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in the Union of South Africa
adjourned.

By
Matthews Z.K

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Published By

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FOREWORD

The South African delegation to the United Nations, now meeting in New York, have tried to justify racial discrimination against Africans on the grounds that Africans have not yet reached the stage when they can exercise democratic rights.

Mr. Heaton Nicholls, one of the South African delegates, has said that "the whole conception by South Africa of its trusteeship has been to protect the Native ethos . . . to encourage native development in consonance with modern conceptions of life . . . to train their leaders in the work of modern local government . . ."

The author of the following statement, Professor Z. K. Matthews, is in our opinion, fully qualified to demonstrate the hallowness of South Africa's claims. Professor Matthews, who first graduated in South Africa and later took his M.A. degree in the United States and his L.L.B. degree in South Africa, first entered the Native Representative Council in 1942. He is also a member of the National Executive of the African National Congress.

In this statement, Professor Matthews shows how the Africans, denied the elementary right to vote, are completely voiceless in the affairs of government. He shows that the Native Representative Council, a body set up by the Government itself to speak for the Africans, is hardly consulted on matters affecting the African people. In short, the statement is a complete repudiation of South Africa's trusteeship over the Africans.

Since this statement was written the Acting Prime Minister of South Africa, Mr. J. H. Hofmeyr, has said that "there were disadvantages with which the Native peoples had to contend" and that "changes in existing conditions must necessarily be gradual. . . ." The Native Representative Council met again to consider this statement, and have come to the conclusion "that pending the receipt of a more reassuring reply from the Government, the proceedings of this session of the Council be suspended. . . ."

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H. A. NAIDOO
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The following is a considered statement on the reasons why the Natives Representative Council adjourned its session recently. The statement has been prepared by the chairman of the caucus, Professor Z. K. Matthews.

The Natives Representative Council was established in 1937 in terms of the Representation of Natives Act 12 of 1936. That Act formed part of the Bills which the late General Hertzog had placed before Parliament in an attempt to arrive at what he considered might be a comprehensive solution of the Native problem. In dealing with the problem of the political representation of Africans in the Union the Act provided for the establishment of a Council consisting of partly nominated and partly elected African members whose function would be to advise the Government on legislation and other matters affecting African welfare.

Since 1937 the Council has met regularly once or twice a year. Occasionally special sessions have been held to deal with urgent legislation which was not ready for presentation to the Council at its ordinary session or which, one or other Minister had introduced into Parliament without previous consultation with the Council as required by law.

At first high hopes were entertained in certain quarters that the Council would develop into an important part of our constitutional machinery for the Government of the Union and would give Africans a real share in shaping their own destiny in the land of their birth. Admittedly these high hopes were not shared by the African people themselves who strenuously opposed the Hertzog Bills from the time when they were adumbrated by the General in his famous Smithfield speech in 1925 until they reached the Statute Book in 1936. But that the African also surmised that the Council might have its uses as a platform for the education of the Government and the European public on their legitimate demands is proved by the fact that at one of the largest African gatherings held at that time under the auspices of the All-African Convention a proposal to boycott the Council was defeated and a decision taken to give the Council a trial.

ABLEST MEN ELECTED

At two elections the African people have elected to the Council some of their ablest men among both chiefs and commoners.

Year after year since 1937 the councillors have submitted for the consideration of the Government resolutions on various aspects of African welfare, and have discussed these in debates which not infrequently have been of a very high order. In select committees appointed in Council they have made detailed recommendations on draft legislation referred to the Council by the Government or by the Provincial Councils. They have prepared reports on such aspects of Native administration as the system of political representation for Africans provided for in Act 12 of 1936, the policy embodied in our laws relating to Natives in urban areas and the system for the administration of Native Affairs provided for in the Native Administration Act for 1927. They have asked Parliament to legislate on such matters as the recognition and registration of African trade unions, the proper financing and control of Native Education, etc. They have given evidence on behalf of the African people before important Government commissions appointed to investigate and report upon various aspects of African life in the Union.

