

CHAPTER 3.

POLITICAL DEVELOPMENT OF THE TSWANA

3.1. Introduction

The main argument in this chapter is relevant to the theme. It will indicate how the Tswana were led to political independence. It will also be explained how the Tswana were introduced to a system of central government based on traditional institutions, and finally ushered along the path leading to political independence.

To achieve this, the first aim is to give a historical perspective of the efforts made to develop, control and administer the blacks in South Africa prior to the introduction of the Black Authorities system. This will be done by briefly looking at the efforts made by, among others, Sir George Grey and Sir Theophilus Shepstone, and the various governments in South Africa during the periods 1909-1925 and 1927-1948.

The chapter will secondly examine the basic philosophical foundation of the policies of control, administration and development as reflected in the Black Authorities System. Thirdly, a look will be taken at the tribal/community authorities and regional authorities concentrating carefully on the sensitivities of composition and tasks, as well as the place and role of chiefs. It will include the effect of the lack of previous experience of centralised government.

Fourthly, the chapter will look at the territorial authorities and, lastly, at self-government.

3.2. Historical perspective of the Bantu Authorities System

The problem of the administration, control and development of the Black people in South Africa has existed ever since the first contact between black and white in South Africa and many mechanisms have been tried by different authorities. Within this scenario it may be useful to refer to developmental and control efforts based on the system of direct rule and indirect rule as applied by Sir George Grey (1854) on the eastern frontier of the Cape, and by Sir Theophilus Shepstone (1853-1876) in Natal, respectively.

The policy of direct rule as applied in South Africa embodied the integration of tribal leaders and tribesmen into the economic and political system of the whites, and their conversion to Christianity. The power of the chiefs was reduced as it was believed that they were the cause of traditionalism and unrest on the frontier. Chiefs were salaried. White magistrates were initially appointed to assist them and later to take over the judicial functions of the chiefs. A system of elected councils was instituted and took over the ruling functions of the chiefs. This system was eventually also instituted in the Transkei and was known as the Bunga, or General Council System. It was an attempt to introduce blacks to a white or western form of administration⁴⁷. Thus, the system of direct rule was aimed at integrating the subordinate groups into the political, administrative, social and economic value system of the ruling group. In the name of development and progression' (westernization), inhibiting traditional institutions and practices were discarded and replaced by western institutions and practices. Little, if any, cognisance was taken of indigenous institutions, values and practices.

In principal, indirect rule as a mechanism for exerting power over a subordinate group(s) boils down to the administration practice of recognising and using traditional and indigenous leaders, institutions and values. In Natal, Shepstone made use of white

⁴⁷C.J. Maritz. 1965. Bestuursontwikkeling van die Tswanastamme groep met besondere verwysing na die Skakeling tussen Stad en Tuisland. (M.A. Verhandeling P.U. vir C.H.O.). Potchefstroom.

officials who in their turn relied on the recognised indigenous Zulu leaders and institutions to apply policy measures for the sake of government and administration over the Zulu in various reserves (demarcated Black areas also previously known as "locations").

In a final analysis, this system was not really aimed at enforcing a westernised perception of "development" and neither was it intended to replace Zulu values and institutions with western based values. Indirect rule resulted to a far lesser degree in the uprooting of societal values and societies themselves.

During the period 1909-1922, no effective developmental or control efforts were realised. In 1909, the South African Act stipulated that all laws governing the blacks in the colonies would remain in operation until amended by the union parliament⁴⁸. As was the case before union, the control of the blacks in South Africa was under the Governor-General-in-Council of the Union⁴⁹.

The passing of the Native Affairs Act of 1920 which provided for the establishment of the Native Affairs Commission and the Council system provided for what was intended to be an effective system of administration and control. Provision was made for the establishment of local and general councils. Local Councils were appointed by the Governor-General⁵⁰.

Unfortunately, in the constitution of these councils, no attention was given to tribal relationships and less still to traditional councils. In the end, it was proved that this system of control was far less successful than was intended.

⁴⁸Union of South Africa. The South African Act (181/1909). Art. 135.

⁴⁹*ibid.* Art. 145.

⁵⁰Union of South Africa. The Black Affairs Act (23/1920). Arts. 5 and 14.

The next major effort to initiate, co-ordinate and promote administration regarding black people took place with the passing of the Black Administration Act (38/1927). According to this act, the Governor-General became the paramount chief of all the black people. The traditional laws of the various black tribes, as well as their tribal customs, would be recognised in the courts which fell under the jurisdiction of the Bantu Affairs Commissioners as long as they were not in conflict with natural justice as stipulated⁵¹. This also brought about changes, i.e. limitations of the powers of chiefs, especially judicial powers.

