

## PRO AND CON PAMPHLETS

Joint Editors

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The aim of these pamphlets is to present a series of discussions and debates on matters of interest and significance. It is not intended that these should necessarily be objective or impartial; rather are they frank statements of opinion by writers who hold a definite point of view, and they are offered in the spirit of democratic debate. The editors do not mind if you agree or disagree; but they do want you to be stimulated, and to feel that worthy issues are discussed by persons of ability and expert knowledge.

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SPAM 325-335 (68)



# SHOULD THE NATIVES REPRESENTATIVE COUNCIL BE ABOLISHED?

JORDAN K. NGUBANE

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1946

**The African Bookman**

**Cape Town**

## Introduction

THE Natives Representative Council has been in existence now for about ten years and within that time has functioned in a manner which has enabled all, with eyes to see, to come to certain important conclusions about its rôle in the body politic of South Africa, its possibilities as an organ of political expression for the Africans and its future. It is thus not surprising that the question that forms the title to this study is now being asked with increasing persistence by a growing number of Africans who realise that the Council is at best a blind alley—to follow which, uncritically, is to court certain disillusionment.

The significance of the Council in the life of our community cannot be fully appreciated unless it be seen against the background of the general question of the African franchise. Neither can the full import of some of the conclusions arrived at in this essay be fully understood unless we have a reasonably clear picture of how the Council came into being. For this reason an attempt has been made to precede discussion of the Council itself with a short, historical review of the main developments connected with the African vote. Criticisms and suggestions come immediately after the picture of the Council at work.

It will be realised that in a monograph of about 6,000 words, on a subject with so many ramifications, one can do no more than give a bird's eye view of the Council and its work, in a desperate effort to enable the reader to see it in its proper perspective.

### Historical background

FOR purposes of this study, the history of African representation opens up with the Cape of Good Hope Constitution Ordinance of 1852, which extended the franchise to all British subjects in the Cape, regardless of colour, provided they satisfied certain qualifications. There was no political colour bar in it. So well did this system work that in 1887, the Cape Parliament, with no pressure at all from outside, extended the franchise to Africans in the Transkei. Even when Cecil Rhodes stiffened the qualifications for the vote in 1892, he imposed restrictions which affected all voters—European, African and Coloured—regardless of race.

The Africans used their vote with some discretion, if not without uncalled-for sentiment at times. In 1903, however, an event occurred which provoked quite a keen controversy. In the Cape election of this year, the African vote played quite a decisive role in returning the Jameson Progressive Ministry, while a number of dissentient European voters were disqualified. The South African Native Affairs Commission (1903-5), perhaps reacting to this, made quite serious criticisms of the Cape African vote and thus set in motion a series of events which were to culminate in the removal of Africans from the Common Roll in 1936.

By 1910 the Cape Vote had become such an issue of practical politics that the National Convention found it one of the major stumbling blocks to union. The northern provinces did not want it extended to their Africans. The Cape wanted it to embrace civilised men. A final compromise was hatched out by which the Cape African Vote

was retained while provision was made for four Senators, each one "selected on the ground, mainly of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the coloured races," to be appointed to watch non-White interests. These Senators were responsible only to the Government. In practice, their selection became a means by which loyalty to the party in power was rewarded. A classic illustration of this was provided by the attitude of the late General Hertzog when a friend of his, after being rejected by every White constituency at whose door he knocked, was appointed to the Senate because of what was said to be his acquaintance with "the reasonable wants and wishes of the coloured races." This particular gentleman happened to know nothing about the coloured races; but so insistent was General Hertzog on finding a political job for his pal that Mr. Jan H. Hofmeyr had to leave the Cabinet as a protest against the whole business. Needless to say, the man was appointed.

Nothing very spectacular happened in the Cape between the years 1910-20. South Africa had its mind on World War I. But in the latter year, the Government of the day, faced with African strikes and other disturbances and conscious of the fact that it had no channels of direct consultation with the Africans and, consequently, did not know what they wanted, arranged for Parliament to pass the Native Affairs Act, which brought into being the Native Affairs Commission to advise the Minister of Native Affairs on matters affecting the African. It also made provision for "Native Conferences" of African chiefs and leaders to be convened by the Government from time to time, for consultation on matters affecting

Africans. If extended to the rest of the Union the Council System which had been tried for many years in the Transkei.

