

CHAPTER 2.

HISTORICAL BACKGROUND OF THE TSWANA

2.1. Introduction

The main aim in this chapter is to examine the history of the Tswana people, especially their migration, dispersion, fission and fusion, wars and settlements; and in particular its bearing on the present settlement of the Tswana people in Bophuthatswana and on arguments about independence.

The chapter further examines the effects that contact with other racial categories and cultural groups had on the Tswana as well as the influence that the legislation of the white government had on the Tswana. These events form the historical background of the developments of the Tswana.

Only those aspects of the history of the Tswana which are relevant to the study will be looked at. These aspects are: ethno-history of the Tswana; Tswana unity before contact with other cultural and racial categories; the settlement and implementation of the Voortrekkers' authority; and British Crown Colony rule encompassing various acts and commissions in the Transvaal.

2.2. Ethno-History of the Tswana

The Tswana people are believed to have a common origin with the Sotho, but precisely what this origin was, has yet to be discovered.

The Tswana constitute one section of the Sotho speaking groups of Southern Africa. The identity of the Sotho as a category is, in the first place, based on linguistic

grounds. While it is correct to speak of the Tswana language group as a section within the Sotho language group, their specific identity is based on both historical and ethnic grounds. However, some contradictions also exist. There are, for example, some cultural similarities between certain Tswana groups. In the light of this complexity, a study of the Tswana must also include an ethno-historical perspective.

The actual place of origin of the Tswana is not known. Like the Southern Bantu speaking groups, they apparently originated as a distinct language unit in the lake district of Africa and from there migrated south over a period of time. It can be accepted that the last section of the southward movement took place through the northwestern and western parts of what is now known as the Transvaal including the western parts of what is now known as Botswana. The dates of this migration cannot be confirmed although it is estimated to have occurred approximately five centuries ago²³.

2.3. Tswana unity before contact with the other cultural and racial groups

From the sources available it appears that the Tswana were traditionally a united group — particularly when they entered what is today known as the Transvaal and Botswana. They were allegedly politically, socially and economically united. Their political structures, social and economic mode of life before coming into contact with other racial and cultural groups bear testimony to their alleged unity. Their lineage also seems to indicate that they are all reputedly descendants of a single leader, Mohurutshe.

²³For further details

I. Schapera. 1916. The Tswana: Ethnographic Survey of Southern Africa. Part III. London.

I. Schapera. 1954. Ditiragalo tsa merafe ya Batswana. Lovedale.

C.J. Maritz. 1976. Voogbestuur en Nasievorming by die Batswana van die R.S.A (D.Phil. P.U. vir C.H.O.). Potchefstroom.

S.M. Molema. 1963. The Bantu Past and Present. Cape Town.

P.L. Breutz. 1952. The tribes of Rustenburg and Pilanesberg districts. Pretoria.

P.L. Breutz. 1959. The tribes of Vryburg district. Pretoria.

P.L. Breutz. 1955. The tribes of Mafikeng districts. Pretoria.

N. Parsons. 1982. A New History of Southern Africa. London.

V.J. van Zyl. 1958. Die Bakgatla van Moseitla. Johannesburg.

I. Schapera. 1942. A Short History of the Bakgatla ba Kgafela of Botswana. Cape Town.

N.J. van Warmelo. 1935. A preliminary survey of the Bantu tribes of South Africa. Pretoria.

The processes of fission and fusion amongst the Tswana took place even before contact with other racial and cultural groups in South Africa was made. This was mainly due to questions of succession (kingship), drought and inter- and intra-tribal wars — that is, wars between and amongst Tswana social units themselves. It led to the disintegration of the unity of the Tswana people and the formation of many related tribes and communities. The main categories of tribes and sets of tribes concerned were the Bakwena-Hurutshe, Bakgatla, Bafokeng, Batharo, Batlokwa, Batlhaping, Bataung and the Barolong and some other groups of different origin which had contact with the Tswana.