The powers of the chiefs and headmen were vested in them by the minister. Statutory recognition was given to the courts of the chiefs and headmen. This arrangement, however, did not make room for a cultural heritage or way of administration as practised by each individual tribe⁵². This act created a well-defined administrative system of B.A.C.s and C.B.A.C.s and, as a system, it was mainly based on the principles of indirect rule.

Although the Smuts government had appointed the Fagan Commission of 1947/8 to look into, *inter alia*, effective measures of control of blacks in the union, there were no improvements because the recommendations of the commission could not be implemented due to the election victory of the National Party in 1948. The National Party was ideologically opposed to the recommendations of the Fagan Commission regarding acceptance of permanency of urban blacks.

Due to the N.P.'s ideological accent on cultural, ethnic and racial differences of peoples in South African and due to their policy assumptions of the unaccommodative character of this variety of people within a homogenous structure, the accent regarding the

⁵¹Union of South Africa. The Black Administration Act (38/1927). Art. 1(1). M Horrel. Ed. 1971. Legislation and Race Relations. Johannesburg. p.4.

⁵²Union of South Africa. The Black Administration Act (38/1927). Art. 1(1). M Horrel. Ed. 1971. Op. cit. p.4.

government, administration and accommodation of people in South Africa fell on differentiation and indirect rule.

Against this background the Black Authorities system and its eventual gradual development contained, for the first time, a coherent approach regarding control and development. A definite point of departure was to start from the known values and systems and gradually take up new ideas and values, leaving it to tribal councils to introduce further new values and techniques which, in practice, had generally been disregarded. It further encompassed policy making, combining both segregation and gradually accentuating the ethnic dimensions in policy. These two dimensions were not without inherent conflict.

3.3. The Black Authorities Act (68/1951)

The Nationalist government had the option of approaching the problem of Black control and development, either along the route of fully fledged westernization with its consequences, or along the way of gradual change and development starting from proven institutions, practices and values.

In his memorandum on the "Extension of Self Government among the black people" of 19 October 1948, Dr N J van Warmelo recommended that instead of introducing a European system in the political development of the blacks, the government should build on the existing black institutions and leave it to the blacks themselves to decide whether they wished, in the course of time, to adopt western methods or not. This memorandum was regarded as the first step which led towards the Black Authorities system⁵³.

The Black Authorities Act of 1951 made provision for the establishment of black authorities in the black reserves as well as among the blacks in the urban areas to

⁵³C.J. Coetzee. 1972. Op. cit. p.63.

provide for recognition and further development of the traditional system of government⁵⁴.

The act, with various amendments, finally made provision for a hierarchical three tier structure of self-government in the black reserves, namely tribal/community, regional and territorial authorities. The creation of these structures was the first meaningful opportunity the black councils had largely to control their own affairs and to have white officials mainly, although not exclusively, as advisers⁵⁵.

The government regarded this system as an important and progressive strategy. The system would enable the blacks to gain governmental and administrative experience for future structures of self-government.

The Act of 1951 involved a substantial change in emphasis on the part of the new South African government. Instead of conducting the administration of South Africa's blacks and black areas directly through white officials as provided for by Sir George Grey and the Black Administration Act of 1927, the government decided that it should be done through the chiefs, i.e. indirect rule. The government regarded the chiefs, in the first place, as the formal authoritative structures to be used for the execution of indirect rule. Secondly, the government perceived chiefs and councils as having the power to govern.

Various arguments and perspectives have been expressed regarding the purpose of the introduction of the Black Authorities system.

One argument is that, for the Nationalist government, the system boiled down to the development of a political structure and a means of enhancing the policy of separateness. From this perspective it was a structure which aimed at keeping and

⁵⁴Union of South Africa. The Black Authorities Act (68/1951). Art. 2.

⁵⁵*Ibid.* Art. 2(1).

even attracting blacks away from white areas to their own scheduled reserves with their own political institutions and equal political rights in these reserves. The Nationalist Party felt that a known government may have been preferable to an unknown one⁵⁶.

A second perspective was that the Black Authorities system was aimed at developing and improving the living standards of the blacks in the reserves based on their own traditional systems in their own regions. This idea was maintained by Dr Eiselen who was an ethnologist of some standing.