The Conference did not at first meet regularly, but from 1924 to 1927 it assembled annually. After 1927, the Government lost interest in calling it. In the discussions it had emerged that the African leaders had their own views on the problems of their people—particularly on the Land and Franchise questions—views which did not tally with those of the Government. No longer were the chiefs and leaders called to Pretoria.

In the meantime the Council System did not make much progress in the northern provinces while the Cape vote continued to be a thorn in General Hertzog's flesh. As a matter of fact, in 1926 he had perfected plans to do away with it. His intention, however, had met with such vigorous opposition from both the European Liberals and the Africans that he had been compelled to beat a hasty retreat; his plans had been shelved.

Then, the period of storm and strife came. Between 1927 and 1930 South Africa was torn by racial quarrels. The agitation of the African people for democratic rights gave the Hertzog régime an excellent opportunity to misrepresent this development as an anti-White movement acting, at times, on instructions from Moscow. The inevitable disorders and clashes all over the country were exploited in such a manner that the African leaders—who were not very well equipped for the struggle they led—soon appeared as agitators and preachers of sedition in most White eyes. So well did General Hertzog exploit the weaknesses of the African leaders of the time that when he finally brought his Native Bills before Parlia-

ment, he was in such a strong position that he could force down the throats of the Cape African voters fewer seats than he had contemplated in his 1926 plans!

The African people put up a very spirited fight against Hertzog's Bills. They argued that the Cape franchise remained the last symbol of citizenship which left the door to a higher life open. With the going away of the Cape vote, that door would be shut indefinitely and the African would remain only an appendage to the State and not a citizen. But it was an unequal fight at the time. The African lost.

#### The Council at work

The Representation of Natives Act (No. 12 of 1936) marked the final triumph of General Hertzog in his fight against the Cape African franchise. It took away the common vote from the Africans of the Cape and made provision for the compilation of a separate roll for them.

The Cape of Good Hope was divided into three electoral circles, each of which returned a representative in the House of Assembly. The Act again divided the Cape into two electoral divisions, each one of which sent a representative to the Cape Provincial Council. These representatives were all to be White men, elected by Africans whose names appeared in the so-called Cape Native Voters' Roll.

The whole of the Union was again divided into four electoral areas—Natal, the Transvaal and the Free State, the Cape, the Transkei—from each one of which the "unenfranchised" Africans returned a White Senator.

The Act also created a Natives Representative Council

of 22 members—6 official: 4 nominated and 12 elected. The Secretary for Native Affairs was one of the official members and permanent Chairman of the Council. In his absence, the Minister of Native Affairs could designate another official to take his place. The other five official members were the Chief Native Commissioners appointed by the Minister. The Governor-General nominated four Africans to serve on the Council and on the whole these have been drawn from the ranks of leading chiefs in the four electoral areas.

The Transkeian electoral college—composed of all voting units in the Transkei—sent three representatives to the Council. The remaining three electoral areas voted somewhat differently, if slightly so. Each of the three electoral colleges (voting units combined) elected 2 Councillors. Urban Advisory Boards were excluded from these electoral colleges and formed voting units by themselves. Thus, Advisory Boards in each electoral area sent one representative to the Council.

The number of members of the Council could be increased by proclamation if the Governor-General was satisfied that this step was justified by the progress made by the African people.

Each candidate for election to the Council had to be a Union national, a taxpayer or a qualified Cape voter—having never been convicted of a crime or offence for which he had been sentenced to six months in jail without the option of a fine—unless such term had expired five years before election. He had to be a man who had never been deported in the period of five years just before the election. He was to be a man who was not an unrehabilitated insolvent or a mental defective.

Each Councillor was to be paid £120 per year plus the expenses incurred on Council business, to be fixed by regulation.

The functions of the Council were to consider and report on proposed legislation affecting the Africans; to consider and report on any matter referred to it by the Minister; recommend to Parliament or any Provincial Council, legislation which it considered necessary in the interests of the Africans. Certain forms of legislation affecting the Africans could not, under very special conditions, be proceeded with unless first placed before the Council. The Council also had to consider estimates of expenditure on Africans and reports of the Council's deliberations had to be placed before the Minister who was required to table such reports before both Houses of Parliament.

Both the official and non-official members of the Council could take part in debates, but only the non-official members could vote.

The Council meets normally about twice per year; once in the middle of it and again in November to consider estimates or proposed legislation. These sessions usually do not take more than a fortnight. On special occasions it is called to consider special measures and when this happens, the sessions, as a rule, are often very short. Pretoria is the usual venue—but for the first time in the year 1946, the Council met for a short while at Cape Town.