Beside the tribal conflicts among the Tswana themselves, the processes of fission and fusion were exacerbated by inter-ethnic wars as well as external threats. The most pronounced of the inter-ethnic wars was the *difaqane*²⁴ which was, *inter alia*, caused by the Batlokwa of Manthatisi, the Phuting of Tshwaane, the Bafokeng of Sebetwane and the Matebele of Mzilikasi. The *difaqane*²⁵ played a dominant role in the processes of fission and fusion among the Tswana. Many Tswana groups migrated from one place to another because of the aforementioned factors and this resulted in various and dispersed settlements of tribes and communities.

For the Tswana, the period from 1820 to 1837 was a destructive period. It was a period of turbulence, unrest, fear, tension, misery, distrust, disintegration and instability.

²⁴For details see:

W. Grönum. 1987. *Die Difaqane: Oorsprong, ontplooiing en invloed op die Tswana*. (M.A. Verhandeling P.U. vir C.H.O.). Potchefstroom.

J.D. Omer-Cooper. 1966. *The Zulu Aftermath: A Nineteenth Century Revolution in Bantu Africa*. Essex.

L.M. Thompson. 1969. *African Societies in Southern Africa*. Heineman.

M. Wilson and L.M. Thompson. 1982. *A History of South Africa*. Johannesburg.

N. Parsons. 1982. *Op. cit.*

V.J. van Zyl. 1958. *Op. cit.*

I. Schapera. 1942. *Op. cit.*

P.J. van der Merwe. 1986. *Die Matebele en die Voortrekkers - Argief-jaarboek II*. Pretoria.

G. Setiloane. 1976. *The Image of God among the Sotho-Tswana*. Rotterdam.

²⁵Difaqane was, according to Monica Wilson (*Changes in Social Structure in Southern Africa*. London. 1969) a forced migration implying that all Tswana tribes in the Transvaal and the Orange Free State were forced to migrate to other places for settlement. One could therefore conclude that the word *difaqane* as applied to the Tswana accumulatively means the "time of calamity, war, famine and misery". According to Grönum, the *difaqane* originated in Natal. The Zulu kings Zwide, Dingiswayo and Tsjaka craved the expansion of their kingdoms. Some tribes had to flee from such ambition of the Ndwande, the Mhetwa and later the Zulu. This ambition was in time carried over the escarpment of the Drakensberg to become the *difaqane* which became a plague on the tribes in the highveld including the Tswana. For detailed information refer to the list of sources on page 18.

The socio-political structures and the economic structures of the Tswana were generally affected.

It is apparent that the present settlement of the Tswana in Bophuthatswana is due in part to the impact of the *difaqane*. The influence of Mzilikasi on the Tswana of the highveld area was far reaching and it makes him the most prominent character in the *difaqane* drama. Mzilikasi came to earn the reputation as one of history's most savage destroyers of human life.

The *difaqane* eventually resulted in the re-demarcation of Tswana land. Most of the land which had originally been inhabited by the Tswana was left uninhabited and the livestock belonging to the Tswana was taken by the Matebele. See Figure 1.

The defeats inflicted on the Tswana by Mzilikasi were made easy by the fact that the Tswana generally inhabited relatively flat terrain. Moreover, the populated settlements were separated from one another by tracts of sparsely populated country which were particularly vulnerable to attack. Besides, there was strong traditional rivalry between some of the Tswana tribes and several of the most prominent chiefs died or were killed during the early stages of the *difaqane*. The Zulu war tactics and their superior knowledge of warfare gave them the advantage and made the defeat of the Tswana reasonably easy.

2.4. Settlement and implementation of Voortrekker authority

The present settlement of the Tswana in Bophuthatswana is also a result of the effects of the *difaqane*, post 1837 migrations, the settlement of the Voortrekkers in the Transvaal and the Orange Free State and the acceptance of their authority in these areas.

When the Voortrekkers came into contact with the Tswana in 1837, they were experiencing the terrible effects of the *difaqane*. Those in the Transvaal were being plundered and killed by the Matebele of Mzilikasi who also became the enemy of the Voortrekkers, thus making him a common enemy.