A third perspective was that the Black Authorities system was aimed primarily at accommodating black political interests and it was introduced to bolster political control, in black areas, of the black peoples of South Africa by using black political expertise⁵⁷.

From the side of the blacks, some viewed the system as a measure used by the government to consolidate their control of land in accordance with the land acts of 1913 and 1936⁵⁸.

Others saw it as an old fashioned and anti-progressive method. This was the idea of those blacks who were semi-westernized, i.e. urbanites, who preferred to escape chieftain rule and were afraid of being removed to rural areas with force.

With the development of the system in later years it appeared to have all the perspectives mentioned embodied in it. The appointment of Dr W.M.M. Eiselen as Secretary of Native Affairs in 1951, and of Dr H.F. Verwoerd as Minister of Native Affairs in 1951 facilitated the implementation of the system.

⁵⁶Union of South Africa. Debates of National Assembly. Hansard. 1 May 1951. Col.2896-8.

⁵⁷H. Wolpe. 1972. *Capitalism and cheap labour-power in South Africa: From Segregation to Apartheid: Economy and Society*. London. pp.448-9.

⁵⁸Loc.cit.

3.3.1. Tribal and community authorities

A tribal authority was established in respect of the area assigned to the chief or headman of the tribe in question. A tribal authority was established in respect of the area assigned to the chief or headman after consultation by the Minister of Bantu Administration and Development concerning the name of the tribal authority, its composition and the area for which it should be established. Article 77 of the Amendment Act on Black Legislation, 1964, described a tribal authority as "*...an existing form of black tribal government*".

A community authority was established in respect of the area where a community (instead of a tribe) was resident; an area where two or more tribes occupied the same area in such a way that a tribal area for each could not be demarcated; where a tribe and a community or more tribes and communities were resident in the same area. Community Councils were instituted for groups of people who for some reason or other were not a tribe, and who did not have a chief and tribal council.

Members of a community authority (instituted for one or more communities) were to be elected, which, in the case of a tribe and a community, the headmen of the tribes were appointed as members and the representative members of the community were elected on the community authority. Councillorship of communities was non-permanent and the elections were to be held every three years.

A tribal authority consisted of the chief or headman of the tribe in question and as many councillors as may have been determined by the Governor General⁵⁹.

Generally the tribal authority administered the affairs of the tribes and communities in respect of which it had been established. Regulations (Government Gazette 939/1953) for tribal authorities determined that councillors should be appointed according to black law and custom.

The tribal authority was expected to assist and guide its chief or headman and exercise such powers and perform such functions and duties conferred upon the chief under any law, in accordance with any applicable native law or custom, or in terms of any regulations⁶⁰.

The tribal authority was also expected to advise and assist the government and any regional or territorial authority having jurisdiction in any area for which such tribal authority had been established in connection with matters relating to the material, moral and social well-being of native residents in that area, including the development and improvement of any land within that area⁶¹.

The tribal authority was expected to generally exercise such powers and perform such functions and duties as, in the opinion of the Governor General, fell within the sphere of tribal administration and as may have been assigned to that tribal authority⁶².

⁵⁹Republic of South Africa. The Black Authorities Act of 1951. Art. 3(1).

⁶⁰Loc. cit.

⁶¹Ibid. Art. 4(11)(a)(b)(c) and (d).

⁶²Loc. cit.

The Act made provision for any judgement, decision or direction given or order made by a chief or headman, or the deputy of a chief, in the exercise of jurisdiction conferred upon him by or under any law and in accordance with the rules, to be declared valid⁶³.

The establishment of tribal authorities boiled down to little more than a *de jure* and official recognition of what existed *de facto* plus the adding of financial administrative responsibilities. Eiselen maintained that differentiation and modernization should be built into the *de jure* constituted bodies⁶⁴.

3.3.2. Regional authorities

Regional Authorities emerged later, created initially as mere development orientated bodies.

A regional authority operated in respect of any two or more areas for which tribal/community authorities were established⁶⁵.

A regional authority consisted of a chairman designated as such by the Governor General and as many chiefs, headmen or councillors as determined by the Governor General and two or more members appointed by the B.A.C./magistrate, subject to approval by the Minister⁶⁶.

⁶³*ibid.* Art. 4(3).

⁶⁴C.J. Coetzee. 1972. *Op.cit.* pp.63-65.

⁶⁵Black Authorities Act of 1951. Art. 2(1)(b).

⁶⁶*ibid.* Art. 3(1).