The members of the Native Affairs Commission at times attend the meetings of the Council, together with the Chief Inspectors of Native Education, or other departmental heads. Cabinet Ministers now and then

address the Council. English is the language most commonly used but Afrikaans is not unknown. There are usually chains of interpretations for the African gentlemen not at home in English or Afrikaans. It is noteworthy that the Government nominees have among them the Councillors who find difficulty with English. All the elected members speak English, in many cases fluently—sometimes with oratorical distinction.

The members of the Council do not represent any specialised interests. They are merely the spokesmen of a group oppressed because of its colour and whatever schools may be noticeable in the Council reflect not so much differences of opinion on principle, as variations in angles of approach, styles of speaking and, of course, education. Thus, to speak of "parties" within the Council is not strictly accurate as it refers mostly to the vigour of expression and mode of approach to one common problem—the oppression of the African. The mass of opinion in the African community to-day fights for the extension of democratic rights to Africans—who are oppressed as a national group; everything else is subsidiary to the winning of national liberation. While this remains the goal of all organised African movements, party distinctions remain but vaguely discernible.

With the exception of the Communists, all political organisations on the African side believe in and practise the method of passing resolutions, presenting memoranda, sending deputations to and negotiating with the Government. Even the Communists ceased long ago to preach revolution. To-day they send resolutions almost daily, on a variety of subjects, to the Minister of Native Affairs, and organise deputations, etc.

The designations to be used here to indicate groups in the Council are, therefore, somewhat arbitrary. They are little more than tags to signify differences in the manners of individual Councillors, for there are no party programmes in the Council. All Councillors work to advance the single national aim. For example, Cr. P. R. Mosaka, leader of the African Democratic Party, which claimed to be more militant than the African National Congress and has retained all the weaknesses and some of the strong points of that body, does not stand for different demands from those advanced by Cr. R. V. Selope-Thema, Speaker of the Congress conference, or by Dr. J. S. Moroka, who has strong All-African Convention sympathies.

With the foregoing explanation, we might next focus a little attention on the first Council which was dominated by the "Conservatives" whose group had accepted the Hertzog Bills.

Councillors J. L. Dube, T. M. Mapikela, W. W. Ndhlovu, C. K. Sakwe and the Chiefs in the Council formed the "right wing." Cr. Selope-Thema led the straggling "Progressives," while Cr. R. H. Godlo could claim to express the point of view of the "Centre Party" which seemed very much under the influence of the Institute of Race Relations.

On the whole, the rural Councillors and the Government members were inclined to favour "gradualness" while the representatives of the urban communities wanted "accelerated evolution." Possibly this might form the nucleus of "Party" formations within the Council.

The present Council differs in some respects from its

predecessor. Its members are drawn mostly from the professional and trader classes in the higher rung. For example, there is one leading university professor, one leading medical practitioner and one editor. Then there are at least three successful traders, one secretary of a workers' association and, of course, the usual assortment of chiefs.

The "Conservatives" have been completely eclipsed by the "Progressive Nationalists," while the colourless "Centrists" are almost in the shade, saved from the fate of the "Conservatives" by the brilliance of Professor Z. K. Matthews, who is certainly a power to reckon with in the Council. There is no doubt, however, that the present Council is dominated by the "Progressive Nationalists," who want "accelerated evolution," led by Dr. J. S. Moroka, the eminently successful physician and farmer from Thaba 'Nchu in the Free State, who is followed by such well-known characters as Cr. R. V. Selope-Thema, Cr. P. R. Mosaka and Cr. A. W. G. Champion.

Council agendas are usually heavily laden with motions from the Councillors on a host of subjects—some of them duplicated not too subtly. Because there is no "caucus" of the Council, the Councillors often indulge in a not too dignified competition to move either the largest number of motions or even go down "on record" as "also-rans" on a particular topic. This absence of a sifting body accounts for a good deal of time wasted by Councillors arguing over points which might have been successfully disposed of in caucus.

A perusal of the verbatim reports of the Council proceedings and of our Parliamentary *Hansard* reveals that

the Council's standards of debate compare very favourably with those of Parliament—with this one notable difference: the Council speeches are, by comparison, singularly dispassionate and factual and altogether lacking in that corrosive, racial emotionalism so beloved of some gentlemen in the Legislature who style themselves the Trustees of the African. The addresses by the Africans show that the Councillors take their work very seriously—often tackling subjects before them with ability. Unfortunately, these verbatim reports are not easily available to the public.

