon the use of native labour with the result that the withdrawal of African labourers from our industrial centres and farming areas would spell the ruination of such western civilization as we have been able to establish in motion on the sub-continent. Even in the so-called Native areas we have developed a system of administration which gives the African no scope

to learn or develop the skills and techniques which would stand him in good stead if he were in fact allowed to develop on his own lines. Such well known institutions as the Transkeian Bunga which has been in existence for over 50 years give no scope to the African for the exercise of any administrative or other ability he may have with the result that the Transkei is probably as European dominated as any other area of like size in the Union. The same thing applies to our schools for Africans — the whole set up is managed and controlled by Europeans who have practically no knowledge scarcely any disposition to allow the African to develop on his own lines. It has been said that no territory in Africa has done more for the education of the African than the Union. Certainly in no other territory in Africa is there a higher standard of general education among Africans than in the Union and yet no territory is less disposed to let the Africans make use of its educated Natives in responsible positions even the smallest institutions themselves. In the Union manager No European has for more rights in any African area or in any African institution than the African

All these factors have combined to lead the African quite justifiably to look upon the policy of separation as but a thinly veiled policy of exploitation and domination and to regard any European who advocates that policy as a political hypocrite of the worst kind. As African has consequently turned his back upon the policy of apartheid or parallel development or whatever other euphemistic expression may be used for it. The only policy which the African is prepared to consider is that of integration. As the African sees the European has done everything possible to draw the African into the main stream of the W. European civilization. For the last century and half the European has been busy taking practical steps to destroy every vestige of the substratum of African culture and all its ramifications with the result that for ever increasing thousands of Africans the attempt to recapture the spirit of African culture

owned be more Edenic than to capture the spirit of western civilization. For over a hundred years the European has refused to let go the African and it now seems as if for the next hundred years it will be the African who will refuse to let go the European. ~~It is not only the~~

~~Basically then we find that the African also~~ ~~that to~~

The African is not alone in feeling that segregation or separation has outlived its usefulness as a ~~fact~~ guiding principle for the ~~under~~ regulation of relations between black + white in this country. General Smuts put the point thus ~~when he spoke~~ at the May conversations with the Native Councillors: — "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 these 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 the immense influx of Native people into the urban and industrial centres of the Union." Later in his address the Prime Minister said "Providence has put us both here. South and European come 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 both 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". These are great words from a great & far-seeing statesman.

I think the implication of these words is clear. Black
& White have been inextricably bound together by their
common experience in this country and consequently and
therefore any policy which appears to be based upon the assumption
that we belong to two entirely different worlds
is wrong for South Africa both on historical
and on practical grounds. One South Africa — integration
showed the way forward.

In the Native view as for as
the political set up in South Africa is concerned the
policy of integration in his representation
for Natives in the Native point of view in all the governing
bodies of the country — Parliament, Provincial Councils
municipal Councils and any other bodies in which deal
with matters of vital interest to both Black & White.

It may be argued that the white man would
never agree to this on the ground that his dominant
position in the country would be imperilled. The white
man must always remain boss. On the other hand
no person in his proper senses would expect the Native to
be satisfied forever with the permanent bossship of the
White man. It must be remembered that the white
man has not got a monopoly of the desire for
security in this country, and the
ingenuity of man has not yet discovered a political
system under which the legitimate interests of
a people can be safeguarded by an institution in which they are not 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
State survive. We have tried the way of segregation
and it has not yielded the results which were
claimed for it.

It will probably be argued that a policy
of integration would in time lead to the bogey of
S.A. politics — assimilation or miscegenation. Segregation
has certainly not prevented miscegenation — over
coloured population gives the lie to that. But a policy

of integration need not lead to assimilation. In the United States of America which is peopled by people drawn from many different nationalities, the policy of miscegenation which has been ~~ongoing~~ pursued has not led to ~~many~~ the ~~total~~ physical assimilation of these peoples, ~~to~~ in spite of ~~having~~ the absence of the barrier of colour. In South Africa where the two main sections of the population are equally anxious to maintain their separate physical identity it ought not to be impossible for us to remain black & white citizens of the same State.

The Africans would be the last to suggest that citizenship rights ~~ought~~ be extended ~~to every~~ overnight to very African ~~without~~ qualification. In the African political system ~~citizenship~~ ~~rights~~ was not accorded to the immature and the inexperienced. No individual had to prove himself ~~politically~~ before his opinions could carry weight in tribal circles. For that reason Africans are not averse to submit whatever tests might be devised to enable them to qualify for citizenship.

In this connection Africans maintain that individual merit rather than group lack of merit should be our guiding principle in dealing with them. It is common in South Africa & ~~has~~ to ~~get~~ together all African actual regard to their individual achievements. There are many Africans who are more ~~westernised~~ than many a European. It is futile to suggest that such persons must wait for thousand years before the progress which they have made can be accorded the recognition which it deserves. The only hope for the successful maintenance of western civilization anywhere on the face of the world is to increase the number of persons for whom that civilization is meaningful, who can live it out in their own lives rather than to drive such persons into a situation into which ~~they~~ frustrated & disgruntled, they make common cause with the enemies of the western way of life.

It is for this reason that Africans call ~~upon~~ ~~South Africa~~ for a re-orientation of our Native policy. The broad outlines of our present Native