The question naturally arises as to what were the reasons which led the members of the Council to take the drastic step of adjourning the Council indefinitely when it is apparently engaged on such important work. What is the meaning which must be attached to this action which is unprecedented in the history of the public bodies such as local councils, general councils, Native advisory boards, which have been established in order to give Africans a voice in the affairs of their country?

This deterioration in the relations between the Government and the Council may be attributed to a variety of factors of which only a few can be mentioned here.

OPTIMISTIC HOPE

When the Council was first established Field-Marshal Smuts himself expressed the hope that it might develop into a "Native Parliament." That was of course an over-optimistic estimate of the potentialities of this body for it would be impossible to have two parliaments in one country, but what Field-Marshal Smuts probably had in mind was that with the passage of time this advisory body would, as far as matters affecting African welfare is concerned, be accorded a weight of authority and responsibility second only to that of the supreme legislature. This obviously implied at the very least that no important decision, legislative or otherwise, affecting African welfare directly or indirectly would be taken either by Parliament or by a Provincial Council without prior consultation with the Council, and that the views of the Council, when obtained, would be given serious consideration by those in whom ultimate responsibility for action was

vested. A perusal of the section of the Natives Representation Act defining the functions and powers of the Council will show that the foregoing is no unwarranted estimate of what the African people were led to expect. It must be remembered that the 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 in Native areas the principle of consultation had found expression in the extension of the local Council system and in urban areas in the system of Native Advisory Boards.

ACID TEST

The Natives Representative Council purports 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 did in the narrower sphere of purely local matters. This was to be the acid test of the policy of segregation to which European South Africa paid so much lip service. One would have thought that in the circumstances this product of Union political philosophy would be accorded by the Government such respect that its prestige would have been enhanced and the validity of the Union's political creed demonstrated to those who from the outset had no faith in it as a solution of our political problems.

How has the Government treated this product of her political genius. In the first place, although the Council is a body expected from the nature of things to consider and report upon matters of policy in Native Affairs, the persons responsible for laying down policy in this country have not considered it part of their duty to attend its sessions. Field-Marshal Smuts himself has only once deigned to appear before the Council. That was at its first meeting in 1937. The Minister of Native Affairs makes occasional appearances to open a session and to give formal address to which, as the members of the Council have been warned by a senior official of the Native Affairs Department, they are not expected to reply unless such reply is couched in flattering terms of gratitude more suited to a primitive despot than to a Minister in a democratic State addressing the elected representatives of the people.

COUNCIL IGNORED

This conception is apparently based on the view that the Minister of Native Affairs is the Supreme Chief of the Natives. The Ministers

of other Departments of State, although their departments touch African welfare at so many points—Labour, Justice, Social Welfare, Education, etc.—seem completely unaware of its existence. As for the ordinary Members of Parliament—the greatest protagonists of segregation—unless they happen to be members of the Native Affairs Commission, ignore this institution of their creation completely. The result of this is that the Council has developed into a meeting with senior officials of the Native Affairs Department who not unnaturally are beginning to regard the Council as part of the set-up of their Department and the members as Government servants like themselves. Year after year they have to listen to comments, caustic and otherwise, on matters of Union Native policy for which they are not ultimately responsible. They can make no reply on points raised except to defend or attempt to justify the legislative and administrative measures which have been entrusted to them by higher authority.

Not only do the Ministers and Members of Parliament not attend meeting of the Council, but the verbatim reports of the proceedings of the Council are not tabled in Parliament. By law the Minister of Native Affairs is required to table a report of the proceedings of the Council. What he does is to table the resolutions of the Council but not the debates on the resolutions which alone can give something approaching a true reflection of the views of the Council concerning its resolutions. A record is, of course, kept of the debates in the Council, but this verbatim report is a rare document which is cyclo-styled and published in a very clumsy form. No Afrikaans translation of it is provided, in spite of Section 137 of the South Africa Act. This reduces the activities of the Council to a kind of hole-in-the-corner business for information about which the public has to depend upon the scanty reports of a not too sympathetic Press.