No political party pulls any strings in the Council. There is not a single Communist, Socialist or revolutionary of any sort on this body. Nationalist accusations that the Council is Communistic are poor and untruthful propaganda and should be taken for what they are—the hysterical fabrications of an emotional, fear-dominated imagination. Compared with the Communists, for instance, some of the members of the Council would appear as outright "Collaborationists" or milk-and-water "Centrists." As a matter of fact, some of the more colourful personalities in the Council have long records of anti-Communist activity. This is not an expression of opinion on the Communists, but an objective statement of fact.

How have the people of South Africa and the Government reacted to the Natives' Representative Council? This is a question which may be legitimately asked. Let us start with the Government. When the Council first came into being, the Department of Native Affairs took a very keen interest in its deliberations. So also did the African and European Press. But this interest has



declined markedly in recent years—for different if very interesting reasons.

Of late, the Government has acted fairly consistently in a manner which could be interpreted as snubbing or ignoring the Council. Some Cabinet Ministers have not hesitated to get through Parliament measures which had received strenuous opposition from the Council, while others have made no bones about their dislike for the independence of mind shown by the Council on matters affecting the Africans. It is crystal clear to the Cabinet, as to every observer, that the Government does not enjoy much of the confidence of the Council. The Government loss of interest in it suggests strongly that the tactics used against the Native Conferences in the twenties of this century are already being applied in dilute form to the Council. Councillors themselves are very much alive to the way in which they are treated by Cabinet Ministers and at various times have expressed their concern in no uncertain terms.

On the whole, the European Press—to be precise, the English Press—has been fair on the Council's deliberations. One is inclined to attribute its reluctance to give more publicity to the Council now less to the will to suppress its views than to space considerations. On the other hand, of course, it is just possible that the White Press may be tired of reporting the proceedings of what is virtually a talking-machine; for that is what the Council has turned out to be. The novelty of the African people expressing themselves freely in a statutory body has now lost its initial glamour and even those who feared that the Council might encourage the development of "dangerous" tendencies are now assured that there is nothing

to fear from it. Most Whites (who, unfortunately, are out of touch with actual developments in the African community) are of opinion that the Council is actually representative of African feeling and, from the tenor of addresses in it, are satisfied that they will be quite safe for another half a century—particularly as the gentlemen on the Council are "respectable," including the most "radical" of them.

The African Press, on the other hand, does not conceal its disappointment with the treatment meted out to the Council by the Government. In the first place, the Council is hedged in so many safeguards and restrictions that it is little more than a college debating society. Nobody is under any obligation to take it seriously. This has encouraged the process whereby African confidence in the word of the White man is being undermined. With the Council having effected no major change in the Union's policies which harm African interests, the feeling is growing in the African community that so-called reason, moderation and the readiness to negotiate—if these are not backed with organised pressure—do not pay. The experience of the Council is cited as a glaring example. Already, there is talk of boycotting it on a national scale and the silence of the African Press on the Pretoria discussions may not be unconnected with this attitude. People like Professor Matthews and Cr. Godlo, who would be the last to resort to strong language, have repeatedly stated that if the Government continued to treat the Council as if it were a steam-house, the Councillors would be compelled to reconsider their attitude, with a view to resorting to other measures to enforce greater willingness on the part of the Govern-

ment to take the Council more seriously. How far the Council is prepared to implement this threat has already been demonstrated. But there can be no doubt that the mass of intelligent opinion in the African group regards the Council as a political toy to be used in blowing political bubbles.

Whatever one's opinion of the Council, it cannot be denied that the debates in Pretoria within the last ten years have had two noteworthy effects on the mind of South Africa. Certain notions, held by quite a good many ill-informed people in the White community have been dispelled. No longer do we hear people telling the world very boldly, that the African is not fit to manage his affairs. No longer do we hear people—with the notable exception of the more stolid in the camps of reaction—saying that the African people are too backward to benefit from the extension to them of elementary democratic rights. On the contrary, we now hear quite a lot said about a "square deal" for 10,000,000 South Africans. Though "square deal" still remains quite an elastic expression, it is significant that a growing number of White people feels that there is something very wrong in the South African fabric of society and that now is the time to put things right. So remarkable is this feeling that White voters are now prepared to send to Parliament a man on the card of a "square deal for 10,000,000 South Africans" alone—as happened in the case of Mr. J. R. Sullivan of Durban. In other words, White opinion has shown a slight change in its approach to the problem of economic and social security for all South Africans. It is not to claim too much for the Council to say it has done its bit to bring about this change.