The Chairman and the members of a regional authority were elected from amongst the chiefs, headmen and councillors of the tribal authorities for the areas in respect of which such regional authority was established⁶⁷.

The minister could designate one or more officers in the public service to act in a supervisory capacity in relation to any regional authority, and an officer so designated could attend any meeting of the authority concerned and take part in the proceedings of that meeting but would not have the right to vote⁶⁸.

A regional authority had certain powers and functions: it could advise and make representations to the minister in regard to all matters affecting the general interest of natives within any area under the jurisdiction of such authority. Subject to the provisions of any regulations and to the directions of the minister, it also provided for:

1. the establishment, maintenance, management and conduct of educational institutions, and the advancement of scholastic and other education;
2. the construction and maintenance of roads, bridges, drains, dams, furrows and any works which it may have considered necessary for purposes of sanitation or for ensuring satisfactory water supplies or for preventing or combatting soil erosion;
3. the suppression of diseases of stock by the construction, maintenance and operation of dipping tanks and in any other manner it may have considered necessary;
4. the establishment, maintenance, management and conduct of hospitals, clinics and other similar institutions;
5. the improvement of farming and agricultural methods generally;

⁶⁷*Ibid.* Art. 3(1)(3).

⁶⁸*Ibid.* Art. 3(1) and (7).

6. afforestation; and
7. generally all such matters as in the opinion of the Governor General were within the sphere of regional administration and as he may have assigned to such regional authority⁶⁹.

A regional authority could make bylaws in regard to any matter within its purview and such by-law would be approved by the Governor-General⁷⁰.

It had power (with the approval of the Governor-General) to levy a rate not exceeding R2,00 in any one year upon each black male adult ordinarily resident in any area in respect of which such authority has been established⁷¹.

Maritz⁷² maintains that the duties assigned to the regional authorities was a clear indication that it was a preparatory stage for their self-government status and this implied *inter alia* co-operation on a broader basis — that is, national unity in embryo. It should be noted, however, that as far as possible the duties assigned to regional authorities initially were depoliticized in order to avoid conflict. For instance, a regional authority could not decide on the political matters of a tribal authority. This approach proved to be correct because in this case there was no history of black political unity and political centralization of government amongst the Tswana.

⁶⁹ibid. Art. 5(1) a, b, i - vii.

⁷⁰ibid. Art. 5(2).

⁷¹ibid. Art. 6(1).

⁷²C.J. Maritz. 1965. Op. cit. p145.

The Regional Authorities were seated as follows for the Tswana: Pilanesberg⁷³, Bakgatla-Ndebele at Hammanskraal⁷⁴, Barolong at Thaba Nchu⁷⁵, Bafurutshe at Zeerust⁷⁶, Huhudi-Bechuanaland at Vryburg⁷⁷, Taung⁷⁸, Seokama-Dichaba at Kuruman⁷⁹, Batlhaping at Schmidtsdrift, Kimberley⁸⁰, Barolong at Mafikeng⁸¹, and Ditsobotla at Lichtenburg⁸².

The creation of regional authorities was a very sensitive step, particularly with regard to their composition, tasks given and the place and role of chiefs. More than one tribal authority and chief were brought together in a new secondary tie structure. Chiefs among the Tswana did not have historical experience of central government. They were unlikely to serve under the leadership or chairmanship of another, as the act of 1951 provided that the minister had the power to elect or appoint one chief to be chairman of other chiefs in a regional authority. This arrangement brought about the question of who would wield power in such a structure.

In order to succeed, the government regarded the regional authorities as developmental structures. The government took it upon itself to elect the chairman and members of the regional authority. Later the pattern of the election of the chairman was based on a rotation system. A chairman of the

⁷³Union of South Africa. Government Notice No. 1780 of 28 November 1955.

⁷⁴Union of South Africa. Government Notice No. 23 of 8 January 1960.

⁷⁵Union of South Africa. Government Notice No. 275 of 19 June 1953.

⁷⁶Union of South Africa. Government Notice No. 335 of 6 March 1959.

⁷⁷Union of South Africa. Government Notice No. 351 of 3 March 1961.

⁷⁸Union of South Africa. Government Notice No. 376 of 14 March 1959.

⁷⁹Union of South Africa. Government Notice No. 358 of 7 March 1958.

⁸⁰Union of South Africa. Government Notice No. 314 of 1 March 1957.

⁸¹Republic of South Africa. Government Notice No. 609 of 8 September 1961.