URBAN AREAS

But even more serious than this is the fact that the Government has not shown sufficient evidence, in the opinion of the Council, of a desire to take its advice seriously when obtained, or of readiness to seek that advice on matters affecting African welfare. Bills affecting the African population directly or indirectly are introduced into Parliament without previous reference to the Council for consideration and report as required by law. A recent example was the Native Urban Areas Consolidation Act of 1945. There is probably no law which affects the interests of Africans as much as this law relating to Natives in urban areas, but the Minister refused to refer this Act to the Council on the ground that it was merely a consolidating measure which did not bring about any fundamental changes in our urban Native policy! Another example was the Financial Relations Exten-

sion Act of 1945 under which the burden of taxation on Africans was extended by empowering Provincial Councils to impose a hospital tax on all Natives liable for poll tax and a further tax on the incomes of Natives liable to income tax. It was only after this Bill had reached Parliament that it suddenly dawned on the Government that its provisions were likely to affect the African population. The Council was therefore hurriedly summoned to Pretoria to give its views on the matter on a Friday, to be taken to Cape Town by an emissary who was expected to reach that place on Monday.

Furthermore, the Council, as it is empowered to do by law, has asked the Government to introduce into Parliament legislative measures dealing with matters of great importance to the African people. On some of these matters promises have been made that something would be done, but these promises remain largely unfulfilled.

LEGISLATION REQUESTED

Thus the Council has asked for legislation according recognition to African trade unions in order to bring African workers within the scope of existing legislative machinery for the pacific and orderly settlement of industrial disputes between them and their employers. Action on this matter was promised years ago, but year after year the Government's proposals in this regard have failed to materialise, while industrial disputes between African workers and their employers have been on the increase and have culminated in the recent tragedy on the gold mines.

Pleas have been made for a revision of our system of Native taxation so that the principle underlying the system should be progressive rather than regressive, as it is at present, and in order that the methods of collecting this tax might be improved so as to reduce the number of Africans annually sent to gaol for failure to pay tax or failure to produce their tax receipts on demand. Far from heeding the advice of the Council the Government, as already indicated, has tacked on to the poll tax a hospital tax based on the same principle and to be collected in the same way.

The Council has advised the Government that the system of political representation for Africans provided for under Act 12 of 1936 is full of glaring anomalies which ought to be removed if the system is to fulfill even the limited objectives which the legislature had in mind when the Act was passed. The Council was led to believe that its representations had got the ear of the Government because a Recess Committee of the Council was appointed to consider the whole scheme and to make recommendations for its improvement. These recommendations were referred to Native local councils, general councils

and advisory boards throughout the country. It looked as if something was certainly going to be done about the matter when the item "Amendment of the Native Representation Act" appeared on the agenda of one of the sessions of the Council. At that stage instructions were given for the withdrawal of the item from the agenda, and there as far as we know the matter rests.

REPORT DISCUSSED

Another piece of legislation on which a select committee of the Council was appointed was the Native Administration Act which was passed as far back as 1927 and which in the view of the Council embodies an attitude towards Native Administration which is in need of revision in order to bring into line with the facts of modern African social life. The committee's report was discussed and adopted by the full Council and referred to the Government. No action has been taken on the matter.

The council has submitted to the Government a closely reasoned memorandum calling for a revision of our urban Native policy in the light of industrial and other developments which have taken place since the original Act was passed in 1923. Admittedly in this connection the Government has recently appointed a commission—the Fagan commission—to investigate and report upon our laws relating to Natives in or near urban areas. Would it not have been a fine gesture if the Minister of Native Affairs had announced his decision to appoint this Commission in the Council or had consulted it about the personnel or the terms of references of the Commission? For some reason or other he did not think it fit and proper to do so.