With the aid of the Hurutshe, Ngwaketse and the Rolong, the Voortrekkers in 1837 drove the Matebele of Mzilikasi out of the Transvaal to the north of the Limpopo River. The removal of this threat enabled some of the Tswana tribes to resettle and reconstruct themselves into large tribes once again²⁶.

After the flight and dispersion of many Tswana tribes, extensive tracts of land were left uninhabited. Some of this land in the western Transvaal was occupied by the Voortrekkers after they had driven Mzilikasi away. In a letter to Sir Harry Smith in 1848, A.H. Potgieter described the occupation as being cordial and peaceful²⁷. Perhaps this was because most Tswana accepted the Voortrekkers as their protectors against Mzilikasi and Tswana chiefs realized that the Voortrekkers had the ability to drive Mzilikasi away and free them and they also hoped that the Voortrekkers would protect them in future. The Voortrekkers seemed to think of and regard the uninhabited land as "open land". Apparently, they did not know who had occupied the land before Mzilikasi's arrival and before they had arrived. The other factor which complicated the issue was that Potgieter, the Voortrekkers' leader in the Transvaal, undertook to resettle the Tswana in the area west of the Schoonspruit, but he could not prevent the Voortrekkers from settling on land he had promised the Tswana because his authority

²⁶For details see:

W.M. MacMillan. 1963. Bantu Boer and Briton: the Making of the South African Native Problem. Oxford.

S.M. Molema. 1961. History of the Rolong. Cape Town.

E.H. Brookes. 1974. White Rule in South Africa. Cape Town.

P. van Bijljon. 1947. Grensbakens tussen Blank en Swart in Suid Afrika. Cape Town.

C.J. Maritz. 1976. Op. cit.

M. Legassick. 1974. Legislation, Ideology and Economy in Post 1948. South Africa: Journal of Southern African Studies. Vol. 1. No. 1.

E. Lekhela. 1955. An Historical Survey of Native Land: Settlement in South Africa from 1902-1936. (M.A. Unisa). Pretoria.

F.A. van Jaarsveld. 1975. From Van Riebeeck to Vorster 1652 to 1974: An introduction to the History of the Republic of South Africa. Johannesburg.

²⁷C.J. Maritz. 1976. Op. cit. p.312.

was challenged by some of the Voortrekkers who did not accept his authority. Thus the settlement of the Voortrekkers caused problems when the Tswana tribes eventually returned to the land which they had formerly occupied²⁸.

The settlement arrangement in the Transvaal between the Tswana tribes and the Voortrekkers after 1838 is summarised by Maritz²⁹ as follows:

1. The Voortrekkers occupied the land which was left uninhabited after the Tswana had fled during the attacks of Mzilikasi. They occupied the land after Mzilikasi had been defeated. This appears to have been accepted and acknowledged by some of the Tswana tribes since they regarded the Voortrekkers as their protectors. Under the circumstances, these tribes seem to have had no choice.
2. The Tswana tribes who wished to come back after the defeat of Mzilikasi had to accept and recognise the authority of the Voortrekkers and became their subjects.
3. The areas in which these Tswana tribes settled were to be demarcated.
4. These tribes were to be treated autonomously in their own regions with minimal interference by the Voortrekkers in tribal matters. This was because the Voortrekkers did not have the capacity to rule over them. There were tribes who were liable for taxation by the Z.A.R.

Although some tribes voluntarily became the Voortrekkers' subjects, others in later years, especially after 1881, became subjects because of the campaigns of the Voortrekkers against them.
5. Since the Voortrekkers believed in the maintenance of their identity, they did not encourage socio-political equality between themselves and the Tswana in the same area — hence territorial separation resulted.

²⁸W.F. Lye and C. Murray. 1985. Transformation on the Highveld: The Tswana and Southern Sotho: The People of Southern Africa. Cape Town.

R.R. Inskip. 1979. Peopling of Southern Africa. London.

²⁹C.J. Maritz. 1976. Op. cit. p.313.