Secondly, by showing that the African is capable of managing his own affairs, the Council has demonstrated that the African is now ripe for a higher status in the body politic of the country. To-day, when we demand the extension of the Cape franchise to Natal, the Transvaal and the Free State, we can point to the success of the Council to strengthen our case. How well it has done its work in this regard and how effectively it has taken the bottom off Nationalist arguments for more oppressive policies may be seen from the vigour with which the Nationalists and their friends denounce it and express their determination to abolish it the day they come to power!

But these gains have not been of immediate, direct, material benefit to us. They have been incidental to the existence of the Council alright, but have not come about as a direct result of the representations of the Council. The Council was set up to advise Parliament and the Government on laws affecting Africans, with a view to improving the lot of our people. This it has not achieved; instead it has become a useful propaganda machine and has scored some of its outstanding victories in the field of propaganda—creating impressions. It was not set up to do this.

On the African side, the greatest contribution made by the Council to African political progress has been that it has been a great unifying factor among the various groups which comprise the African community. Xhosas, Zulus, Shanganas, Basuto, all meet as representatives of one community, to discuss common problems and present a united front against common obstacles. At no time in the history of the African people has the spirit of

oneness shown such promise of welding the Bantu into one solid, united mass. There are neither Congressmen nor Conventionists in the Council, but *Africans* fighting a common battle.

Secondly, the Council elections and the extension of the vote to the chiefs has stirred the political consciousness of this section of the African community—the most conservative and backward. To-day, when national gatherings are called, chiefs turn up in their numbers and have grown to attach increasing importance to the word of African political leaders. One outstanding indication of this consciousness is the fact that the African people have given both the House of Assembly and the Senate the most brilliant brains in the country; people who have actually been instrumental in raising and enhancing the prestige of Parliament. In their choice, the Africans have shown that they have always been guided by quality, regardless of sex or race. If this is not an indication of political intelligence, then, we do not know what is!

Thirdly and finally, the Council has demonstrated one great truth which is of interest to African leaders of opinion—that the most backward Africans have very great faith in their most advanced fellow men. Raw, ignorant chiefs from the remotest corners of the Union did not hesitate to vote for men of such training, culture and learning as Professor Z. K. Matthews and Dr. J. S. Moroka. This has one meaning; that if the more advanced classes can organise themselves more energetically and present a vigorous programme against discriminatory laws, the unlettered masses would not hesitate to follow.

Viewed as a test of African political maturity, it cannot be denied that the Natives' Representative Council has done very well under extremely adverse conditions. Taken as an instrument to break shackles which retard the progress of the African, the Council has been a colossal failure. It has been nothing more than a steam-house where frustrated African Councillors let off hot air, to the amusement of the Government and the altogether unwarranted discomfort of the Nationalists and the Ossewa Brandwag!

### Criticisms

IN spite of the satisfactory work done by members of the Council, the notion of it developing into a law-making body for Africans perpetuates the dangerous idea of a State within a State—with the possibility of policies being formulated in the future which would ultimately lead to an open racial clash. The existence of the Council symbolises the fact that the people of South Africa still think of themselves in terms of two, parallel, national groups with two destinies to fulfil. This mode of thinking has in it the germs of civil war and the sooner the symbol of racial conflict is removed and emphasis laid on the identity of the interests of all the groups which make up the South African nation, the better it will be for all concerned.

It is absurd to imagine that the small European minority of 2,000,000 can maintain its present position by sheer brutal force indefinitely, against the overwhelming mass of 8,000,000 Africans and a world which is fast

losing its colour consciousness. The Africans here are already highly dissatisfied and discontented with the way in which they are ruled. Indications are not lacking everywhere that they feel a halt must be called to racial oppression, discrimination based on colour and the subjection of the interests of eight million people to those of a small minority of only two million. One does not need to be a student of African affairs to realise that efforts are being made all along the line to bring the organised pressure of the majority to bear on the problems of South Africa and while there is still time for reason to prevail, it is as well that those who want a truly democratic South Africa, dominated by neither Black nor White, should not allow sentiment to cloud their thinking on the country's problems and say the Council should be retained in its present form and given more powers. If the worst comes, the retention of a separate legislative body for a discontented racial group will not have been without effect in influencing events.