⁸²Republic of South Africa. Government Notice No. 432 of 29 March 1963.

regional authority was merely a functionary to organise meetings but not to discuss political issues. In this way it tried to slowly start a process which would ultimately lead to the understanding of a central government. In practice the regional authorities did not check the affairs of the individual tribal authorities⁸³.

3.3.3. Territorial Authorities

Territorial authorities were seen as national ethnic governmental structures and were viewed as the realization of political development on a national and mainly ethnic defined basis.

A territorial authority was established in respect of any two or more areas for which regional authorities had been established⁸⁴. A territorial authority consisted of a chairman, designated as such by the Governor General and as many members as may have been so determined by the Governor General⁸⁵.

The chairman and the members of the territorial authority were selected or elected from among the members of the regional authorities for the areas, in respect of which such a territorial authority was established⁸⁶.

The minister could designate one or more officers in the public service to act in a supervisory capacity in relation to any territorial authority, and an officer

⁸³Black Authorities Act of 1951. Art. 6(2).

⁸⁴*Ibid.* Art. 2(1)(c).

⁸⁵*Ibid.* Art. 3(1).

⁸⁶*Ibid.* Art. 3(1)(3).

so designated could attend any meeting of the territorial authority but could not vote thereat⁸⁷.

A territorial authority would in respect of any area for which it had been established have such powers, functions and duties which in terms of the act were vested in a regional authority, as may have been assigned to such territorial authority in respect of any such area by the Governor General by proclamation in the Gazette, and such other powers, functions and duties, relating to the administration of native affairs, as may have been specified in that proclamation⁸⁸.

Whenever any powers, functions or duties had, in terms of sub-section (1) of the act, been vested in a territorial authority, the regional authority established for the area in respect of which powers, functions or duties had been so assigned, would be deemed to have been divested of those powers, duties and functions, except in so far as the Governor General otherwise determined⁸⁹.

The minister established a treasury in respect of a territorial authority, into which specified amounts were paid. It was from this treasury that expenditure incurred in connection with any matter within the purview of the territorial authority were met⁹⁰.

⁸⁷ibid. Art. 3(1)(7).

⁸⁸ibid. Art. 7(1).

⁸⁹ibid. Art. 7(2).

⁹⁰ibid. Art. 8(1).

Every such treasury would be under the control of the minister, who may, on such conditions as he may have deemed fit, have vested the control thereof or of any portion thereof in the territorial authority⁹¹.

Seemingly, a territorial authority was the embryo of a national government and an important step in the political structure which, in the course of time, was to become a legislative assembly. For the national political development of all black groups, the establishment of a territorial authority was important as it would ultimately lead to nationhood, independence, segregation and development as projected by the government.

Although Botha⁹² maintains that the Black Authorities system was acceptable to the chiefs, it must be borne in mind that there was some resistance to the system by certain chiefs. It must be noted, however, that the resistance was not necessarily against the Black Authorities Act of 1951 as such, but the result of perceptions, real or supposed, of what the implications of the act were. Some chiefs perceived the act as a means of cattle reduction as was required in drought stricken areas. The reduction of cattle was attained by means of legislative authority and, unfortunately, the Black Authorities Act was mistakenly perceived to be the source. The other reason for resistance was related to the carrying of passes⁹³.

Some chiefs also had problems with the initial application of the act because the act specified the exact number of councillors for each authority. This was often untenable as they differed in number from tribe to tribe. The other problem was that of chieftainship. When ethnologists indicated that some chiefs had usurped power from legitimate heirs, they were removed from

⁹¹Ibid. Art. 8(2).

⁹²M.C. Botha. 1981. *Die Swart Vryheidspaaie*. Johannesburg. p.22.

⁹³C.J. Maritz. 1965. *Op. cit.* p.163.

authority and this resulted in resistance from chiefs and their attributing their removal from power to the Act⁹⁴.

Although tribal resistance to the South African government was common during the history of the Union, it passed largely unnoticed because such resistance was normally localized, obtained relatively little coverage and publicity, and was generally put down by the police after a fairly short confrontation⁹⁵.

The aim of the government policy at this juncture was not to force tribes into the system but to convince them to accept the system.

3.3.4. Conclusion

It is clear that in its aim of integrating the subordinate groups into the political, administrative, social and economic value systems of the ruling group, the direct rule system inhibited traditional institutions whose practices were discarded and replaced by western institutions and practices. Little, if any, cognisance was taken of indigenous institutions values and practices. Thus the system was not successful as such.