PASS LAWS

To the Fagan Commission has also been referred the question of pass laws, about the abolition of which the Council has had a great deal to say ever since its inception. The African people are practically unanimous in regarding the pass system as one of the greatest curses of African life in South Africa. No amount of white-washing of the system by any commission will change their views about it, especially as this matter has been dealt with by previous commissions such as the Native Economic Commission and the Inter-Departmental Committee on the Pass Laws, whose recommendations in favour of a simplification of the system fell on deaf ears. Abolition of the pass laws is the watch-word of all African organisations. The mounting figures for convictions under the pass laws in all their ramifications are a sufficient condemnation of the system.

In and out of season the Council has condemned the Municipal

Beer Hall system and particularly the use of beer hall profits to relieve municipalities of their responsibility to provide ordinary amenities in the Native Locations. The question was investigated by the Native Affairs Commission which confirmed the views of the Council that urban local authorities looked upon the beer hall more as a profit-making concern than as a method of fighting the drink evil among Africans in urban areas. Legislation was actually put on the Statute Book prohibiting local authorities from using beer profits except for social or recreational activities for Africans in the urban area. This legislation had the full support of the Council, but the Municipalities were not to be done out of this lucrative source of revenue. Some argued that they had entered into certain commitments in the expectation that beer profits would help them to meet such obligations. Others argued that the profits from beer could not possibly be exhausted by expenditure on social welfare for Africans! So pressure was brought to bear on the Government to appoint another Commission on the use of beer profits. This Commission has recommended a reversal of the policy supported by the Council and by the Native Affairs Commission.

COMMON COMPLAINT

One of the commonest complaints of the African people repeatedly brought to the notice of the Government by the Council is the inequitable distribution of land as between Native and non-Native in the Union. It is common knowledge that under the Native Land and Trust Act of 1936 the Government undertook to purchase additional land for Native occupation so as to relieve congestion in the scheduled Native areas whose inadequacy to meet the present and future needs of the African population was recognised as far back as 1913. The Government's proposals for the purchase of land which had raised the hopes of many landless people in the Reserves was for various reasons suspended during the war, although the purchase of land for European settlement was apparently not suspended for the same reason. This suspension of the purchase of land for Native occupation caused grave disappointment in the Native areas, especially as the settlement of people on farms already bought was for various reasons not proceeded with as rapidly as the people desired. Some of the farms bought, instead of being thrown open for peasant settlement and cultivation were set aside for experimental purposes, for milk schemes, for bull camps, for semi-urban villages, for grazing European-owned stock on payment of a grazing fee, etc. One farm which has been bought and paid for has not yet been taken over because a European school is situated on it. Meantime a number of Trust officials has been appointed to manage these farms and to

carry on the work of agricultural development in the areas concerned. Chiefs and headmen in different parts of the country complain that many of these officials are not always as sympathetic and tactful as people who are engaged on what is primarily an educative process might be. The master-servant attitude of which the average European in South Africa finds it so difficult to divest himself is completely foreign to the educative process, and the Council has repeatedly urged that the greatest care must be exercised in the personnel that is appointed to deal with any part of our Native administration.

REHABILITATION SCHEME

Towards the end of the war the Government launched an ambitious scheme for the development and rehabilitation of the Reserves which carried with it proposals for the reduction of the number of people dependent on land in the Reserves and the rigid limitation of stock to the carrying capacity of the Native locations. Admirable as the scheme appears on paper, it has rightly or wrongly come to be looked upon by the people as a further encroachment on their already limited land rights and a further entrenchment of the system of migratory labour, and in spite of its acceptance by such public bodies as the United Transkeian Territories General Council and the Ciskeian General Council, it has not aroused that enthusiasm among the common people which alone can guarantee its success. The Council has expressed its views on the scheme and made suggestions for its improvement in various directions if it is to become acceptable to the people, with little or no effect.