P.L. Breutz. 1989. History of the Batswana and origin of Bophuthatswana: A handbook of a survey of the tribes of the Batswana, Ndebele, Qwaqwa and Botswana. Ramsgate. pp.13-19.

6. The Voortrekkers could work cooperatively with the Tswana in a military sense, as a protective measure against their enemies such as Mzilikasi. Due to the unsettled question of land, possession became critical. The Z.A.R. decided to appoint the Location Commission to look into the problem of land and land allocation. The commission also applied some form of administration and rule over at least certain Tswana groups. Unfortunately the Location Commission did not perform its functions effectively and thus the problem remained unsolved³⁰.

The question of land and influx to the so called white areas by, *inter alia*, the Tswana was exacerbated by the discovery of diamonds in the Cape in the late 1860's. The diamondiferous region near the Vaal River was claimed by the Orange Free State, the Transvaal, the Griqua, the Rolong and the Bathaping. The dispute between the claimants was submitted for arbitration to Keate, the Lieutenant-Governor of Natal in 1871. The outcome of arbitration was ostensibly in favour of the Tswana but actually paved the way for British annexation and exploitation of the area³¹.

The Z.A.R. insisted on social and political inequality between themselves and the Tswana and they also emphasised territorial separation. At the same time, because the white farmers needed Tswana labour to improve and develop their new farms, a symbiotic economic co-existence was necessary. This initial system of accommodation was one of economic integration and socio-political segregation³².

³⁰C.J. Maritz. 1976. *Op. cit.* p.313;

S. Dubow. 1986. Holding a just Balance between White and Black: The Native Affairs Department in South Africa 1920-1933. (Journal of South African Studies, Vol. 12 No. 2)

T.D. Moodie. 1975. The Rise of Afrikanerdom, Power, Apartheid and the Afrikaner Civil Religion. London.

³¹K. Shillington. 1985. The Colonization of the Southern Tswana, 1870-1900. Pretoria. p.100.

F.J. Language. 1942. Herkoms en geskiedenis van die Bathaping. African Studies. pp.131-5.

³²M. Legassick. 1974. *Op. cit.* p.7.

P. Maylam. 1986. A History of the African People of South Africa: From the Early Iron Age to the 1970s. London. pp.26-30.

Thus, contact between the Voortrekkers and the Tswana led to new relations which were, in certain instances, very cordial while in others caused estrangement.

The Voortrekkers displayed the capacity and power to rule and, as such, they ultimately established sovereignty and political authority over the Tswana. Exercising this sovereignty and authority, the Voortrekkers demarcated the Tswana land, introduced general laws on various issues and monitored the influx of Tswana into white areas. Although the Voortrekkers intended to demarcate all Tswana land, they did not do so because of various political and administrative factors. The period between the Anglo-Boer War and the Union brought about new demands and the Boers were faced with both internal and British problems.

The rule of the Boers was interrupted by the British Annexation of the Transvaal in 1877 which ultimately led to the first Anglo-Boer War in 1881. This war was followed by the Second Anglo-Boer War in 1899 which led to the Transvaal becoming a British Crown Colony in 1902 and the shifting of power to the British.

2.5. Crown Colony rule

Before 1902, i.e. the period between 1881 and 1899, the Z.A.R. Location Commission and the Superintendent of Natives made some attempts to solve the existing problems of land and influx³³.

The Superintendent, who was also incidentally the Commandant-General, was, *inter alia*, appointed to maintain peace and order, collect taxes, allocate land and solve problems relating to cattle theft and other violations. He was also expected to handle

³³Zuid Afrikaansche Republiek. Ordonnantie 11/1881.
C.J. Maritz. 1976. Op. cit. p.323.

issues relating to the blacks in the Transvaal. He was assisted by district commandants and field cornets³⁴.

The allocation of land, the demarcation of land and the siting of locations was the responsibility of the Location Commission. Taking into account the fact that, by 1913, the problem of land allocation had not yet been resolved, the difficulties facing the Commission became apparent. The Commission failed to perform its duties effectively because it lacked support and money and because of internal and external conflict.