Indirect rule was in the final analysis not so much aimed at enforcing a westernized perception of development neither was it intended to replace tribal values and institutions in the reserves with western based values. It therefore resulted in a far lesser degree in the uprooting of societal values and societies themselves.

⁹⁴C.J. Maritz. 1965. Op. cit. pp.163-4.

⁹⁵T.R.H. Davenport. 1988. Op. cit. p.382.

The effort of administration and control of the blacks in the Union as provided in the Native Affairs Act of 1920 proved that the native Affairs Commission and Council system were less successful than was intended.

The passing of the Black Administration Act of 1927 as the other major effort to initiate an effective administration regarding black people did not either succeed. Although the act created a more defined administrative system of B.A.C.s and C.B.A.C.s based mainly on the principles of indirect rule, it did not, for instance, make for a cultural heritage or way of administration as practised by each individual tribe and it interfered with the judicial powers of the chiefs.

The Smuts government did not either succeed in improving the administration and control of blacks in the union. The Fagan Commission's recommendation could not be implemented because of the election victory of the National Party in 1948 and it was ideologically opposed to its recommendation regarding acceptance of permanency of urban blacks.

The Black Authority system had both advantages and disadvantages.

The system increased black control over black areas, restored traditional organisational relationships between the ruler and his followers, gave specified political, financial, administrative and judicial power to the black authorities or councils, created circumstances favourable to the enlargement of the socio-political horizon and the creation of nationhood. It also provided for the maintenance of cultural identity and national self-reliance and afforded opportunities for improvement along lines other than political e.g. health services and education⁹⁶.

⁹⁶*Ibid.* p.382.
C.J. Maritz. 1965. *Op. cit.* pp.163-166.

The system was also associated with some mishaps. Although it restored traditional organisational relationships between the ruler and his followers and gave political, financial, administrative and judicial powers to the authorities or councils, it also contained anomalies because the main source of authority of chiefs and councils lay in the legal (*de jure*) recognition of the white government. The Stipendia paid to the chiefs in terms of Act No. 38 of 1927 rendered the chiefs powerless to a certain degree because the one who paid had the last word. For the people, this created opposition to some chiefs and removed others from organic ties with the tribes, with negative results.

The basic assumptions and stipulations governing the system protected hereditary rulers who were often apathetic to the more developed, modernised outlook of some of their citizens. Taking the general conservatism of the majority of the tribal population into account, a large percentage of them were inclined to view all new processes and techniques with suspicion and thus retarded progress and development. Educated citizens who wished to fulfil their political aspirations were often frustrated because of the political structure of the system. However, it must be mentioned that in certain cases this was due, not so much to the structure, but to the character of tribal leadership. In fact, in certain instances, people were more against the conduct and perceptions of chiefs vis-à-vis middle class people than against the system or existence of chiefs as such.

Some chiefs did allow latitude for educated and developed citizens e.g. Bafokeng, when other chiefs ignored such people and relied on their own official recognition and even disregarded traditional councillors.

The tribal chief was sometimes inclined to see the white administration as the source of his authority and at times became dictatorial, refused to co-operate with the tribal authority and created a division between himself and the tribe.

However, as soon as such problems surfaced, white administration took steps against such a chief.

Added to all these problems, chiefs had to serve two interests, namely the white authority and the tribe. This put them in a dilemma, particularly in decision-making on sensitive issues.

The Bantu Authorities, established under the 1951 Act, did not need to be elected and, in practice, were not elected, by Africans and could be constituted in any way the government required. Their functions, moreover, were merely local and of minor character and, as stated by *The Star*, it was politically immoral to pretend that local government of any kind was a fair substitute for parliamentary representation. Furthermore, Bantu Authorities, even if democratically constituted, could at any time be abolished by the minister. Parliamentary representation, on the other hand, could only be withdrawn or altered by an act of parliament⁹⁷.

3.4. Self-Government

The government's programme for the homelands was not limited to establishing only political structures. In 1956, the Tomlinson Commission had already recommended that the infrastructure and economy of the black reserves should be developed in order to reverse the flow of blacks to the urban areas. All farming land should be demarcated and divided into economic farming units. At the same time industry in the black reserves should be stimulated in order to provide work for people who could not live off agriculture or find work in the white areas. The Tomlinson Commission also argued

⁹⁷The Star 5 June 1951 p.1

that economic development, the establishment of villages and urbanisation were mutually dependent⁹⁸.

The next step of the nationalist government, in reinforcing and extending their pursued policy of separate development and indirect rule was to introduce the idea of self-government among the black peoples in the reserves.