Let no mistake be made about this: the Black man is out to ensure that he lives as a free citizen in the land of his birth. All his efforts at organisation and his sacrifices to improve himself are directed at enabling him to wield, with maximum effectiveness, the only weapon in his hand—his large numbers—to free himself. How this weapon will be used is still a point on which African leaders are not agreed. One section urges that pressure should be used to strengthen the hand of the European Liberals, with a view to bringing about a "change of heart" among the White people of South Africa. These people advocate a policy of winning more friends for the cause of the African. Opposed to them are those who

argue that the overwhelming majority of White people in this country are so dominated by fear for their supremacy that they will not see reason and that, therefore, the only language they are capable of understanding is the language of organised pressure, national strikes and, if driven to it, civil war—if nothing else avails.

Those people, therefore, who advocate the retention of the Council while more powers are given to it, unconsciously abet and support the idea of civil war. If the Council is given powers (which will inevitably be limited) to legislate for the African people, we shall only be intensifying and sharpening the frustration of the African people and at the same time encouraging the perpetuation of narrow racial outlooks on the African side. The Council would have no alternative other than to champion the narrowly nationalistic interests of the African group and in that way pave the way to racial conflict.

Secondly, though General Hertzog imagined that his Representation of Natives Act embodied the final solution of the so-called Native Problem, after ten years' experience of the Council we all see how inadequate that solution has become. Though the general point of view of the African people on certain questions has been placed fairly clearly before the Government and people of South Africa, we can point to no substantial gains as a result of the existence of the Council. The extension to us of old age pensions, the phthisis benefits and the financing of our education from the Treasury are more in the line of concessions granted because of our sacrifices in the war, than anything else. The Council might have taken the sting out of the harsher legislative measures passed within the last ten years, but it has effected

no major change of policy.

Consequently, it remains a heavy burden on the African taxpayer who does not get his due return out of it. The Natives Representative Council is very much like a business run at a loss to its proprietor. The Councillors themselves are saying it openly that the Pretoria sessions are a sheer waste of time!

Let us now come to specific criticism of Act 12 of 1936 and the machinery it set up.

In the first place the Act makes serious deviations from accepted democratic usage; it vests the bulk of political power in the chiefs—who, as a class, are the most backward and least progressive section of the African community. The chiefs have a rural background, most have no education, are strongly in favour of the tribal system (now being shattered by the country's industrialisation) and are very jealous of their position over their people. They have a vested interest in those reactionary laws which enhance their prestige and give them authority. The overwhelming majority of their people, on the other hand, have evolved far ahead of them, both materially and morally. A man like Dr. A. B. Xuma, President-General of the African National Congress, member of the Board of Trustees of the Bantu Welfare Trust, Medical Officer of Health for Alexandra Township, cannot influence the elections of the Council by using his vote, whereas hundreds of illiterate chiefs in Natal, the Transvaal and the Transkei vote freely (on behalf of men and women more advanced than they) for Senators and members of the Council! It does not make much sense, does it? The Chiefs are being asked to bear responsibility for which they are not equipped.

The bloc vote does not reflect the true state of African opinion. Only the voices of individual chiefs and the other voting units are reflected in Council elections. It is therefore not surprising that in Pretoria, our representatives lay a lot of stress on comparatively unimportant issues, which, nevertheless, are of immediate interest to their immediate constituents; things like dipping tanks, dog taxes, etc. Matters of national interest, like the attitude of the African to the war, the recognition and registration of African trade unions or the menace of the Ossewa Brandwag, if ever discussed, are tackled from individual standpoints by the various Councillors. The Council does not express "the voice of the African people." The bloc vote makes it practically impossible for Councillors to have a mandate from their people on specific issues. This explains the emphasis Councillors lay on general grievances and accounts, in part, for the failure of the Council groups to support well-defined programmes. No wonder the Council cannot make political headway. It is doubtful, for instance, if any chiefs would vote for a candidate on the card of a vigorous denunciation of the Smuts Government, advocating the use of general strikes as a practical means of fighting the Pass Laws!