There were no remarkable changes made to the existing policy after the Transvaal became a British Crown Colony and the administrative structures pertaining to blacks passed into the hands of the British for the second time.

Under British rule, the South African Black Affairs Commission 1903-1905 (Lagden Commission) was instituted and charged with the investigation of the possibility of qualified franchise and the purchase of land by blacks³⁵. In most respects, the recommendations of the commission seemed to have been in line with the policy of the Volksraad of the Z.A.R. and, as such, the differential political incorporation of blacks was confirmed and the land policy of the former Z.A.R. was actually not affected. The Lagden Commission brought about an important report on land and other aspects pertaining to blacks in the Transvaal. However, its recommendations could not be implemented because of various political factors. The new period, i.e. the period after the Boer War and prior to Unification, came up with new demands.

³⁴C.J. Maritz. 1976. *Op. cit.* p.323.

J. Trapido. 1980. *White conflict and non-white participation*. London.

³⁵For details refer to

Zuid Afrikaansche Republiek. Ordonnantie 2/1864.

Zuid Afrikaansche Republiek. (Act 23/1876).

Zuid Afrikaansche Republiek. (Act 4/1885).

Convention. London Convention of 1884.

Convention. Pretoria Convention of 1881.

South Africa. The South African Black Affairs Commissions' 1903-1905 report.

E. Walker. 1957. *A History of Southern Africa*. 3rd Edition. London.

T. Tlou and A. Campbell. 1984. *History of Botswana*. Gaborone.

D. Cosmos. 1971. *The Discarded People*. Harmondsworth.

C.W. De Kiewiet. 1941. *A History of South Africa: Social and Economic*. Oxford.

2.5.1. The South African Act (181/1909)

The policies pertaining to blacks and pursued by governments in the different South African colonies before 1910, made a uniform black policy in South Africa impossible. For example, in the Cape Province all "civilised" men had equal rights but in the Transvaal and the Orange Free State there was no equality between black and white. These diametrically opposed approaches to the position of blacks in the body politic became a stumbling block on the way to the unification of the four British colonies³⁶.

The four provinces compromised to become provinces of the Union of South Africa — hence the 1909 Act. The main compromise was on the franchise. In accordance with the Act, the non-whites of the Cape Province were given the vote on the common electoral roll and could vote for the Union parliament while the non-whites in both the Transvaal and Orange Free State remained without any franchise.

This meant that, in 1910, Tswana who lived in those parts of the present Bophuthatswana, then the Northern Cape (Ganyesa, Kuruman and Taung), could qualify as voters while the Tswana in the Transvaal and Orange Free State (Thaba 'Nchu) remained without any franchise.

2.5.2. The Black Land Act (27/1913)

The Black Land Act of 1913 was enacted with the object of reserving land for whites and blacks and to prevent the loss of land to another category by

³⁶For details see
 Union of South Africa. The South African Act (181/1909).
 C.J. Coetzee. 1972. Aspekte van die toepassing van die Wet op Bantoeowerhede op die Bafokengstam van die Rustenburg distrik. (M.A. Verhandeling P.U. vir C.H.O.) Potchefstroom.
 Bophuthatswana Government 1982. Five Years of Independence. Mafikeng.
 A. Odendaal. 1983. Vukani Bantu. Cape Town.
 L.M. Thompson. 1982. The Unification of South Africa 1902-1910. London.
 C.J. Maritz. 1976. Op. cit.
 L.M. Thompson. 1971. The Oxford History of South Africa. Vol. 2. Oxford.

selling or purchasing or by any other means. These areas were listed as a schedule to the Act — hence these areas were known as "scheduled areas/land". It was also intended to legislate the principle of territorial segregation.

The Black Land Act of 1913 was also very important for the Tswana. They objected strongly to the allocation of land in terms of the Act. Shula Marks³⁷ argues that the land allocated to the blacks was patently inadequate to support a population that was four times the size of the white population. In the Cape Province blacks could argue that the Black Land Act (27/1913) resulted in discrimination against black voters who had been guaranteed legal rights by the constitution since land holding was coupled to franchise.