But not only has the confidence of the Council in the Government's intentions towards the African people been undermined by sins of omission, but a sense of despair and frustration has been induced in them by the increased output of restrictive and discriminatory legislative and administrative measures and by the increasingly provocative utterances of Members of Parliament, both from the Opposition and Government benches. As examples may be cited:

(a) The prohibition of meetings of more than 10 Natives except by permission of the Native Commissioner in the Northern Provinces.

(b) The extension of the pass system in the form of registration of service contracts in the urban areas under the Natives Urban Areas Consolidation Act of 1945, coupled with the handing over of the control of this system to the urban local authorities.

(c) Discrimination against Africans in social security measures such as Old Age Pensions, Pensions for the Blind, Invalidity Grants, etc., coupled with the unsympathetic administration of these measures by some administrative officers.

(d) The attempt to control the inevitable drift of Africans from the congested Native Reserves to the towns by empowering the Railways to refuse to sell them tickets unless they produce written evidence that they have already obtained employment in the urban area to which they wish to travel to search for work.

(e) The use of force by the Government to settle industrial disputes between African workers and their employers so tragically exemplified in the recent mine labourers' strike.

Sufficient has been said to indicate some of the reasons which have gradually produced in the members of the Council that sense of frustration and irritation which culminated in the collapse of the recent session of the Council. It is wrong to suppose, as has been done in some quarters, that the action of the Council was the result of a sudden decision brought about solely by the mine labourers' strike. The Government's handling of the latter situation was typical of its attitude towards the Council. Here were the elected representatives of the African people assembled at the administrative headquarters of the Union—Pretoria—only a few miles away from Johannesburg, where a major disturbance involving 50,000 of the people they represent some of whom had lost their lives or had suffered injuries in the trouble, and the Government had absolutely nothing to say to the Council about the matter. Neither the Minister of Native Affairs—to say nothing of any other Minister—nor the Secretary for Native Affairs appeared at the meeting nor thought it necessary to give the Council an official account of a situation which meant life or death to many of their people, at a time when sensational and obviously tendentious reports were appearing in the local Press and rumours of all kinds were rife. The Prime Minister was "not unduly concerned," as he told, not the Council, but the Head Committee of the United Party. To call upon the Councillors, Nero-like, to play the fiddle while Rome was burning, as it were, as the Deputy-Chairman was apparently instructed to do, was provocative, to say the least. It demonstrated, if proof were wanted, that after nine years of patient work the Council had not yet succeeded in impressing its existence upon the consciousness of the powers that be. The same indifference of the Government towards matters which the African people regard as highly important was shown when questions were asked by Councillors about the disturbance at the Lovedale Institution at which discipline had collapsed so completely that a serious riot had broken out as a result of which over 150 men students who had taken part in the affair were taken into custody. No official statement was available although it turned out afterwards that official report has been sent by the local Native Commissioner to the Chief Native Commissioner, King William's Town. The Council took the opportunity to point out that it had previously called upon the Government to appoint a com-

mission to inquire into and report upon the administration of the Native educational institutions with a view to finding the causes and suggesting appropriate remedies for the disturbances which have become all too frequent at these seats of learning which it is becoming apparently impossible to conduct without the aid of the police. No action has been taken on the matter.

COUNCIL'S ACTION SUPPORTED

The patience of the Council was obviously near breaking point and an adjournment of the Council for an indefinite period until the Government showed evidence of its intention to give more serious consideration to the views of the Council seemed the least drastic action that the Council could take.

The question may be asked as to whether the action of the Council has the support of the African people. Those who are in touch with African opinion as expressed in African organisations and by leaders of African thought will know that the reputation of the Council has suffered as the result of the Government's attitude towards it. *The view has been expressed that this experiment in political segregation has been given a fair trial by the African people during the last decade, and that the time has come for them to recognise that the experiment has failed and to embark upon a boycott of the scheme.* This is mentioned to indicate that the councillors are not in advance of their people in drawing the attention of the Government in the way they did on August 14 to the fact that all is not well in the relations between the Government and the "Black House," as the Zulu would put it.