There is another danger to the chiefs and the other voting units having the vote. This narrows down the size of the electorate and in that way opens up channels for grave abuses and corruption. An energetic candidate, with adequate funds, may easily cover a whole province, corrupting individual chiefs and members of electoral colleges and Advisory Boards. Take the position in Natal, with an African population of not less than

1,500,000. In the second election, the Natal electoral college had about 202 chiefs, with a total of 222,618 ; 35 electoral committees with 167,198 voters ; 18 Advisory Boards voting for 1,261 Africans, while the only local council at the time (Umsinga) had a bloc of 20,536 votes. The 256 voting units—roughly about 300 persons—cast a vote of 411,613 for the whole of Natal.

The constituencies cover very wide areas. Apart from the great distances the members of the Council have to travel, they have to be the spokesmen of varying and sometimes conflicting interests. This makes a farce of all talk of representation.

In so far as the Council itself is concerned, it is enmeshed in so many safeguards and regulations that it is at best only a dummy. Its members can say almost anything they like, knowing that they will not be responsible for carrying out the policies they advocate. The occasional irresponsibility which the Council shows—as when the war broke out, when the Council did not know where it stood—springs directly from the fact that the Natives Representative Council has almost complete freedom of speech, with no executive responsibility. The miracle here is that there is so much moderation and no extremism when extreme policies should be in vogue all along the line!

A word about the Native Commissioners. Whether this was the original intention or not, the Native Commissioners play a very important part in the elections of members of the Council—particularly in the rural areas. The law leaves them free to accelerate or stultify the election machinery. As every interested African knows, it is very difficult to hold meetings in the country as the

chiefs are so much under the thumbs of Native Commissioners. In some places it is a mystery how the Native Commissioners get to know the needs of Africans in their areas—they never even call quarterly meetings, let alone allow political gatherings. By not giving adequate publicity to Government announcements on elections, Native Commissioners may seriously prejudice the chances of a particular candidate. This is not an academic criticism. During the 1937 elections some chiefs complained that they had got into the bad books of their Native Commissioners for, presumably, supporting candidates not favoured by the authorities. At another election, a Native Commissioner actually wrote one of the candidates for election to say that in his area (the Native Commissioner's) no quarterly meetings were held!

Finally, the Representation of Natives' Act of 1936 holds out no hope of direct political advancement for the African people. It holds out no promise of a political future for us. We are expected to remain satisfied with a mere talking-machine, a few Senators and three representatives in the House of Assembly and two in the Cape Provincial Council. Even when our numbers increase and we show visible signs of political advancement and civilisation, we are to remain where Hertzog intended we should be. In the light of all the foregoing the Natives' Representative Council is at best only a blind alley. To imagine that it will take us anywhere in the direction of citizenship is to invite disillusionment. Under the present circumstances, nobody is under any obligation to take its decisions and recommendations seriously, while everybody seems to have the right to defy it and ignore its advice!

### Suggestions

IN making these suggestions, it should be emphasised once more that no changes can be made in the nature of the Council without changing the whole machinery of African representation. To ensure, therefore, that improvements are introduced which open up a more promising future for the African, the whole machinery set up by Act No. 12 of 1936 should be overhauled, with a view to extending the Cape franchise to Natal, the Orange Free State, and the Transvaal, while increasing the number of Senators as well.

The specific goal to aim at should be the exercise of the individual vote by all Africans with the necessary qualifications, regardless of sex. In the exercise of this vote, the African should be free to send men of his own race to Parliament and the Provincial Councils if he so desires. This in itself, as is clear, would be a compromise on our way to having all qualified South Africans on one common roll regardless of race. While keeping this goal before us we should also bear in mind that the White and other minorities would have to be given guarantees that the African majority would not do to them what they are doing to us to-day. We must face this problem honestly and without feeling, as on its solution depends the future of South Africa as a democracy.

The individual vote should substitute the bloc among the more advanced sections of the community. A beginning should be made with the urban dwellers and the more advanced rural communities. These people are now qualified to make good use of the individual vote.

In the meantime the chiefs would continue to function

for their tribal groups for another five years; each chief voting for the actual number of taxpayers living in his area, under his immediate supervision. At the same time a vigorous campaign of mass and adult education would be carried out. After this period the individual franchise would be extended to the tribesmen who satisfied the voting qualifications, which would have to be fixed liberally, in keeping with present developments in the world in this regard. After another ten years, the majority of the tribesmen ought to be able to read and write their vernaculars and at least qualify for the vote—when the bloc vote would be abolished altogether.