It is not very easy to determine which land the Tswana occupied in 1913. Firstly, not all land which was occupied by the Tswana in 1913, was listed. Secondly, at the time of the act, no distinction between black ethnic groups was made and, as a result, no specific Tswana area was indicated. Thirdly, the size of the areas which were put aside in the northwestern Cape in 1913, was not indicated in the schedule of the act. Fourthly, there is no clear indication as to where all the Tswana, North Sotho and Ndebele groups respectively lived, at that time, in the Pretoria-Waterberg area. So it is very difficult to draw an accurate line between these groups. Hence one cannot exactly say what percentage of the 7.3% of the land scheduled and allocated in the Act was given to the Tswana.

³⁷For details see

Union of South Africa. *The Black Land Act (27/1913)*.

S. Marks. 1982. *Industrialization and social change in South Africa. African class formation and consciousness 1875-1930*. London.

B. Williams. 1984. *Sol Plaatjie: A Biography*. Johannesburg.

T.R.H. Davenport. 1974. *The Right to Land*. Cape Town.

J.R. Butler and Rothery, I. and Adams, J. 1977. *The Black Homelands of South Africa: The Political and Economic development of Bophuthatswana and KwaZulu*. Berkeley.

T.R.H. Davenport. 1988. *South Africa: A Modern History*. London.

M.B.G. Motlhabi. 1984. *The Theory and Practice of Black Resistance to Apartheid*. Socio-ethnic analysis. Johannesburg.

It would appear, however, that, at the time of the Act, only a few Tswana objected strongly to the principle of territorial segregation *per se* provided it could be implemented in a reasonable and equitable manner and provided it did not also entail acceptance of giving up any political or constitutional rights. However, it was clear that the logical corollary to the act did not vindicate any territorial segregation in an equitable manner and it was, in fact, eventually aimed at phasing out the Cape franchise of blacks. This situation was not acceptable to some Tswana³⁸.

It can be argued that the legislators knew and acknowledged that insufficient land had been reserved for blacks in terms of the Black Land Act (27/1913). It is doubtful though that they had planned for the act to be the only final land solution.

During the parliamentary debate on the passing of the act, it became apparent that the intention of the legislators was to reserve more land for blacks in future and not only the existing 7.3%. It would appear that the 7.3% was only a result of historical facts prevalent at that time. The fact that some regional committees, including the Native Land Commission 1913-1916 (Beaumont Commission) under the chairmanship of Sir William Beaumont, a former administrator of Natal and supreme court judge, were set up to look into the possible solution of the question of land, supports this argument³⁹.

2.5.3. The Black Affairs Act (23/1920)

The Black Affairs Act was passed in 1920. It provided for the establishment of a Black Affairs Commission and a Black control system. The Act further

³⁸S. Plaatjie. 1916. Native Life in South Africa. London. pp.46-51.
C.M. Tatz. 1962. Shadow and Substance in South Africa. Pietermaritzburg. pp.7-22.

³⁹Union of South Africa. Report of the Native Land Commission 1913-1916. D1.2. Cape Town, U.G. 19/1916 (Beaumont Commission).

extended the Bantu council system of rule, as it applied in Transkei, to all the black reserves of the union. The Act also provided for the establishment of both local and general councils which were constituted on geographical instead of ethnic grounds. The local and general councils were elected whilst the traditional councils were comprised of headmen and tribal elders under the chief.

However, this system developed so slowly and reluctantly that 28 years after the passing of the act there were only four such local councils in the following areas in the Transvaal:

- Mafikeng (Proclamation No. 211 of 1927)
- Moiloa (Proclamation No. 280 of 1929)
- Rustenburg (Proclamation No. 139 of 1940)
- Taung (Proclamation No. 25 of 1940)⁴⁰

These councils hardly took the political culture of the Tswana into consideration. No regard was given to tribal relationships and tribes who were traditional enemies were grouped together, thus promoting serious clashes.