One of the most important political developments for blacks and for the parliamentary history of South Africa took place in 1959. On 20 May 1959, the Prime Minister, Dr H F Verwoerd, announced in parliament a new national policy enshrining affairs pertaining to blacks in the constitution of South Africa. The policy declaration recognised *de jure* for the first time in South Africa's parliamentary history, the reality of black ethnic groups. It was stated that each national group had an inherent right to develop in all respects, according to its own way and ideals. The political content of the policy encompassed that every black "national"⁹⁹ group would be helped to develop fully towards self-government within its own homeland.

In National Party circles, it was regarded as an epoch making political step when the Act on the Promotion of Black Self-Government (46/1959) was promulgated.

The Act, *inter alia*, empowered territorial authorities to appoint a representative for the blacks belonging to a specific national group in white urban areas. This representative was to advise the territorial authority about the interests of those people living in the urban black areas and working in white areas and, at the same time, represent the homeland authority among these people. The Act also made provision for the appointment of a Commissioner-General in each homeland, except for Kwa

⁹⁸Union of South Africa. 1955. The Report of the Commission of the socio-economic development of the Bantu areas within the Union of South Africa. (Tomlinson Commission). Pretoria. U.G. 61/55.

⁹⁹"National" refers to the Afrikaans concept "volksgroep" i.e. the various ethno-cultural groups amongst blacks as seen by the government.

Ndebele¹⁰⁰, to serve as a direct link between the South African Government and the territorial authority and to guide the blacks in homelands in their political development in particular. The Act also provided for the transfer of land to territorial authorities, consultation of the Executive Committee of a territorial authority regarding the appointment or deposing of chiefs/headmen; the creation of a territorial council where territorial authorities did not exist; the repeal of the Black Representation Act, 1936, and the promulgation of regulations in order to administer the aims of the Act. The structure remained unchanged during the period 1961 to 1968.

The promulgation of the act was important, possibly more for what it promised than for what was immediately accomplished. The act itself did not create any homeland but was, in general, an "enabling act"¹⁰¹ giving the government the power to create self-governing territories. Self-government under this act did not mean independence but merely allowed the territorial authority certain enlarged albeit limited degrees of control over and administration of some of its own affairs. These affairs included the administration of minor courts, control over certain elementary commercial affairs, public works and welfare and education¹⁰².

All other powers were reserved to the South African government with the proviso that additional powers might be added as the authority developed along responsible lines. Furthermore, the responsibilities of the territorial authorities were limited to blacks within these territories¹⁰³.

It must be noted that after 1959 independence in Africa had become a reality. Thus the granting of self-government in South Africa was in line with the European colonial

¹⁰⁰The Ndebele was the only group not officially mentioned in the 1959 Act.

¹⁰¹An enabling act states its purpose in very general terms and usually has a clause in terms of which the minister can act by way of proclamation — which do not serve before parliament before execution (government by proclamation).

¹⁰²Union of South Africa. Black Authorities Act of 1951. Art. 7(1).

¹⁰³*ibid.* Art. 7(1).
Union of South Africa. Debates of National Assembly (Hansard) May, 1959.

powers' policy and actions of granting self-government and independence to African states¹⁰⁴.

Harold MacMillan, the British Prime Minister, speaking in the South African parliament on 3 February 1960 about the winds of change, implied independence for South African blacks within one South Africa. This idea caused a storm in parliament because, although Dr H F Verwoerd was basically not against the independence of black people on ethnic grounds in their own areas, he was not in favour of one South Africa with independent blacks. So Dr Verwoerd believed that his policy was not at variance with a new direction in Africa, but in the fullest accord with it¹⁰⁵.

The Black Sash was opposed to the removal of native representatives as a bold and generous plan to promote Bantu self-government. They argued that the Bantu Self-Government Bill deprived the African people of representation of any kind in parliament. They regarded the Act as an instrument of the Government to enabling them to add a few minor powers to those granted to the African authorities in terms of the Bantu Authorities Act.

The provisions of the Bill for African disenfranchisement was the final stage in the removal of African political rights, having begun at the time of the Union. In an article in *The Star*¹⁰⁶ it was argued that, although African franchise, at that stage, was limited and had not proved effective in safeguarding the rights of Africans, it, at least, embodied the principle of representation of Africans in parliament (parliament being the body which ultimately exercised absolute power over them). The Black Sash believed that it was in the national interest to maintain the franchise until it could be replaced by a more just and effective constitutional arrangement.