The less advanced people on the farms and in reserves would be treated in much the same way as the illiterate tribesmen until they could read and write their vernaculars.

To obviate unnecessary confusion during the period of transition, some representatives would be returned exclusively by sections which exercised the individual vote, while others would be elected by those constituencies voting in blocs.

The Natives Representative Council itself would cease altogether to function as an advisory body in the legislative machinery of the State. It would be transformed into a strictly administrative institution, responsible for the administration of the Native Reserves, Native Locations, the appointment of Chief Native Commissioners, Native Commissioners and, in general, advise the Minister of Native Affairs on the administration of the African areas until such time as these were sufficiently developed to need a different form of administration.

So far, the Council has been a fairly good school of

political training; now it must be turned into a training centre for Africans in the art of administration, if the policy of Trusteeship is to be something more than a screen to cover the exploitation of the African to advance White interests. The Africans, on their side, have made very full use of the Council and this qualifies them for something better.

Finally, the municipal franchise would have to be extended to the African people as well.

In making these suggestions, one is not unmindful of the actualities of the South African situation. Though this might suggest a realistic approach, it should not be a betrayal of the African. At the same time thinking Africans should show a readiness to bring both Black and White to a plane where either should give and take in the interests of 10,000,000 South Africans.

Some of my African readers will criticise this study as too moderate in its approach. But as against this, it must be urged that there is pressing need for the African not to allow the emotionalism which is so great a weakness of his enemies, to colour his own thinking. We have a strong case right round; we do not need to reinforce it with violent words or a mulish refusal to recognise that we are not the only South Africans. There are ten million South Africans, of whom we are the unquestionable majority. This imposes on us, more than on any other section of the nation, the need to be level-headed, while not weakening our determination to live as free citizens in the land of our birth.

Others again will charge that the improvements suggested here are capable of being construed as advocating Segregation. But a closer study will show that this is not

the case. What has been done has been to suggest ways by which the nation's thinking might be trained by stages in the way of regarding the interests of 10,000,000 South Africans as completely identical. Details in the suggestions have been omitted simply because at this stage discussion of our major problems as a nation should aim at agreement on principles. Details are matters for negotiation. The intention in this study has not been to formulate a political programme, but to present material which might form a basis for discussion among those who want a truly democratic South Africa.

We on the African side should do all in our power to make the other side see the reason and justice of our cause, only when those efforts fail—as they are doing in certain directions—should we resort to other methods, remembering always, of course, that a blind refusal to negotiate while we are badly organised and therefore impotent, is plainly foolish.

Those who clamour for the unconditional abolition of the Council fail to realise that it is still a very useful lever to facilitate the organisation of the African people against discrimination. Besides, they have not formulated programmes to assure the White community—the biggest minority group—that its fears are not founded on fact. Merely to refuse to have anything to do with the Council, without suggesting a positive substitute is, to my way of thinking, to strengthen the forces of White reaction rather than to give all true democrats—Black and White—a point around which to rally in our fight for a truly democratic South Africa!

Let us admit that our leaders blundered by accepting the Hertzog Bills in 1936. We ourselves, through the



voting units, endorsed their decision when the Council elections came. This was all in the train of events in which we had been on the retreat, since 1903. To fold our hands, as the African National Congress is doing, and refuse to have anything to do with the Council elections might have about it a semblance of idealistic consistency, but it is not practical politics. With or without Congress, the Government continues to tell the world that the Council is the mouthpiece of the African people and nobody is in a position to disprove this, whereas a Congress-dominated Council would act on strict instructions from the Congress conference and follow a carefully laid-out policy to expose the humbug of the Council. Congress is missing an opportunity to expose a useless institution. And at any rate the official attitude does not make much sense when the leaders of the Congress are already members of the Council!

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Nothing would be more welcome to the present author than a critical discussion of the Council, arising from this essay, which would lead to the emergence of a livelier and keener interest in the whole question of African representation.

## PRO AND CON PAMPHLET—No. 4

SHOULD THE N.R.C. BE ABOLISHED? is a review and discussion of the work of the Council and its effectiveness as an organ of political expression and representation. Historical notes give a background. There is a pressing need, says the author, for the African not to allow the emotionalism which is so great a weakness in his enemies, to colour his own thinking. Mr. J. K. Ngubane is a journalist, now editor of *INKUNDLA YA BANTU*, and an active member of the African National Congress.



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