It is evident that even the mechanisms of control and administration provided by the act, that is, the introduction of the Black Affairs Commission and various elected councils, would not solve the problem of efficient control and administration of the blacks in South Africa — including the Tswana.

2.5.4. The Black Administration Act (38/1927)

The Black Administration Act was passed in 1927 with the aim of further improving the administration of the Blacks in the Union. This law provided for

⁴⁰C.J. Maritz. 1976. Op. cit. p.489.

qualified recognition of "Bantu law and custom". Because it was left to the discretion of a white official, namely the Bantu Affairs Commissioner with a white cultural background, to decide whether a legal principle was in conflict with the State's policy or natural justice, it opened the door for the disregard of blacks' views and a conflict of values⁴¹.

Notwithstanding the qualified recognition of "Bantu Law", a separate structure aiming at the administration of justice was introduced by the act without detracting the right of admission of the Bantu⁴² into the ordinary courts. Statutory recognition was given to the courts of headmen and chiefs to settle disputes between black and black. Appeals against the judgement of these courts could further be referred to the "Bantu Commissioners" courts from which they could further be referred to the Bantu Appeal Court and eventually to the appellate division of the Supreme Court of South Africa. The act proclaimed the governor general as the "paramount chief" of all blacks in South Africa. Further provision was made for a detailed administration system for blacks under the Bantu Affairs Commissioners and Chief Bantu Affairs Commissioners. In the light of the above comments, the Tswana were politically, administratively and judicially incorporated into a white dominated state.

The provisions of the act did not recognise and include the Tswana as a unique cultural group in matters relating to political representation or in administrative, judicial and land matters.

⁴¹C.J. Maritz. 1976. *Op. cit.* pp.490-1.

⁴²Bantu: The term is historically correct. It is, however, used in certain instances in the place of the term Black. In this context the term has been used to indicate specifically to the black people in colour. It must be noted, however, that the term has officially changed to Black.

2.5.5. The South African Black Trust and Land Act (18/1936)

The South African Black Trust and Land Act was passed in 1936 as a result of the ongoing process of pressures applied by Black organisations such as the African National Congress and several European powers since the 1913 Act. The act made provision for the purchase of up to six million hectares of so called "release land" for black reserves, in addition to the nine million hectares already scheduled for blacks in 1913. Secondly, the act made provision for the establishment of a Black Representative Council which was seen by the government as an important means of keeping in touch with black opinion.

Also in 1936, in conjunction with the aforementioned act, the South African Black Representative Act (12/1936) was passed. This act provided for, *inter alia*, the removal of the enfranchised blacks of the Cape from the common voters roll. Henceforth the blacks in the Cape were to elect three white representatives to the House of Assembly and the blacks in other provinces were to elect four white senators to represent them. So, in 1936, political issues and land were strongly linked — which was not so much the case in 1913 when Hertzog's approach was different because he advocated more segregated land for blacks, less or no common franchise and white and black state units as a solution to the so called "native question" in South Africa. Thus politics and land remained intertwined⁴³.

Although some land was to be purchased and developed for blacks in terms of the South African Black Trust and Land Act (18/1936), this land could only be purchased by the State after 10 years. In 1940 the purchase was stopped because of the outbreak of the Second World War.

⁴³J.B.M. Hertzog. 1925. The Segregation Problem: General Hertzog's Solution. Cape Town. p.4

As in the case of the 1913 Black Land Act, no land was specifically earmarked for the Tswana from the additional land which had been reserved in terms of the South African Black Trust and Land Act of 1936. However, some of this total was allocated to "Tswana areas". Most blacks regarded the additional land as being insufficient⁴⁴.

Blacks were not in favour of the Black Representation Act. Cape blacks in particular were vehemently against their removal from the common voter's roll. Politically active blacks throughout South Africa saw the Cape franchise as a symbol of equality and of civil rights in common with whites, and one which ought to be extended to the other provinces. They regarded the Act as an obstruction to development of an equal politically and economically integrated community. The Act implied that the Tswana in the Northern Cape (Ganyesa, Kuruman, Taung) were going to be disenfranchised⁴⁵.