¹⁰⁴T.R.H. Davenport. 1988. *Op. cit.* p.392.

M Benbo. 1977. *Bophuthatswana at Independence*. Mmabatho. pp.120-6.

¹⁰⁵T.R.H. Davenport. 1988. *Op. cit.* p.392.

¹⁰⁶*The Star* 20 May 1959. p.8.

In addition, the thousands of Africans in urban and rural areas who were no longer associated with the reserves were not included in the system of self-government. The Bill provided for the removal of the already inadequate African representation in parliament.

Dr Verwoerd regarded the Representative Council as a useless body which was to be replaced by self-governing bodies. In a debate in the senate, he stated that no importance should be attached to the Representative Council in view of the benefits the natives stood to gain from the Bill¹⁰⁷.

An article in Die Transvaler stressed the importance of the Bantu self-government principle. It argued that Bantu self-government would provide whites in South Africa with some kind of security in their white areas

"Die twee uiteenlopende ideale word versoen in die Wetsonderwerp (Bantoe-selfbestuur) en die blanke in Suid-Afrika sal die politieke mag binne die blanke gebiede kan behou het"¹⁰⁸

3.5. Conclusion

It is evident that not all previous efforts, such as the passing of the Natives Affairs Act (23/1920) and the Black Administration Act (38/1927), with the aim of introducing mechanisms of control, development and administration the blacks in South Africa prior to the introduction of the Black Authorities system, were ineffective.

It cannot be disputed that at least the Black Authorities system, which was implemented through the passing of the Black Authorities Act (65/1957), contained for the first time a coherent sort of approach concerning the control and development of the blacks in South Africa. There was a definite point of departure starting from known values and

¹⁰⁷The Star 11 June 1959, p.3.

¹⁰⁸Die Transvaler 20 May 1959. p.5

systems and leaving tribal councils to gradually introduce new values, ideas and techniques.

With the passing of the Black Authorities Act of 1951, which made provision for a hierarchical three tier structure of self-government in the black reserves, namely tribal/community; regional and territorial authorities, certain councils which had been established were abolished. Upon the establishment of a regional authority for an area under the jurisdiction of local councils established under the Native Affairs Act of 1920, such local councils ceased to exercise jurisdiction in respect of that area. Upon the establishment of a territorial authority for an area under the jurisdiction of a general council provided for in the Native Affairs Act of 1920, the general council ceased to exercise jurisdiction in respect of that area. Where regional and tribal authorities were established in respect of every area or portion of any area under the jurisdiction of any such local or general council, that local or general council ceased to exist and all assets, liabilities, rights and obligations of such councils rested in and became binding upon the regional or territorial authority concerned¹⁰⁹.

Reinforcing and extending their pursued policy of separate development and indirect rule, the National party introduced the idea of self-government among the black peoples in the homelands. In 1959, the Promotion of Black Self-Government Act (46/1959) was passed. This act made provision for every black national group to be helped to develop fully towards self-government within their own homelands. This step was met with mixed feelings.

Although the Black Authorities system had introduced a fairly effective mechanism of control and development among the blacks in South Africa, it also gave rise to numerous problems as indicated. It is, however, necessary to mention that the criticism against the system was influenced by realities such as urbanisation, westernisation,

¹⁰⁹Union of South Africa. Black Authorities Act of 1951. Art. 12(1)(a) and (b) and Art. 12(2).

changing values and the development of a generation with a low inclination towards tribal authority.

In addition, ideological opinions among the African National Congress (A.N.C.), Pan African Congress (P.A.C.), Black Consciousness Movement (B.C.M.) and other politically motivated contra white government, and contra white ultra liberals also added some impact to the criticism. They were opposed to the system, arguing that it was a mechanism to promote apartheid and divide the blacks into fragmented ethnic groups settled in reserves which were not economically viable. Some arguments of politically driven movements against the system, emphasised "black unity" instead of division of blacks into ethnic groups, thereby consolidating feelings against "white rule" and not referring to historical, organic and cultural unity.

The Black Authorities system undoubtedly could not accommodate urbanites any longer because of cultural and value shifts and an upcoming educated middle class. Chiefs were unable to cope with modern trends and ways of life, and did not make use of opportunities to modernise tribal rule and organization by appointing schooled people on councils, and/or taking them up as officials of the tribal bureaucratic structure.

The ensuing chapter looks at the implementation of the abovementioned system among the Tswana people in their homeland as such.