Besides the acts which were passed in an attempt to solve the problem of land and administration and control of the blacks in the Union Parliament attempted to address the issue of blacks in the Union: over a period of time, various commissions were appointed to investigate a variety of political, economic and social issues pertaining to the blacks in the Union. The intention here is not to discuss the commissions as such, but merely to show how their findings and recommendations affected the Tswana in particular.

⁴⁴S. Plaatjie. 1916. *Op. cit.* pp.46-51.

J. Perlman. 1982. *The State and the African Working Class in the Pretoria-Odi Area*. (B.A. (Hons) Witwatersrand). p.21.

⁴⁵For details see:

C.F.J. Muller. 1983. *Five Hundred Years. A History of South Africa*. Cape Town.

J.B.M. Hertzog. 1925. *Op. cit.*

H.B. Thom. 1980. *D.F. Malan*. Cape Town.

W.K. Hancock. 1968. *Smuts: the fields of force 1919-1950*. Cambridge.

L.J. Boule. 1984. *South Africa and Consociational Option: A Constitutional analysis*. Cape Town.

C.J. Maritz. 1976. *Op. cit.*

Union of South Africa. *The South African Black Trust and Land Act (18/1936)*.

D.W. Kruger. 1958. *The Age of the Generals*. London.

Union of South Africa. *The Native Laws Commission 1946*. Government Printer. (Fagan Commission). Pretoria.

National Party. *Verslag van die Kleurvraagstukkomitee 1947/48*. Government Printer. (Sauer Commission). Pretoria.

Union of South Africa. *South African Black Representative Act (12/1936)*.

In 1946, Prime Minister J.C. Smuts appointed the Native Laws Commission (Fagan Commission)⁴⁶ to investigate a wide variety of political, economic and social issues. Among other things the commission recommended that urbanisation of the blacks should be permanent and blacks be given political rights.

In 1947/48, the Herenigde National Party appointed *Die Kleurvraagstukkomitee van die Herenigde Nasionale Party* (Sauer Commission) to examine the principles on which the policy of the Union government had been based. The Commission looked into the questions of economic and political segregation. This included the refusal to allow trade union rights for blacks which stimulated decentralization of industries and attempted to reduce the number of blacks working in white areas.

In view of the election victory of the National Party in 1948, the recommendations of the Fagan Commission were never acted upon.

According to the recommendations of the Sauer Commission, however, it may be noted that territorial segregation was promoted as the answer to the "Native question" in the Union.

Like other black groups, the implementation of the Sauer Commission's recommendations also affected the Tswana. The incorporation of their traditional and political structures in government structures affected their traditional leaders' power. For instance, the executive powers of the chiefs and their traditional leaders were curtailed. The abolition of the advisory Black Representative Council, albeit defunct and agitative, frustrated the Tswana further because it excluded them from the real decision making process in matters concerning them.

⁴⁶Union of South Africa. The Native Laws Commission. 1946. Government Printer. (Fagan Commission). Pretoria.

Tswana further because it excluded them from the real decision making process in matters concerning them.

2.6. Conclusion

It is evident from the study that the processes of fission and fusion and wars led to the breaking and reforming of many related tribes and communities of the Tswana. It is also clear that these wars resulted in the migration of the Tswana people from one place to another. Given the situation as it is, one could argue that the present settlement of the Tswana to a certain extent, was as a result of these processes and wars.

Contact between the Tswana and other racial groups such as the whites, resulted in changes in the economic, political and social life of the Tswana. Laws and commissions introduced by the Union, with the aim of improving the control of the Tswana in the Union, had a bearing and influence on the Tswana and in certain cases resulted in resettlement.

The land question became a dominant factor between the whites and the Tswana and this led to continual conflict between the two groups. Although the Tswana objected to the land allocated to them, the whites were not prepared to give in. It is also evident that the laws relating to allocation of land passed by the government of the Union had a significant bearing on the present settlement of the Tswana.